

Phone call between Adam Bereki and Sergeant Newton,  
Commander Vargas

Recording Name:  
[E38– CHP INTERVEIW 021325]

Transcript Prepared By:



**DITTO**

(720) 287-3710  
1355 S. Colorado Blvd.  
Suite C515  
Denver, CO 80222

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Newton: Chatting, uh --

2 Recording: This call is now being recorded.

3 Bereki: Go ahead. I'm sorry.

4 Newton: No, I was just gonna say, before we start, uh, talking

5 here I wanted to encourage you and make sure that if

6 you -- 'cause as you said in your emails, you wanna

7 record this. I wanted to make sure you had your

8 recorder on and you're ready to go.

9 Bereki: All good.

10 Newton: Okay. Um, so I'm gonna start off, I'm gonna read a

11 few things, Adam, and then, uh, we -- we'll chat for a

12 little bit, and kind of just -- kind of get -- get

13 through this, uh, uh, this -- this formal portion, uh,

14 before we start the interview, okay?

15 Bereki: Okay. Yeah, no problem. And you're there with, um,

16 Captain Vargas -- or, Commander Vargas, right?

17 Newton: Correct, sir. And we're sitting in his office at our

18 headquarters in, uh, San Diego (ph), California.

19 Bereki: Oh. Okay. Great.

20 Newton: Yeah, so -- hey Adam, so, uh, is it okay if we call

21 you Adam or do you want Mr. Bereki or --

22 Bereki: Yeah, I -- I ask you call me Adam. That's great.

23 Newton: Okay, sir. Okay, Adam, hey, for the purposes of the

24 transcription 'cause these -- we are recording this

25 and -- a- -- as well as you are, this is a recorded



1 interview of Adam Bereki in regards to complaint file  
2 number 60125001 with the California Highway Patrol.  
3 The date is January 13, 2025 is the year, and it's  
4 1:01 p.m. or 1301 hours. Adam, I am Sergeant  
5 (inaudible - 0:01:14) and seated in the office with me  
6 is Commander Mike Vargas. We are both assigned in the  
7 CHP Border Division Ser- -- uh, Investigative Services  
8 Unit, and for identification of voices on the  
9 recording, 'cause we will probably have this  
10 transcribed, we will state our name, we will spell our  
11 last name, our rank and our ID number, and Mr.  
12 Bereki, after we're done I would like you to state  
13 your full name and spell your last. Is that okay?  
14 Bereki: Yep. Totally.  
15 Newton: Okay. We're gonna do that right now. So, again, my  
16 name is Sergeant Gabe Newton, last name is spelled N-  
17 E-W-T-O-N and my ID number is 15652. Captain?  
18 Vargas: And Captain Mike Vargas, V-A-R-G-A-S, ID number 17798.  
19 Bereki: This is Adam Bereki. My last name is spelled B like  
20 boy, E-R-E-K-I.  
21 Newton: Thank you, sir. Adam, during the interview, please  
22 remember the transcription's -- and obviously we're  
23 doing this telephonically -- can only decipher audio,  
24 when one person is speaking. Please try not to speak  
25 at the same time or interrupt someone when they're



1 speaking. Please use common language during the  
2 interview so a layperson would understand your  
3 meaning. For example, do not use police jargon or  
4 radio police calls or radio codes. And lastly, use  
5 audio words, rather than shaking your head or nodding  
6 your head, obviously, because we're on the telephone.  
7 Okay, Adam, this interview is for a civilian complaint  
8 which was filed by Adam Bereki on January 18, 2025.  
9 Mr. Bereki, we have a few questions to ask you in  
10 regarding to the complaint that you have filed. It is  
11 my goal to get the specific facts from you directly of  
12 why you filed this complaint. With this said, we are  
13 here to discuss the complaint you were -- where you  
14 stated in your statement of the CHP 240, accusing  
15 Officer Mahia (ph) and Lieutenant Monteagudo (ph) of  
16 dishonesty and for failure to perform a competent  
17 investigation. This is a factfinding inquiry to  
18 gather your statement and this will allow us to look  
19 at the further -- look further into your concerns in  
20 regarding this complaint. Um, do you understand  
21 everything I've just read?

22 Bereki: I do.

23 Newton: Okay, sir. Then if you're ready we would like to get  
24 started with a few questions.

25 Bereki: Please, go ahead.



1 Newton: Okay, sir. All right, Adam, as stated in your signed,  
2 CHP 240, what specific statements or actions by  
3 Officer Mahia do you believe, and according to your  
4 240 -- I'm quoting you from your, um, your, um,  
5 statement, covert dishonesty?

6 Bereki: Okay. In order to explain how -- or -- or to, um,  
7 meet the burden of proof, if you will, of that, um, I  
8 need to go over -- I would like to go over the entire  
9 incident report with you to state all of the, um,  
10 statements of fact that are not true because either a)  
11 they are not in the court case that In- --  
12 Investigator Mahia investigated, or b) uh, they're  
13 just, period, not true. Um, and the same goes with,  
14 um, the conclusions of law. So that could start, um,  
15 what is untruthful. And then, as I stated in the  
16 240(b), there are other things that, um, are in  
17 support of the dishonesty in the fact that mainly he  
18 claimed that he did an investigation when, uh, as we  
19 get into the incident report, I will show you that no  
20 -- no full, fair, impartial or independent  
21 investigation was actually done. And specifically  
22 that, um, he claims that the, um -- my claim was  
23 unsubstantiated, yet, um, it is, uh, frankly  
24 impossible to conclude that, um, unless you do a full,  
25 fair, impartial and independent investigation, which,



1           um, as we go through this, I can show you was not  
2           done.

3   Newton:   O- -- okay.  So for the -- for the question -- and I  
4           know it seems very simple, but if you have very spec-  
5           -- specific, uh, facts of what Mr.  -- O- -- Officer  
6           Mahia did to you, where you believe he was covertly  
7           dishonest in his investigation.

8   Bereki:   Yes.  I'd have to go over the report with you to point  
9           out the specific things.  I -- I haven't made a --  
10          because I didn't know what you're going to ask me I  
11          don't have a list of answers prepared.  So what my  
12          thought was --

13   Newton:   Fair --

14   Bereki:   -- um --

15   Newton:   -- fair enough, sir.

16   Bereki:   -- I -- I -- I read through -- I can get through the  
17          complaint fairly easily but that's where I can begin  
18          showing you things that are dishonesty.  And part of  
19          when I use that word "covert dishonesty" it's -- what  
20          I'm meaning by that is that he's claiming, overtly,  
21          that he did essentially a -- a -- a full, fair and  
22          impartial investigation of the claims that, um, I --  
23          or the allegations that I made to him.  And why I'm  
24          saying that it's covert is because, based upon what I  
25          can show you, that is not, um, what was done.  And so



1           it's -- it's a misrepresentation. It's deceitful.

2 Newton:    Okay.

3 Vargas:    Mr. Berekí, uh, question for you, um, is any part of  
4           what you're gonna say in regards to that in addition  
5           to what you've provided, um, in your attachment and/or  
6           in the emails that you've sent Sergeant Newton? Just  
7           so we have a -- an idea of kind of --

8 Berekí:    Yes, the -- wha- -- what was in the 240(b) and what  
9           the emails I sent you provide, like, the big picture.

10 Vargas:    Okay.

11 Berekí:    Um, these other things are -- some of them are not --  
12           I'm not gonna make a big deal out of them. I'm just  
13           going to point them out to you. But I'm going to show  
14           that they're a pattern of, um -- while it looks like  
15           he's doing an investigation it's not really what's  
16           happening, and that there's a lot of, um, factual  
17           inaccuracies and law inaccuracies, and, frankly, I am,  
18           you know -- I've been an -- an investigator for over  
19           20 years now -- this -- this is basically what I got  
20           from Mahia is a regurgitation of statements by  
21           witnesses, or potential suspects and a potential  
22           victim. It's not an analysis, it doesn't include any  
23           conclusions of law on how he arrived at his  
24           determination, and basically if you look at the, um,  
25           the law that has been made by the U.S. Supreme Court,



1 federal courts, and the California Supreme Court,  
2 Officer Mahia seems to arrive at some conclusion  
3 that's the opposite of those things. And he even  
4 arrives at a conclusion that's the opposite of what  
5 the interviewed judge told him. So I'm not sure where  
6 he's getting all of this but I -- I -- I don't see how  
7 that could be possibly, um, honest, fair and impartial  
8 if, you know, he's not substantiating his reasons why.  
9 So --

10 Newton: Understood. Do you wanna take a few minutes? So I --  
11 I do have a copy of Officer Mahia's report in front of  
12 me. It's a nine-page report. Um --

13 Bereki: Yeah.

14 Newton: -- do you -- do you -- do you wanna go through this  
15 with me, so I can very specifically highlight and, uh  
16 --

17 Bereki: Yes.

18 Newton: -- understand better what you're trying to, um, t- --  
19 tell us, or interpret to us?

20 Bereki: Absolutely. Um, I'll just read it --

21 Newton: Go ahe- --

22 Bereki: -- very quickly. If I have a comment on it I'll make  
23 a comment --

24 Newton: Sure.

25 Bereki: -- and, um, if you -- if you don't understand





1 something that I've said could one of you just say,  
2 "Stop"? And then, you know, I'll stop. Is that fair?

3 Newton: Understood. Understood.

4 Bereki: Okay. Uh, he says, "In March of 2022 I was assigned  
5 to investigate Adam Bereki's complaint against Orange  
6 County Superior Court Judge Chafee (ph)." Um, I don't  
7 know what his assignment was, but my complaint was  
8 actually about the three justices that wrote the  
9 opinion, the -- the, uh, appeal opinion in this case.  
10 And, um, that is what I understood I contacted the CHP  
11 for because, um, as I understand, um, your, uh,  
12 jurisdictional bounds is -- it's primarily to the  
13 court of appeal, uh, the Fourth District Court of  
14 Appeal in Santa Ana and not to the Superior Court. I  
15 had already gone to the Orange County Sheriff-  
16 Coroner's Department to deal with, um, the issues and  
17 investigation involving Judge Chafee. Um, so that --  
18 I don't know what he was assigned but that's not the  
19 complaint that I made to him. Um, he said Judge  
20 Chafee oversaw a civil case between me and the  
21 Humphries and I alleged grand theft against Judge  
22 Chafee. Um, again, the allegations were not just  
23 against Chafee but against, uh, the appellate justices  
24 and, um, I actually alleged robbery, not grand theft.  
25 So then he goes down to investigation, and the first



1 thing I wanna point out about here is that, as I  
2 understand an investigation, when you -- when you do  
3 an investigation you take witness statements, or the  
4 statement of a -- of a victim and a statement of a  
5 suspect, and he's not doing that here. He is arriving  
6 at disputed facts and stating that they are his  
7 investigations. So what I mean by that is, uh, during  
8 this case there was a dispute of whether I entered  
9 into a contract with, um, the -- the Humphries, or my  
10 company did. And so he writes o- -- he starts off  
11 with the investigation saying, "In April of 2012 Adam  
12 Bereki entered into a contract with the Humphries."  
13 Well, how did he arrive at that conclusion? Um,  
14 that's what the -- the -- the judge, uh, determined,  
15 and what the court of appeal determined, but that --  
16 if he's going to start with square one, with the  
17 investigation, then that needs to be an open question  
18 and he needs to state how he arrived at that  
19 conclusion in his conclusion, not at the onset of the  
20 investigation. So he's basically forming a bunch of  
21 facts that, um, are disputed. Um, so, again, I'm --  
22 I'm just pointing this out to show that there's  
23 inaccuracies, but, um, I'm not making a big deal of  
24 them, you know, I'm just pointing it out at this  
25 point.



1 Vargas: No, I know.

2 Newton: Okay, they're --

3 Bereki: Um --

4 Vargas: (Inaudible - 0:11:51).

5 Bereki: -- uh, I'm -- I'm reading down --

6 Newton: Could you just do me a -- do me a favor, Adam, and if

7 you -- if you switch pages on me just let me know what

8 page you're on, okay?

9 Bereki: Oh okay, great. Yes, I absolutely will. Okay, so he

10 says, "Adam Bereki filed a suit against the Humphries

11 on August 31, 2015 -- or August 21, 2015."

12 Newton: Okay.

13 Bereki: I didn't file the suit against the Humphries. My

14 company did, Spartan Construction. Um, and he said,

15 "He filed this suit after the contract was

16 terminated." He doesn't say who terminated the

17 contract but I have a document showing that the

18 Humphries terminated Spartan and not me. Um --

19 Newton: Okay. Okay.

20 Bereki: -- and it was not that I was not paid the rema- --

21 remaining balance, my company was. Um --

22 Newton: Got it. Got it.

23 Bereki: So I'm turning the page to the next one. Again --

24 Newton: Adam, can I ask you a -- can I ask you a question real

25 quick?



1 Berekí: Yeah. Yeah.

2 Newton: Hey, so, um -- just, you know, reading through  
3 everything you've sent me, and reading the -- the  
4 notes from the court doc and stuff like that. Did the  
5 court -- did the Court determine that the contract was  
6 between you, Adam Berekí, and not Spartan? Am I  
7 correct on that?

8 Berekí: Yes. Yes.

9 Newton: Okay.

10 Berekí: But there's an issue to who actually performed the  
11 work on the project, um, because the statute that they  
12 allege that I violated, 7031(b) --

13 Newton: Okay.

14 Berekí: -- it -- it requires performance of work and  
15 acceptance of compensation. So my company, who I was  
16 the -- the licensed qualifier for, the person who had  
17 the -- the skills and experience requirement, I got  
18 that license -- I had to qualify for that license from  
19 my company. So --

20 Newton: Okay.

21 Berekí: -- even if they said that they contracted with me, my  
22 company performed the work, and it's not illegal for a  
23 licensed contractor to perform work. So that's part  
24 of one of the -- the --

25 Newton: Okay, (inaudible - 0:13:48) --



1 Bereki: -- the -- the -- the things going on here. I --

2 Newton: Okay.

3 Bereki: -- I didn't really make this -- so when I talked to --  
4 I'm gonna call him Ernesto, who's Officer Mahia -- my  
5 big thing was I was fined by a judge almost a million  
6 dollars and that judge didn't have lawful authority to  
7 do that.

8 Newton: Okay.

9 Bereki: That was the main thrust of my complaint.

10 Newton: Okay.

11 Bereki: And so I would be happy if Officer Mahia, Ernesto, had  
12 just addressed that. All this other stuff that's  
13 going on here, um, it doesn't -- it isn't even really  
14 relevant. The only question is did the judge have  
15 lawful authority. If he did there's no crime. If he  
16 didn't, then what I'm alleging is that if he didn't  
17 have lawful authority to do it, then -- then that's  
18 the taking of property without -- without law.

19 Newton: Okay.

20 Bereki: It -- it's theft. It's -- it's robbery, actually, I'm  
21 saying, because it's done under force of the -- by  
22 force of the judicial power of California. Um, so I  
23 turn to page two.

