

Exhibit 6

STATE OF CALIFORNIA
INCIDENT REPORT

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/10/2022	1200	9675	20697	202200887

1 **SYNOPSIS:**

2

3 In March 2022, I was assigned to investigate Adam Bereki's complaint against Orange County Superior
4 Court Judge D. Chaffee. Judge Chaffee oversaw a civil case between Adam Bereki and Karen and Gary
5 Humphreys. Adam Bereki alleged grand theft against Judge Chaffee for his judgment and decision on the
6 case.

7

8 **Subject 1:**

9 Judge David Chaffe [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13

14 **Subject 2:**

15 Adam Bereki (CA / B6970543)

16 818 Spirit

17 Costa Mesa, CA 92626

18 (949) 241-6693

19

20 **INVESTIGATION:**

21

22 In April 2012, Adam Bereki entered a contract with the Humphreys, Karen and Gary, to complete a remodel
23 of their newly purchased condominium unit in Newport Beach, California. Adam Bereki previously
24 completed work for Gary Humphreys' brother and son. The Humphreys took the recommendations and
25 hired Adam Bereki to complete the remodel. Adam Bereki sent a proposal to the Humphreys through email,
26 and they agreed to the terms of the project. The daily fees for Adam Bereki and his partner, Glenn Overley,
27 along with the prices for parts and labor were also discussed and agreed upon through the emails.

28

29 In May 2012, the Humphreys purchased the condominium unit directly above the unit Adam Bereki was
30 hired to remodel. The Humphreys retained Adam Bereki's services for the second unit and ultimately
31 decided to convert it into one unit. Work on the Humphreys' condominium units seized, and the last
32 services were dated August 21, 2013.

33

34 Adam Bereki filed a civil suit against the Humphreys on August 21, 2015. He filed the suit after the contract
35 was terminated, and he was not paid the remaining balance of \$82,000. On October 13, 2015, the
36 Humphreys filed a cross-complaint against Adam Bereki.

37

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E. Mejia / Officer	20697	9/21/2024	D. Navarro / Sergeant	09/21/2024

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1 The Humphreys were able to bring a cross-complaint because Business and Professions Code 7031(e)
2 allows for a party who utilizes the services of an unlicensed contractor to may bring an action in ANY court
3 of competent jurisdiction to recover all compensation paid to the unlicensed contractor. The Humphreys
4 were the only people to utilize Adam Bereki's services, so they were able to bring forth an action against
5 him. Adam Bereki claimed he is the sole owner and operator of The Spartans and Associates, Incorporated,
6 a construction company, with a valid contractor license.

7
8 The two-day case took place between March 27-28, 2017, and was overseen by Orange County Superior
9 Court Judge David Chaffee. Representing the Humphreys was William G. Bissell, Law Offices of William
10 G. Bissell. Adam Bereki represented himself along with J. Scott Russo, Russo & Duckworth LLP. J. Scott
11 Russo was also defending the Suretec Insurance Company, a contractor license bond.

12
13 The cross-complaint sought the disgorgement of the funds paid by the Humphreys to Adam Bereki, The
14 Spartan Associates or Spartan Construction, which was \$848,000. The cross-complaint alleged that Adam
15 Bereki worked on the Humphreys condominiums without a valid contractor's license.

16
17 The first cause of action in the trial was about who the Humphreys contracted with. Based on emails and
18 lack of written contracts, the court decided the contract was between the Humphreys and Adam Bereki, and
19 not Adam Bereki's company, The Spartan Associates.

20
21 J. Scott Russo made the argument that Adam Bereki was a "little lax" for accepting the first few payments
22 under his name and not his company but ultimately the majority of the money accepted was done by The
23 Spartan Associates. Additionally, the building permits were obtained by The Spartan Associates. J. Scott
24 Russo argued the work done was done under a B license and was correctly done.

25
26 J. Scott Russo argued that although there was not a written contract, the emails exchanged between the
27 Humphreys and Adam Bereki constituted a contract. J. Scott Russo contended that the emails were from
28 Adam Bereki, on behalf of The Spartan Associates, since Adam Bereki was the sole "shareholder" and
29 employee. The emails that began talking of fees and costs began on April 5, 2012. The emails were sent
30 from Adam Bereki's personal email account. The initial emails mentioned Adam Bereki's partner, Glenn
31 Overley, but he didn't mention The Spartan Associates.

