HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

June 7, 2019

Greg Moran
600 B Street, Suite 1201
San Diego, CA 92101
greg.moran@sduniontribune.com

Re: California Public Records Act Request for Records, Reference No. 19-36

Dear Mr. Moran:

Thank you for your patience as we searched through voluminous records to determine whether the San Diego County District Attorney's Office possesses records responsive to your May 15, 2019 public records request. Specifically, your request seeks:

- Records, in written and electronic form, including but not limited to emails, memos, reports, messages, and any other record or writing, that reference or discuss any and all investigations or case referrals regarding "Nate Moore" or "Nathaniel Moore" from November 1 2018 through May 15, 2019;
- any and all communications in written or electronic form regarding any investigation into "Nate Moore" or "Nathaniel Moore" from "Tony Giralamo" or "Anthony Giralmo," "DAI Tony Giralamo" or "DAI Anthony Giralamo", in the same time frame stated above;
- any and all communications that in written or electronic form that reference and "EDD investigation" "Nate Moore" "Jesse Rodriguez" "Damon Mosler", "Dominic Dugo" in the same time frame state in the first bullet point above.

We have concluded our search and identified responsive records. While exemptions from disclosure may apply to the responsive records, this Office waives those exemptions in the spirit of openness and our determination that the public interest outweighs nondisclosure given the nature of the records. (Gov. Code, § 6254.5.) To protect privacy, email addresses, telephone numbers, and case numbers are redacted. (Gov. Code, §§ 6250; 6254, subd. (c).)

Sincerely,

James E. Atkins
Deputy District Attorney
Appellate and Training Division

Prior, Tracy

From: Prior, Tracy
Sent: Tuesday, October 23, 2018 8:50 AM
To: Dennis Bruner
Cc: Greg White
Subject: RE: Elizabeth Rodriguez re: SDPD case [redacted]

Thank you, Detective Bruner and Sgt. I appreciate the information since our office will be recusing itself from any review or handling of these cases. I will be directly forwarding any reports I receive to the Attorney General's office.
Respectfully,
Tracy Prior

From: Dennis Bruner [redacted]
Sent: Thursday, October 18, 2018 11:14 AM
To: Prior, Tracy
Cc: Greg White
Subject: Elizabeth Rodriguez re: SDPD case [redacted]

DDA Tracy Prior,

On 10/10/18 Sgt. Greg White requested I follow-up a courtesy domestic violence report received from San Diego PD. White explained the case involves several DV incidents that allegedly occurred in both San Diego County and Los Angeles County, over the past two years. Sergeant White asked that I make contact with the victim, Elizabeth Rodriguez, regarding the incidents that occurred in Carlsbad in September 2016 and March 2017.

On 10/10/18 and 10/11/18 I left voicemail messages for Elizabeth Rodriguez for the purpose of scheduling an interview with her. I didn't initially receive a response from Elizabeth, so I sent a letter to her residence requesting contact. A few days later, Elizabeth left me a voicemail message after hours. When we continued to play "voicemail tag", I left Elizabeth another message, requesting she prepare a detailed written statement regarding the Carlsbad incidents, to include witness contact information. I asked Elizabeth to email me the statement when completed. Once I reviewed her statement, I would telephone her to schedule a follow-up interview.

On 10/15/18 Elizabeth Rodriguez left me another voicemail message. Elizabeth stated she recently underwent an in-depth interview with Chula Vista PD Detective Alicia Chudy. Elizabeth said Detective Chudy was provided with details of all the DV incidents, along with the contact information for potential witnesses. Elizabeth added that she's willing to meet with me if deemed necessary.

On 10/16/18 I had a phone conversation with Detective Alicia Chudy. Detective Chudy confirmed she did in fact interview Elizabeth Rodriguez regarding all the alleged DV incidents. Chudy stated that once her report is complete, it will be forwarded to DDA Tracy Prior. Detective Chudy advised I didn't need to take any further action at this time.

Please contact me with any questions or concerns.

Dennis Bruner
Investigations Assistant
Carlsbad Police Department
Investigations Division

2560 Orion Way
Carlsbad, CA 92010
[redacted]

Prior, Tracy

From: Donte Kendricks [redacted]
Sent: Wednesday, November 21, 2018 6:48 PM
To: Prior, Tracy
Subject: [redacted]
Attachments: [redacted]Doctor letter.pdf; [redacted]SDPD Report.pdf

Hello,

Here are the reports to send to DOJ. I have more to send but too big of a file.

Sergeant Donte Kendricks
Family Protection/ Arrest & Control Supervisor
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910
[redacted]

Prior, Tracy

From: Donte Kendricks [redacted]
Sent: Wednesday, November 21, 2018 6:49 PM
To: Prior, Tracy
Subject: RE: [redacted]
Attachments: [redacted].pdf; [redacted]pdf; email from T Rodriguez [redacted].pdf

More reports,

Sergeant Donte Kendricks
Family Protection/ Arrest & Control Supervisor
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910
[redacted]

Prior, Tracy

From: Donte Kendricks [redacted]
Sent: Wednesday, November 21, 2018 6:50 PM
To: Prior, Tracy
Subject: FW: [redacted]
Attachments: [redacted] text messages 1.pdf

Messages

Sergeant Donte Kendricks
Family Protection/ Arrest & Control Supervisor
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910
[redacted]

Prior, Tracy

From: Donte Kendricks [redacted]
Sent: Wednesday, November 21, 2018 6:51 PM
To: Prior, Tracy
Subject: RE: [redacted]
Attachments: [redacted]text messages 2.pdf

Last one

From: Donte Kendricks
Sent: Wednesday, November 21, 2018 6:50 PM
To: 'Tracy.prior[redacted]
Subject: FW: [redacted]

Messages

Sergeant Donte Kendricks
Family Protection/ Arrest & Control Supervisor
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910
[redacted]

Prior, Tracy

From: Donte Kendricks [redacted]
Sent: Wednesday, November 21, 2018 9:14 PM
To: Prior, Tracy
Subject: Re: [redacted]

Ok thank you.