24 Newton: Okay. Can I ask you another question, Adam, while  
25 you're talking?



1 Berek: Yes. Yeah.

2 Newton: Sorry to keep -- sorry to keep on interjecting myself  
3 here. So I'm just trying to get a clear picture of  
4 what's happening here.

5 Berek: Okay.

6 Newton: Did -- you -- you took this to court, and that's what  
7 you tried to appeal upon, or you did appeal upon, is  
8 that the judge did not have, or he was out of his  
9 jurisdiction, to oversee the case, is that correct, in  
10 -- in -- in a nutshell?

11 Berek: Yes.

12 Newton: And the court -- did the court not -- you went to the  
13 Ninth Circuit, right?

14 Berek: Um, well, first let me just say that I appreciate you  
15 asking these clarifying questions because --

16 Newton: Yes sir.

17 Berek: -- they're all very important. Okay? So what  
18 happened was I had a trial in the superior court in  
19 Santa Ana, and --

20 Newton: Yes sir.

21 Berek: -- that's my allegation that the judge didn't have  
22 authority to do what he did. So then --

23 Newton: Sure.

24 Berek: -- I made an appeal to the Fourth District Court of  
25 Appeal in Santa Ana --



1 Newton: Fourth (inaudible - 0:15:42), okay.

2 Bereki: -- they -- they agreed with the opinion. But, again,  
3 because the opinion initially -- the judge didn't have  
4 authority to do what he did in the first case, all of  
5 the appellate justices didn't have authority to do  
6 what they had the second time around.

7 Newton: Okay.

8 Bereki: So then I went to the Sup- -- California Supreme  
9 Court. Now ordinarily, um, what you submit to the  
10 California Supreme Court is something called a  
11 petition for review. It's another appeal. They don't  
12 ordinarily, in a case like this, have to take your  
13 case if you've already had a full, fair and impartial  
14 trial and appeal. That obviously didn't happen in my  
15 case because none of the judges, none of the trial or  
16 appeal judges had authority to do what they did. So  
17 they were mandated to take my case. So, um, although  
18 Officer Mahia never mentioned it they were part of the  
19 complaint that I made. Uh, it was really against all  
20 of the justices of the California Supreme Court as  
21 well, for refusing to exercise authority that they do  
22 have. See, basically under law, all public officials  
23 have either two types of duty. One, you have a duty  
24 to do something, or b) a duty not to do something, and  
25 -- or a duty to intervene to stop something that's



1 being unlawfully done. And so it's kind of two sides  
2 of the same coin of authority, and so they either have  
3 to do one or the other. And so, um, thus far I'm  
4 alleging that the first -- the trial and appeal court  
5 justices exercised authority that they didn't have,  
6 and the superior court justice, or the supreme court  
7 justices, um, refused to exercise authority that they  
8 were required to intervene to stop what was going on.  
9 Um, so then --

10 Newton: Okay.

11 Bereki: -- I -- I went to the, um -- I appealed to, um,  
12 federal court, which is the U.S. Supreme Court, and  
13 they refused to hear my case. That, again, was  
14 another breach of constitutional rights and duties  
15 because there was no court in California for me to  
16 bring my case to to actually be heard, and have my  
17 rights recognized. So everything that has happened in  
18 California so far was against the law. So then I go  
19 to the Supreme Court and they deny me judicial relief,  
20 which is against the law. Um, and they actually, in  
21 many of their cases, say that, "If we refuse to  
22 exercise authority when we have a duty to do so it's  
23 called treason to the Constitution." So when I  
24 couldn't get any relief from any of these courts I  
25 then filed a, uh, lawsuit in the Ni- -- uh, uh -- in





1 the, um, U.S. District Court for the Central District  
2 of California. That judge refused to hear my case and  
3 threw it out, basically saying that she had no  
4 authority to do anything about it, which is another  
5 lie I'm not going to get into that right now.

6 Newton: Okay.

7 Bereki: So then I appealed that case to the Ninth Circuit  
8 Court of Appeals and while my case was on appeal I had  
9 written some letters to Justice Clarence Thomas, um,  
10 telling him what was going on, Justice Thomas of the  
11 U.S. Supreme Court.

12 Newton: Supreme Court. Correct.

13 Bereki: And there was something that was going on within the  
14 California court and federal courts, and they were  
15 making -- they were using this term called  
16 disgorgement. Um --

17 Newton: Mm-hmm.

18 Bereki: -- have you seen that term yet?

19 Newton: Yeah, it's kind of like the, uh --

20 Bereki: (Inaudible - 0:19:20) --

21 Newton: -- I kind of break it down as like kind of the payback  
22 roll, 70 -- uh, 7030, um, subsection (b) or the  
23 Business and Profession Code.

24 Bereki: Well, see that -- that -- yes, the -- the word  
25 "disgorgement" means to vomit, or to give up. Okay?



1 Newton: Mm-hmm.

2 Bereki: It -- but the question is what are you given up --  
3 giving up, okay? So what is happening is that at this  
4 time many state and federal courts are using the word  
5 "disgorgement" to mean all different kinds of things.  
6 They're using it to mean a penalty. They're using it  
7 to mean forfeiture, and -- which are both penal, and  
8 they're using it to also mean restitution. So, like,  
9 let's say that you catch a bank robber, he robs a --  
10 the bank for 100 grand. You could say that what he's  
11 giving order to give back to the bank is disgorgement  
12 because he's giving something up, right? He's giving  
13 it back. You could also call it, more accurately,  
14 restitution. He's giving back what was taken that  
15 wasn't law- -- lawfully his. However, if you order  
16 that bank robber to give back a million dollars when  
17 he only stole 100,000, then the remaining 900,000  
18 aren't restitution or disgorgement, it's actually a  
19 penalty. Are you following me?

20 Newton: I'm -- I'm with you, sir.

21 Bereki: Okay. So if you read the -- so while my case was in  
22 the -- the Ninth Circuit Court of Appeals, the U.S.  
23 Supreme Court filed its opinion in the case of Liu v.  
24 SEC. That's L-I-U v. SEC, for the Securities and  
25 Exchange Commission. And they realized that basically



1           there's a big problem going on here with this meaning  
2           of this word that's just being maken up, made up and  
3           the -- the definitions are all mess- -- mismatched.  
4           So they clarified it, and they said, "Disgorgement is  
5           an equitable action that only applies to a person's  
6           profits." Okay? So this becomes very important  
7           because when we go back to the initial superior court  
8           judgment, in my case, and we go to the court of appeal  
9           judgment, they both said that the judgment was  
10          disgorgement, an equitable remedy. So, okay, well if  
11          that's the case, then how much profit did I make? And  
12          you go back to the trial and you find out that there  
13          was no evidence of any profit. What the judge did is  
14          he took the amount that the Humphries paid me, uh,  
15          let's just call it 930 thou- -- or, no, 848,000 --

16   Newton:   Okay.

17   Bereki:   -- and he made me pay it all back to them. The pro- -  
18              - without any evidence of profit. So that involved a  
19              violation of due process because there was no evidence  
20              that I profited 848,000. And in fact what had -- what  
21              had happened was that, um, my company and me as the --  
22              the qualifying individual and managing officer of my  
23              company, had worked on the Humphries project for over  
24              a year and a half, and, um, content that \$930,000 in  
25              benefits had been returned to them. So to give you



1 kind of a different example let's say you hire me, uh,  
2 for -- to build you a million-dollar home. And so you  
3 give me the million bucks, I go out, buy the materials  
4 and hire the laborers.

5 Newton: Sure.

6 Bereki: We build you your million-dollar house, and now you've  
7 got a million dollars back, arguably, in materials and  
8 labor. So that is what, um, uh, an -- an -- an  
9 equitable action for disgorgement requires is that you  
10 offset -- if somebody gives you a million dollars and  
11 you give it back you have to offset that. And that's  
12 not whatever hap- -- that's not what happened in the  
13 superior court judgment or the court of appeal  
14 judgment. What they basically said was, "We don't --  
15 we're not even gonna look at the fact that you gave  
16 them, the Humphries, a million dollars back. Give  
17 them another million dollars." But what they did is  
18 they represented that as disgorgement, or equity, when  
19 what it really was was a penalty, just like the same  
20 in the bank robbery example. Now if I had taken a  
21 million dollars from the Humphries and I didn't give  
22 them anything back, then no problem, give them the  
23 million dollars back. But I gave them back a million  
24 dollars in materials and labor. Or -- or about that  
25 amount. And so for the judge to order me to pay



1 another million dollars now became a penalty that he  
2 wasn't, uh, authorized to -- to do. And so once it  
3 became a penalty then the action went from something  
4 that could have been equitable to a penal/criminal  
5 action because now I'm being punished for, um,  
6 performing work as a contractor without a license,  
7 which is no different than if you go to 7028, 7-0-2-8,  
8 of the Business and Professions Code. That's a  
9 criminal action. And basically you have to evidence  
10 that the person did work without a license. So now  
11 what's happened, by ordering this penalty, and  
12 disguising it as disgorgement, th- -- they transmuted  
13 this in -- from a civil case into a criminal case to  
14 punish me. So that's not allowed -- I'll get so that  
15 in a minute. But even if it was allowed then the  
16 excessive fines clause applies. So there you have to  
17 take into account a person's ability to pay it. Then  
18 you also have to make sure that the fine is  
19 proportionate to the offense. Well, under the -- the  
20 criminal statute of unlicensed contracting -- that's  
21 7028, again, the maximum fine for a first offense is  
22 \$5,000. The fine that they imposed on me, which  
23 ultimately equated to about 930,000, was 40 -- 40-  
24 something times that amount.

25 Newton: Okay.



1     Bereki:     So, um, this is what I -- I ultimately brought to  
2                 Officer Mahia, and there's one other aspect of this.  
3                 And that's that under our system, when you, um, have a  
4                 misdemeanor offense, like let's say driving without a  
5                 license or contracting without a license, or any other  
6                 crime, it has to be brought by the executive power,  
7                 right? Private people can't go around prosecuting --  
8                 criminally prosecuting other private people. Like I  
9                 can't pull someone over on the side of the road and  
10                say, you know, "Oh, you don't have a license? I'm  
11                filing, you know, a charge for 12500 of the Vehicle  
12                Code, and, um, going to prosecute you for a  
13                misdemeanor offense." It's the same thing here --

14    Newton:    Okay (ph).

15    Bereki:    -- in this unlicensed contracting thing. There are  
16                ways that you can bring an action and it is civil.  
17                But once you start imposing criminal penalties then it  
18                becomes a criminal action. So because this action was  
19                not brought by the State of California, or anyone  
20                vested with executive power, that deprived the court  
21                of putting on even a trial, let alone, uh, awarding  
22                any punishment. And even if that trial were allowed  
23                to proceed they would have to, uh, provide me the  
24                assistance of counsel, there would be a higher, um,  
25                burden of proof, beyond a reasonable doubt. I've have



1 a right to the trial by jury, a right to confront my  
2 accusers --

3 Newton: Right.

4 Bereki: -- all of these things never happened.

5 Newton: Yeah, under due process.

6 Bereki: Ri- --

7 Newton: So --

8 Bereki: Precisely, yeah.

9 Newton: -- what -- what -- what -- so were you ever charged  
10 with a crime in this case?

11 Bereki: No.

12 Newton: Okay.

13 Bereki: That -- so this whole thing -- this is why it's kind  
14 of all -- everybody's saying, "Oh, you had a civil  
15 case." Yes, that's what it looks like. But what  
16 really happened was a criminal case disguised as a  
17 civil case.

18 Newton: (Inaudible - 0:27:23) --

19 Bereki: By the way that they changed the penalty, by not  
20 recognizing the value that I had returned to the  
21 Humphries, the -- the judgment against me became  
22 entirely punitive for violating the licensing law.  
23 And as a result of that it went from a civil action  
24 that's remedial to a criminal action that's punitive.  
25 And I was fined almost a million dollars for allegedly



1 not having a license.

2 Newton: Okay.

3 Bereki: Um, would you like me to keep reading?

4 Newton: Yeah, if you wanna continue to go through the report,  
5 um --

6 Bereki: Okay. Okay, um --

7 Newton: -- and what -- what we're real -- what we're really  
8 looking for -- and, sir, I'm not gonna cut you off. I  
9 want you to -- I want you to be able to explain --  
10 that's what we're here for. We wanna basically get  
11 some factfinding things from you so we have a totality  
12 of everything that's going on so we can take this all  
13 and look at it, you know, with a fresh set of eyes for  
14 you. Um, but as you're going through the report, um,  
15 I really want the, like the specific facts of why  
16 Officer Mahia was dishonest to you.

17 Bereki: I -- I will -- I will absolutely get to that. I -- I  
18 --

19 Newton: Okay.

20 Bereki: -- I will get to that, okay? I'm gonna make the --  
21 the summary of this going through the report as  
22 quickly as possible. Um --

23 Newton: Okay.

24 Bereki: -- okay.

25 Newton: And -- and again, if you flip the page and you're





1           going to -- just let me know where you're at so I can  
2           follow along.

3 Berekhi:   Okay.   Okay, I just -- this doesn't pertain to Mahia  
4           but on line 23 of page two, um --

5 Newton:    I'm turning with you.

6 Berekhi:   -- he -- he recognizes that the building permits were  
7           obtained by the Spartan Associates -- Spartan, that's  
8           my company, and yes, we have evidence that, um, the  
9           building permit was issued to Spartan as the  
10          contractor.   It was not issued to me personally.

11 Newton:   Okay.

12 Berekhi:   Um, so keeping going down.   I'm turning the page.

13 Newton:   Okay, I'm on page three.

14 Berekhi:   Okay.   Again, um, Mahia's just -- it seems like going  
15          through and summarizing cases that, um, the judge,  
16          Judge Chafee, put in his report.   And what they're  
17          focusing on at this point is not -- they're focusing  
18          on whether I was an unla- -- unlicensed contractor or  
19          not.

20 Newton:   Okay.

21 Berekhi:   So, um --

22 Newton:   But Adam, isn- -- isn't that what the court ultimately  
23          decided is that you were -- you were operating as Adam  
24          Berekhi, independently separate from your business, is  
25          that correct?



1 Berekhi: Yes, they did.

2 Newton: Okay.

3 Berekhi: And to my argument, and with law, that's essentially  
4 irrelevant to all of this.

5 Newton: Okay.

6 Berekhi: Do you understand why?

7 Newton: Explain it to me.

8 Berekhi: It's kind of like -- let's say that I got -- you  
9 pulled me over and then, um, because I was speeding,  
10 and then you ripped me out of the car and, like, um,  
11 you know, fractured my skull by pounding my head on  
12 the ground. It's irrelevant whether I -- what I -- if  
13 what I was doing was within the law or not.

