

Phone call between Adam Bereki and Sergeant Alcantar

Recording Name:

[E5 SAPD– COMPLAINT TO SGT. ABEL ALCANTAR  
020720 REFUSAL TO INVESTIGATE PART 2 (FROM  
SAPD)]

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 Recording: February 7, 2020, 14:00:33.

2 Bereki: This is Adam.

3 Alcantar: Hey Adam, it's, uh, Sergeant (inaudible - 0:00:35) PD.

4 Bereki: Hey there.

5 Alcantar: All right, so where were we?

6 Bereki: Okay, so --

7 Alcantar: Okay, so -- so they decided that your argument wasn't  
8 (inaudible - 0:00:44).

9 Bereki: Exactly. So then, uh, they, uh -- the attorney for the  
10 other side goes and attaches a lien to, uh, a house in  
11 my name --

12 Alcantar: Okay.

13 Bereki: -- to -- to begin collecting the judgment.

14 Alcantar: Okay. Interesting.

15 Bereki: So after that I -- I go to the appeal court and I  
16 said, uh, the same thing: "Hey, wait a minute. Uh,  
17 something's seriously wrong here." And I was still --  
18 again, like I said, confused about what had happened  
19 because -- just in different terms they -- they're  
20 pulling a scam and I -- they duped me with it, to --  
21 to some degree. So I was still trying to figure out  
22 what they were doing. So, um, I write my complaint and  
23 they say, "Nope this is not punishment. It's something  
24 called disgorgement."

25 Alcantar: Okay.



1 Bereki: All right? So, uh, then I start doing some more  
2 research and I find out that the U.S. Supreme Court  
3 has, uh, just ruled in a case regarding disgorgement  
4 and it was through, um, something called SEC  
5 disgorgement. It's basically when the Securities and  
6 Exchange Commission comes after somebody and says,  
7 "Hey, you do all this illegal trading. You can't  
8 profit from it. You have to give us all the money  
9 back, um, that you made, the profits that you made."  
10 So what I find out about a disgorgement action is that  
11 it only appl- -- applies to profits. It's -- it's  
12 based upon California's public policy that says you  
13 can't profit from your own (inaudible - 0:02:15).  
14 Alcantar: Okay, and what is (inaudible - 0:02:17) that?  
15 Bereki: Um --  
16 Alcantar: Or they haven't took that yet?  
17 Bereki: They have not taken that. So I, uh -- they -- actually  
18 they poo-pooed all of that.  
19 Alcantar: Okay.  
20 Bereki: They said, "Nope. It's not punishment." Uh --  
21 Alcantar: And we're at the superior (inaudible - 0:02:28) court  
22 level?  
23 Bereki: We're -- we're at the appellate court level --  
24 Alcantar: Okay.  
25 Bereki: -- at this time. Yeah, so then I write a brief to



1           apply to the California Supreme Court --

2 Alcantar: Okay.

3 Bereki:    -- for them to review my case --

4 Alcantar: Mm-hmm.

5 Bereki:    And that review is discretionary. So they denied it.

6 Alcantar: Meaning -- what does that mean?

7 Bereki:    It means that, um, they can choose to do it or not.

8 Alcantar: Or not

9 Bereki:    Not that they have to. It's not like, you know, a

10           crime occurred (inaudible - 0:02:53) --

11 Alcantar: And they haven't decided on it?

12 Bereki:    Right. They have to -- they can decide whether they

13           wanna take the case or not.

14 Alcantar: But as of now they (inaudible - 0:03:00)?

15 Bereki:    They denied it.

16 Alcantar: Oh, they denied it? Okay, they decided not to?

17 Bereki:    They -- they decided not to take the case.

18 Alcantar: Okay.

19 Bereki:    They did not -- they did not hear what would be called

20           the merits of the case.

21 Alcantar: Mm-hmm.

22 Bereki:    They didn't hear the issues. They just said, you know,

23           uh, "We're not taking it." And I think part of the

24           reason for that is because they have several previous

25           cases that have come up under this issue --



1 Alcantar: So when that happened and that (inaudible - 0:03:23 to  
2 0:03:28)?

3 Bereki: Yes.

4 Alcantar: Okay.

5 Bereki: Exactly. Exactly. Um, so after that I wrote to the  
6 U.S. Supreme Court and they didn't wanna take it.  
7 Well, in the midst off not taking mine they threw out  
8 1,000 other petitions that they didn't wanna hear.