Sent from my iPhone

On Nov 21, 2018, at 9:08 PM, Prior, Tracy [redacted] wrote:

> Received. Thank you, Sgt. I will facilitate getting these to the AG as our office has a conflict.
>
> Respectfully,
>
> Tracy M. Prior
> Chief Deputy District Attorney
> San Diego District Attorney's Office
> 330 W. Broadway Suite 1300
> San Diego, CA 92101
> [redacted]
>
> On Nov 22, 2018, at 2:48 AM, Donte Kendricks [redacted] wrote:
>
> > Hello,
> > Here are the reports to send to DOJ. I have more to send but too big of a file.
> > Sergeant Donte Kendricks
> > Family Protection/ Arrest & Control Supervisor
> > Chula Vista Police Department
> > 315 Fourth Avenue
> > Chula Vista, CA 91910
> > [redacted]

Prior, Tracy

From: Prior, Tracy [redacted]
Sent: Monday, November 26, 2018 10:00 AM
To: Melissa.Mande[redacted] 'Julie.Garland[redacted]
Subject: Conflict case
Attachments: [redacted] SDPD Report.pdf; [redacted] text messages 1.pdf; [redacted].pdf; [redacted]pdf; email from T Rodriguez [redacted].pdf; [redacted] Doctor letter.pdf; SDPD Report.pdf

Hi, Julie and Melissa,
Please find attached a case in which our office has a conflict. Attached in this email are PDFs provided me by Chula Vista PD in order to facilitate getting them to your office for review.

Please let me know if you have any questions.

Respectfully,
Tracy Prior

Tracy M. Prior
Chief Deputy District Attorney
San Diego District Attorney's Office
330 W. Broadway Suite 1300
San Diego, CA 92101
[redacted]

Prior, Tracy

From: Prior, Tracy
Sent: Monday, November 26, 2018 11:16 AM
To: melissa.mandel[redacted]
Cc: Nona Seaman [redacted]
Subject: conflict case email 3/3
Attachments: [redacted] Doctor letter.pdf; [redacted].pdf; [redacted].pdf; email from T Rodriguez [redacted].pdf

Nona, I will send you the other two right now.

Tracy M. Prior
Chief Deputy District Attorney
San Diego County District Attorney's Office
330 W. Broadway, Suite 1300
San Diego, CA 92101
[redacted]

Prior, Tracy

From:	Prior, Tracy
Sent:	Monday, November 26, 2018 3:31 PM
To:	melissa.mandel[redacted]Nona Seaman [redacted]
Subject:	conflict case email 2/3
Attachments:	[redacted]Doctor letter.pdf; [redacted].pdf; [redacted].pdf

This email contains the following:
Doctor Letter
CVPD 24 page report
CVPD 2 page report

Tracy M. Prior

Chief Deputy District Attorney
San Diego County District Attorney's Office
330 W. Broadway, Suite 1300
San Diego, CA 92101
[redacted]

Prior, Tracy

From: Greenberg, David
Sent: Wednesday, January 23, 2019 4:59 PM
To: Prior, Tracy
Cc: Stephan, Summer
Subject: Re: Elizabeth Rodriguez / Conflict Case

Did Laura explain in detail why the case was rejected?

Dave

On Jan 23, 2019, at 4:11 PM, Prior, Tracy [redacted] wrote:

> FYI
>
> **From:** Laura Baggett [redacted]
> **Sent:** Wednesday, January 23, 2019 1:31 PM
> **To:** Prior, Tracy
> **Subject:** Elizabeth Rodriguez / Conflict Case
> Hi Tracy,
> I was assigned the investigation concerning Nathaniel Moore, regarding Elizabeth Rodriguez. As you know, our office took the case in November as a clear conflict from the DA's Office. After a thorough investigation, our office is declining to file any charges. I just spoke to Ms. Rodriguez and she is aware of our decision.
> Let me know if you have any questions.
> Best,
>
> *Laura Baggett*
> Deputy Attorney General
> California Attorney General's Office
> 600 West Broadway
> Suite 1800
> San Diego, CA 92101
> [redacted]
>
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Prior, Tracy

From: Prior, Tracy
Sent: Wednesday, January 30, 2019 8:28 AM
To: dkendricks[redacted]
Subject: Conflict Case
Attachments: Moore Conflict Case.pdf

Attached are the reports you previously sent me in the Moore conflict case, which I in turn made available to the Attorney General's Office.

Ms. Rodriguez has requested a copy of her police report pursuant to Family Code 6228. Thank you for letting me know that she may retrieve a copy from CVPD by going to the front counter and asking for anyone in Family Protection.