14 Newton: Okay.

15 Berekhi: The actions that were taken after that were not done  
16 with lawful authority. But it goes even kind of more  
17 detailed than that because, based on the way that this  
18 statute, 7031, not just (b) but also (a), it's been  
19 around for about 100 years in California, and there's  
20 100 years of all of the judges in these cases acting  
21 without lawful authority. And it is to such a degree  
22 that they can't -- because the case is not brought by  
23 someone vested with executive power, and there is no  
24 complaint filed by -- on behalf of the people of the  
25 State of California, the judge cannot proceed to even



1           have a trial upon who the contract is -- was with, or  
2           anything. They're stopped (ph). So --  
3 Newton:   (Inaudible - 0:31:51) --  
4 Bereki:   -- he had no authority to even determine who the  
5           contract was with. Um, so I'm -- I'm now on page --  
6 Newton:   (Inaudible - 0:31:59) when you say "he" are you  
7           talking about the judge?  
8 Bereki:   The judge, yes.  
9 Newton:   Okay.  
10 Bereki:   And the appellate justices. They had no authority to  
11           -- to affirm it because the just never had authority  
12           to begin, uh -- to begin with. It's -- it would be  
13           something kind of like -- let's say that you're  
14           driving down the road on patrol and you see someone  
15           with -- wearing a pink shirt.  
16 Newton:   Sure.  
17 Bereki:   And you say, "Well, I don't like that. I'm gonna pull  
18           him over." Well, there's no statute or other  
19           authority that gives you the authority to, um, pull  
20           that person over. So I'm sure you've heard of the  
21           doctrine of the fruit of poisonous tree?  
22 Newton:   Sure.  
23 Bereki:   You can't -- you can't commit a crime and then have  
24           everything as a result of that become valid. The --  
25           the initial thing that you did was a crime and so



1 everything after that has to get thrown out. So  
2 that's ultimately what I -- what I'm sharing is that  
3 the argument that I'm making, because they violate  
4 constitutional law, and judges are not allowed to  
5 violate the Constitution, they go to the authority of  
6 the judge to do everything in this case. Um, so I'm  
7 on page four now.

8 Newton: Yes sir. I'm with you.

9 Bereki: Uh, uh -- again, there -- I'm looking at line 24, 25,  
10 26. They're -- he's reiterating that, um, um, you  
11 know, basically I was found to be individually  
12 contracting, not with my company.

13 Newton: Okay.

14 Bereki: Um, then he goes on at the end, on page 35 --

15 Newton: (Inaudible - 0:33:38) -- hey, can I interrupt you real  
16 quick, Adam?

17 Bereki: Uh, of course.

18 Newton: So the 24, 25, 26, and kind of back on page three,  
19 when Officer Mahia is putting this in the report, he's  
20 just reflecting -- and I think you'll agree with me,  
21 just basically what the court findings have found.  
22 Um, Of- -- Officer Mahia is not making these  
23 assumptions on you, he's basically writing what the  
24 judges have found, um, and what they have established  
25 during your judicial proceedings.



1 Berekhi: That's a ver- --  
2 Newton: Do you agree wi- --  
3 Berekhi: -- that's a very important point. But ultimately --  
4 Newton: Okay.  
5 Berekhi: -- what it appears to me that he does later on is he  
6 ultimately doesn't address any of my allegations, and  
7 he --  
8 Newton: Okay.  
9 Berekhi: -- addresses -- he finds with the judge.  
10 Newton: Okay, (inaudible - 0:34:20) --  
11 Berekhi: I'm -- I'm gonna get to that.  
12 Newton: Let's get there. Okay.  
13 Berekhi: Okay, so, um -- end of page four we have, um, Judge  
14 Chafee stated that the California Supr- -- Supreme  
15 Court's ruling on the issue of unlicensed contracting  
16 is draconian in its effect. Do you know what, uh, the  
17 word "draconian" means?  
18 Newton: um, draconian is, um -- I believe it's, like,  
19 outdated, correct?  
20 Berekhi: That could be part of it, but it -- it really means  
21 harsh and excessive.  
22 Newton: There you go. Okay.  
23 Berekhi: So essentially he's admitting that the penalty that  
24 they're imposing is harsh and excessive. And that's  
25 exactly what the excessive fines clause is intended to



1 protect against.

2 Newton: Okay.

3 Bereki: Um, and then he goes on to say, "But that was the  
4 intent of the legislature." This is something that  
5 I've noticed that the -- the trial judge and the  
6 appellate justices have done in this case and other  
7 cases is they just blame it on the legislature, when  
8 they, uh, the -- the court, the judges, are actually,  
9 uh -- I believe the term has been called "Palladiums  
10 of liter- -- liberty." They're supposed to act as a  
11 check and balance on unlawful legislative action.  
12 They're not supposed to just say, "Yeah, whatever the  
13 legislature says, go." And that's essentially what I  
14 see him doing here, not -- this has nothing to do with  
15 Mahia but this is what he's putting in his report.

16 Newton: (Inaudible - 0:35:41).

17 Bereki: Um --

18 Newton: Okay.

19 Bereki: -- so I'm turning the page to page five.

20 Newton: Okay. I'm with you.

21 Bereki: Okay, now he goes into what I allege.

22 Newton: Okay.

23 Bereki: Um, I allege that it's a criminal prosecution in  
24 disguise of a civil action. Um, I provided 7028,  
25 which is the misdemeanor statute, and what's important



1 to note here is that 7028 and 7031 basically require  
2 the same finding. So the issue is is the person a  
3 licensed or not.

4 Newton: Correct.

5 Bereki: So, like what's the difference between a criminal and  
6 a civil complaint if the claimant's the same? What  
7 the difference is, to keep something civil, is it --  
8 it can't impose a fine for committing a public  
9 offense. That's what criminal actions are for. So,  
10 um, moving on here, um, he summarizes what my  
11 allegations are, and what's important to note about  
12 here is that he never addresses these. He just writes  
13 them down. The -- the point of his --

14 Newton: Okay.

15 Bereki: -- investigation is to actually make an impartial and  
16 an independent determination after collecting the  
17 statements of the victim and the suspect and/or any  
18 witnesses. And what I found --

19 Newton: Okay.

20 Bereki: -- throughout his report is that he doesn't do that.  
21 He just takes down witness statements, basically my  
22 statement and the judge's statement, and says,  
23 "Unfounded." Um --

24 Newton: Okay. Okay.

25 Bereki: -- so, uh, I'm moving to the next page, which is page



1 six.

2 Newton: Adam? Adam? One -- one question. So on page five,  
3 sir -- and I know -- I know you're just glossing  
4 through this and you probably know this, uh, report a  
5 lot better than I do -- on page five, anything that's  
6 typed out on here that you can see that is dishonest  
7 by Mr. -- Officer Mahia?

8 Bereki: No.

9 Newton: Or anything you think's actionable (ph) on here?

10 Bereki: "As a result of allegation one --" yeah, uh, no,  
11 there is not anything dishonest about this. He's -- I  
12 sent Mahia an email, um, and this is -- he basically  
13 copied and pasted -- pasted this from the email.

14 Newton: Okay.

15 Bereki: Um, so I'm turning --

16 Newton: What -- what -- what email is that?

17 Bereki: -- go ahead.

18 Newton: Do -- do you have that date by any chance?

19 Bereki: Um, one second. I need to go to my computer. I can  
20 get it to you. Um, what basically happened was he was  
21 telling me at one point that he was having a hard time  
22 putting all the -- the -- he was struggling with  
23 putting all of this together. Um --

24 Newton: Okay.

25 Bereki: -- and so I helped him by writing, um, what I would





1 write as a police report, as -- as a, um -- to help  
2 guide him with statements of fact and law and, you  
3 know, we talked about it and I said, "I'm not  
4 submitting this, that this is what you should or  
5 shouldn't write, I'm -- it's just a proposal of what I  
6 would write if I was investigating this case."  
7 Newton: Appreciate it. Okay.  
8 Bereki: And so it looks like he did was he took, um, this  
9 section from that, um, I'm -- I'm gonna search for it  
10 right now. Okay, January 25, 2024.  
11 Newton: You said the 25th, sir?  
12 Bereki: Yes, January 25, 2024.  
13 Newton: Okay. Go ahead.  
14 Bereki: And I can forward that email to you if you'd like.  
15 Newton: Uh, I have them all, sir. I just wanna make sure we  
16 ha- -- that I'm looking at a specific date.  
17 Bereki: Okay. Th- -- th- -- that email entitled "Bereki  
18 report updated, 01/25/24."  
19 Newton: Okay, sir.  
20 Bereki: Okay? So I'm moving on to page six.  
21 Newton: Okay. We're here with you.  
22 Bereki: He recognizes that I, um, said that I already returned  
23 the amount paid, based upon work that was done to the  
24 Humphries property. That's on, uh --  
25 Newton: Where --



1 Berekhi: -- lines five and six, and seven.

2 Newton: Uh, six. Okay.

3 Berekhi: Um, then he goes on in eight and nine to say that it  
4 was punishment, recognizes that I'm saying about it  
5 being punishment because the money was already  
6 returned.

7 Newton: Okay, I see that, "Where Adam Berekhi believes  
8 punishment was not authorized." Okay, I'm with you.

9 Berekhi: Right. I'm moving to line 11 now. Okay, I wanna stop  
10 here and say that one of the things that I provided to  
11 Mahia was basically what I would describe as my  
12 investigation report. And that's Supreme Court case  
13 22A426. And that's nowhere referenced in here. And,  
14 um, that outline -- basically Mahia could have copied  
15 and pasted that into his report, and then said I  
16 either agree with this or don't agree with this and  
17 here's why, which isn't there. But on line 11 he goes  
18 here and he says, "Adam Berekhi cited Louis (ph) and  
19 Queens (ph)." I -- I -- I don't know where I cited  
20 that. He doesn't say. Um --

21 Newton: Okay.

22 Berekhi: Okay, "Adam Berekhi interpreted the case to state that  
23 --" okay, that's what the -- the case holds. Okay,  
24 so that's not what I interpreted it -- interpreted the  
25 case to say, that's what it actually says. And what



1           this means is that, um, there's -- there's a type of -  
2           - there's a -- a jurisdiction of law called equity.  
3           And the -- the -- it's not about punishment, in fact  
4           if you impose punishment in equity the court doesn't  
5           have authority to do that. Equity is essentially --  
6           it deals with fraud and, um, uh, fundamental fairness,  
7           and returning the -- restoring the status quo. So  
8           what that means is like you could say -- restitution  
9           is often an equitable action such that, like if the  
10          bank robber stole a million bucks he has to, in  
11          equity, give the million dollars back. Okay? So what  
12          this case right here is citing is that the California  
13          Supreme Court is saying that 7031 actions, whether  
14          they're (a) or (b), are not equitable. The importance  
15          of that is that the court of appeal in my -- the --  
16          the -- the trial court judge, Chafee, and the court of  
17          appeal justices, all said that the action against me  
18          was equitable. Now they have a duty in law to follow  
19          the decisions of higher court, meaning the California  
20          Supreme Court, and so they're refusing to do that.  
21          And -- and so even though the court -- the Supreme  
22          Court is saying, "You can't resort to equitable  
23          considerations, meaning this isn't an equitable  
24          action," they then claim that the judgment against me  
25          was an equitable remedy, and essentially that the case



1 was in equity when it wasn't. Um, so --

2 Newton: Okay.

3 Bereki: -- uh, let's see here. Then he goes on on -- on line  
4 15 he says, "Adam Bereki explained that the case  
5 demonstrated that the courts are not allowed to  
6 consider the value of materials and labor." That's  
7 not true. I said that they have to do that, otherwise  
8 it will convert the action from a remedial, equitable  
9 one into a penal one. Okay?

10 Newton: Okay. Okay.

11 Bereki: Um, on line 16, um -- I don't know what he's talking -  
12 - that whole statement can be scratched out because  
13 that's not true. Um, he stated that is an unlicensed  
14 contractor received money but didn't complete the work  
15 then Business and Professions Code section 7031(b)  
16 would apply appropriately. Yes. Generally speaking,  
17 yes.

18 Newton: Mm-hmm.

19 Bereki: However, if the unlicensed contractor returned the  
20 money or compensation as value to the homeowner then a  
21 judge would be relieved of his authority to issue any  
22 relief through Business and Professions Code because  
23 it would be an arbitrary penalty. Yes, 100 percent  
24 he's right on -- that is -- that is my -- so the first  
25 two sentences on line 15 and 16 he -- he's -- they're



1 incorrect but the rest of it he gets.

2 Newton: Okay.

3 Bereki: Um -- I'm on line 23 now. Um, so -- let's see here --  
4 okay, he says, "In this case --" I'm on line 24 -- "-  
5 - the Supreme Court of Arizona found that the full  
6 amount of payments returned would constitute economic  
7 loss for restitution purposes." That's not correct.  
8 That's not what the -- the case found. What -- what  
9 that case was about, and it's one that I cited on  
10 appeal to the Fourth District, was that, um, this guy  
11 got convicted for unlicensed contracting and the  
12 county came after him and said, um, "Well, you have to  
13 give back everything you were paid." And, um, whoever  
14 the parties were argued and said, "Wait a minute. No.  
15 If he did some of the work he has -- that has to be  
16 accounted for." So that's what the, um -- the Supreme  
17 Court of Arizona found in this case, which is what I -  
18 - again, I submitted, um, to the -- the -- the Fourth  
19 District, um, Court of Appeal in -- in my appeal, but  
20 they refused to recognize that case. They didn't  
21 discuss it, um, they didn't cite it, nothing. Um, so  
22 whatever he says on line 24 and 25, um, that -- that's  
23 not true. Um, that's not what the holding said,  
24 that's not what I said. Um --

25 Newton: Hey Adam, Adam, is this the case where it was



1            basically citing where an unlicensed contractor --  
2            even if you've been paid all the money the person who  
3            hired you -- I'm just saying "you" in general --

4    Bereki:    Right.

5    Newton:    -- uh, can sue to get all their money back, even if  
6            that customer is satisfied with the work and the work  
7            is done well? Is that --

8    Bereki:    Um --

9    Newton:    -- is that this case, do you know?

10   Bereki:    No. No. No. No. This -- this Town of Gilbert case,  
11            um -- there is no -- uh, so I wanna address what you  
12            said, but I wanna address the -- the case. This is  
13            not that case.

14   Newton:    Okay.

15   Bereki:    This -- this case -- the Town of Gilbert case deals  
16            with -- this case came before the Supreme Court, the  
17            U.S. Supreme Court's case of Liu, where it defined  
18            what disgorgement is. So, in this Gilbert case, which  
19            was I -- I think in the early 2000s, the issue is what  
20            -- what is this disgorgement thing, and how does it  
21            work in law? Does it mean you -- you don't take into  
22            account any value that's been returned? Or that you  
23            do have to. Um, and so what was so significant about  
24            this case is they said, like it would be absurd and  
25            troubling, just as it is in my case, if the contractor



1 already returned value and you made them return it  
2 again. So that was what was so significant about this  
3 case, um, it basically summarizes exactly what Mahia  
4 wrote above in, like, 15 -- or 17 through 21. It was,  
5 you know, one of the authorities that I, um, gave him  
6 on that matter. Um --

7 Newton: Okay.

8 Bereki: -- now one thing that I -- I wanna point out here is  
9 that -- because he goes into conclusion, my conclusion  
10 that, um, he leaves out, um, the entire Liu v. SEC  
11 case, where the U.S. Supreme Court defined  
12 disgorgement. Um, he leaves out the entire court of  
13 appeal opinion, stating that the judgment against me  
14 was an equitable remedy, and --

15 Newton: Okay.

16 Bereki: -- in law the court of appeal -- appeal opinion is the  
17 highest law in the case. So it's not technically  
18 Chafee's judgment that's the law, it's the court of  
19 appeal opinion that's the law.