9 Alcantar: Uh, uh -- by your case?

10 Bereki: Including my case.

11 Alcantar: Oh, okay. Oh -- oh, oh, along with other -- other  
12 petitioners.

13 Bereki: Exactly. Exactly.

14 Alcantar: Okay.

15 Bereki: Exactly. So then I went to the federal court --

16 Alcantar: Okay.

17 Bereki: -- and I said, "Hey --"

18 Alcantar: Like a district court?

19 Bereki: A federal district court.

20 Alcantar: Okay.

21 Bereki: Exactly. Uh, this happened in October of 2019.

22 Alcantar: Mm-hmm.

23 Bereki: And I said, "Hey, what you're doing here is unlawful.

24 They cannot take a million dollars of my property

25 without due process. There has to be a law that says



1           that they can take my property before they take it.

2 Alcantar: Mm-hmm.

3 Bereki:   And the law does not say that. And so I just got the  
4           ruling yesterday and the judge wrote about six pages  
5           and she denied my claim, claiming that --

6 Alcantar: This is the district court?

7 Bereki:   District court judge, yes.

8 Alcantar: Okay.

9 Bereki:   She said, basically, "You already had a trial in  
10          California."

11 Alcantar: Mm-hmm.

12 Bereki:   "You can't come to the federal court --

13 Alcantar: Right.

14 Bereki:   -- and have another -- have another trial."

15 Alcantar: Okay.

16 Bereki:   And my argument had been, to her, was that this is a  
17          penal action. They took a civil action that -- so in  
18          law the- -- there's two -- two types of things. You've  
19          heard of civil and penal, obviously --

20 Alcantar: Right.

21 Bereki:   -- or criminal and civil.

22 Alcantar: Right.

23 Bereki:   There also are words called "penal" and "remedial."

24 Alcantar: Okay.

25 Bereki:   So in --



1 Alcantar: What does that mean?

2 Bereki: -- in ci- -- in -- in civil action, uh, they're  
3 typically remedial, meaning someone comes in and they  
4 say, "Hey, you damaged my car. Here's the evidence of  
5 the damages. Pay me 1,000 bucks --

6 Alcantar: And remedy the situa- (inaudible - 0:05:43)?

7 Bereki: Exactly.

8 Alcantar: Okay.

9 Bereki: So someone comes in the presents damages. Now, under  
10 penal law, as you know, there -- there has to be a  
11 victim in order for there to crime.

12 Alcantar: Mm-hmm.

13 Bereki: You have to prove damages, usually. But there are  
14 instances where there are penal actions such as  
15 robbery where there may be a victim but there is a  
16 fine attached to that fine for violating the assessed.

17 Alcantar: Okay.

18 Bereki: Okay? So that's what they're doing in these cases is  
19 they are creating a fine that is not remedial because  
20 the people don't come in and they don't prove any  
21 damages. They just say, "Hey, the guy didn't have a  
22 license. Give me a million dollars back." And the  
23 Court says, "Okay, here you go."

24 Alcantar: Okay.

25 Bereki: "You get to keep the house, and you get another



1 million bucks.

2 Alcantar: Uh-huh.

3 Bereki: And clearly that violates the excessive fines clause.

4 Alcantar: Mm-hmm.

5 Bereki: So where I'm coming from with this, and why I -- I'm  
6 reaching out to you to make a crime report is because  
7 they declared that there are three items of evidence  
8 that have to be on the record to make this claim, like  
9 elements of an offense --

10 Alcantar: Mm-hmm.

11 Bereki: -- and they're not there. And so, because they're not  
12 there they committed fraud on the courts, or general  
13 fraud under 484, and now they are using that as the  
14 authority for this other party, and being, uh, the  
15 lawyer, to come and seize, uh, my property.