Respectfully,
Tracy Prior

Tracy M. Prior
Chief Deputy District Attorney
San Diego County District Attorney's Office
330 W. Broadway, Suite 1300
San Diego, CA 92101
[redacted]

Prior, Tracy

From: Prior, Tracy
Sent: Monday, February 11, 2019 8:03 AM
To: Prior, Tracy
Subject: Fwd: Elizabeth Rodriguez / Conflict Case

Tracy M. Prior
Chief Deputy District Attorney
San Diego District Attorney's Office
330 W. Broadway Suite 1300
San Diego, CA 92101
[redacted]

Begin forwarded message:

From: Laura Baggett [redacted]
Date: January 23, 2019 at 1:31:07 PM PST
To: "tracy.prior[redacted]
Subject: Elizabeth Rodriguez / Conflict Case

Hi Tracy,
I was assigned the investigation concerning Nathaniel Moore, regarding Elizabeth Rodriguez. As you know, our office took the case in November as a clear conflict from the DA's Office. After a thorough investigation, our office is declining to file any charges. I just spoke to Ms. Rodriguez and she is aware of our decision.
Let me know if you have any questions.
Best,

Laura Baggett
Deputy Attorney General
California Attorney General's Office
600 West Broadway
Suite 1800
San Diego, CA 92101
[redacted]