32
33 After July 2012, Adam Bereki requested the Humphreys make payments to The Spartan Associates and not
34 to Adam Bereki. From April 2012 to July 2012, payments were made to Adam Bereki. From July 2012
35 forward, the payments were made to either Spartan or Spartan Construction.

36

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1 The Humphreys and William G. Bissell argued that Adam Bereki was unlicensed at the time of entering the
 2 contract. William G. Bissell argued that although Adam Bereki was The Spartan Associates Responsible
 3 Management Officer, he was required to have a contractor's license as an individual. Even the partnership
 4 between Glenn Overley and Adam Bereki would have needed a joint venture license. Since Glenn Overley
 5 was an independent contractor, he was required to have his own contractor's license.

6
 7 Judge Chaffee ruled that the contract was made between Adam Bereki and the Humphreys, therefore
 8 rendering Adam Bereki as an unlicensed contractor. Judge Chaffee ruled that Adam Bereki would return
 9 \$848,000 to the Humphreys. Judge Chaffee acknowledged that the emails exchanged between Adam Bereki
 10 and the Humphreys met the definition of a contract.

11
 12 Judge Chaffee referenced three cases to make his decision:

- 13
 14 • Ball v. Steadfast (2011), 196 Cal.App.4th p. 694.
 15 • 29 Palms Enterprises Corporation v. Bardos (2012), 210 Cal.App.4th p. 14, 13.
 16 • MW Erectors v. Niederhauser Ornamental & Metal Works Company, Inc. (2005), 36 Cal.4th p. 412.

17
 18 **Ball v. Steadfast (2011), 196 Cal.App.4th p. 694**

19
 20 In Ball v. Steadfast, a licensed contractor was not licensed as a contractor to do business in the name of
 21 "Clark Air Conditioning Heating." Ball sued in his own name to a foreclosure on a mechanic's lien. The
 22 foreclosure came from a nonpayment under the contracts entered.

23
 24 The court held that Ball was not licensed as a contractor to do business under the name Clark Heating and
 25 Air Conditioning. Ball appeared on the contractor license as the owner of Clark Heating and Air
 26 Conditioning. The license was issued to Clark Heating and Air Conditioning.

27
 28 The court determined that "Ball entered the contracts on behalf of his sole proprietorship, not on behalf of a
 29 separate legal entity that could, and should, have obtained its own license." (Ball, supra, 196 Cal.App.4th at
 30 p. 703)

31
 32 Judge Chaffee interpreted that in Ball v. Steadfast, "the contractor was licensed as a "sole owner" and not as
 33 a partnership or corporate entity pursuant to the classification system of B&P code section 7065."

34 Furthermore, Judge Chaffee interpreted that because Ball failed to contract work under the wrong business
 35 name, and not the name on his license, it was grounds for disciplinary action, but it did not bar him from
 36 attempting to recover payment for the work he performed.

37

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1 Judge Chaffee stated, "First of all, and foremost, we have no license in the name of Mr. Bereki individually;
2 instead, it appears he was the qualifying corporate officer for the legal entity, Spartan Associates,
3 incorporated."

4

5 **29 Palms Enterprises Corporation v. Bardos (2012), 210 Cal.App.4th p. 14, 13**

6

7 In 29 Palms Enterprises Corporation v. Bardos, 29 Palms Enterprises Corporation filed a complaint against
8 Cadmus Construction Company. The complaint was because Cadmus Construction Company, and
9 indirectly Bardos were not licensed as contractors in California. The court ordered Cadmus Construction
10 Company to disgorge all of the fees 29 Palms Enterprises Corporation had paid.

11

12 It was determined Bardos was the Responsible Managing Officer, and he did not have a license in his
13 personal name. Additionally, the court ruled that Bardos' corporation, Bardos Construction, Inc., was a
14 different entity from his dba (doing business as) Cadmus Construction Company. Cadmus Construction
15 Company was licensed, and Bardos Construction Inc. did hold a license. The court ordered the return of all
16 costs to 29 Palms Enterprises Corporation. Bardos believed the judgment was not an equitable result. The
17 court responded by saying, "It has long been settled that the courts may not resort to equitable
18 considerations in defiance of Section 7031."