20 Newton: Okay.

21 Bereki: So that was incredibly relevant to this case because  
22 that's where they said it's not a penalty, the  
23 excessive fines clause doesn't apply, it's  
24 disgorgement. So he leaves out Liu v. SEC, he leaves  
25 out the court of appeal opinion, and then, um, he



1 leaves out another case that I can give you. Have you  
2 seen the Eisenberg case?

3 Newton: Uh --

4 Bereki: Does that ring a bell?

5 Newton: That sounds familiar. Maybe -- did you put it in one  
6 of your emails or something?

7 Bereki: I -- I know I had given it to Mahia, um, multiple  
8 times.

9 Newton: (Inaudible - 0:48:50).

10 Bereki: It's in -- it's in that, um, that email of 01/25/24,  
11 when I sent him the -- the, um, proposed, like report.

12 Newton: Yes sir.

13 Bereki: It's in there. Um, basically this case came three  
14 years or so after my case -- two years, I think, in  
15 2020, and the issue was what is this -- what is being  
16 imposed by Business and Professions Code 7031(b)? The  
17 question came up because what statute of limitations  
18 applies to it? Is it a penalty? Is it a forfeiture?  
19 Is it some other type of remedial action? And so the  
20 question was does it have a one-year statute of  
21 limitations, a two-year, a three-year, a four-year?  
22 So they don't even know what it is that they're doing.

23 Newton: Got it.

24 Bereki: So the question came up, "Well, what is this thing?"

25 And so the Eisenberg case addressed it. And what they





1 said was it's a penalty. It imposes a penalty. Um,  
2 and the one-year statute of limitations applies to it.  
3 Okay, now that is also very significant because, um,  
4 if you have a penalty the excessive fines clause  
5 applies. It's punitive. Okay? And that is contrary  
6 to the opinion in my case. There's also another case  
7 that Mahia later mentions it but he doesn't mention it  
8 with regard to what the Supreme Court found. That's  
9 the NW Erectors case.

10 Newton: Okay.

11 Bereki: If you look at that case it says in there that, uh,  
12 the court determined that the legislature intended a  
13 stiff all or nothing penalty, meaning punishment.  
14 It's not disgorgement, it's not an equitable remedy,  
15 it's a penalty. You're punished for violating the  
16 licensing law. So those are all essentially law  
17 cases. The -- the California Supreme Court case, the  
18 other court of appeal opinion, the Eisenberg opinion  
19 and the U.S. Supreme Court case are all opin- -- are  
20 all law that I gave to Mahia so that he could make an  
21 analysis and determination. And all of those have  
22 been left out.

23 Newton: Okay.

24 Bereki: Okay. So then he goes on to -- I'm at line 27 on page  
25 six --



1 Newton: I'm with you.

2 Bereki: -- uh, he was unfairly punished -- yes, that's  
3 correct. Um, okay, now on line 28 one of the other  
4 allegations of fraud that I have is that the judge --  
5 Judge Chafee in the superior court, the judgment order  
6 says "damages" on it. Well, damages, in law, are  
7 awarded when you have an injury in fact, meaning, like  
8 if I crashed into your car and you had your -- your  
9 property was damaged \$10,000 you sh- -- bring the  
10 pictures and the evidence and show that the repairs  
11 cost \$10,000. Okay? Remember that they're saying  
12 that this is an action for disgorgement, and now, on  
13 the judgment order, they're saying it's damages.  
14 There's another problem. There were no injuries  
15 evidenced at trial. That is something that I also  
16 brought up to Mahia, and I gave him the reporter's  
17 transcript, the one -- the person like typing down  
18 everything that was said, and I said, "Th- -- they  
19 didn't evidence damages, so they can't have a judgment  
20 for damages." So that's what line 28 is saying. He's  
21 -- he's kind of switching, you know, um, thought  
22 processes here, and said -- and saying, "Adam Bereki  
23 explained that nowhere in the trial were damages  
24 mentioned. There was no evidence of improper work or  
25 damages to the Humphries' property due to Adam



1           Bereki's work. Well I -- I -- I'm not saying that I  
2           know -- as far as I know, no one ever d- -- no d- --  
3           did the trial judge, Chafee, never determined that I  
4           did any work on the project. They determined that I -  
5           - that -- they said that I contracted with the  
6           Humphries, but who does the work is very different.  
7           Right? Like I can hire an un- -- I can hire a  
8           licensed contractor to do the work, which, you know,  
9           there's not been any determination by a court about  
10          that. And my -- my stance is that my licensed company  
11          did the work. And, again, my stance is that's not  
12          illegal. But here Mahia says, "Due to Adam Bereki's  
13          work --" and no one's ever determined that.

14   Newton:    Okay.

15   Bereki:    So I don't know where he arrives at that conclusion.  
16                Um, "Due to Judge Chafee not recognizing any of the  
17                work Adam Bereki performed at the property," again,  
18                um, no one made a determination that I performed the  
19                work on the property as I know. The -- the  
20                determination was that I contracted with the  
21                Humphries. Um, no -- there's no evidence on the  
22                record that I installed a faucet, or I personally did  
23                that, or, you know, uh, put in a new electrical panel  
24                or put on a new roof. Nothing. Um -- okay, the other  
25                issue is that, um -- Mahia doesn't address it here,



1 but if licensed contractors performed the work where's  
2 the law violation?

3 Newton: Uh, okay --

4 Bereki: I -- I -- I -- I still can't figure that out.

5 Newton: Right.

6 Bereki: Um, so, um, "Adam Bereki believes the --" I'm on line  
7 34, I'm sorry --

8 Newton: I'm with you, sir.

9 Bereki: -- uh, "Adam Bereki believes the punishment, if there  
10 was one, should be Business and Professions Code  
11 7028." Okay, um, that's not true. I don't believe --  
12 well, he says, "If there was to be one." I don't  
13 believe there's any punishment because I don't -- I  
14 mean honestly don't think I did anything wrong. But  
15 what I think he's trying to say here is that, um,  
16 because -- at least as -- as far as I interpret it --  
17 if I was alleged of doing unlicensed contracting work  
18 the m- -- the maximum fine is \$5,000, not \$930,000.

19 Newton: Okay.

20 Bereki: Um, so, um, okay, I'm on line 36. "Adam Bereki does  
21 not agree that he was fined a significant amount more  
22 than 5,000." Tha- -- that's obviously not true. Um,  
23 I was fined, you know, like 46 or 42 times that  
24 amount. Um, and then I actually say that -- I argue  
25 that that is an excessive fine, and a violation of the



1 excessive fines clause, um, not only the Eighth  
2 Amendment that he has here, but Article one, Section -  
3 - I believe it's 17 of the California Constitution,  
4 which is our excessive fines clause. Um, so then he  
5 goes on -- I'm on page seven, I'm sorry. I moved to  
6 the next page.

7 Newton: No, I'm with you, yeah.

8 Bereki: Um, uh -- "The fines should have been proportionate to  
9 the offense, and he should have the ability to pay  
10 it." Um, what he's saying right here are basically,  
11 um, if you go -- I -- I sent you a case this morning  
12 that I also sent Mahia or told him about. It's the  
13 case of People v. Cowan (ph) and it deals with, um,  
14 whether the excessive lines -- e- -- excessive fines  
15 clause applies only in criminal cases or it also  
16 applies in civil cases.

17 Newton: Mm-hmm.

18 Bereki: And to basically summarize it, if the intent of what's  
19 going on in the civil case is to punish somebody the  
20 excessive fines clause applies there as well. So even  
21 if we say that this wasn't a criminal case, like I'm  
22 alleging, and it was a civil case, the excessive fines  
23 clause still applies. And so what I think Mahia --  
24 Mahia's doing here, on lines 1 to 2, is he's saying  
25 these are -- these are the requirements that if a



1 judge imposes a fine he has to go, "Okay, I have to  
2 make a lawful determination of whether this is  
3 proportionate to the offense." Well, in the criminal  
4 unlicensed contracting the legislature said that  
5 \$5,000 is the maximum penalty. So it would be highly  
6 trouble and absurd if the judge would award a fine and  
7 call it proportionate, a fine that was 40-something  
8 times beyond what the legislature had determined was  
9 the maximum fine. Um, and then the other thing that a  
10 judge has to do is take into account somebody's  
11 ability to pay it. So, like in the People v. Cowan  
12 case that I emailed this morning I think the person  
13 was homeless, and they didn't have a dime. And so  
14 even ordering them to pay \$20 in court fees was  
15 excessive because they didn't have it. Um, so in this  
16 case the total judgment against me was about 40 times,  
17 um -- no, I'm sorry, the -- if you multiply 5,000  
18 times 186 that gets to 930,000. Where the 40 part  
19 comes in is that's my -- my qualifying net worth. So  
20 the judgment was over 40 times my net worth.

21 Newton: Understood. Okay.

22 Bereki: My qualifying network. So there's no possibility that  
23 I have -- could pay that. Um --

24 Newton: Okay.

25 Bereki: -- then he says, "Because Judge Chafee did not take



1           those things into a -- consideration, he lacked the  
2           authority to fine or punish Adam Bereki." Great.  
3           Yes. That's my allegation. But, again, Mahia doesn't  
4           ever determine whether Chafee did or did not take  
5           these things into consideration.

6   Newton:    Okay.

7   Bereki:    Um, so then, uh -- then he goes into, on line 5, to  
8           say that they don't have the executive authority.  
9           Yes, that's -- that's why I'm saying that, um, because  
10          of the -- the fact that I was being fined for  
11          committing a public offense, meaning contracting  
12          without a license, that's where this had to be  
13          prosecuted by, um, uh, the executive of California,  
14          meaning the district attorney or the attorney general.  
15          And these people, their attorney and their -- the  
16          Humphries, are not vested with any of that power. Um,  
17          yes, I agree that Judge Chafee should have dismissed  
18          the case. Um, Penal Code 1382 requires that he do  
19          that. Um, so does the California Constitution. Um,  
20          "(Inaudible - 0:59:33) made sure he was entitled to  
21          the protections given at criminal proceedings. Yes,  
22          such as the assistance of counsel, yes. And any  
23          denial of any one of these things is a -- essentially  
24          a violation of due process that the ju- -- it deprives  
25          the judge of authority to either conduct a trial or to



1 render any judgment because those protections haven't  
2 been recognized. Um, so Mahia is saying here that I'm  
3 a- -- alleging those things, but again, he doesn't  
4 actually determine if they were given to me or not,  
5 and if they were required to be given to me. Um, so -  
6 - which is what I came to him for. That was my  
7 allegation, that all -- each of these is a violation,  
8 a separation of a constitutional right. Um, and so  
9 that's another thing is that he makes the  
10 determination that there's no crime been committed,  
11 but he never makes the determination as to any of the  
12 deprivations of rights that he's recognizing I'm  
13 alleging have been violated here. And that's also why  
14 I came to him, um, because I can't -- if the -- the  
15 judiciary is not going to -- to abide its duty and  
16 afford me relief that's the job of the -- the -- the -  
17 - of law enforcement, of the executive branch, is to  
18 intervene to ensure those rights are protected. Um,  
19 so ultimately what I'm saying with regard to, um,  
20 Mahia also that I haven't stated yet is that because  
21 he didn't do all these things he violated due process,  
22 my -- my right to complain to the executive and have  
23 this full, fair and impartial, and independent  
24 determination, made. Um, so I'm going to Judge  
25 Chafee's statement, um, and I'm going down to line 23





1 on page seven.

2 Newton: Okay. Mm-hmm.

3 Bereki: Um, now, I, in my 240(b), I put that I asked Mahia to  
4 record this, the interview, and so there would be no  
5 dispute, and I don't think that he did that. Um, and  
6 so on line 23 he states, "Judge Chafee confirmed that  
7 Business and Professions Code 70 -- Section 7031 is  
8 not criminal and has, quote, 'no penalty attached.'"   
9 Well, but it is punitive. So, um, that is an ab- -- a  
10 disaster. Um, if -- if it's -- if it has no penalty  
11 attached it can't possibly be punitive. It's kind of  
12 the same thing.

13 Newton: Mm-hmm.

14 Bereki: Um, and so what I also asked Mahia about in an email  
15 after I got this report is what did Judge Chafee  
16 actually say. Because you stop the -- the quotations  
17 there. It says -- y- -- n- -- the -- did he -- did he  
18 say that Business and Professions Code is not  
19 criminal? That's not in quotations. But what he has  
20 is "no penalty assessed" in quotations, and then he  
21 stops the quotations and then says, "But it is  
22 punitive." So I have no idea what Judge Chafee said  
23 but I'm assuming that all of this is that, uh, what  
24 Judge Chafee said. Um, then he goes on to say,  
25 "draconian." Again, if you look that word up in the



1 dictionary it means harsh and excessive. So it's like  
2 w- -- I don't -- yeah. Um, um, then, on line 27 to  
3 28, he says, "In response to Adam Bereki's claim that  
4 he should have been charged with Business and  
5 Professions Code 7028 because it was his first  
6 offense, Judge Chafee stated he was not charged with  
7 that. Well, I never said that I should have been  
8 charged with anything. And so I don't know where he  
9 got that, um, Mahia got that.

10 Newton: Okay.

11 Bereki: Um, again, on line 30 he says, "I filed a civil action  
12 against the Humphries." I -- I did not. Um, uh --  
13 okay, then --

14 Newton: Sir, (inaudible - 1:03:48) --

15 Bereki: -- go --

16 Newton: -- just let me -- let me -- let me clarify something.  
17 So, from what I read, from the court notes and -- and  
18 email and stuff, that you did file a lawsuit against  
19 the Humphries for \$82,000 for nonpayment.