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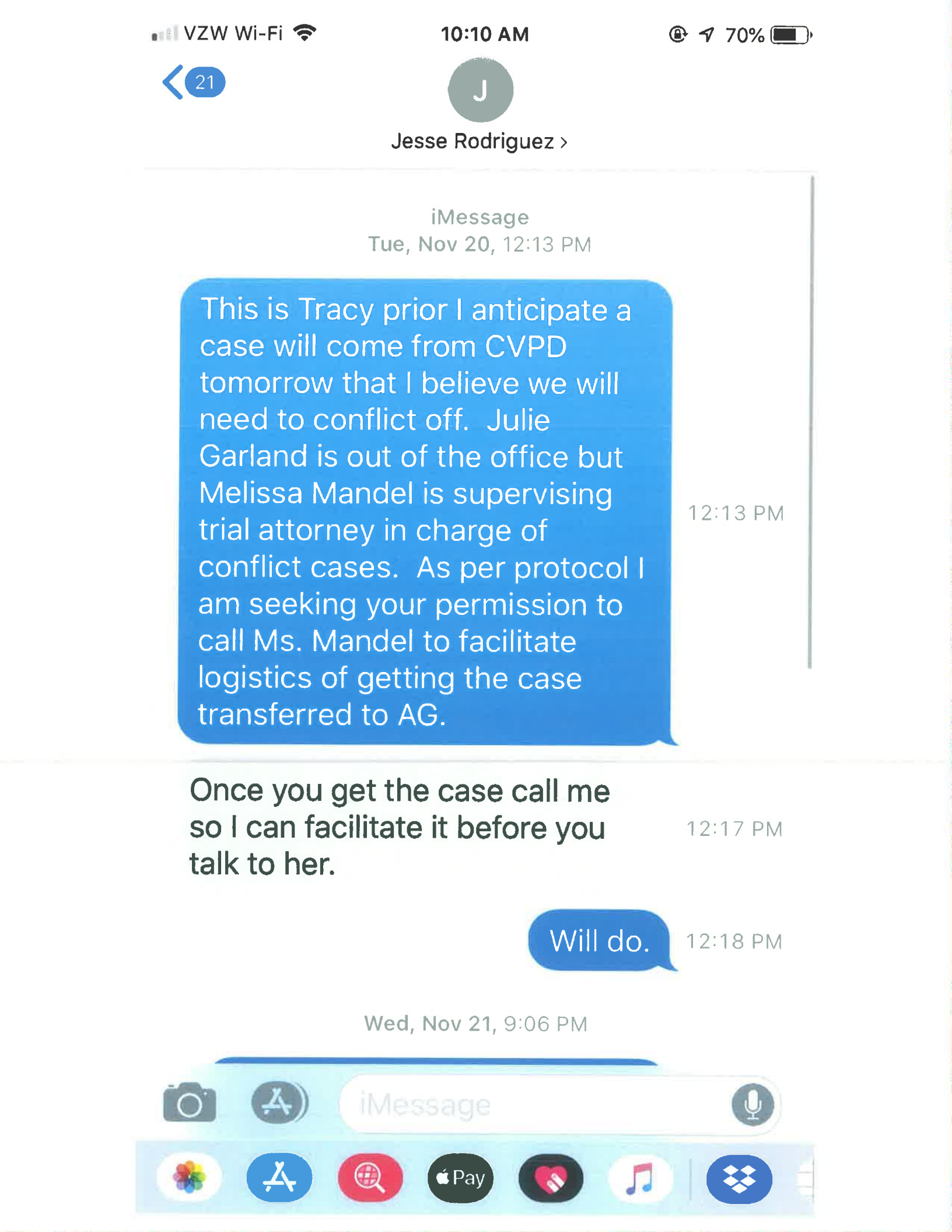
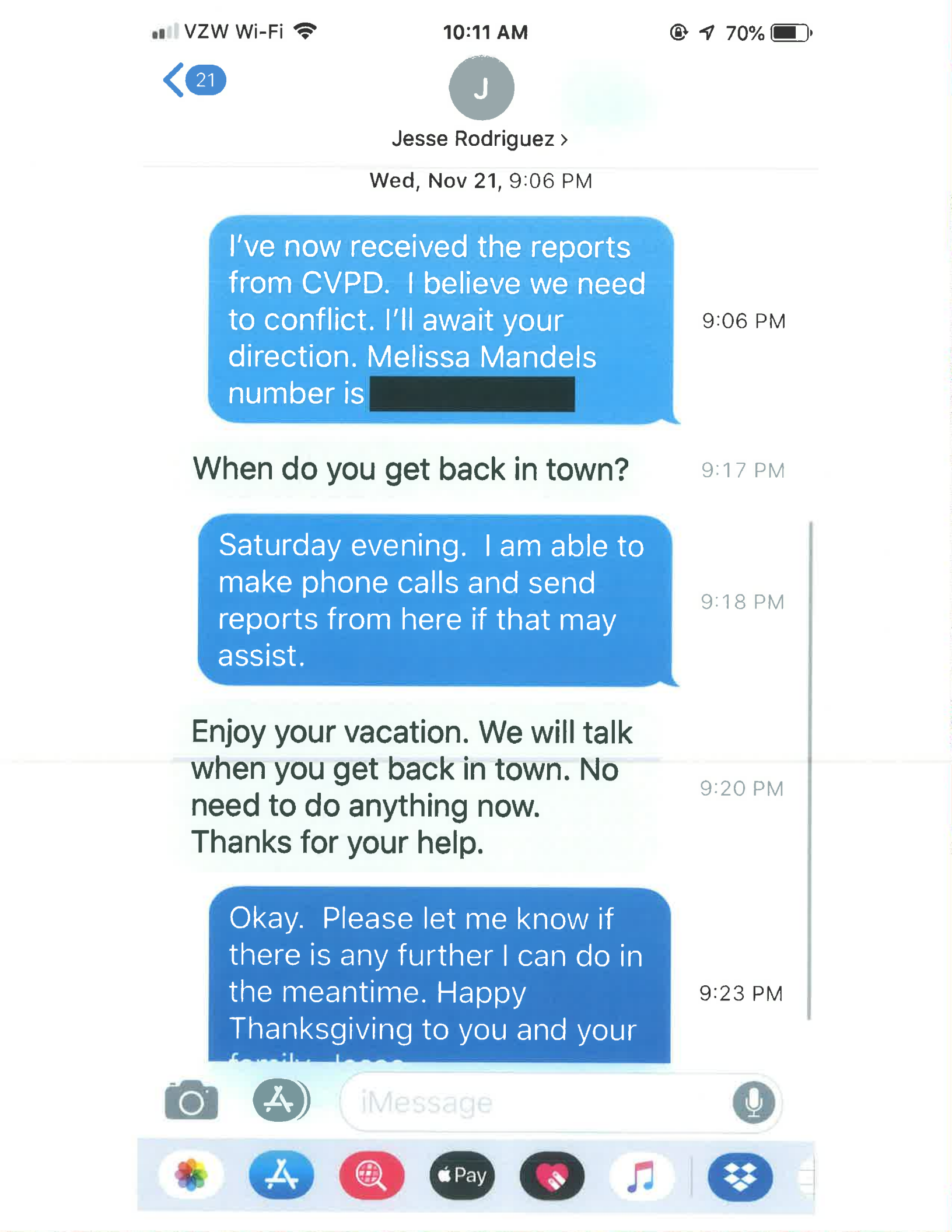
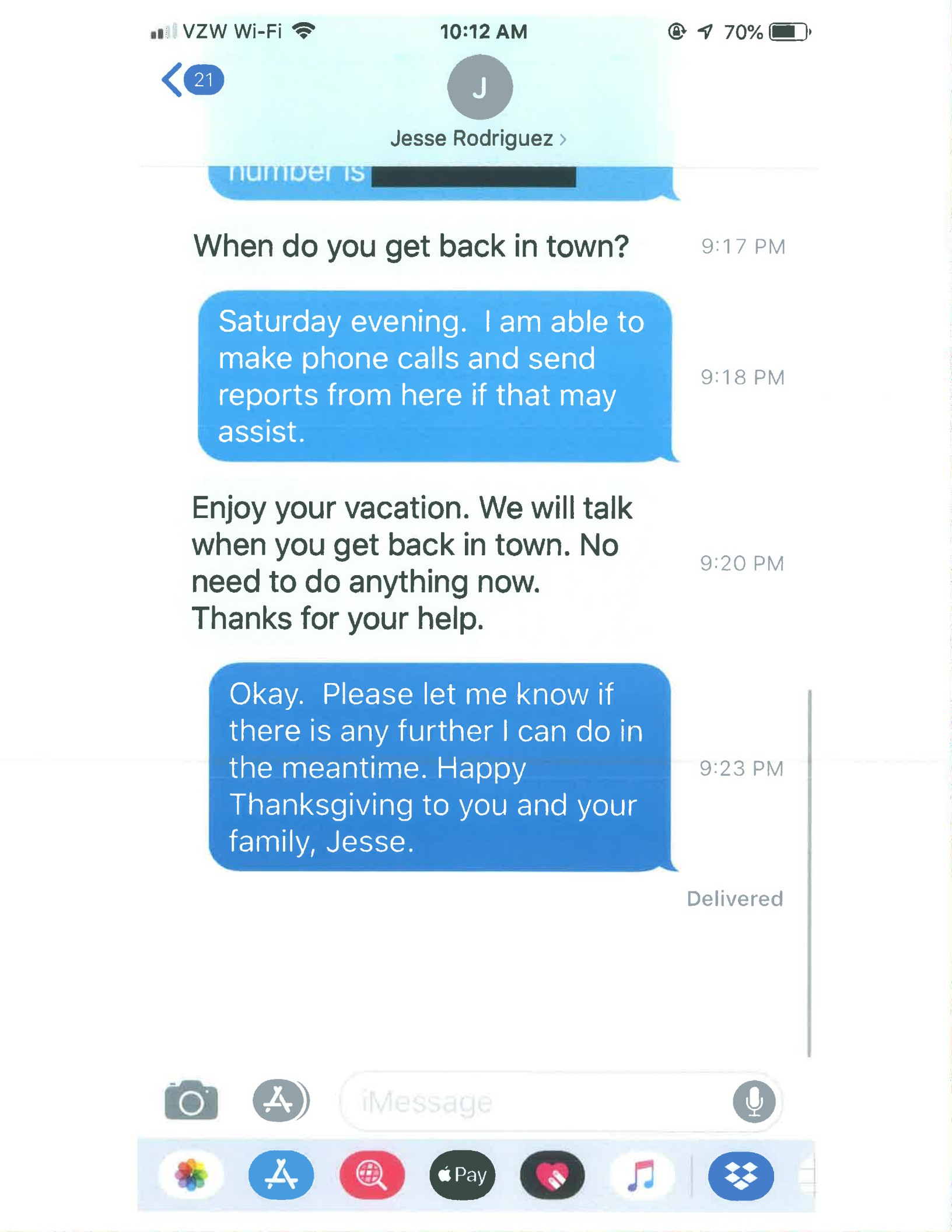