19

20 Judge Chaffee interpreted that Bardos was the Responsible Managing Officer for a licensed corporation, but
21 he did not hold the corporation's licenses as an individual. Bardos could not perform work under that
22 license using the name of the "sole proprietorship."

23

24 Judge Chaffee used the case to establish that either Spartan and Associates was the contracting party or,
25 alternatively, Adam Bereki operated under The Spartan and Associates' license. Because of the ruling in 29
26 Palms Enterprises Corporation, Adam Bereki "cannot rely on his corporation's license to contract."

27

28 **MW Erectors v. Niederhauser Ornamental & Metal Works Company, Inc. (2005), 36 Cal.4th p. 412**

29

30 In MW Erectors v. Niederhauser Ornamental & Metal Works Company, Inc., MW Erectors, a steel
31 contractor was not licensed at the time the contract was made but obtained a license shortly after.
32 Ultimately, the Supreme Court concluded that licensing is required at all times during the performance of
33 the labor. Niederhauser Ornamental & Metal Works Company, Inc. elected not to pay MW Erectors.

34

35 Judge Chaffee stated that the California Supreme Court's ruling on the issue of unlicensed contracting is
36 "draconian in its effect" but that was the intent of the legislature. The legislature expects contractors to be

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1 licensed at all times during the times they are contracted and failing to do so, opens a person or company to
2 forfeiture.

3

4 **Adam Bereki's Allegations**

5

6 1. Business and Professions Code section 7031 action is a criminal prosecution in disguise of a civil action
7 to criminally prosecute and punish an unlicensed contractor for committing the public offense of
8 contracting without a license – a misdemeanor offense as defined by Business and Professions Code
9 section 7028.

10

11 Business and Professions Code section 7028 is defined as:

12

13 (a) Unless exempted from this chapter, it is a misdemeanor for a person to engage in the business of, or
14 act in the capacity of, a contractor within this state under either of the following conditions:

15

16 (1) The person is not licensed in accordance with this chapter.

17

18 (2) The person performs acts covered by this chapter under a license that is under suspension for
19 failure to pay a civil penalty or to comply with an order of correction, pursuant to Section
20 7090.1, or for failure to resolve all outstanding final liabilities, pursuant to Section 7145.5.

21

22 (b) A first conviction for the offense described in this section is punishable by a fine not exceeding five
23 thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both
24 that fine and imprisonment.

25

26 2. That as a result of Allegation #1, private parties cannot commence Business and Professions Code
27 section 7031 actions because the Executive Power of California is vested exclusively in the Governor
28 pursuant to California Constitution Article V, Section 1.

29

30 3. That as a result of Allegation 1 and Allegation 2, the Humphreys lacked Constitutional Authority to
31 prosecute Adam Bereki. That should have prevented Judge Chaffee of the ability to hear the case and
32 give a judgment.

33 4. As a result of Allegation 1, Allegation 2, and Allegation 3, Justices O'Leary, Goethals, and Aronson of
34 the Fourth District Court of Appeal lacked Constitutional Authority to affirm Judge Chaffee's judgment.

35

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1 5. Based the aforementioned allegations, the State of California lacked the Constitutional authority to
2 summarily suspend The Spartan and Associates/Adam Bereki's general contractor license pursuant to
3 Business and Professions Code section 7071.17.
4
5 Judge Chaffee returned all the compensation paid to the Humphreys. Adam Bereki believes he already
6 returned the amount that was paid to him through the work that was completed on the Humphrey's property.
7 The work that was completed added value to the Humphrey's home. Adam Bereki believes the punishment
8 was not authorized by Business and Professions Code section 7031(b) because Adam Bereki and The
9 Spartan and Associates returned the money in the form of value.
10
11 Adam Bereki cited, Lewis & Queen v. N. M. Ball Sons (1957), 48 Cal 2d. 141, 152. Adam Bereki
12 interpreted the case to state that "Courts may not resort to equitable considerations in defiance of Business
13 and Professions Code section 7031."
14
15 Adam Bereki explained that the case demonstrated that the courts are not allowed to consider the value of
16 materials and labor. Adam Bereki believes his interpretation appears to be exactly what the court intended.
17 He stated that if an unlicensed contractor received money but didn't complete the work, then Business and
18 Professions Code section 7031(b) would apply appropriately. However, if the unlicensed contractor
19 returned the money or compensation as value to the homeowner, then a judge would be relieved of his
20 authority to issue any relief through Business and Professions Code section 7031(b) because it would be an
21 "arbitrary" penalty.
22
23 In support of this claim, Adam Bereki cited case, Town of Gilbert Prosecutors Office v. Downie (2008), 218
24 Arizona 466. In this case the Supreme Court of Arizona found that the full amount of payments returned
25 would constitute economic loss for restitution purposes.
26
27 In conclusion, Adam Bereki believes he was unfairly punished by having to pay the Humphreys a total of
28 \$930,000. Adam Bereki explained that nowhere in the trial where "damages" mentioned. There was no
29 evidence of improper work or damages to the Humphrey's property due to Adam Bereki's work. Due to
30 Judge Chaffee not recognizing any of the work Adam Bereki performed at the property, he was not
31 authorized to order Adam Bereki to return the compensation under Business and Professions Code section
32 7031(b).
33
34 Adam Bereki believes that the punishment, if there was to be one, should be Business and Professions Code
35 section 7028(b), which authorizes a fine not exceeding \$5,000 or by imprisonment in a county jail not
36 exceeding six months, or by both that fine and imprisonment. Adam Bereki does not agree that he was
37 fined a significant amount more than the \$5,000 because it is an excessive fine and in violation of the