16 Alcantar: Mm-hmm.

17 Bereki: It -- it's not actually mine, it's my mother's, but  
18 it's in my name.

19 Alcantar: Right, right, the lien, the property in lien.

20 Bereki: Exactly. Exactly.

21 Alcantar: Correct.

22 Bereki: Um, and this is -- this is not okay. I mean this is,  
23 um -- before I retired from the police department I  
24 worked major fraud and forgery.

25 Alcantar: Mm-hmm.





1 Bereki: So I have experience investigating and looking at all  
2 this stuff. I'd gotten the legislative history  
3 records. I have all of it. And no -- no one is doing  
4 anything about it. And this is -- this theft has been,  
5 uh, going on for decades, and no one --

6 Alcantar: The judgment from the court, you're -- correct?

7 Bereki: Ye- -- yes. Well, the other one. They -- this law has  
8 been in effect since 2001 (ph).

9 Alcantar: So which -- which court is the one (inaudible -  
10 0:08:02 to 0:08:06), uh, that's saying -- was that the  
11 superior court?

12 Bereki: That's the judge in Santa -- yes, Santa Ana.

13 Alcantar: Okay.

14 Bereki: Central Justice Center, Santa Ana Superior Court (ph).

15 Alcantar: So the superior court (inaudible - 0:08:14 to 0:08:30)  
16 type of thing (ph)?

17 Bereki: Correct.

18 Alcantar: Okay.

19 Bereki: Yeah.

20 Alcantar: So how is it (inaudible - 0:08:52) what did your --  
21 you -- your (inaudible - 0:08:55) our police  
22 department?

23 Bereki: Okay. I would like to make a crime report.

24 Alcantar: About?

25 Bereki: Because it is a crime to, uh -- I don't know exactly



1           what 484 says. I can go pull it up real quick

2           (inaudible - 0:09:11) --

3 Alcantar: It just -- let's just say (inaudible - 0:09:13 to  
4           0:09:18).

5 Bereki: Well through -- through misrepresentation and -- and  
6           defrauding.

7 Alcantar: Okay.

8 Bereki: So you defraud somebody and you misrepresent  
9           something, and then you take their property. And I  
10          would even go beyond that and argue the point --

11 Alcantar: So who's -- who's defrauding here? Who's (inaudible -  
12          0:09:29)? The -- the state?

13 Bereki: The judges. The judges. Yes, the judges (inaudible -  
14          0:09:35).

15 Alcantar: In their judgment?

16 Bereki: Yes.

17 Alcantar: In their judgment? So by their --

18 Bereki: Yes.

19 Alcantar: -- judgment you're saying that (inaudible - 0:09:41 to  
20          0:09:45)?

21 Bereki: Yes, it would -- it would be like, um, if one of your  
22          officers came to my house and arrested me and said,  
23          "Hey, uh, you're wearing a pink shirt. You can't have  
24          a pink shirt, and so I'm gonna fine you a million  
25          dollars."



1 Alcantar: Mm-hmm.

2 Bereki: And I said to you -- I called you and I said, "Hey, I  
3 wanna make a complaint," and you said, "Well, what's  
4 the crime?" I said, "That's the point. What is the  
5 crime? He wants to take a million dollars from me and  
6 there's no -- there's no law that says you can do it."  
7 It hasn't actually ever been enacted.

8 Alcantar: Right.

9 Bereki: And so then --

10 Alcantar: The- --

11 Bereki: -- now --

12 Alcantar: -- all right.

13 Bereki: -- I'm saying to you they're trying to take my  
14 property under color of law without any authority.  
15 That's the same thing (inaudible - 0:10:23).

16 Alcantar: Did -- did all the -- all the (inaudible - 0:10:26 to  
17 0:10:34), um --

18 Bereki: That's why I'm calling you.

19 Alcantar: So -- so -- so (inaudible - 0:10:45 to 0:10:48)  
20 avenues (ph) of the court system, the judicial system  
21 that, "Hey, uh, I was wronged here, or this is an  
22 injury (ph) or a wrong judgment. Uh, let me appeal it  
23 to this court," and either they yea or nay or refuse  
24 to even hear the case. But I don't know how we can get  
25 involved in this matter.