VZW Wi-Fi
10:10 AM
70%
21
J
Jesse Rodriguez ›
iMessage
Tue, Nov 20, 12:13 PM
This is Tracy prior I anticipate a case will come from CVPD tomorrow that I believe we will need to conflict off. Julie Garland is out of the office but Melissa Mandel is supervising trial attorney in charge of conflict cases. As per protocol I am seeking your permission to call Ms. Mandel to facilitate logistics of getting the case transferred to AG.
12:13 PM
Once you get the case call me so I can facilitate it before you talk to her.
12:17 PM
Will do.
12:18 PM
Wed, Nov 21, 9:06 PM
iMessage
Pay


VZW Wi-Fi
10:11 AM
70%
21
J
Jesse Rodriguez >
Wed, Nov 21, 9:06 PM
I've now received the reports from CVPD. I believe we need to conflict. I'll await your direction. Melissa Mandels number is [redacted]
9:06 PM
When do you get back in town?
9:17 PM
Saturday evening. I am able to make phone calls and send reports from here if that may assist.
9:18 PM
Enjoy your vacation. We will talk when you get back in town. No need to do anything now. Thanks for your help.
9:20 PM
Okay. Please let me know if there is any further I can do in the meantime. Happy Thanksgiving to you and your
9:23 PM
iMessage
Pay


VZW Wi-Fi
10:12 AM
70%
21
J
Jesse Rodriguez
number is [redacted]
When do you get back in town?
9:17 PM
Saturday evening. I am able to make phone calls and send reports from here if that may assist.
9:18 PM
Enjoy your vacation. We will talk when you get back in town. No need to do anything now. Thanks for your help.
9:20 PM
Okay. Please let me know if there is any further I can do in the meantime. Happy Thanksgiving to you and your family, Jesse.
9:23 PM
Delivered
iMessage
Pay

STATE OF CALIFORNIA - GOVERNOR EDMUND G. BROWN, JR.
LABOR AND WORKFORCE DEVELOPMENT AGENCY

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
SAN DIEGO OFFICE OF APPEALS
3517 Camino Del Rio South, Suite 100
San Diego, CA 92108
Phone: (619) 521-3300
Fax: (619) 521-3334

Date: December 7, 2018

Claimant: Nathaniel Moore

This acknowledges receipt of your Public Records Request dated December 3, 2018, wherein you requested a copy of the audio recording of the appeal hearing held on April 26, 2017 in case number 5912181.

Pursuant to your request, a true and correct copy of the audio recording is enclosed. Please let us know if we can be of any further assistance.

Very truly yours,

[redacted]

A. Michael Cutri,
Presiding Administrative Law Judge

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

C·U·I·A·B

SAN DIEGO OFFICE OF APPEALS
3517 Camino Del Rio South, #100
SAN DIEGO CA 92108-4027

(619) 521-3300

NATHANIEL L MOORE
Claimant-Appellant

ABBEY RESTAURANTS AND BAR
Account No: 064-0296
Employer

Case No. **5912181**

Issue(s): 1030/32, 1256

Date Appeal Filed: 03/29/2017

EDD: 0410 BYB: 02/26/2017

Date and Place of Hearing(s):
(1) 04/26/2017 San Diego

Parties Appearing:
Claimant, Employer

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 30 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Rachel Soltero, Administrative Law Judge

NATHANIEL L MOORE
[redacted]

Date Mailed:

Case No.: 5912181 **San Diego Office of Appeals**
CLT/PET: Nathaniel L. Moore ALJ: Rachel Soltero
Parties Appearing: Claimant, Employer
Parties Appearing by Written Statement: None

ISSUE STATEMENT

The claimant appealed from a determination disqualifying the claimant for unemployment benefits under Unemployment Insurance Code section 1256. A ruling held the employer's reserve account was not subject to charges. The issue in this case is whether the claimant was discharged for misconduct connected with the most recent work.

FINDINGS OF FACT

The claimant most recently worked as a bartender for seven years, earning $10.50 per hour plus tips. He last worked on February 24, 2017 and separated from his employment under the following circumstances.

The employer operates a restaurant and bar.

On the day leading to his separation, the employer conducted an investigation when customers complained that another bartender did not serve them tall alcoholic drinks at the cost of smaller drinks as the claimant had done.

While conducting the investigation, the employer observed the claimant serve drinks to customers without charging them. Pending the suspension of the claimant, the employer viewed surveillance footage and observed that the claimant had been serving drinks without charging customers. Consequently, the employer decided to terminate the claimant's employment for giving customers free drinks.

REASONS FOR DECISION

Sworn, direct testimony may be disbelieved where it appears unreliable, contradictory, or inherently improbable. (Precedent Decision P-B-57.)