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1 Excessive Fines Clause (Eighth Amendment). The fine should have been proportionate to the offense and
2 he should have the ability to pay it. Because Judge Chaffee did not take those things into consideration, he
3 lacked the authority to fine or punish Adam Bereki.

4

5 Adam Bereki believes that the Humphreys and their attorney, William Bissel do not have the executive or
6 constitutional authority to commence Business and Professions Code section 7031(b). Additionally, Adam
7 Bereki believes Judge Chaffee should have dismissed the case against him due to California Penal Code
8 section 1382(a), Dismissal of the Action for Want of Prosecution Otherwise.

9

10 Adam Bereki believes that because the action against him was intended to be criminal in nature, he was
11 entitled to protections given in a criminal proceeding, such as; assistance of counsel, confrontation of his
12 accusers, and trial by jury. Adam Bereki was not afforded any of these protections.

13

14 **Judge Chaffee's Statement**

15

16 April 16, 2024, at 1000 hours, I spoke with Judge D. Chaffee on the phone. Judge Chaffee remembered
17 presiding over the case, although he had forgotten some of the names and small details.

18

19 I informed Judge Chaffee of Adam Bereki's allegations, and he told me he was aware. Judge Chaffee
20 acknowledged the case was a civil case but "turned" when the Humphreys brought forth the cross-
21 complaint.

22

23 Judge Chaffee confirmed that Business and Professions Code section 7031 is not criminal and has "no
24 penalty attached," but it is punitive. Judge Chaffee described section 7031(b) as "draconian" but said the
25 legislature intended the law to work in favor of the consumer.

26

27 In response to Adam Bereki's claim that he should have been charged with Business and Professions Code
28 section 7028 because it was his first offense, Judge Chaffee stated, "He was not charged with that."

29

30 Adam Bereki filed a civil action against the Humphreys for unpaid contractor fees. The Humphreys filed a
31 cross-complaint against Adam Bereki because they realized he was contracting without a license.

32

33 The case that Judge Chaffee oversaw was a civil case, not a criminal case. Judge Chaffee does not believe
34 Adam Bereki was charged by the Orange County District Attorney's office. Adam Bereki brought forth the
35 civil case for civil damages, and in turn, the Humphreys filed for civil damages. Judge Chaffee "was not
36 inviting a criminal prosecution of him. We were limited to civil remedies for a civil action that he brought."