20 Bereki: No, no, that was my company, Spartan. My company --  
21 I've alleged the whole time that my company that was  
22 licensed did all the work. And so that's why --

23 Newton: (Inaudible - 1:04:08).

24 Bereki: -- my company brought that action.

25 Newton: I understand. Okay. All right. Proceed (ph).



1 Berekhi: Well, I understand if we --

2 Newton: Thank you for clarifying that.

3 Berekhi: Yeah, and I understand if he's missing -- messing that  
4 up. I mean I think after a two-and-a-half year  
5 investigation that should be pretty clear to him. But  
6 I -- I'm not -- I'm not trying to beat him up over  
7 that. I mean what I'm just pointing out are things  
8 that aren't factual and correct and, you know, I mean,  
9 look, if you got two-and-a-half years to do something  
10 I think you can get it right. But as far as his --  
11 his, um -- I can't say that this is dishonesty. Um,  
12 it -- it -- it seems like he's confused as to what's  
13 going on here. The other stuff that I'm -- I've  
14 gotten to, and -- and that I'm gonna get to, is what I  
15 feel is dishonest. Um --

16 Newton: Okay.

17 Berekhi: -- so I don't wanna make a big deal out of this, I  
18 just want you to -- you know, "Hey, wait a minute.  
19 He's not even, like, the basic facts of the case are  
20 not even being stated." Um --

21 Newton: Okay.

22 Berekhi: -- uh, okay. Then he goes on, um -- and I guess this  
23 is Judge Chafee's statement, that -- he's saying that,  
24 uh -- on line 33 -- was a civil case, not a criminal  
25 case. Okay, well, uh -- again, my allegation is



1           that's not true because he was imposing a fine. Uh,  
2           ju- -- um -- uh, okay, again, he says, on line 34,  
3           that I brought forth a civil case. I didn't. And the  
4           Humphries files for civil damages. Um, this isn't  
5           that big a deal but they didn't. They -- they -- they  
6           -- they had those claims, but then they didn't bring -  
7           - they separated them and they didn't bring them to  
8           trial. So they had a claim for damages but they did  
9           what's called a motion for severance and they severed  
10          those before trial. So the only thing that we went to  
11          trial for was whether I was licensed or not. Now --

12   Newton:    Okay.

13   Bereki:    -- this brings up something that's pretty interesting  
14               because they -- I have evidence in the court record  
15               that the Humphries said that the reason they're doing  
16               this is because their damages -- let's just hypo- -- I  
17               think they said their maximum damages that they  
18               alleged were \$530,000. The judgment that they would  
19               get under this disgorgement thing would be almost  
20               double that. And they wouldn't have to prove any  
21               damages. But yet they submitted a judgment order, to  
22               be signed by the judge, for damages. Do you get what  
23               I'm saying there?

24   Newton:    Y- -- yes, I -- I get it.

25   Bereki:    Okay. So, um, yeah, they didn't bring an action



1                   against me for damages. Um --

2   Newton:       Okay.

3   Bereki:       -- okay. Not -- they -- well, not as far as what went

4                   to trial. That's more im- -- more accurate.

5   Newton:       Okay.

6   Bereki:       Uh --

7   Newton:       Because they -- they -- they did file a cross-

8                   complaint on you when that -- when -- I shouldn't say

9                   "you" -- when Spartan tried to sue for \$82,000 that's

10                  when they filed their -- their, uh, action, correct?

11   Bereki:       Yes, they -- they -- they crossed -- you're exactly

12                  right -- they cross complained against me and Spartan

13                  and said, "Look, whoever did this work messed it all

14                  up."

15   Newton:       Okay. All right.

16   Bereki:       Um, that was their deal. But then this -- this 7031

17                  thing -- what -- what I think happened is that I think

18                  that they were plotting a strategy and that they were

19                  going to ambush the -- w- -- me with this about a

20                  month before trial, after we had already gone through

21                  depositions, after we had gone through discovery,

22                  everything. And so it was a dirty trick. So right

23                  about one month before trial they bring up -- they --

24                  they -- they get the court's permission to file an

25                  amended complaint, or cross-complaint, and then they



1 put this new action under 7031(b) as their first  
2 action. And then right after that they sever all of  
3 their remaining claims, include their claims for  
4 damages, from this one thing. And then they say in  
5 their papers the reason that we're doing this,  
6 basically, is because we don't need to bring any  
7 claims for damages before our award here is basically  
8 gonna be double what we ever could have got for that.

9 Newton: Okay.

10 Bereki: So I think these people are really sick and twisted,  
11 but that's another subject. Um, um, so on page eight,  
12 line one --

13 Newton: Okay.

14 Bereki: -- it says, "Adam Bereki made a claim that this trial  
15 was a civil case disguised as a criminal trial. Judge  
16 Chafee confirmed that Adam did not raise this issue at  
17 trial, and even if he raised it at his appeal it would  
18 have been barred because it was not raised by trial."  
19 Okay, first off, that -- some of that is -- is a lie  
20 and it's not even true law. Um, so I didn't raise  
21 this issue at trial, w- -- I raised that I was  
22 excessively fined at trial and when I raised that  
23 issue the judge fined me, I think it was over \$1,000,  
24 for abuse of discovery.

25 Newton: Okay.



1     Bereki:     And, um, which is egregiously unlawful, and even  
2                 criminal. That's another \$1,000 that I was supposed  
3                 to pay. Um, but another part of this is this whole  
4                 thing was fraud. I -- I -- if what I am discovering,  
5                 based upon what the, um, the Supr- -- California  
6                 Supreme Court said, MW Erectors, what the U.S.  
7                 Supreme Court said in Liu v. SEC, and what the  
8                 California Court of Appeal said in Eisenberg, these  
9                 are all holdings that are supporting what I'm saying,  
10                that this action is a penalty and that the judgment  
11                that gets imposed under it is a fine, that qualifies  
12                for the excessive fines clause. So I wanna be clear  
13                that I'm not just out on some limb, making all this  
14                stuff up, trying to convince everybody. This is what  
15                the highest court, essentially, in our state and  
16                country, are saying.

17     Newton:    Okay.

18     Bereki:    So -- and -- so what's gone on is that the judges --  
19                 so 7031(b) was enacted around 2001, so it's been on  
20                 the books for, um, over 20-something years. And not a  
21                 single judge that I've been aware of has ever  
22                 recognized that it's imposing a penalty, and literally  
23                 until now. So every single judgment, these -- the  
24                 people that go into court thinking that this is what's  
25                 going on, they're -- they're being defrauded because



1 they're being twisted to think that this is a civil  
2 case when it's really not. It's a -- it's a -- it's a  
3 covert, uh, hidden criminal case disguised  
4 fraudulently as a criminal case disguised as a civil  
5 case. So of course I'm not gonna raise that issue  
6 because I'm confused as to what in the hell's going  
7 on. Um, and the fraud is being perpetrated on me.  
8 That's the -- that's the whole point of fraud is that  
9 y- -- the person is confused as to what's going on.  
10 So then he goes on to say, "At trial, even if he  
11 raised this issue on appeal, it would not have been --  
12 it would have been barred because it was not raised at  
13 trial." Okay, that's a lie. Um, in law you can raise  
14 -- you can challenge the authority of a court, or a  
15 judge, at any time, even at the first time on appeal,  
16 if your challenge goes to the judge's authority.  
17 That's the whole point of the appellate process.

18 Newton: Right.

19 Bereki: I mean it -- it would be pretty absurd if a judge did  
20 something illegal and because you -- you were  
21 defrauded and didn't know what the judge did, you went  
22 to appeal and said, "Hey, this judge did something  
23 illegal," and they go, "Oh, sorry. You had your  
24 chance." No. That's the entire point of appeal. So,  
25 um, I have no doubt that Chafee told him this because





1 Chafee's an idiot, but, um, I -- I don't know why -- I  
2 mean it -- it seems like we're still on Chafee's  
3 statement, so, um, I don't think this is what Mahia's  
4 saying but it -- it's -- I think ultimately that Mahia  
5 buys into this B.S. Um --

6 Newton: Okay.

7 Bereki: -- so, um -- okay, on line 7: "Judge Chafee  
8 acknowledged he'd lost any jurisdiction on the case  
9 when Adam filed his notice of appeal. Judge Chafee is  
10 retired and has no legal authority to handle the  
11 case." Um, all of that is correct, however, what's  
12 not correct about it is that a judge can file a paper  
13 in any case and say they made a mistake. In fact,  
14 they have a duty to do so. And he has been provided  
15 with the Supreme Court law on this case and he's not  
16 done that. Um, so he does have a degree of legal  
17 authority to go in and say that he made a mistake, and  
18 he's not doing it. Um, so, um, again, line 11 and 12  
19 he said -- "He didn't raise this issue appeal," um,  
20 blah blah blah. "Even if he had brought forth the  
21 issue at trial he was wrong." Well, not according to  
22 the U.S. Supreme Court and the California Supreme  
23 Court and -- yeah, so, um, then we go on to -- again,  
24 he said the same thing on line 17-18. Um, okay. Um,  
25 so I haven't brought this issue up but this is another



1           issue that I raised to, um, Mahia and that he does not  
2           address here. So after --

3 Newton:   Where -- where are you at, Adam?

4 Bereki:   Um, I'm on line 20.

5 Newton:   Okay.

6 Bereki:   So Mahia doesn't address this anywhere in his report.  
7           So what happened, basically after the judgment, um, 30  
8           days after the -- or 90 days after the trial court  
9           judgment, because I was unable to pay that fine,  
10          obviously it was, uh, uh, 40 -- more than 40 times my  
11          net worth -- they -- they legislature has enacted a  
12          statute that your license automatically becomes  
13          suspended or revoked because you haven't paid it.  
14          Well, that's additional punishment. And there's a  
15          whole bunch of implications with that because the  
16          legislature can't do that because a judge is required  
17          to do that. There's required to be a judicial  
18          determination of right. And when there isn't that  
19          judicial determination of right is called a bill of  
20          pains and penalties. They impose punishment but you  
21          don't get a judge to determine your right. So that  
22          whole statute I raised that unconstitutionality of  
23          that with Mahia and the fact that I was never given a  
24          hearing, not even an administrative hearing, let alone  
25          a judicial hearing, that that whole licensing



1 suspension was unlawful. They have to give you a  
2 hearing. And if they're gonna impose a penalty,  
3 again, the excessive fines clause applies to that.  
4 Okay? So that -- Mahia never addressed that at all.  
5 And that is very significant because I -- I haven't  
6 done the exact figure in my mind, but, uh -- there's  
7 over \$3 million in lost earnings because I was  
8 suspended from working as the general contractor. And  
9 what happened is they don't just suspend your one  
10 license, they suspend your ability to act as a  
11 qualifying individual for any license. So --

12 Newton: (Inaudible - 1:15:24).

13 Bereki: -- I couldn't just go get another license and a  
14 different company name. Everything gets suspended or  
15 revoked. And it went on like that for -- I think more  
16 than six years while I tried to get all of this fixed.  
17 So my damages aren't just the 930,000 judgment against  
18 me. The judgment is now up to over -- close to \$4  
19 million because they've punished me by not allowing to  
20 work in that capacity. Um --

21 Newton: Okay.

22 Bereki: -- and -- especially --

23 Newton: Were -- were you --

24 Bereki: -- be- --

25 Newton: -- were you able to ever get your license back?



1 Berekí: Um, not yet. I was ultimately forced into bankruptcy  
2 and I filed bankruptcy, I think, in 20-- late 2022  
3 or 2023. And they -- that should have voided the, um,  
4 the, uh, licensing determination but if you go online  
5 and look it's still, um, suspended --

6 Newton: Okay. All right.

7 Berekí: -- or revoked. So they have not reversed that, even  
8 though they've been given notice of it.

9 Newton: Okay.

10 Berekí: Um, um, so I haven't made this point but it just came  
11 to my mind. So one of the things that I -- I have  
12 shared about is that I talked about th- -- the  
13 executive, um, the executive branch having to  
14 prosecute this case if, in fact, what I'm saying is  
15 true and that th- -- w- -- I was basically fined and  
16 punished for committing this, um, public offense or  
17 crime. Um, if that's the case, then what's really  
18 happening is that the executive power of California is  
19 being usurped. It's being exercised by private  
20 parties. And then, once that action takes place, the  
21 executive power is then coming in and using its power  
22 to create this licensing suspension or revo- --  
23 revocation without any authority. So the -- the  
24 executive power of California is basically being  
25 usurped twice. So that's the importance of coming to



1 the executive branch to notify the executive branch of  
2 the crimes that are happening.

3 Newton: Okay.

4 Bereki: And if you look at, um -- I -- I gave you a link to  
5 the -- the video that I've created. You can see the  
6 history, and that Supreme Court case has a lot of the  
7 documents in there. My website has them. Every time  
8 I've gone to the police they've said, "Sorry, we're  
9 not doing anything about it. We're not investigating  
10 judges. Case closed." And really -- I mean the  
11 executive branch has a duty to ensure that its power,  
12 under the system of separation of powers and checks  
13 and balances, that is power is not being stolen and  
14 used unlawfully. And that's exactly what's going on.  
15 So, um --

16 Newton: Right, (inaudible - 1:18:05), okay.

17 Bereki: -- um, okay. Uh -- okay, so on line, uh, 20: "Adam  
18 Bereki claims that the State of California lacked the  
19 constitutional authority to suspend the Spartan  
20 Associates and Adam Bereki's general contractor's  
21 license. I -- I didn't have a general contractor's  
22 license, ex- -- except to say that my name was on  
23 Spartan's license as its qualifier. Um, so I don't  
24 know what he's talking about there. I -- I did try to  
25 ob- -- uh, get a license in my name and they -- they



1 refused it. Um, but I didn't tell Mahia about that.  
2 So I'm not sure where he got that. Um, "Judge Chafee  
3 confirmed he did not suspend Adam Bereki's license."  
4 Well, not directly, but indirectly. Um, and I would  
5 argue that a judge has a duty to see what all the  
6 penalties are in relation to something, not just what  
7 he's doing at that moment in court. Um --

8 Newton: Okay.

9 Bereki: -- "Judge Chafee --" yes, uh, blah blah blah. Okay,  
10 uh, basically on lines 24 and 25 Chafee -- it sounds  
11 like Chafee's just saying, "Well, we found that he did  
12 this and because he did that, um, that's why he gets  
13 all this punishment." Well, uh, again, my contention  
14 is even if I did it he has no authority to even put on  
15 a trial, um, because it has to be brought by the  
16 executive branch. Um, um, okay, "Judge Chafee --"  
17 I'm on line 28 -- "Judge Chafee believes that Adam  
18 Bereki's work was not what he promise the Humphries."  
19 Uh, okay. "Judge Chafee looked at pictures from the  
20 work contempl- -- uh, completed by Adam Bereki and did  
21 not complete the work properly." Again, um, I don't  
22 know where he's getting this because ag- -- this is  
23 against Mahia but, um, there was no evidence, that I'm  
24 aware of, of any work that I did or that any work was  
25 done incorrectly. Um, those issues never made it to



1 trial.

2 Newton: There -- there was no pictures presented in court from  
3 the Humphrey hearing?

4 Bereki: No. No. No. I mean if you -- that's why I'm saying  
5 there was no damages. So if they said I did something  
6 wrong, well, like where is it? But that was no- --  
7 remember I told you they filed that motion for  
8 severance before trial?

9 Newton: Yeah.

10 Bereki: And we only went to trial on the 7031 issue. All of  
11 those issues were severed by them, the damages claim.  
12 So this issue that came before the trial court was not  
13 whether I did any work wrong or not. So Chafee's  
14 lying again here. There's -- that was not even -- you  
15 can't even bring that evidence in because there's no  
16 claim. The issue was strictly whether I was  
17 unlicensed or not.