The claimant's testimony denying that he served customers free drinks is disbelieved as it appears unreliable. While reviewing the surveillance video, customers ordered premium Vodka; however, the claimant's transactions showed that no premium Vodka had been charged. During one transaction, customers left a $150 tip when the claimant charged them for merely two happy hour drinks. The employer's evidence is supported by two witnesses who

observed him give drinks without charge to customers on the day leading to his termination. In addition, at the time of termination, the claimant apologized to the employer for "letting them down." Therefore, the employer's evidence that the claimant was serving customers drinks without charge is adopted as true.

An individual is disqualified for benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

"Misconduct connected with the work" is a substantial breach by the claimant of an important duty or obligation owed the employer, wilful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

Misappropriation of an employer's property by an employee is conclusive evidence of misconduct. (Precedent Decision P-B-57.)

In this case, the evidence established that the claimant substantially and deliberately breached an important duty owed the employer when he misappropriated the employer's resources by giving alcoholic drinks to customers without charge. The claimant's actions injured the employer's business interests by diminishing its potential financial profits and gains. Since misappropriation of the employer's property and resources is conclusive evidence of misconduct, the claimant is disqualified for benefits under code section 1256 and the employer's reserve account is not subject to charges under code sections 1030 and 1032.

DECISION

The department determination and ruling are affirmed. The claimant is disqualified for benefits under code section 1256. Benefits are denied. The employer's reserve account is not subject to charges.

SD: RS: 2 / 2

HEARING
4/26/2017
SAN DIEGO

VICTOR TOMASINO — ASST GEN'L MGR

ABBEY REST.
TODD BARNES — OWNER

Giralamo, Anthony

From: Giralamo, Anthony
Sent: Friday, November 9, 2018 2:30 PM
To: 'Phan, Quoc[redacted]
Subject: RE: Document request

Quac,
No I don't need the application based on your assessment. If he truthfully applied indicating he was terminated then there is no basis for charging. Thanks for your help. The charging statute I was talking about is PC 115. Basically says anyone filing a form, application or other document to any State agency knowing it to contain false info is a felony. Good charge for agencies looking for a crime based on a false application. Thanks again, Tony

Tony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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From: Phan, Quoc[redacted]
Sent: Friday, November 9, 2018 2:22 PM
To: Giralamo, Anthony [redacted]
Subject: RE: Document request

Hello Tony,

I reviewed the unemployment claim of Nathaniel Moore and everything appears to have been filed correctly. Moore filed a claim reporting that he was terminated from Abbey Restaurants and Bar. An eligibility determination was conducted by EDD and it was determined that Moore was disqualified from receiving Unemployment Insurance Benefits. Once a disqualifying letter is issued. Claimants have the rights to file an appeal to have an administrative hearing if they disagree with EDD's decision. In this case, the Administrative Law Judge also made the determination that EDD's decision was correct and affirmed the disqualification. No benefits was ever paid on the claim.

Do you still think you want the application?

QUOC PHAN
CRIMINAL INVESTIGATOR
INVESTIGATION DIVISION
[redacted]

STATE OF CALIFORNIA
EMPLOYMENT DEVELOPMENT DEPARTMENT
WWW.EDD.CA.GOV

From: Giralamo, Anthony [redacted]
Sent: Thursday, November 08, 2018 5:31 PM
To: Phan, Quoc [redacted]
Subject: Document request

Quoc,
I received your contact info from DAI Lynn Rydalch. I'm in need of a document filed with your agency by our target who applied for benefits but was denied. He later appealed his request and was denied based on the employers investigation and allegations of employee theft. Our office is considering filing charges for false application of benefits. Can you obtain a copy of his original application he filed back in Feb-March 2017. I've attached a copy of the Appeals Board decision letter which references a case number. If you have any questions, call me on my cell listed below. Thank you.

Anthony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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Giralamo, Anthony

From: Giralamo, Anthony
Sent: Friday, November 9, 2018 2:42 PM
To: Dugo, Dominic [redacted]
Subject: EDD request

Dom,
EDD applications are filed online and are not a paper type application as they were in the past. The EDD Investigator I dealt with can access the application for viewing but cannot send us info because we do not have an open case with them from our office. However here is the info he gave me after reviewing the initial application through his database. See below.

Hello Tony,

I reviewed the unemployment claim of Nathaniel Moore and everything appears to have been filed correctly. Moore filed a claim reporting that he was terminated from Abbey Restaurants and Bar. An eligibility determination was conducted by EDD and it was determined that Moore was disqualified from receiving Unemployment Insurance Benefits. Once a disqualifying letter is issued. Claimants have the rights to file an appeal to have an administrative hearing if they disagree with EDD's decision. In this case, the Administrative Law Judge also made the determination that EDD's decision was correct and affirmed the disqualification. No benefits was ever paid on the claim.

Anthony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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Giralamo, Anthony

From: Dugo, Dominic
Sent: Wednesday, November 28, 2018 8:26 AM
To: Giralamo, Anthony
Subject: RE: are you around today?

Ok see you this afternoon.

Dominic Dugo
Chief Deputy District Attorney
[redacted]

From: Giralamo, Anthony
Sent: Wednesday, November 28, 2018 7:40 AM
To: Dugo, Dominic
Subject: Re: are you around today?

Dom,
In the the field all morning on one of the waste audits for Ross. I stop by sometime this afternoon.