1 Berekhi: Okay, because everything that you, uh, just talked  
2 about --

3 Alcantar: Mm-hmm.

4 Berekhi: -- was my civil remedy.

5 Alcantar: Mm-hmm.

6 Berekhi: There's a criminal remedy if -- like let's say a judge  
7 goes out and he steals something from somebody.

8 Alcantar: Yeah.

9 Berekhi: That's a clearcut case. The guy committed theft.

10 Alcantar: Yes, if he does it through his bench, through the  
11 judgment (inaudible - 0:11:28 to 0:11:36), so if he --

12 Berekhi: No, because he still committed --

13 Alcantar: -- steals -- if he goes to the parking lot and steals  
14 (inaudible - 0:11:38 to 0:11:51) by any means, uh --

15 Berekhi: Right.

16 Alcantar: -- is that when he makes a decision (ph) off the  
17 (inaudible - 0:11:55 to 0:12:01) would be to go  
18 through the system that's in- -- (inaudible - 0:12:03  
19 to 0:12:04) --

20 Berekhi: And what if --

21 Alcantar: -- is another type of angle to do that. I -- I don't  
22 see it from (inaudible - 0:12:06 to 0:12:17).

23 Berekhi: I do totally hear what you're saying, but there is  
24 also a point, and it's the point that I'm coming from  
25 --



1 Alcantar: Mm-hmm.

2 Bereki: -- where someone's sitting, um -- if we put it --

3 let's put it in the context -- maybe I -- an example

4 is an ex- -- coming to mind, but maybe we can come up

5 with one together, where let's say one of your

6 officers, um, commits a crime while on duty. Are we

7 gonna say that -- that he did that in his personal

8 capacity, and so it's not a crime?

9 Alcantar: Well what (inaudible - 0:12:49 to 0:13:00) that will

10 determine your fate.

11 Bereki: Right. So --

12 Alcantar: The judge, in his capacity, (inaudible - 0:13:06) to

13 0:13:24).

14 BerekiCorrect.

15 Alcantar: It's not like we have the ability on our end (ph) to

16 -- to -- to find judgment (ph) (inaudible - 0:12:23 to

17 0:12:31) --

18 Bereki: Correct.

19 Alcantar: -- or the courts will deci- -- (inaudible - 0:12:32

20 to 0:12:42).

21 Bereki: Correct.

22 Alcantar: I hear you. I get it. I (inaudible - 0:13:47 to

23 0:14:11).

24 Bereki: Okay, so let me -- let me give you this example.

25 Alcantar: Mm-hmm.



1 Bereki: Let's say, again, that -- we'll use the pink shirt  
2 example. One of your officers goes out and he sees  
3 someone wearing a pink shirt and he arrests him.  
4 "You're under arrest for wearing a pink shirt, and I'm  
5 taking you to jail." And so then the person asks,  
6 "Well, under what law and authority are you doing that  
7 under?" And he says, "Well, it's -- it's a law. It's -  
8 - it's a crime. You -- you broke a crime -- you broke  
9 the law. You're going to jail. And I'm filing these  
10 charges against you." Okay, same thing. A judge can  
11 only act within the scope of his law. The minute that  
12 officer places that person, or takes that person into  
13 custody or detains them there's been no authority --

14 Alcantar: Right, but, for example --

15 Bereki: -- no authority under --

16 Alcantar: -- let's go back to the shirt real quick. You s- --  
17 (inaudible - 0:15:00 to 0:15:25) that you owe money  
18 based (ph) on this. And the appellate court is  
19 (inaudible - 0:15:29 to 0:15:32). Now if the appellate  
20 court decides --