18 Newton: Okay.

19 Bereki: Um, so -- okay, now we go on to the next page, which  
20 is Mahia's conclusion. Um --

21 Newton: Page nine.

22 Bereki: -- on line --

23 Newton: Page nine? I'm with you.

24 Bereki: -- um -- I'm sorry?

25 Newton: Uh, uh -- we're on page nine with you, Adam.



1 Bereki: Yeah, perfect. Okay. So, again, he starts off  
2 saying, "I brought the civil case," which I didn't  
3 do. Um, that was Spartan. Um, blah blah blah blah  
4 blah. Okay. Okay, he says, "The judgment was based  
5 on prior cases with similar con- -- contractual  
6 situations." Okay, I -- I don't know what -- what  
7 your opinion of this is but I'm saying that this  
8 conclusion is the extent of what Mahia is determining,  
9 based on his two-and-a-half year investigation,  
10 including interviewing me, reviewing all the  
11 documents, reviewing the court cases, and, um,  
12 interviewing Chafee. D- -- do you -- are we on the  
13 same page with that?

14 Newton: Um --

15 Bereki: I mean you don't have to agree with me or dis- -- I  
16 mean that's how I'm interpreting it. That's the basis  
17 of my allegation is is after all that we have a couple  
18 of paragraphs here.

19 Newton: Okay.

20 Bereki: And so I'm taking anything that he's saying in here is  
21 his -- his independent determination, after all this  
22 information's been given to him this is what he comes  
23 up with.

24 Newton: Okay.

25 Bereki: Okay. Uh, "The judgment was based on prior cases with





1 similar contracting -- contractual situations." What  
2 cases is he referring to? And he leaves out -- okay,  
3 I think what he's talking about is he's talking about  
4 the issue of whether it -- whether I was the  
5 contracting party with the Humphries. That's how I'm  
6 interpreting that. So what?

7 Newton: Okay.

8 Bereki: Again, even if I did it, where's the judge's  
9 authority? And even if I did, if I'm gonna be  
10 punished the maximum fine is 5,000, not 930. So that  
11 -- that statement right there, I don't know what he's  
12 talking about. He -- he doesn't elaborate on it.  
13 He's not saying what -- what -- he's referring to  
14 contractual situations. So I guess he's focusing on  
15 the contract. But again, while I brought that up,  
16 that was not my complaint to him. I don't care about  
17 that. The question is did the judge have authority to  
18 excessively fine me. So, uh, let's see if he  
19 addresses that. "Adam Bereki a- -- appealed the  
20 case." Yeah, okay, so now what I wanna talk about,  
21 again, is he didn't interview the justice of the  
22 Fourth District Court of Appeal. Their opinion is not  
23 even in here. It's not discussed anywhere. And  
24 that's the actual law of this case. Um, and the  
25 judgment was affirmed. Well, um, again, the judgment



1 says it's for damages but they never affirmed a  
2 complaint for damages. Um, they affirmed a complaint  
3 saying it was for disgorgement. Um, so then, um,  
4 "Adam Bereki filed appeal to the California Supreme  
5 Court and the United States, uh, Supreme Court, but  
6 the appeals were denied." Yes. Um, I alleged that  
7 they were unlawfully denied. That's nowhere to be  
8 found. Um, "Adam Bereki's appeals were denied because  
9 appellate courts do not consider new evidence." Th- -  
10 - I don't know where he got that. I think -- well, I  
11 -- I -- stop that -- I think he got this from what  
12 Chafee told him. And that's a lie. And what's  
13 interesting is if that is actually law he needs to  
14 cite the law for it, and it doesn't exist, um, not in  
15 this context. So bec- -- "Adam Bereki's appealed were  
16 denied because appellate courts do not consider new  
17 evidence." That is 99 percent -- on one hand that's  
18 99 percent true but on the other it's not. Um, they -  
19 - you can -- I wasn't presenting new evidence to them,  
20 I was saying that the judge had no authority. There's  
21 a big difference.

22 Newton: Okay.

23 Bereki: Um, so an appeal is not considered a new trial. Yeah,  
24 so what? Uh, the allegations Adam Bereki brought  
25 forth cannot have been disputed in an appellate court



1           because he did not raise those issues at the original  
2           trial. I did raise them at the original trial. I  
3           told him that I did. I gave him the documents that I  
4           did. And, um, even if I didn't remember that I said  
5           that in law you can challenge a judge's authority,  
6           even for the first time on appeal. So this whole  
7           statement, 11 -- um, line 11, um, and through 13,  
8           that's -- that's not law. And again, I think he got  
9           it from the four times he wrote it from what Chafee  
10          said. And it's just not true.

11   Newton:    Okay.

12   Bereki:    Um, "In order for Adam Bereki to present his new  
13               allegations Adam Bereki would be required to file a  
14               new lawsuit against the Humphries." That's not true  
15               either. What's the appellate process for? Um,  
16               "Contracting --" I'm on line 17 -- "Contracting  
17               without a license is a misdemeanor offense." Yes.  
18               Um, "During the civil case no criminal charges were  
19               filed on Adam Bereki for contracting without a license  
20               by the district attorney's (inaudible - 1:26:34)." I  
21               agree. So then how was I fined \$930,000 for  
22               contracting without a license when he says that  
23               contracting without a license is a misdemeanor?

24   Newton:    Okay.

25   Bereki:    Uh, a- -- and -- yeah, big -- big trouble. Big



1 problem. Uh, "Based on this investigation --" again,  
2 I wanna note that he doesn't address the Liu case  
3 here, he doesn't address the MW Erectors case finding  
4 it's a penalty, he doesn't address the Eisenberg case,  
5 all of which substantiate everything I'm saying, and  
6 the opposite of what he's saying here, and the  
7 opposite of what Chafee is saying here. What -- what  
8 I -- I think is going on is that, because Judge Chafee  
9 is a judge he basically went with what Judge Chafee  
10 said and -- and didn't actually, as I've said, do an  
11 investigation. Um, we -- we don't find anything in  
12 this conclusion about my issue challenging that it was  
13 a penalty and not disgorgement. We -- again, we don't  
14 see the Liu v. SEC case, we don't see anything  
15 dealing with whether this was an excessive fine or  
16 not, and whether any of those protections were  
17 recognized. A- -- these are all the heart of what I  
18 came to him with this complaint about. Um, and  
19 they're not addressed. Um, "And so, based on this  
20 investigation Adam Bereki's claim of grand theft  
21 committed against him by Judge Chafee was not  
22 substantiated." Well, why? Why? It's not just  
23 because he said so. What -- I gave him all of these -  
24 - the -- the highest law of our land is the U.S.  
25 Supreme Court. And if that's saying that what I'm



1 saying is correct, how is -- how is Mahia coming up  
2 with a different conclusion? He -- he's not actually  
3 following the law. "So, any additional pertinent  
4 information presented at a later date will be added to  
5 a supplemental report." Okay, so I got this report on  
6 whatever date I said in my 240 that I got it, and --  
7 and I wrote Mahia an email and I said, "Hey bro,  
8 there's some serious things wrong with your report.  
9 Can you address them?" No response. Crickets.

10 Newton: Okay.

11 Bereki: Um -- and so then, when -- as you'll read in the 240,  
12 or you've read already, that's when I -- I sent it to  
13 his supervisor and I said, "Hey, what's going on  
14 here?" No response. That's when I ended up filing  
15 the complaint, uh, with Sacramento, and then that  
16 complaint was dismissed and then here we are now. Um,  
17 so I have another page of notes. Um, I already, uh,  
18 spoke that he never interviewed the Fourth District  
19 Court of Appeal justices. Um, a lot of injury has  
20 happened to me as a result of him taking this two-and-  
21 a-half years to do this. Um, so that's another thing  
22 I wanna bring up. Um, n- -- and not intervening to  
23 stop this because I'm not the only one. Actually  
24 there was somebody else that, um, I'm aware of that's  
25 in a court case right now that involves 7031(b) and



1           they made a complaint to him, and he's never even  
2           called the person back. Um, that person's name is  
3           Pier Prenga.

4   Newton:    Okay. He made a complaint to who?

5   Bereki:    Mahia. He sent him an email saying, "I'm an  
6           additional victim of this crime and I would like to,  
7           um, file a complaint." And Mahia never responded to  
8           it. He told me, "I'm too busy. I don't have time for  
9           that."

10   Newton:   Hey Adam, can you, um, can you give me that guys' name  
11           again that filed the complaint?

12   Bereki:    Yes, Pier, P-I-E-R --

13   Newton:    Okay.

14   Bereki:    -- Prenga, P-R-E-N-G-A. Um, let me see here -- Pier@  
15           (ph) --

16   Newton:    Was he part of your case?

17   Bereki:    No. He's got his own thing going on and this crooked  
18           attorney is trying to bring the -- was trying to bring  
19           this 7031 claim against him --

20   Newton:    Okay.

21   Bereki:    -- and he had to spend \$400,000 to defend against him.

22   Newton:    Got it. Okay.

23   Bereki:    Um, uh --

24   Vargas:    Adam -- Adam, Mike here. Is, uh, the attorney on the  
25           Prenga case the same -- one and the same as the one



1 the Humphries used?

2 Bereki: No, she's another corrupt lunatic. Um --

3 Newton: Okay.

4 Bereki: -- um, let's see here -- and I'm looking for -- CHP

5 (ph) -- um -- I'm trying to find the, um, the email --

6 I ha- -- Pier sent it to me -- that he sent to, um --

7 Newton: Well hey, Adam, whi- -- whi- -- while you're looking

8 at that, so we can, uh -- I don't wanna keep you on

9 the phone all day, we've been on this set for an hour-

10 and-a-half, can I ask you a few more questions while

11 you're looking for that?

12 Bereki: Um, yes. Le- -- do you want Pier's phone number

13 really quick? I -- I -- I have that.

14 Newton: Sure, you can give it to me.

15 Bereki: Okay, um, it is 818-667-7768.

16 Newton: Okay.

17 Bereki: And I will make a note, "Pier's email." Okay, go

18 ahead.

19 Newton: So, uh, thank you for going over that report with us

20 in, uh, in fine detail. Kinda opens up, um, a few

21 more questions for me, though. So, um, and then my --

22 my commander's gonna have a few questions for you,

23 too. Um, besides what you've provided, Adam, with

24 your emails and stuff, through me and through your and

25 I correspondence and what you sent to Officer Mahia



1 and to Santa Ana CHP, do you have any other documents,  
2 recordings, or other evidence of -- to support your  
3 claim of dishonesty against Mahia?

4 Berekhi: Um, do you have the recording that's on my website of  
5 my initial interview with him?

6 Newton: The recording from your website?

7 Berekhi: Yes. Do you know about my website?

8 Newton: I do not.

9 Berekhi: Okay. It's called TheSpiritofLaw.com.

10 Newton: Okay. Is the -- is the interview on there?

11 Berekhi: Yeah.

12 Newton: Okay. All right.

13 Berekhi: Um, so have you, uh --

14 Newton: Any -- any -- anything else, any other documents? So  
15 you just said you have that recording, any -- anything  
16 else, Adam, that you could think of --

17 Berekhi: Um --

18 Newton: -- to substantiate your claim against Officer Mahia?

19 Berekhi: Um, no- -- no- -- nothing other than that, um, what  
20 I've provided to you in -- in all of this.

21 Newton: Okay.

22 Berekhi: Yeah.

23 Newton: Good enough (ph).

24 Berekhi: I have something written here that I -- I will kind of  
25 go over in just a minute but, um, have you watched the





1 video that I created?

2 Newton: No. I -- I don't -- I didn't -- the first time I've

3 heard of your website.

4 Bereki: Okay. It's in the, um, CHP 240(b), I believe.

5 Newton: Okay. Okay.

6 Bereki: Um, and so if you go on there, um, you will find the,

7 um, the Supreme Court brief that I gave to Mahia. I

8 do not know what is in your documents and what is not.

9 So I --

10 Newton: Okay.

11 Bereki: -- when you ask me anything more, well, I don't know

12 what's in there and what's not. So I can't accurately

13 say yes or no. But if you want a summary of my work -

14 -

15 Newton: Under- -- understand.

16 Bereki: -- you can go, um, on the home page of

17 TheSpiritofLaw.com is the, um, Supreme Court, uh,

18 basically application I made to them for an emergency

19 to stop all of this before I filed bankruptcy.

20 Newton: Okay.

21 Bereki: And that has all of the cases listed in it, it has the

22 explanation about everything, it shows how the crime

23 scene committed, it shows other cases that are similar

24 to mine where these exorbitant -- it's just absolute

25 insanity. Um, in -- in fact, um --



1 Newton: Okay.

2 Bereki: -- yeah, so that's in there. And then if you watch  
3 the video that's there you can click on it and watch  
4 it. It will evidence a lot of the things that I've  
5 shared with you here but also my complaints to law  
6 enforcement and that law enforcement is turning a  
7 blind eye to it. Um --

8 Newton: Okay.

9 Bereki: -- and if you go to the exhibits you will see that  
10 there's, um, a list of exhibits. There's exhibit E,  
11 which is audible exhibits, and you can scroll down to  
12 exhibit E28.

13 Newton: Okay. Yeah, I'll take -- I'll take a look at it.  
14 Take a look at it from --

15 Bereki: That's my, um, complaint to Mahia, uh --

16 Newton: Okay.

17 Bereki: -- it's like an hour and 15 minutes, so --

18 Newton: (Inaudible - 1:35:28).

19 Bereki: -- I have that and I -- I -- I don't have it in front  
20 of me. These things are not uploaded, but I do have  
21 numerous recordings of, uh, calls that I made with him  
22 over the two-and-a-half years. Um, I would say  
23 there's probably anywhere from five to ten of those.

24 Newton: Okay. Um, a few more questions, Adam. I know we've  
25 been on the phone for a little bit. I appreciate your



1 patience and taking the time with us. Um, pretty  
2 direct question here. What -- what resolution or  
3 action are you seeking regarding your complaint  
4 against Officer Mahia for dishonesty and for, um, his  
5 rep- -- his report investigation?

6 Berekhi: W- -- well it -- it's not just dishonesty, as I -- I  
7 shared in one of my responses to you, it's -- he --  
8 he's violated due process, and he's -- he's, um, not  
9 intervening to protect my constitutional rights. And,  
10 um, because of this, uh, dishonesty and -- and, uh --  
11 he did not do, in my opinion, a full, fair, impartial  
12 and independent investigation, and that that is  
13 continuing to cause me harm and damages. And so what  
14 I would like Officer Mahia to do -- I'm not even sure  
15 if he's capable of doing it but I would like the  
16 California Highway Patrol to do a full, fair,  
17 impartial and investigation based upon the actual  
18 evidence from courts of law, apply the law to the  
19 facts of this case and determine if -- if a crime's  
20 being committed upon me and -- and many other people.  
21 And then, if so, take action. Um --

22 Newton: Okay.

23 Berekhi: That's it. I mean but as far as he's concerned, I --  
24 I -- I mean, um, he -- I do not feel that he did a --  
25 a full -- ag- -- again, I've given you the reasons why



1 I don't think he did a -- a -- a full, fair, impartial  
2 and independent investigation. Um, his -- his  
3 conclusion is -- is a joke, um, and the other --  
4 basically the other eight pages of the report are just  
5 basically witness statements.