Sent from my iPhone

On Nov 27, 2018, at 1:34 PM, Dugo, Dominic [redacted] wrote:

> Ok come by tomorrow. Nice to get out of the snow.
>
> Dominic Dugo
> Chief Deputy District Attorney
> [redacted]
>
> **From:** Giralamo, Anthony
> **Sent:** Tuesday, November 27, 2018 1:34 PM
> **To:** Dugo, Dominic
> **Subject:** Re: are you around today?
>
> Heading back from Chicago. Back to work tomorrow
>
> Sent from my iPhone
>
> On Nov 27, 2018, at 1:14 PM, Dugo, Dominic [redacted] wrote:
>
> Dominic

Giralamo, Anthony

From: Giralamo, Anthony
Sent: Friday, November 30, 2018 4:22 PM
To: Phan, Quoc[redacted]
Subject: Re: Document request

Thanks for the info Quoc. I was out of office today and missed the call on my cell.

Sent from my iPhone

On Nov 30, 2018, at 4:08 PM, Phan, Quoc[redacted] wrote:

> Hey Tony,
>
> I called you on your cellphone but did not leave a message.
>
> For the initial application, Moores explanation was "terminated". For an unemployment claim, they would have to select an option: laid off, quit, or terminated. Then provide an explanation. Moore selected "terminated" then put down for his explanation as "terminated".
>
> For admin hearings, it is audio recorded. I believe you can stop by the EDD appeals office and request for a copy. If they do not release that to you. The employer who's a party in the case should be able to obtain a copy.
>
> Sent from my Verizon, Samsung Galaxy smartphone
>
> -------- Original message --------
> From: "Giralamo, Anthony" [redacted]
> Date: 11/29/18 5:59 PM (GMT-08:00)
> To: "Phan, Quoc[redacted]
> Subject: RE: Document request
>
> Quoc,
> Please don't shoot the messenger on this one but I'm gathering additional info for one of our Chiefs looking into this case. Based on the Administrative Law Judge hearing report, it stated Mr Moore under "sworn direct testimony" denied his involvement in the employee theft. I need to know if this contradicts his initial application. According to what you found, he listed himself as terminated. Is he required to explain the termination on the application? If so we are looking to see if his initial application and his sworn testimony contradict.
>
> I was asked to find out what method of reporting is used at the admin hearing. Court reporter or audio taping? Depending on what the initial application indicates and his sworn testimony at the appeal, our office is considering perjury charges. Can you make a determination if the initial application conflicts with his testimony based on the attached hearing report. Also who or how would we obtain transcripts of the hearing. Any help appreciated. You can call me anytime on my cell listed below to get additional info. Thanks, Tony
>
> Tony Giralamo
> Supervising Investigator, Economic Crimes Division

San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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From: Phan, Quoc [redacted]
Sent: Friday, November 9, 2018 2:32 PM
To: Giralamo, Anthony [redacted]
Subject: RE: Document request

I'm going to look into that to see if it would be a good PC to add to EDD's reports.

Thank you for that.

QUOC PHAN
CRIMINAL INVESTIGATOR
INVESTIGATION DIVISION
[redacted]

STATE OF CALIFORNIA
EMPLOYMENT DEVELOPMENT DEPARTMENT
WWW.EDD.CA.GOV

From: Giralamo, Anthony [redacted]
Sent: Friday, November 09, 2018 2:30 PM
To: Phan, Quoc [redacted]
Subject: RE: Document request

Quac,
No I don't need the application based on your assessment. If he truthfully applied indicating he was terminated then there is no basis for charging. Thanks for your help. The charging statute I was talking about is PC 115. Basically says anyone filing a form, application or other document to any State agency knowing it to contain false info is a felony. Good charge for agencies looking for a crime based on a false application. Thanks again, Tony

Tony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

[redacted]

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From: Phan, Quoc [redacted]
Sent: Friday, November 9, 2018 2:22 PM
To: Giralamo, Anthony [redacted]
Subject: RE: Document request

Hello Tony,

I reviewed the unemployment claim of Nathaniel Moore and everything appears to have been filed correctly. Moore filed a claim reporting that he was terminated from Abbey Restaurants and Bar. An eligibility determination was conducted by EDD and it was determined that Moore was disqualified from receiving Unemployment Insurance Benefits. Once a disqualifying letter is issued. Claimants have the rights to file an appeal to have an administrative hearing if they disagree with EDD's decision. In this case, the Administrative Law Judge also made the determination that EDD's decision was correct and affirmed the disqualification. No benefits was ever paid on the claim.

Do you still think you want the application?

QUOC PHAN
CRIMINAL INVESTIGATOR
INVESTIGATION DIVISION
[redacted]

STATE OF CALIFORNIA
EMPLOYMENT DEVELOPMENT DEPARTMENT
WWW.EDD.CA.GOV

From: Giralamo, Anthony [redacted]
Sent: Thursday, November 08, 2018 5:31 PM
To: Phan, Quoc [redacted]
Subject: Document request

Quoc,
I received your contact info from DAI Lynn Rydalch. I'm in need of a document filed with your agency by our target who applied for benefits but was denied. He later appealed his request and was denied based on the employers investigation and allegations of employee theft. Our office is considering filing charges for false application of benefits. Can you obtain a copy of his original application he filed back in Feb-March 2017. I've attached a copy of the Appeals Board decision letter which references a case number. If you have any questions, call me on my cell listed below. Thank you.

Anthony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office

330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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Giralamo, Anthony

From: Dugo, Dominic
Sent: Thursday, December 6, 2018 3:26 PM
To: Giralamo, Anthony
Subject: RE: EDD investigation: MOORE

Thank you for the update.