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1 Adam Bereki made a claim that his trial was a civil case disguised as a criminal trial. Judge Chaffee
2 confirmed that Adam Bereki did not "raise that issue" at trial, and even if he raised it at his appeal, it would
3 have been barred because it was not raised at trial. Judge Chaffee's judgment was affirmed by the
4 California Court of Appeals, and the review was denied by the California Supreme Court. Ultimately,
5 Adam Bereki's appeal was rejected by the United States Supreme Court.
6
7 Judge Chaffee acknowledged he lost any jurisdiction on the case when Adam Bereki filed his Notice of
8 Appeal. Judge Chaffee is retired and has no legal authority to handle the case.
9
10 Adam Bereki claimed that Judge Chaffee lacked the Constitutional standing to bring any civil or criminal
11 penalties against him. Since Adam Bereki did not raise the issue at trial, it was waived for the purposes of
12 appeal. Even if Adam Bereki had brought forth the issue at trial, he was "wrong."
13
14 Adam Bereki claimed that the Humphreys lacked Constitutional standing to prosecute him, thereby
15 depriving the Orange County Superior Court and Judge Chaffee of Constitutional authority to punish him.
16 Judge Chaffee acknowledged that Adam Bereki's claim is not correct because he was the person who
17 commenced the civil complaint. The Humphreys simply filed a cross-complaint. Since Adam Bereki did
18 not raise the issue at trial, it was not available to him at the appeal.
19
20 Adam Bereki claims that the State of California lacked the Constitutional authority to suspend The Spartan
21 and Associates/Adam Bereki's general contractor license. Judge Chaffee confirmed he did not suspend
22 Adam Bereki's license. Judge Chaffee assumes that any suspension would have come from the State
23 Contractor's Board. Judge Chaffee confirmed that the license can only be placed under one name. Adam
24 Bereki chose to place the license with the Spartan and Associates. Adam Bereki chose to contract the job he
25 did for the Humphreys under his name and not the company and, therefore, was found to be contracting
26 without a license.
27
28 Judge Chaffee believes that Adam Bereki's mistakes causing this result. Judge Chaffee believes that Adam
29 Bereki's work was not what he promised the Humphreys. Judge Chaffee looked at pictures from the work
30 completed by Adam Bereki and did not complete the work properly.
31
32 Adam Bereki stated he should not be forced to pay the fine because he returned the money in the form of
33 work and materials. Judge Chaffee confirmed that the damages are not offset by the work that was
34 completed, and the Humphreys are entitled to receive their money in return for Adam Bereki contracting
35 without a license.
36
37

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1 **CONCLUSION:**

2

3 Adam Bereki brought forth a civil case against the Humphreys for an outstanding balance owed from a
4 contracting job. In turn the Humphreys filed a cross-complaint against Adam Bereki for contracting without
5 a valid contractor license. The judgement by Judge Chaffee from civil case was in favor of the Humphreys.
6 The judgement was based on prior cases with similar contractual situations. Adam Bereki appealed the case
7 with the Fourth District Court of Appeal and the judgement was affirmed. Adam Bereki then filed appeals
8 to the California Supreme Court and the United States Supreme Court, but the appeals were denied.

9

10 Adam Bereki's appeals were denied because appellate courts do not consider new evidence. An appeal is
11 not considered a new trial. The allegations Adam Bereki brought forth cannot have been disputed in an
12 appellate court because he did not raise those issues at the original trial. Therefore, he could not present his
13 allegations because it would have been considered new evidence in the eyes of the appellate courts. In order
14 Adam Bereki to present his new allegations, Adam Bereki would be required to file a new lawsuit against
15 the Humphreys.

16

17 Contracting without a license is a misdemeanor offense, violation of section 7028 of the Business and
18 Professions Code. During the civil case, no criminal charges were filed on Adam Bereki for contracting
19 without a license by the Orange County District Attorney's office.

20

21 Based on this investigation, Adam Bereki's claim of grand theft committed against him by Judge Chaffee
22 was not substantiated. Any additional pertinent information presented at a later date, will be added to a
23 supplemental report. At this time, no further follow up will be conducted and I recommend this
24 investigation be closed.

25

26

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2:04/5/25

State of California-Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Border Division
9330 Farnham Street
San Diego, CA 92123
(858) 944-6300
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



December 30, 2024

File No.: 601.16249.17362.24000442

Mr. Adam Bereki
818 Spirit
Costa Mesa, CA 92626

Dear Mr. Bereki:

This letter is in response to the concerns you expressed by telephone to our department's Internal Affairs Section on December 16, 2024. You indicated Officer Ernesto Mejia failed to properly investigate your allegation of grand theft against an Orange County Judge. You filed with our Santa Area Office in March 2022. I would like to appraise you of our actions in this matter.

Upon initial review of your allegation, it was determined a thorough investigation was conducted by Officer Mejia into your initial claim and the investigation was reviewed by his direct supervisor and management for completeness and accuracy.

Accordingly, I believe your allegations are without merit, and I have ordered this investigation closed with no further action. A record of this matter has been prepared and will be retained for a period of five years.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Monteagudo".

