

Phone call between Adam Bereki and Sergeant Alcantar

Recording Name:

[E4 SAPD- COMPLAINT TO SGT. ABEL ALCANTAR
020720 REFUSAL TO INVESTIGATE PART 1 (FROM
SAPD)]

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1 Recording: February 7, 2020, 13:33:53.

2 Alcantar: Watch Commander Sergeant Alcantar (ph)?

3 St. John: Hi Sergeant, this is St. John (ph) in dispatch.

4 Alcantar: Mm-hmm.

5 St. John: Uh, I'm gonna connect to a citizen. His name is Adam
6 Bereki. He wants to speak to you regarding, I guess,
7 a crime report that he wants to file.

8 Alcantar: Okay.

9 St. John: Okay? I'll put him on the phone right now. Hold on.
10 There you go. He's on the phone now.

11 Alcantar: Hello?

12 Bereki: Yeah, I'm here.

13 Alcantar: Hey, hi, how's it going?

14 Bereki: Good. Thanks. Are you the deputy chief?

15 Alcantar: I am.

16 Bereki: Okay. How are you? My name's Adam Bereki.

17 Alcantar: Oh, hey, Adam. My name's (redacted).

18 Bereki: I'm good. Thank you. Um, Abe (ph) I -- I have a
19 little bit of a strange complaint.

20 Alcantar: Okay.

21 Bereki: I'm, uh, looking for some direction from you, and
22 maybe we can come up with a solution together.

23 Alcantar: Okay. Let me know. So what's going?

24 Bereki: Um, I need to make a complaint, a crime report --

25 Alcantar: Mm-hmm.



1 Bereki: -- against several judges.

2 Alcantar: Okay.

3 Bereki: That was, uh, in Santa Ana. Uh, so basically what
4 happened was I was involved in a civil case and I got
5 fined \$930,000 for allegedly not having a construction
6 license.

7 Alcantar: Okay.

8 Bereki: Now the court, the judges have lied and said that
9 there is evidence on the record that doesn't exist.

10 Alcantar: Uh-huh.

11 Bereki: I have gone to appeal, I have gone to the California
12 Supreme Court --

13 Alcantar: Mm-hmm.

14 Bereki: -- I've gone to the United States Supreme Court and I
15 am in federal court now, and there's nothing changing.
16 Um, and I know that --

17 Male: (Inaudible - 0:01:38) wrong.

18 Bereki: -- on a certain perspective you can say, "Oh, well
19 this is just a civil matter. It happened in a civil
20 case," but it is a -- a crime, it's a fraud to
21 declare that there is evidence on the record, or that
22 a crime has been violated, and to then take someone's
23 property if there's been no crime.

24 Alcantar: Uh-huh.

25 Bereki: I mean it would be just as comparable if -- if, you



1 know, an officer showed up at my door and he said,
2 "It's illegal for you to two shirts, so I'm taking
3 your house."

4 Alcantar: So just out of curiosity (inaudible - 0:02:09),
5 originate? (Inaudible - 0:02:10) what was -- what was
6 your --

7 Bereki: Yeah, so -- so -- so here's the deal. I used to be a
8 cop for Huntington Beach.

9 Alcantar: Okay.

10 Bereki: I got medically retired.

11 Alcantar: Uh-huh.

12 Bereki: Then I got into construction work.

13 Alcantar: Oh okay.

14 Bereki: I went -- I went to the state, uh, licensing board --

15 Alcantar: Uh-huh.

16 Bereki: -- I took the applicat- -- the exam, got a
17 contractor's license, based on my experience and
18 passing the exam.

19 Alcantar: Uh-huh.

20 Bereki: Then I started doing work for a wealthy family.

21 Alcantar: Okay.

22 Bereki: Well, we -- I did a million-dollar project for them on
23 the bay in Newport Beach and there was a dispute that
24 arose out of issues that were righteously going on
25 with the job, not necessarily saying my work product,



1 but --

2 Alcantar: Okay.

3 Bereki: -- all these problems that went on.

4 Alcantar: Okay.

5 Bereki: And so a lawsuit ensued.

6 Alcantar: Fro- -- between you and them or them (inaudible -
7 0:02:53)?

8 Bereki: Between my company and them.

9 Alcantar: And them? Okay.

10 Bereki: Correct. So, uh, we go to court and then the, uh --
11 they claim that they never contracted with me, that
12 they contracted with my company --

13 Alcantar: Mm-hmm.

14 Bereki: -- and so the Court said, "Okay, well, if that's the
15 case, do you, Adam, have a license?" And I said,
16 "Well no, I don't." I mean I did take the test and,
17 um, passed the exam, but --

18 Alcantar: What -- what kind of license, like a contractor
19 license, or --

20 Bereki: (Inaudible - 0:03:21), yeah, general class (inaudible
21 - 0:03:22) contracting license.

22 Alcantar: Okay. Okay.

23 Bereki: So, um, uh, I didn't have a license --

24 Alcantar: Okay.

25 Bereki: -- so the Court found that, uh, I had to pay back all



1 of the money that they had paid me. So, um,

2 (inaudible - 0:03:37) --

3 Alcantar: And this job, all the while, has no- -- (inaudible -

4 0:03:39)?