6 Newton: Okay.

7 Bereki: Um, um, he didn't address the claims that I -- I made  
8 to him and so for him to say that this is, um, uh, not  
9 substantiated, especially when he didn't interview the  
10 other three suspects, and he didn't take into account  
11 any of the actual law on the subject, how do you not  
12 substantiate that? Um, and then, again, no -- no --  
13 no actual court case, no nothing that substantiates  
14 how he arrived at this conclusion. I mean that's  
15 basic law. So, uh, uh -- yeah, so uh, uh -- I mean --  
16 what was your question again? What -- what would I --  
17 can you say it?

18 Newton: Yeah, no -- no, it's okay, Adam. Uh, I know you --  
19 you got a lot going on in your mind right now. I'm  
20 just asking you what resolution or action are you  
21 seeking regarding the complaint against Officer Mahia.  
22 You pretty -- you answered it for me. That's okay.

23 Bereki: Uh, uh, uh -- I would like him to be trained in how to  
24 do a -- an investigation. That's one thing.

25 Newton: Okay.



1 Berek: Uh, it doesn't like he is. Um, I -- I -- I -- you  
2 know, um, I don't necessarily know, like what is  
3 applicable in the way of punishment but he -- he  
4 hasn't -- he hasn't actually done his job as far as I  
5 see it, as far as my understanding of being a former  
6 police officer and investigator. He hasn't even  
7 remotely come close to that. So if you watch that  
8 video that I put on my website you will see that this  
9 seems to be a systemic problem, that law enforcement  
10 doesn't have any clue that they have a duty to protect  
11 constitutional rights, even when they're -- they're  
12 violated by other officials. I mean it seems to be a  
13 very systemic problem. And even if you come to them  
14 with a complaint like this, as you'll see in the  
15 video, you either get some piece of shit investigation  
16 like this, or you get, "We're not doing any  
17 investigation whatsoever."

18 Newton: Understood. Okay.

19 Berek: And so there's a -- there's a big question of who do  
20 the people go to when the government's actually  
21 literally violating their rights? And so now, as a  
22 result of Mahia not doing this investigation, now I  
23 have, uh -- I was forced into bankruptcy. Now my  
24 home's been sold in a foreclosure sale, and I'm facing  
25 eviction. If he had intervened --



1 Newton: Okay.

2 Bereki: -- and stopped this I -- n- -- I don't think any of  
3 those things would be happening. So, um, the other  
4 thing -- I don't -- I don't think that you can do this  
5 from your side of it, but I -- I think, you know,  
6 Mahia should pay restitution. Um, that's a separate  
7 thing that can be addressed in court but, um, if he  
8 wants to do that on his own that -- that -- that is  
9 something that -- that, you know, is possibility. Um  
10 --

11 Newton: Okay.

12 Bereki: -- he has his duties to abide by under our  
13 Constitution and if he's not going to do them, well,  
14 you know -- again, I -- I don't know what he knows or  
15 doesn't know, but this -- from my standpoint, this  
16 report is a joke. It's --

17 Newton: Yeah.

18 Bereki: -- he didn't do his job and, um, you know, um, I think  
19 that he's -- I think he's a good person. I think he  
20 means well. And as I said in the 240(b), um, I think  
21 he got scared to, um, to stand on his own two feet. I  
22 really, really feel that that's what -- what he did.  
23 Um, he got scared and he -- he didn't have the  
24 support. He repeatedly told me that he did not have  
25 the support from the department, and I don't know why



1 he never went to, uh, the district attorney's office,  
2 or to the attorney general's office. I mean maybe he  
3 did, but he doesn't put it in the report. Um, you  
4 know, uh, why not, if you don't understand something,  
5 get help. Um --

6 Newton: Yeah, I understand. Hey Adam, I -- I just brought up  
7 another question, um, sorry to bombard you with all  
8 these question but I got -- I got another question.  
9 So I just wanna make this -- make sure that I'm on the  
10 same timeline as you. So all of this happened in --  
11 when -- when you entered this contract, when I say  
12 you, either Spartan or you, um -- I'm not trying to  
13 sit here and interpret -- interpret things -- uh, with  
14 -- in April of 2012 -- am I tracking correctly?

15 Bereki: Yes, that's when the -- the project with the Humphries  
16 began, yes.

17 Newton: And then this -- this complaint investigation  
18 (inaudible - 1:41:30) the investigation was brought to  
19 Officer Mahia in March of 2022. Does that sound  
20 correct?

21 Bereki: Yes.

22 Newton: So then --

23 Bereki: So then -- but -- but -- but -- but --

24 Newton: -- te- -- then years later?

25 Bereki: Well, no, okay? Because nothing happened in April of



1           2012. There was no crime that had been committed  
2           against me because there was no trial. The trial  
3           didn't happen until, um --  
4   Newton: 25th and --  
5   Bereki: -- March 27 and 28 of 2017.  
6   Newton: 2017? Okay, so we go from 2017 to 2022, so we're  
7           looking at a --  
8   Bereki: No, we still --  
9   Newton: -- (inaudible - 1:42:01) --  
10   Bereki: -- we still -- we still go to, um, what's the, uh --  
11           hang on a minute. I -- I need to share something else  
12           up with you -- the appellate court judgment was not  
13           rendered until, um, quite a bit -- you're looking at -  
14           - that opinion was filed on -- it looks like October  
15           1, 2018.  
16   Newton: Of 2018? Okay. All right.  
17   Bereki: Yes. And then this whole process, while this was  
18           going on, I was still uncovering the fraud.  
19   Newton: Got it. Okay.  
20   Bereki: That -- because, again, this -- thi- -- even the  
21           judges don't seem to get what in the hell's going on.  
22           I seem to be the only person standing up and saying,  
23           "Wait a minute." Well, now there's starting to be  
24           some -- some decisions coming out about what I'm  
25           saying. Um --





1 Newton: (Inaudible - 1:42:53) --  
2 Bereki: -- but the other thing about that is that, um, I think  
3 -- are you asking me that question from a statute of  
4 limitations perspective?  
5 Newton: No. No, no, I'm just --  
6 Bereki: Oh.  
7 Newton: -- I'm trying to get my timeline here, and I -- I -- I  
8 was -- just wanna rifle through the, uh -- a rustle  
9 through the -- the -- the paperwork while you were  
10 trying to talk. I just wanted to make my timeline  
11 straight.  
12 Bereki: Oh okay. Okay. Yeah. So -- so --  
13 Newton: Thank you for clarifying here.  
14 Bereki: -- the -- yeah, the other issue was that, um, because  
15 I've never -- on the statute of limitations issue,  
16 because I've never actually had a full, fair and  
17 impartial trial, and I spent all this time trying to,  
18 um, have this reversed, there is -- as I see it there  
19 is no statute of limitations.  
20 Newton: (Inaudible - 1:43:31).  
21 Bereki: The statute of limitations ap- -- applies if you've  
22 had due process. There hasn't --  
23 Newton: Correct.  
24 Bereki: -- been any. And so --  
25 Newton: Yeah.



1 Berekhi: -- what you'll see, if you watch the video, before I  
2 went -- before I came to the CHP, or simultaneously  
3 while I went to the CHP I was also going to other law  
4 enforcement agencies.

5 Newton: Yeah.

6 Berekhi: I went to Costa Mesa, Irvine, um, Santa Ana, Orange  
7 County Sheriff, the attorney general, the Commission  
8 on Judicial Performance, although they're not law  
9 enforcement but, um -- all these other agencies. And,  
10 uh, uh -- I mean Mahia's the one that took a two-and-  
11 a-half year time to do the report, but, uh, uh, again,  
12 I appreciate that. I appreciate that there was, you  
13 know, initially, um, some intent to do -- do -- do  
14 something. But, um, ultimately, after two-and-a-half  
15 years, I got basically witness statements and an  
16 affirmation of what the judge did. Um --

17 Newton: Okay. Under- -- understood. Okay. Um, hey Adam, I  
18 just -- I had a few more questions for you and I'm  
19 gonna turn it over to my commander here. Um, is there  
20 any additional information -- actually we're already  
21 answered that one -- um, sorry about that -- is there  
22 -- has everything you've shared with us, Adam, been  
23 truthful to the best of your knowledge, today?

24 Berekhi: Absolutely.

25 Newton: Okay. Um, at any time after this -- after we hang up



1           and we can clear our interview here, can I contact you  
2           in the future if I need to clarify any of your  
3           statements?

4   Bereki:   By all means.   Please -- please either email me or  
5           just call and leave a message and I'd -- I'd be  
6           totally happy to help you however I can.

7   Newton:   Under- -- understood, sir.   Um, that's all I -- I have  
8           for you right now.   We're gonna do some, uh, uh --  
9           I'll let -- turn it over to my commander.   He's got a  
10          few questions for you.

11   Bereki:   Okay.

12   Vargas:   Adam, Mike here.

13   Bereki:   Hi there.

14   Vargas:   So, flipping the switch to Lieutenant Monteagudo (ph).

15   Bereki:   Okay.

16   Vargas:   Okay?   Let -- let's do that.

17   Bereki:   Okay.

18   Vargas:   Uh, that same question, uh, as -- as Sergeant Newton  
19           asked you, um, what specific facts do you have to show  
20           Lieutenant Monteagudo was dishonest with you during  
21           this process?

22   Bereki:   Okay, so I wanna start with square one from him again  
23           is that, um, I don't -- in my 240 complaint I state  
24           when I started emailing him and calling him about the  
25           problem with Mahia.   Um, and he never responded to any



1           of that, any of my -- I left a phone message for him  
2           and I sent several emails to him.

3 Vargas:   (Inaudible - 1:46:04) --

4 Bereki:   He never respon- --

5 Vargas:   -- sent emails forward?

6 Bereki:   I'm sorry?

7 Vargas:   Have you sent those emails to us, to Sergeant -- to  
8           Sergeant Newton?

9 Bereki:   Um, I -- I have not been asked to send them directly  
10          to him. I believe most of them are in the, um, the  
11          240(b) complaint itself.

12 Vargas:   They are? Okay. Let me go to that real quickly, just  
13          to make sure I encapsulate those. I got one to  
14          Vernacchia (ph), um, Mathia (ph), Hope Mackson (ph) --

15 Bereki:   I didn't number the pages, I'm sorry, but it's --  
16          there is one there. It says (inaudible - 1:46:53) --

17 Vargas:   Oh (inaudible - 1:46:53) -- I see it here at the end,  
18          yes. Uh --

19 Bereki:   Okay.

20 Vargas:   -- it's for 06/2024.

21 Bereki:   And then you've got one December 30, 2024 --

22 Vargas:   Yeah.

23 Bereki:   -- I made a statement that I called him. There was no  
24          answer. Yeah.

25 Vargas:   Yes.



1 Berekhi: So, yeah, I -- I was trying to avoid making a  
2 complaint and getting -- to try to get Mahia to fix  
3 the substantive, meaning the meaningful problems with  
4 his report and basically, for whatever reason, um,  
5 Mahia's, uh, immediate supervisor -- I forget his  
6 name, um, and then, uh, Monteagudo, who I later  
7 learned was, uh, his supervisor, they just -- they  
8 didn't respond. Um --

9 Vargas: Okay.

10 Berekhi: -- uh -- I believe I also left a -- uh, I did leave a  
11 -- a phone message for -- let me see if I can find his  
12 name on here -- Mahia's immediate sergeant, um -- not  
13 (inaudible - 1:47:55), uh, let's see who was that.  
14 Uh, I wanna say it's --

15 Vargas: You say --

16 Berekhi: -- na- -- it's McNelson (ph) or Watson or something  
17 like that. I -- it -- it's -- I'm not recalling. But  
18 -- yeah, so that initial email that I sent to Mahia  
19 saying, "Hey, there's problems with your investigation  
20 report," um, that was also forwarded to his sergeant,  
21 um --

22 Vargas: Okay.

23 Berekhi: -- and -- and -- and I left a message for the  
24 sergeant. No one -- no one called me back. So that's  
25 how I ended up -- I -- I wrote Mackson and then she



1           said get a hold of Monteagudo, and that's how that  
2           happened. And then when nobody responded I went to  
3           Sacramento.

4   Vargas:    Okay.

5   Bereki:    So, um, nobody interviewed me at Sacramento, um, they  
6           basically just said, "We're gonna take down the --  
7           your name and state that you have a complaint and  
8           we're gonna give that to Santa Ana." So that's when I  
9           started calling Santa Ana saying, "Hey, who's doing  
10          the investigation? Who's gonna interview me?" And,  
11          um, that's when Mackson said, "I think we don't have  
12          anything to do with this, uh, contact Monteagudo."  
13          Um, and so I never got interviewed, and then I got a  
14          letter in the mail from Monteagudo and it stated, um -  
15          - that is in the 240(b) report, um, uh -- you have the  
16          letter, right?

17   Vargas:    Yes. I'm looking at it.

18   Bereki:    Okay. Um, so he states, um, I b- -- uh, that he --  
19           wait -- "This letter is in response to the concerns  
20           you expressed by telephone to our department Internal  
21           Affairs section on December 16, 2024." Um, well, they  
22           -- although I did share some things with them they  
23           told me that they were not doing an investigation and  
24           were not taking my statement. They said that the  
25           process is they take down your name and that you have



1 an allegation of misconduct and they forward that to  
2 the, um, proper, uh, division where the complaint  
3 originated. So, um, I don't know what concerns he's  
4 talking about. Uh, he said, "You indicated Officer  
5 Mahia failed to properly investigate your -- your  
6 allegation." That -- that's one thing, yeah, but  
7 there are many other allegations, as you saw, that we  
8 went over this report, including dishonesty,  
9 including, you know, deprivation of -- violation of  
10 due process, fair to conduct -- uh, failure to conduct  
11 a full, fair, impartial and independent investigation.  
12 I mean, yeah. So then he says, "I would like to  
13 appraise you of our actions in this matter. Upon  
14 initial review of your allegation it was determined a  
15 thorough investigation was conducted by Officer Mahia  
16 into your claim and the investigation was reviewed by  
17 his direct supervisor and management for completeness  
18 or accuracy." Who -- who reviewed it? And, again, as  
19 you'll see in my 240(b), uh, how did they determine it  
20 was accurate and complete? I mean everything that  
21 I've just showed you shows that it's highly inaccurate  
22 and not complete at all. Um, so then he says, uh --  
23 he s- -- he doesn't admit that he actually reviewed it  
24 but he says, "I believe your allegations are without  
25 merit." Based on what? "And I have ordered the



1 investigation closed with no further action." So my  
2 beef with him is he -- he didn't interview -- nobody  
3 interviewed me to find out, as you guys are doing now,  
4 what the actual issues are. Um, and so I -- I find  
5 that his behavior is even more egregious or equal than  
6 -- than Mahia. Um, and so that's basically my -- my  
7 allegation of misconduct with him and, um, I feel that  
8 because he's basically obstructing justice when I'm  
9 trying to have my complaint fairly investigated and he  
10 closed -- when I'm -- when I'm coming forth with  
11 honesty and integrity to show that this has not been  
12 done right, and that my rights are being violated and  
13 harm is being caused to me, by -- by power that's  
14 being imposed by the executive branch of California  
15 and the State of California doing things without  
16 lawful authority and then the officer doesn't do an  
17 investigation, I bring that to this, the department's  
18 attention, and try to have it fixed without filing a  
19 complaint, the door gets shut on my face. Then I file  
20 -- I try to file a complaint, and then investigation  
21 gets closed. That's bullshit. Um, and so I think,  
22 you know, he's -- he -- that behavior just continues  
23 to obstruct justice, um, deprive me of the right to  
24 due process, and it's criminal, as far as I see it.  
25 Um, especially now that -- when I'm faced with losing





1 my home and, uh, you know, millions of dollars in  
2 work, and -- I mean all of the untold emotional  
3 distress this has caused me and my family. I mean  
4 this is disgusting. So that's my complaint with him.