M. MONTEAGUDO, Lieutenant
Acting Commander
Border Division



Safety, Service, and Security

An Internationally Accredited Agency

[illegible]

California Highway Patrol
Border Division
9330 Farnham Street
San Diego Ca 92123

US POSTAGE  PRINTED BONDS

ZIP 92123 \$ 009.64
02 7M
0008031088DEC 31 2024

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	

[illegible]

2/2

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Border Division Investigative Services Unit

9330 Farnham Street

San Diego, CA 92123

(858) 650-3600

(800) 735-2929 (TT/TDD)

(800) 735-2922 (Voice)



April 18, 2025

File No.: 601.17798

Mr. Adam Bereki
818 Spirit
Costa Mesa, CA 92626

Dear Mr. Bereki

Recently, the Border Division Investigative Services Unit completed its investigation into the concerns you brought forth regarding Officer E. Mejia, ID 20697, and Lieutenant M. Monteagudo, ID 16249. I would like to take this opportunity to briefly discuss our findings in this matter.

The investigation focused on your allegations of dishonesty and improper investigative practices surrounding Officer Mejia and Lieutenant Monteagudo in their respective roles regarding your complaints against an Orange County Judge. After a thorough and complete investigation, we were unable to substantiate your allegations. For all additional matters regarding investigational jurisdiction, please address your questions or concerns directly with the Commission on Judicial Performance.

We appreciate the opportunity to address your concerns. Our commitment to transparency and accountability remains steadfast, and we value your patience throughout this review process. A record of this complaint has been made and will be retained for five years.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Vargas".

M. VARGAS, Captain
Commander

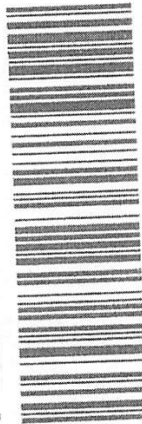
Border Division - Investigative Services Unit



Safety, Service, and Security

An Internationally Accredited Agency

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California Highway Patrol
Border Division
9330 Farmington
San Diego Ca 92123

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NOTIFY SENDER OF NEW ADDRESS
BEREKI, ADAM ST
LAS VEGAS NV 89129-6467
BC: 89129646749 *1404-03747-18-43

04/30/25

Adam Bereki
c/o 3649 Metter St.
Las Vegas, NV 89129

Sean Duryee, Commissioner
California Highway Patrol
601 North 7th Street
Sacramento, CA 95811

Subject: Objection to CHP Findings on Citizen Complaint File No. 601.17798 and
Improper Deferral to Commission on Judicial Performance

Dear Commissioner Duryee,

I am writing in response to the CHP's letter dated April 29, 2025 (see attached), regarding my citizen complaint (File No. 601.17798) alleging ethical, constitutional, and criminal misconduct by officers of the CHP pertaining to its officers' failure to perform a full, fair, impartial and independent investigation into criminal misconduct and deprivation of my constitutional rights under the California and United States Constitutions by California and federal judges, as well as abuses of executive power by private parties acting in concert with judicial officers. I strongly object to your findings that the CHP conducted a "thorough and complete investigation" and was "unable to substantiate my allegations." Your letter fails to identify which allegations were investigated, provide specific findings of fact for each issue raised, or cite legal authorities supporting your conclusions. This lack of transparency undermines the legitimacy of the investigation and raises serious concerns about the CHP's commitment to addressing my complaint. I request a commission-level review of the findings and a detailed response listing each allegation, corresponding findings of fact, and conclusions of law grounded in established legal authority.

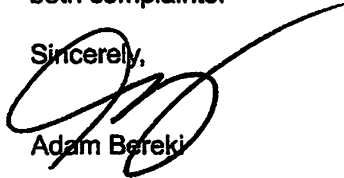
The CHP's directive to address "all additional matters regarding investigational jurisdiction" to the California Commission on Judicial Performance (CJP) is deeply troubling, as it implies the CHP believes it lacks jurisdiction over my initial complaint and that the CJP, a judicial branch agency, is the appropriate entity to handle allegations of criminal violations and constitutional deprivations. My initial complaint involves serious accusations of criminal misconduct by judges and private parties' misuse of executive authority, which fall squarely within the executive branch's purview. By refusing to perform a full, fair, impartial and independent investigation, and deferring to the CJP, the CHP has failed to fulfill its constitutional duty to investigate these matters and my citizen complaint, exacerbating the harm caused by the alleged misconduct. If the CHP's findings are based on a belief that it lacks jurisdiction, I request clarity and the constitutional and case law authorities supporting this conclusion, including how this aligns with the California Constitution's separation of powers.