5 Bereki: It's not been completed --

6 Alcantar: Okay.

7 Bereki: -- but a -- a majority of it has, so --

8 Alcantar: Okay, so then what's an expe- -- (inaudible - 0:03:46

9 to 0:03:54)?

10 Bereki: Yeah, so -- so just to put it in a different

11 perspective --

12 Alcantar: Right.

13 Bereki: -- they paid me \$850,000 --

14 Alcantar: Mm-hmm.

15 Bereki: -- and I went out and bought \$850,000 worth of

16 materials and hired laborers --

17 Alcantar: Right.

18 Bereki: -- and built this custom home.

19 Alcantar: Uh-huh.

20 Bereki: So -- so they got their money back. So then, when I

21 show up in court, the judge says, "Oh, we're not gonna

22 take into account that you paid all that money to the

23 -- that you bought all the labor and the materials.

24 You're paying another \$930,000." Where I get the

25 \$930,000 from is that they owed my company \$82,000 for



1 work that I had --

2 Alcantar: Right.

3 Bereki: -- done that wasn't -- wasn't paid for.

4 Alcantar: Uh-huh.

5 Bereki: If you add that to the 848 that they paid you get 930.

6 Alcantar: Okay.

7 Bereki: So --

8 Alcantar: So I'm with you now.

9 Bereki: Okay. So I said to the Court, "Whoa, whoa, whoa.

10 Time out. You have to -- the -- the statutes is the

11 Business Imperfections Code. It's 70 31 subsection B.

12 Alcantar: Okay.

13 Bereki: And what it says is it says that you have to return --

14 if you're an unlicensed contractor you have to return

15 all compensation paid. Okay. Does that mean

16 compensation as in profits?

17 Alcantar: Mm-hmm.

18 Bereki: Or what? So the Court said -- and they have upheld in

19 California, that it means with off- -- without offsets

20 for value of materials or services rendered. In other

21 words, you have to forfeit everything. So, in other

22 words, like let's say I went -- I had a contract with

23 you to build you a million-dollar house. You -- you

24 pay me a million dollars. I build you the house. You

25 get to keep the house. You find out I'm unlicensed,



1 you bring this action, and then I have to give you
2 another million dollars.

3 Alcantar: Okay.

4 Bereki: And this is the same, no matter what the amount is.
5 So if you had hired me to build a -- a -- a commercial
6 building for \$20 million --

7 Alcantar: Right.

8 Bereki: -- I have to give you the building and another \$20
9 million.

10 Alcantar: Okay.

11 Bereki: All right? So after this went down I filed an action
12 in the court. And I said, "Wait a minute. This
13 violates the excessive fines clause of the
14 Constitution."

15 Alcantar: Mm-hmm.

16 Bereki: Eighth Amendment. Um, the -- the fine has to be
17 proportioned to the wrong.

18 Alcantar: Mm-hmm.

19 Bereki: So, I mean the maximum criminal penalty for this
20 offense is a fine up to \$5,000.

21 Alcantar: Okay.

22 Bereki: Consider, uh, something else comparable (inaudible -
23 0:06:21) --

24 Alcantar: I take it they didn't agree?

25 Bereki: Uh, exactly.



1 Alcantar: Okay.

2 Bereki: Consider -- you know, this is something else
3 comparable, is, uh, you know, driving your car down
4 the road, unlicensed motorist.

5 Alcantar: Right.

6 Bereki: It's a \$250 first-time fine, not \$900,000.

7 Alcantar: Mm-hmm.

8 Bereki: All right? So I get to the appellate court and I say,
9 "I'm -- I'm still in a haze because obviously I don't
10 have any -- I'm not a lawyer. I do have experience in
11 criminal law, but something is telling me this is not
12 right because my time as a policeman everything was
13 common sense. It's pretty reasonable that you fine
14 somebody 250 bucks, or you put people in jail for an
15 afternoon because they're fighting and having a
16 downtown brawl.

17 Alcantar: Right. Hey -- hey, Adam, right?

18 Bereki: Yeah. Yes.

19 Alcantar: Adam?

20 Bereki: Yes?

21 Alcantar: Um, I'm in -- I- (inaudible - 0:07:03) call you back
22 in about 15 (inaudible - 0:07:08).

23 Bereki: Yes.

24 Alcantar: You are at the 94 (inaudible - 0:07:11)?

25 Bereki: Yes.



1 Alcantar: Okay, give me about (inaudible - 0:07:16).

2 Bereki: Thank you, sir. I appreciate it.

3 Alcantar: Okay. I'll do that, for sure.

4 Bereki: Talk to you then.

5 Alcantar: No problem.

6 Bereki: Okay.

7 Alcantar: Bye.

8 Bereki: Bye.

9 Recording: February 7, 2020, 13:41:16.

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TRANSCRIBER'S CERTIFICATE

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