



What Is Going On In The Legal World And How It Effects You & Your Organization

In This Issue:

- **What Paul and the G&A Team are up to:** *Tons of growth that directly benefits you and your organization!*
- **What to Watch Out For:** *laws, legislation or decisions coming down the pipes*

~AB 312 Ammiano : would create a civilian oversight body for the BART police force

~The People of the State of California v. Ethan Saleem

- **Weigh In On This One:** *What do you think about public oversight committees for public safety organizations?*



What Paul and the G&A Team are up to:

Goyette & Associates have had a busy month since we last touched base with you!

GARY GOYETTE TO ARGUE BEFORE THE U.S. SUPREME COURT?

Some employers won't quit, even when it's clear they have lost on a wage & hour dispute with employees represented by Goyette & Associates. As summarized previously on this [Blog](#), [Gary Goyette](#) is representing three tugboat Captains and deckhands formerly employed by Marine Express, a San Francisco Bay Area company, in a lawsuit seeking overtime pay for hours worked in excess of eight hours per day. Gary is also representing

Jerrold Karmin, an individual tugboat Captain and also a former Marine Express employee, in a related case; it is this case which may be going to the U.S. Supreme Court. *Read the rest of the Supreme Court Article [here](#).*

[Roseville Sexual Harassment Suit Filed, Press Bonanza 3 Hours Later](#) G&A's [Civil Litigation](#) division received tons of media attention regarding our lawsuit against Roseville City, Police Department and past City Manager for creating and perpetuating a hostile work environment for some Roseville Police Officers. Attorney [Joy Rosenquist](#), was interviewed by CBS news on the matter and quoted on Fox 40 and other newspapers in the area. To check out some of the press coverage on the Roseville matter, one of Joy's many publicized cases, click [here](#).

Rafael Ruano Shoots Estate Planning DVD for CSFA [Rafael Ruano](#), managing associate for G&A's [Estate and Business Planning](#) division, spent a week at Firehouse World in San Diego working with California Firefighters to develop plans for their futures. For more information on G&A's Estate Planning Division or to see if you or your organization qualifies for reduced fees for our comprehensive wills, trusts or estate plans, click [here](#). You can also request an informational DVD or set an appointment with Rafael to come give a presentation to your organization.

Modesto PD to Remove a Letter of Reprimand from Officer's Personnel File

The Stanislaus County Superior Court has granted the Petition for Writ of Mandate filed by Goyette & Associates, Inc. on behalf of a Modesto Police Officer. The Writ of Mandate will direct the City of Modesto and Modesto Police Department to remove a letter of reprimand and related documents from the Officer's personnel file as a result of the Modesto Police Department's failure to comply with statutory time limits for imposing disciplinary action on the officer. To read the rest of the article and more details, click [here](#)

[Thanks to G&A for Allegation of Criminal Misconduct UNFOUNDED](#)

It's always a pleasure to put our best foot forward for our clients and we are grateful for those such as officer Madrigal who take the time to thank our Attorneys for all of their hard work. Following is a "Thank You Letter" to G&A in regards to the the time and attention Eric Acevedo dedicated to his client. To read the letter, click [here](#).

RN Guardian Sponsors the California Association of Nurse Anesthetist Conference in Huntington Beach

RNG has also added a new non-course and non-scope plan for registered nurses in California, as well as offering Corporate Support to Nursing Associations. For more information on the successes of [RN Guardian](#) or how your association can partner with RN Guardian, click [here](#).



The Advantage Training and Education Series DVDs of the November training have arrived! They are for sale for \$50.00 for the set of 5 . Please contact Jennifer Coalson-Perez or click [here for a sample agenda](#). To have a seminar tailored specifically to you and your organization, call Jennifer.

What to Stay on the Look-out For; laws, legislation or court decisions coming down the pipes that could directly impact you...

ASSEMBLY BILL No. 312

Introduced by Assembly Member Ammiano

(Principal coauthor: Senator Yee)

February 17, 2009

An act to add Section 28767.7 to the Public Utilities Code, relating to transportation.

AB 312, as introduced, Ammiano. San Francisco Bay Area Rapid Transit District: Office of Citizen Complaints

Existing law creates the San Francisco Bay Area Rapid Transit District (BART), governed by an elected board of directors, with various duties and responsibilities relative to operation of a rail transit system. Existing law authorizes the district to maintain a police department. This bill would require the BART board to create an Office of Citizen Complaints to investigate complaints and allegations of police misconduct by the BART police department. The bill would provide for the nomination of the director of that office by the district attorneys of the Counties of Alameda, Contra Costa, and San Francisco, subject to confirmation by the board.

The bill would require the staff of the office to consist of no fewer than one line investigator for every 150 sworn members of the police department. The bill would require the office to investigate complaints of police misconduct or allegations that a member of the police department has not properly performed a duty and would require the office to recommend disciplinary action to the chief of police. The bill would authorize the director of the office to file charges with the board against members of the police department under specified circumstances.

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The bill would require the office to prepare monthly summaries of the

complaints received and quarterly recommendations concerning policies or practices of the police department that could be changed, along with a quarterly report to the board. The bill would require all departments, officers, and employees of the district to promptly produce all records required by the office and to otherwise cooperate with the office, except as specified. The bill would require the district to implement these and other related provisions utilizing existing funds available to the district. Because the bill would impose new responsibilities on the district, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

CALIFORNIA SUPREME COURT TO TAKE UP SALEEM APPEAL

The California Supreme Court will take up the appeal of *The People of the State of California v. Ethan Saleem*. G&A recently filed a letter of support with the Supreme Court requesting that the Court hear the appeal filed by the California Attorney General. The *Saleem* case involved an appeal by criminal defendant Ethan Saleem following his conviction for possession of body armor by a person previously convicted of a violent felony in violation of California Penal Code section 12370. The California Court of Appeal reversed *Saleem's* conviction based on its finding that Section 12370 is unconstitutionally vague.

The Court's decision in effect invalidates the statute, and thereby removes a vital protection for peace officers, as the statute prohibits violent felons from possessing body armor. G & A is hopeful that the Supreme Court overturns this decision as we believe the Appellate Court's decision is legally erroneous, and invalidation of the statute represents a real threat to California Peace Officers.

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Weigh in on this!

Results from last month's helmet question:

MY ten-year-old always has worn a helmet batting, biking, skateboarding, skiing and now snowboarding. She's used to it and doesn't give it a second thought. Helmet is a fine place for personalization through sticker art too.

Legislation? I'm not sure – it may add more awkward policy than real benefit (show a helmet to get a lift ticket? higher price for a helmet-included ticket?). Every mountain I've been to requires helmets for kids in classes already.

I hope all is well!
Sincerely,
Michael

My Opinion: We don't need any more nanny laws! As a parent yes I think kids should wear a helmet and I would want my child to wear one, however I am personally opposed to our government legislating to me how to raise my child or anyone else's. I feel the same way about other helmet laws, seatbelt laws, etc. Again, I would CHOOSE to wear a seatbelt and would insist my child wear a helmet, but I don't believe that those issues should be regulated by law.

Leslie

Thanks for the feedback everyone!

MARCH'S POLL: What do you think about public oversight committees for public safety organizations, like the New Bart Bill?

We will post the results and our favorite responses in next month's Ezine! Respond to: jennifer@goyette-assoc.com

Stay up to date between Ezines by checking out our [Blog](#); always full of interesting outcomes, opinion editorials or press on our Firm. To find out what we're doing in real time, follow us:

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