5 Vargas: Okay. All right. Adam, I -- I understand you're  
6 frustrated, um, and I appreciate you taking the time  
7 to go through and really dissect the -- the  
8 investigation and -- and highlight those things that  
9 you had issues with. Um, the same as -- as well, um,  
10 in -- in the actions regarding Lieutenant Monteagudo.  
11 Um, that being said, a question I have to ask, you  
12 know, we talked about dishonesty, and this goes both  
13 for Lieutenant Monteagudo and Officer Mahia, um,  
14 dishonest in the sense of it's clear that you don't  
15 agree with, um, many portions of your investigation,  
16 um, do you think that there is any deception, um,  
17 deceit, in regards to, um, the action thereof from  
18 Monteagudo and Officer Mahia?

19 Bereki: A- -- absolutely. With Monteagudo I'll address that  
20 first.

21 Vargas: Yeah.

22 Bereki: How -- how could he say that he reviewed my  
23 allegations when he never got them? I mean I don't  
24 know what he got, but the only one that he lists,  
25 according to what he says, is that Majia didn't



1 properly investigate. He, uh -- his statement appears  
2 to rely upon what he says is the concerns I expressed  
3 to our Internal Affairs section. Well, I called those  
4 guys and they said we -- you know, "We didn't -- we  
5 sent them a letter saying that there's an investing- -  
6 - that they need to do an investigation." So, uh,  
7 that's deceptive that he reviewed, or -- or somebody -  
8 - he doesn't admit that he reviewed them, but he finds  
9 no merit in them when everything about what I'm  
10 sharing has incredible merit. This is the law. I  
11 mean and by the highest law -- the highest court of  
12 our country. And so he's coming in and saying, "Oh,  
13 this is without merit," and closing an investigation.  
14 That's deceptive. That's fraud because he's saying  
15 that there is -- he -- he's using his official power  
16 to make a determination of fact and law and close down  
17 an investigation that's never actually been conducted  
18 and lying, saying that he actually investigated the  
19 claims, when he didn't. That's incredibly dishonest  
20 and deceitful.

21 Vargas: Okay.

22 Bereki: As for Mahia, the biggest issue there is that he  
23 claims that he did an investigation. And again, if  
24 you look at this report we have a bunch of witness  
25 statements -- and most of them aren't even correct,



1 um, and we have a -- you know, after two-and-a-half  
2 years, a couple paragraphs that don't even address the  
3 deprivations of constitutional rights, they -- they  
4 don't really address the -- the -- the new law that  
5 has been made that I presented to him, and all of the  
6 issues I raised while we were talking about this. And  
7 so how that can be if you leave out pertinent facts to  
8 an investigation how can that investigation be fair  
9 and impartial and truthful? Y- -- you -- it's kind of  
10 like this. In my video I made an example of a -- of a  
11 police officer who gets a -- a call to a robbery and  
12 he shows up and there in fact is a robbery going on  
13 but he turns his back and says, "Huh, I don't see a  
14 robbery going on. Nothing's going on here." And he  
15 drives away. That's kind of like what Mahia did. I  
16 gave him all of these court cases and all of these  
17 things that supported my allegations that crimes  
18 and/or deprivation of rights and theft of my property  
19 has been done without lawful authority. And he never  
20 addresses it, and yet says that he did an  
21 investigation and concluded that the allegations were  
22 unfounded. He doesn't even list what the allegations  
23 -- well, he does list what the allegations were, but  
24 he doesn't address each of the allegations. Why --  
25 why were each of those things unfounded? That's



1 important. I mean we don't just take his word for it.  
2 We have no -- no way to know, until he comes clean and  
3 says, "Well, Mahia, did you find out if this was  
4 actually disgorgement? If it wasn't, what was it?  
5 Did you find out if it was a penalty? Wha- -- well,  
6 if that's the case, Judge Chafee told you that it was  
7 punitive. Well, Adam gave you a case that says that -  
8 - that the excessive fines clause applies to  
9 punishment, even if it's in a civil case. Did you  
10 determine if the excessive fines clause applied here?  
11 Did you determine if Judge Chafee did any of those  
12 protections that you -- you stated on, um, page seven,  
13 lines one through three?" It's all missing. So --  
14 and then, when I -- I brought some of these issues to  
15 his attention, with integrity, he didn't respond. Um,  
16 and so I -- on those grounds I feel that that's where  
17 his deceit is coming from. Um, but as I shared  
18 earlier, there's that issue, and then, I mean there's  
19 the oth- -- other issue of the fact that I -- I don't  
20 -- I don't -- for whatever reason, it doesn't feel to  
21 me like he felt like he had the confidence within  
22 himself to be able to step forward and stand in his  
23 power and tell the truth. And so, like I said, I  
24 think what happened is he fell -- he just fell back on  
25 whatever the judges said. He didn't address the



1 things that I brought to issue because that would have  
2 required him to make a determination of his own, and  
3 so he just fell back on what the judges did. And  
4 that's where there's -- it's not impartial. It's not  
5 independent. It's not full. And it's not fair. And  
6 all of those contribute to dishonesty.

7 Vargas: And -- and you feel, sir, that the allegations that  
8 you mentioned, um, that -- that aren't in the report,  
9 that -- that you claimed, that that was done with  
10 intentionality on Officer Mahia's part? Is that your  
11 statement?

12 Bereki: I'm -- I'm sorry, can y- -- can you state -- you said  
13 the allegations that aren't in the report. What --  
14 which allegations are you referring to?

15 Vargas: Yeah, yes, y- -- you listed during -- during our  
16 discussion earlier, um, many of the different issues  
17 that you had about information that wasn't in the  
18 report, um --

19 Bereki: Okay.

20 Vargas: -- (inaudible - 1:59:35) case -- case -- you know, the  
21 Liu case, uh, Eisenberg case and, um, the Erector case  
22 that you brought forth to him, um --

23 Bereki: Mm-hmm.

24 Vargas: -- and none of that was in the report. Do you think  
25 that was done intentionality? To piggyback going --



1 connecting this, again, to the dishonesty and deceit.  
2 Bereki: Okay. As I've shared, there's a -- there's a fine  
3 line here. I, based upon -- okay, I need to go back  
4 and just give you a little bit of, um -- little bit of  
5 context. I spoke a little bit about it in my 240(b).  
6 When I met Mahia for the first time at South Coast  
7 Plaza by my house in Costa Mesa there was a light in  
8 his eyes that was not there in any other public  
9 official that I had ever talked -- spoken with, any  
10 other executive official. I don't know if it was  
11 because he was, like a boot (ph) in investigations and  
12 just really eager to get to -- you know, do a good job  
13 and do something, or what. But he felt so sincere and  
14 honest and intent, it seemed, um, on getting to the  
15 bottom of things. And when I -- when we sat there for  
16 like an hour, hour-and-a-half, whatever it was, and  
17 spoke about this, it was very clear to him that he saw  
18 the light of -- it was very clear to me that he saw  
19 the light of what was going on here. Um, that's my  
20 interpretation. And I really felt like he was going  
21 to -- I mean he showed up, he had the cases printed  
22 out, he created a binder, he told me he was talking to  
23 lawyers on -- on his time off, and other people, to  
24 try to get a handle on this. Um, and I don't know  
25 what happened behind the scenes that I wasn't a part



1 of, but he -- you know, usually in investigations if  
2 there's a complaint about someone doing something  
3 wrong, you -- you interview the person and then you go  
4 interview the bad guy. He didn't do that for, like,  
5 two years. I -- he told me that, um, while he was  
6 investigating this he got transferred to another part  
7 of the division. He -- he was -- basically said he  
8 didn't put in for that and didn't want it, but it was  
9 kind of like he was told, "Hey, you better do this."  
10 And so there was some frustration that was put there,  
11 and he also told me, multiple times, that, um, it  
12 wasn't like he was getting support from the department  
13 with time to -- to do this report. Um, and, um, I  
14 don't know what was going on in his personal life. I  
15 don't know what was going on on the job. But it --  
16 some transition happened, and I think that he was  
17 trying to avoid filing the report to try and stay in  
18 his integrity and not do harm to me by putting out  
19 something that didn't recognize my rights and that  
20 wasn't ultimately factual and based on law. But  
21 after, like, two-plus years and me starting to ask  
22 him, "What in the hell's going on?" And then starting  
23 to write letters to his supervisors, I think the  
24 pressure got on to him. And, um, whereas I said in  
25 the 240(b) I feel like if he was truly standing in his



1 integrity he should have gone to someone and said,  
2 "Look, this is pretty complex. I -- some of these  
3 things I didn't receive training for in the academy.  
4 I'm not even sure if some of these things are, you  
5 know, required of my job or not. Um, but there's  
6 clearly something going on here. I need help." I --  
7 I don't know if he ever did that. I -- it doesn't say  
8 that he did in the report. It doesn't say that he  
9 went to an attorney general, or the district attorney,  
10 or even a criminal lawyer, or even someone in the  
11 department, maybe like the Department of Legal  
12 Affairs, um, to get help. And so after saying all  
13 that I feel like my -- my interpretation,  
14 empathetically, intuitively, is that he ultimately  
15 felt like he -- he was in a position where he had to  
16 do this and the easiest way out, rather than coming  
17 forth and potentially getting something wrong, was to  
18 just follow what the judge said, and ultimately not  
19 address anything that I said. I think he chose the  
20 path of least resistance. And was he intent in doing  
21 that? Um, yes, and at the same time, that was driven  
22 by fear. Um, and so that's my take on it. Do -- do --  
23 - do I think that he ultimately was meaning to be  
24 vindictive? I -- I don't feel he's that person. But  
25 his actions, nonetheless, caused harm, and were a





1 dereliction of his duty because he wasn't honest. I  
2 mean if -- if -- if -- if he knows what's going on, if  
3 he knows about the Liu case, the Eisenberg case, the,  
4 um, um, uh, the -- the MW Erectors case, he should be  
5 able to sit down and have a conversation with you  
6 about that after two-and-a-half years. After -- so --  
7 so here's another interesting -- I -- I sent this to  
8 you this morning -- after he interviewed Chafee he  
9 said, "Chafee said this wasn't a penalty." So I said,  
10 "Ernesto, the MW Erectors case -- okay, that's not a  
11 holding of the court, but it's something the court  
12 calls dicta, where they recog- -- they make statements  
13 about things that aren't necessarily holdings of the  
14 court but they're recognizing something about it."  
15 And I sent that to him and it says, "We have  
16 determined that, you know, uh, basically that the  
17 legislature's intent was to impose a stiff, all-or-  
18 nothing, penalty." So how is he, like, avoiding that  
19 entire issue, unless he's doing it intentionally?"  
20 Again, I think there are other, underlying reasons why  
21 he's doing it, but he's making a conscious choice not  
22 to -- he writes down what my allegations are, but he  
23 doesn't address any of them. That- -- that -- are --  
24 are you picking up, like where the -- where I'm coming  
25 from?



1 Vargas: No, tha- -- thank you for clarifying, yeah. A- -- and  
2 not -- not just here but, you know, for the -- the  
3 remainder of the time that we spoke with you, uh, you  
4 know, in regards to the 240, um, and that was really  
5 the intent of this interview, right, to -- to really  
6 get a grasp on, um, the words, you know, on the paper,  
7 that you put on that 240(b), and to understand what  
8 your claims are and, uh, really hone in on the issues.

9 Bereki: Perfect. Yeah, so it's not just essentially  
10 dishonesty it's that he didn't abide his duties that  
11 these were -- and that violated my rights, and -- and,  
12 yes, there's that dishonesty part of it as well.

13 Vargas: Okay, Adam, that being said, uh, is there anything --  
14 any further information that you wanna bring forth  
15 during this call?

16 Bereki: No, not right now.

17 Vargas: Okay. Sergeant, do you have anything further?

18 Newton: Hey Adam, um, I'm probably gonna be working on this  
19 this weekend. Uh, would it be inconvenient to you if  
20 I called you this weekend at some time? It -- it  
21 would be during the day, at a reasonable time. Would  
22 that be okay with you?

23 Bereki: Absolutely not. Absolutely not.

24 Newton: Okay.

25 Bereki: Call me anytime. I mean I'm -- I'm usually up after



1           7:00 a.m. and -- and I go to bed, uh -- well I'm --  
2           I'm usually done for the day by 7:00 p.m. So --

3   Newton:    Okay.

4   Bereki:    -- just -- just -- you don't have to, um, make any  
5           arrangements or send an email. Just call me.

6   Newton:    Okay.

7   Bereki:    If I have the document, or you need it -- you -- you  
8           don't understand something I'm here -- I -- I wanna be  
9           supportive and -- and I'm happy to help.

10   Newton:   I -- I appreciate that, sir. And I -- I thank you for  
11           your time. I know we've taken you -- we've taken up  
12           over two hours of your time. I appreciate your  
13           patience with us.

14   Bereki:   No, and I -- I -- I very much appreciate both of your  
15           willingness to -- to hear me out and -- and not  
16           interrupt, and -- and to, um, to do a fair  
17           investigation and -- and hear what's going on. Um, so  
18           on -- on that note, I -- I do wanna just say that, you  
19           know, I don't know if this is gonna happen, but my  
20           hope is that, um, the department will ultimately do  
21           the right thing here, and do an investigation, and  
22           start, um, stopping what's going on here, including  
23           the evict me from my house being stolen from me. Um,  
24           uh, again, I don't know if that's what's going to  
25           happen but, um, that's ultimately I'm not asking, uh,



1           for anything other than for the law to be followed in  
2           that regard. Um, and so that's what I'd like to  
3           conclude with.

4 Vargas:   Thank you very much for your time today, Adam.

5 Bereki:   Thank you, too. Have a nice evening.

6 Newton:   All right, sir.

7 Vargas:   To you as well.

8 Newton:   All right, bye-bye.

9 Bereki:   Okay. Bye.

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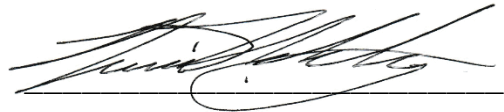
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I, Brian T. Henderberg, do hereby certify that the foregoing transcript is a full, true, and correct statement of the audio file provided to me titled "E38- CHP INTERVEIW 021325".

DATED this 27th day of June, 2025.



Brian T. Henderberg

Ditto Transcripts  
1355 S. Colorado Blvd.  
Suite C515  
Denver, CO 80222  
Tel: 720-287-3710  
Fax: 720-952-9897

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