The CJP, established under Article VI, Section 18 of the California Constitution, is an independent judicial branch agency with authority limited to investigating and disciplining judges for ethical misconduct, such as willful misconduct or conduct prejudicial to the administration of justice. It lacks executive power and has no mandate or capacity to conduct criminal investigations or file criminal charges. In *Wenger v. Commission on Judicial Performance* (1979) 29 Cal.3d 615, the California Supreme Court upheld the CJP's censure of a judge for administrative misconduct, confirming its disciplinary, not prosecutorial, role. Criminal investigations, such as those in my initial complaint, are the exclusive responsibility of executive agencies like the CHP or district attorneys. The CJP's own rules, under California Rules of Court, Rule 102, permit it to refer suspected criminal activity to law enforcement, not to assume that role itself. By deferring my complaint to the CJP—an agency implicated in my allegations for failing to address judicial misconduct—the CHP has improperly shifted its executive responsibilities to an entity without the authority to investigate crimes.

This deferral violates the separation of powers doctrine enshrined in the California Constitution, which assigns executive power to the Governor and subordinate agencies like the CHP under Article V. Executive officials cannot delegate their constitutional duty to investigate criminal complaints and constitutional rights violations to a judicial branch agency, particularly one that is a subject of the complaint. My allegations include private parties abusing executive power in collusion with judges, necessitating a robust executive investigation. The CHP's abdication of its duty continues to shield judicial officers and their accomplices from accountability, perpetuating the systemic failures alleged in my complaint.

I demand that the CHP immediately reopen both my initial and citizen complaints, conduct a proper investigation into the alleged criminal misconduct, constitutional deprivations, and abuses of executive power by private parties and judicial officers, and provide a transparent report detailing findings of fact and conclusions of law for each allegation for both complaints.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Bereki', with a stylized, flowing script.

Adam Bereki



CALIFORNIA HIGHWAY PATROL

CALIFORNIA STATE TRANSPORTATION AGENCY

601 North 7th Street, Sacramento, CA 95811 |
800-735-2929 (TT/TDD)
800-735-2922 (Voice)

GAVIN NEWSOM, GOVERNOR

June 6, 2025

File No.: 031.18062.20589.OTH2024-0139

Adam Bereki
818 Spirit
Costa Mesa, CA 92626

Dear Mr. Bereki:

On April 29, 2025, Internal Affairs Section (IAS) received your e-mail in which you expressed your dissatisfaction with an investigation performed by Border Division in response to a civilians' complaint you filed against Officer E. Mejia, ID 20697, and Captain M. Monteagudo, ID 16249.

When complainants are dissatisfied with the findings of civilians' complaint, they may request an evaluation of the investigative file by the succeeding level of command. An analyst from IAS was assigned to conduct a thorough analysis of the complaint investigation. The analyst carefully reviewed the investigative file and closing correspondence from the Border Division, Investigative Services Unit Commander, Captain M. Vargas, ID 17798. The investigative file and closing correspondence were examined for accuracy, methodology, and objectivity in evaluating all evidence.

Fundamental to the investigation conducted was an examination of your allegation Officer Mejia was dishonest and failed to conduct a proper investigation, and Captain Monteagudo was dishonest during his review and correspondence related to your allegations.

After a thorough review of the investigation, it was determined Officer Mejia acted within the scope of his duties, conducted a proper investigation, and was not dishonest. Additionally, it was determined Captain Monteagudo conducted an honest and meaningful review of your claims.

Safety, Service, and Security

CHP 49 (Rev 4-25) OPI 003

AN INTERNATIONALLY
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Consequently, our review of your civilians' complaint investigation did not reveal any information which would warrant a change to the original findings. This is the final level of review by the CHP. The CHP understands not all complainants will be satisfied with the outcome of their IAS requested complaint review. As such, the California Department of Justice may review civilian complaints against a law enforcement agency or its employees for possible investigation when substantive allegations of unlawful conduct are made and all appropriate local resources for redress have been exhausted.