21 Bereki: Well, if -- if --

22 Alcantar: -- that he's -- he's in the (inaudible - 0:15:354 to  
23 0:15:40).

24 Bereki: Well, the difference is you see when your officer made  
25 that arrest he exceeded his authority, or he did



1 something that he was not authorized by the state to  
2 do. In fact he committed a crime because then --  
3 Alcantar: Right, so you would have, if it was an --  
4 Bereki: -- (inaudible - 0:15:53).  
5 Alcantar: -- i- -- unlawful ar- -- (inaudible - 0:15:5 to  
6 0:16:12).  
7 Bereki: Right, and the DA could also prosecute the officer  
8 for, uh, false arrested, deprivation of rights, all of  
9 the criminal side of it as well.  
10 Alcantar: Correct. Correct.  
11 Bereki: Okay, so that's --  
12 Alcantar: So there is that ability, if it was that egregious,  
13 and (inaudible - 0:16:25) and --  
14 Bereki: That's what I'm --  
15 Alcantar: -- and so -- so the -- so --  
16 Bereki: -- talking about.  
17 Alcantar: -- so then your case here, (inaudible - 0:16:33 to  
18 0:17:03).  
19 Bereki: So I reached out to them already --  
20 Alcantar: So you --  
21 Bereki: -- and I have a written letter from them, saying that  
22 they do not investigate these types of crimes.  
23 Alcantar: Right.  
24 Bereki: So the AG's office isn't it.  
25 Alcantar: Yeah.



1 Bereki: So that's why I'm reaching out to you because,  
2 essentially --

3 Alcantar: I -- I -- I don't -- I don't (inaudible - 17:18 to  
4 0:17:32).

5 Bereki: Well, let's put it -- let's put it in a different  
6 context really quick.

7 Alcantar: Okay.

8 Bereki: Let's just say that the judge commits a -- he commits  
9 a crime while in the scope of his duty. Commits a  
10 crime. It's penal code. Violates the penal code while  
11 in the court (inaudible - 0:17:49).

12 Alcantar: Right. So let's just say something is so (inaudible -  
13 0:17:50 to 0:18:03) --

14 Bereki: Right.

15 Alcantar: -- because I just do not like him and I (inaudible -  
16 0:18:05 to 0:18:03).

17 Bereki: Right.

18 Alcantar: But (inaudible - 0:18:16) the county prosecutor, and  
19 it (inaudible - 0:18:18) be law enforcement. You  
20 already (inaudible - 0:18:21 to 0:18:23) the AG's  
21 office is already telling you (inaudible - 0:18:24 to  
22 0:18:31).

23 Bereki: So that -- that's why I'm coming to you, saying that  
24 you have a crime, essentially, that committed -- that  
25 was committed -- again, assuming that what I'm --





1 Alcantar: I don't -- I don't -- I don't see a crime.

2 Bereki: -- saying is correct.

3 Alcantar: I -- I s- -- (inaudible - 0:8:42 to 0:18:51).

4 Bereki: Right.

5 Alcantar: I do not know the ins and out- -- (inaudible - 0:18:51  
6 to 0:19:05) attorney (inaudible - 0:19:10 to 0:19:17)  
7 matter, as far as (inaudible - 0:18:19) for -- for  
8 fraud and theft, or anything of that nature (ph).

9 Bereki: Okay. I -- I -- I thought I would reach out, and you  
10 have been so cool and understanding a- -- and you have  
11 listened to me, and I am so grateful for that. But I  
12 wanted to check with you first to, uh, ensure that you  
13 guys were not -- we're not on the same page. And  
14 that's totally fine. I -- I -- my position, as you  
15 well know, is that no one's above the law. And so --

16 Alcantar: I agree.

17 Bereki: -- if a judge commits a crime and I come to you as the  
18 public official that has the duty to enforce the law  
19 when a criminal act has been taken against me, and  
20 that someone is attempting to deprive me of my rights  
21 and property and liberty, and I come to you and I'm  
22 screaming out for help, to all the different agencies  
23 of California, and no one's listening, and then I go  
24 to --