The following information is provided for your convenience:

Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550
(916) 210-6276

With your receipt of this letter, the Department considers this matter closed. In accordance with state law, your complaint will remain on file for a period of five (5) years.

Sincerely,



K. KERSHAW, Lieutenant
Acting Commander
Internal Affairs Section

cc: Border Division





f: 7/13/20

State of California
Commission on Judicial Performance
155 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660
(415) 557-1200
Fax (415) 557-1266
Website: <http://cjp.ca.gov>

July 9, 2020

Adam Bereki
818 Spirit
Costa Mesa, CA 92626

Dear Mr. Bereki:

At its July 2020 meeting, the Commission on Judicial Performance voted to close your complaint dated June 8, 2020.

Your complaint concerns legal rulings made by the judges. This commission is not a court and does not have the authority to reverse judicial decisions. Even if a judge's decision is later determined to be legally incorrect by an appellate court, that by itself is not a violation of the Code of Judicial Ethics and is not misconduct. A judge's legal error might be a basis for investigation by this commission if there is sufficient evidence of bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law, or any purpose other than the faithful discharge of judicial duty. The information you have provided is not sufficient to establish any of those factors.

If you wish to provide additional information regarding your complaint, it will be considered. You should provide specific information that fully describes what the judges said or did that you believe was misconduct. You may wish to consult the "Filing a Complaint" and "FAQ's" tabs on the commission's website (<http://cjp.ca.gov>) for further information about what a complaint should contain.

With respect to the legal proceedings that gave rise to your complaint, you may wish to consult an attorney or legal services provider to see if they can help you. This office cannot provide individuals with legal assistance.

Adam Bereki
July 9, 2020
Page 2

We appreciate your time and effort in bringing this matter to the commission's attention.

Very truly yours,



Anjuli Fiedler
Staff Counsel

AF:aap/L070920Bereki

Confidential under California Constitution,
Article VI, Section 18, and Commission Rule 102



State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660
(415) 557-1200
Fax (415) 557-1266
Website: <http://cjp.ca.gov>

July 10, 2025

Adam Bereki
3649 Metter Street
Las Vegas, NV 89129

Dear Adam Bereki:

This letter is to acknowledge receipt of your complaint against a California judge(s). We appreciate your time and effort in bringing this matter to the commission's attention. We are presently reviewing this information and, if further information is needed, you will be contacted. You will be advised in writing, at a later date, of the commission's action in this matter.

To give you some information about the process, each complaint about a judge is voted upon by the commission. When a complaint states facts which could be misconduct, if the facts are true and there is not another explanation for what happened, the commission typically opens an investigation. The commission's staff will interview witnesses, review documents or files and conduct other investigation. If there is sufficient evidence supporting the complaint, the judge will be contacted and asked to respond to the allegations. The commission then reviews the available evidence, and the judge's response if the judge was contacted, to make a determination whether misconduct has occurred. Misconduct must be established by clear and convincing evidence, a higher standard than is required in civil cases but lower than in criminal cases. If the evidence does not support a finding of misconduct, the commission will close the case. The commission may also close the case if the misconduct was relatively minor and the judge has acknowledged the problem and taken steps to prevent it from happening again. If the evidence supports a finding of misconduct and the commission determines that discipline may be appropriate, the commission may proceed to impose discipline.

It may also be helpful to explain that the Commission on Judicial Performance is not a court. It does not have the authority to reverse a judge's decision, move your case to another department or court, disqualify a judge or otherwise get involved in your case. The commission's role is limited to reviewing allegations of judicial misconduct. A judge's legal rulings and discretionary decision-making, without more, are not a basis for review by the commission. Even if a judge's decision is later determined by an appellate court to be legally incorrect, that by itself is not a violation of the Code of Ethics and is not misconduct. A judge's

Adam Bereki
July 10, 2025
Page Two

legal error might be a basis for investigation by this commission if there is sufficient evidence of bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law or any purpose other than the faithful discharge of judicial duty.

Lastly, our office is not able to provide legal advice. If you wish to determine what legal avenues are available to you, you might consider contacting an attorney or legal services provider to see if they can help you.

Very truly yours,

Amy Ladine

Amy Ladine
Operations Officer

State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660

CONFIDENTIAL

Adam Bereki
3649 Metter Street
Las Vegas, NV 89129

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