25 Alcantar: I -- I'm listening, Adam. I (inaudible - 0:20:14 to



1           0:20:19) I waited, uh, this --  
2   Bereki:    True.  
3   Alcantar: -- and whatnot, and I did not (inaudible - 0:20:23 to  
4           0:20:26--  
5   Bereki:    True, true.  
6   Alcantar: Uh --  
7   Bereki:    Uh, you're right about that. I -- I totally concede.  
8            Okay, when I -- when I say no one's listening, no one  
9            is taking remedial action --  
10   Alcantar: Got it.  
11   Bereki:   -- about any (inaudible - 0:20:36).  
12   Alcantar: Got it. Understood.  
13   Bereki:    Okay?  
14   Alcantar: Got it.  
15   Bereki:    Sorry. Thank you for correcting me there. You're  
16            right. Um, so that's -- that's what I'm -- I'm talking  
17            about here.  
18   Alcantar: Right.  
19   Bereki:    And, um, th- -- what -- I get what you're saying,  
20            where this is not just some run-of-the-mill, you know,  
21            4-5-9 report, or something simple that's cut and dry  
22            that's in the nature of the police department  
23            operations. But at the same time, um, ev- -- even if  
24            we just hypothetically assume that what the judge did  
25            was egregious and criminal, and I come to you and say,



1 "I wanna make a criminal complaint because this public  
2 official committed this crime. He violated the penal  
3 code and here's how we did it." And then I come to the  
4 police department. The police department says, "Whoa,  
5 whoa, whoa, whoa, whoa. This is a judge. Uh, he just  
6 did something in his -- in the course and scope of his  
7 duty, and, uh, you know, you gotta call someone else."

8 Alcantar: We- -- well, n- -- not exactly. I me- -- (inaudible -  
9 0:21:42 to 0:21:50) statutes (ph) that were violated  
10 (inaudible - 0:21:55 to 0:21:59) as far as the pena- -  
11 - (inaudible - 0:22:00 to 0:22:10).

12 Bereki: Right. But the judgment has to be within the law, and  
13 it has to be based upon evidence.

14 Alcantar: Right. And that is what --

15 Bereki: It's just like --

16 Alcantar: -- the appellate courts are for (inaudible - 0:22:20  
17 to 0:22:32). Watson (ph) (inaudible - 0:22:33)  
18 Alcantar (inaudible - 0:22:34 to 0:23:44). Hey, Adam  
19 (ph)?

20 Bereki: Yeah?

21 Alcantar: Um, I can't hang on (inaudible - 0:23:46) much (ph)  
22 longer, um, do you need my information or what else  
23 (ph) -- what -- what can I provide (ph), uh --

24 Bereki: Um, nothing. I was just gonna read you part of 484,  
25 uh, and just share that, you know, like really quickly



1 the example of if one of your cops pulled me over and  
2 they took \$500 that was in my console.

3 Alcantar: Right.

4 Bereki: That would be theft.

5 Alcantar: I get it. I mean I get your argu- -- (inaudible -  
6 0:24:106 to 0:24:11). I totally understand your  
7 position (inaudible - 0:24:12 to 0:24:38). Do you want  
8 that?

9 Bereki: Okay. Sure. That would be great.

10 Alcantar: Okay. So it's Sergeant Alcan- -- (inaudible -  
11 0:24:39).

12 Bereki: Okay.

13 Alcantar: And that's A-L-C-A -- (inaudible - 0:24:40).

14 Bereki: Okay.

15 Alcantar: And my badge, uh, 258- --

16 Bereki: Okay. Thank you so much for your time. I really  
17 appreciate --

18 Alcantar: Hey Adam, good luck with all this, uh (inaudible -  
19 0:24:06 to 0:24:17).

20 Bereki: Thank you. No, I can tell you're a good guy. And I  
21 appreciate your time and -- and your sincerity and --  
22 and your help.

23 Alcantar: All right, sir.

24 Bereki: Thank you so much.

25 Alcantar: Have a good one.



1 Berekı: Okay.

2 Alcantar: Bye.

3 Recording: February 7, 2020, 14:26:16.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

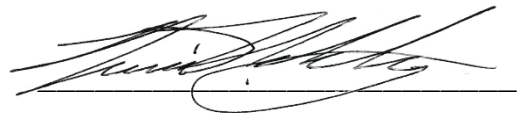
25



## TRANSCRIBER'S CERTIFICATE

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 "E5 SAPD- COMPLAINT TO SGT. ABEL ALCANTAR 020720 REFUSAL TO INVESTIGATE PART 2 (FROM SAPD)".

DATED this 23rd 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

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