Dominic Dugo
Chief Deputy District Attorney
[redacted]

From: Giralamo, Anthony
Sent: Thursday, December 06, 2018 1:31 PM
To: Dugo, Dominic
Subject: EDD investigation: MOORE

Dom,
Just an update that I made another inquiry into when the to expect the EDD appeals hearing audio tape. Per approval by Presiding Admin Law Judge Cutrie, we should expect to receive those audio discs by late next week. I'll email you when I have them in my possession. I can burn you a copy and keep the originals to review. Thanks, Tony

Anthony Giralamo
Supervising Investigator, Economic Crimes Division
San Diego County District Attorney's Office
330 W. Broadway St. #750
San Diego, CA. 92101
[redacted]

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Giralamo, Anthony

From: Dugo, Dominic
Sent: Monday, December 17, 2018 9:43 AM
To: Giralamo, Anthony
Subject: Any word yet?

Dominic Dugo
Chief Deputy District Attorney
[redacted]

Giralamo, Anthony

From: Dugo, Dominic
Sent: Monday, December 17, 2018 11:09 AM
To: Giralamo, Anthony
Subject: RE: Any word yet?

Pls run it up tomorrow. We need to listen to it . Quick service! thx

Dominic Dugo
Chief Deputy District Attorney
[redacted]

From: Giralamo, Anthony
Sent: Monday, December 17, 2018 10:27 AM
To: Dugo, Dominic
Subject: Re: Any word yet?

I'm out today in Scottsdale. Back tomorrow. I received the CD. If you need it, it's on my desk. You'll see it in an envelope on top. Otherwise I can run it up tomorrow.

Sent from my iPhone

On Dec 17, 2018, at 10:42 AM, Dugo, Dominic [redacted] wrote:

Dominic Dugo
Chief Deputy District Attorney
[redacted]

Mosler, Damon

From: Mosler, Damon
Sent: Thursday, January 24, 2019 8:56 AM
To: Greenberg, David
Subject: Investigation- target identified

In early November Dominic Dugo called Econ/Environmental DAI Tony Giralamo and asked him to look into an EDD claim (request for unemployment benefits) by Nathaniel Moore. Dom told Tony that ***his bosses*** wanted this matter looked into. And told Tony that he would report to him only and not to let others know he was working on this. EDD investigators researched the EDD claim and notified Tony that it was denied. Which was reported back to Dom. Who in turn asked for Tony to get the filings and any tapes of the administrative hearing. This time telling Tony that time was of the essence and that ***his bosses*** really wanted this. (Inferring that both Summer and Jesse were the requestors). Tony was instructed by Dom to see if the EDD claimant- Nathaniel Moore had lied on the forms or at the hearing. EDD investigators referred Tony to the administrative court for these claims. Tony then made a request for the transcripts and asked that they expedite. The presiding official called Tony and said he would personally handle and get the District Attorney's Office the tapes. When the tapes were acquired in early December Tony reported this to Dom. Dom then had Tony sit with him that evening and listen to the tapes and review the reports. At the end he thanked Tony and said that ***the bosses*** would view his assistance favorably.

Tony alerted me to this in late November as he was concerned as to why the extreme interest in this person for a matter we do not handle investigations thereof and almost never have referred to us for prosecution (in fact the EDD investigator expressed surprise at our extreme interest in a possible EDD case). I figured it was one last help Jesse out matter before Jesse left—as we had several of those pop up and a case dispo'd thru Dom at Jesse's request. I talked to Joe Cargel and let him know what one of his investigators was assigned to do- I did this for Tony's protection. Joe too agreed to let it go for now but that we would monitor the matter to ensure Tony was not put at ethical risk. Tony and I had no idea who this person was. This past week it occurred to me to ask another DDA if they knew that name. I learned last night that this Nathaniel Moore is Liz Rodriguez's ex-boyfriend. And it appears there have been safety and threatening issues related to him.

My concerns are:
that Dom used the impression that Summer was asking for this investigation when in all likelihood it was at Jesse's direction or his desire to help out his friend Jesse;
that my DAI was left in the dark as to what he was doing;
that he was directed to keep this from his chain of command; and,
that it appears like the Office had a conflict of interest in such investigative actions.

At the very least if the Office went forward (and I did a few times as Chief of Special Operations) it should be run out of Special Operations and walled off from those who have a familial relationship to the outcome. CDAA Professionalism Manual outlines the Duty to Avoid Conflicts of Interest. When I did these we walled the executive off and once evidence was gathered I consulted with the AG to assess the conflict and avoid the appearance of impropriety.

I sense this investigation was done thru Tony to avoid Special Operations and Summer. That even if Dom was directed by Jesse he should know better and see the ethical issue and make sure it was done correctly- (by a walled off Special Investigations DDA/DAI and not an Econ DAI he had Chicago ties with)- if at all and with Summer's direct knowledge to protect the Office and himself.

Damon Mosler
Chief, Economic Crimes Division

Nov 8, 2018

Don double check that number you gave me for Kathy Flores EDD. The number is not her nor anyone from EDD. You gave me [redacted].

4:35 PM

[redacted]

4:45 PM

You're dyslexic. You gave me [redacted]. OK got it now.

5:03 PM

Enter message

160/1

Send

Dec 18, 2018

Call me

10:37 AM

Still on the line with IT solving a download issue. Be up shortly

4:23 PM

Ok

4:23 PM

Ok

4:24 PM

Feb 14

Dom, doing interviews. Anything you need right now. I can try you later

10:37 AM

Still on the line with IT solving a download issue. Be up shortly

4:23 PM

Ok

4:23 PM

Ok

4:24 PM

Feb 14

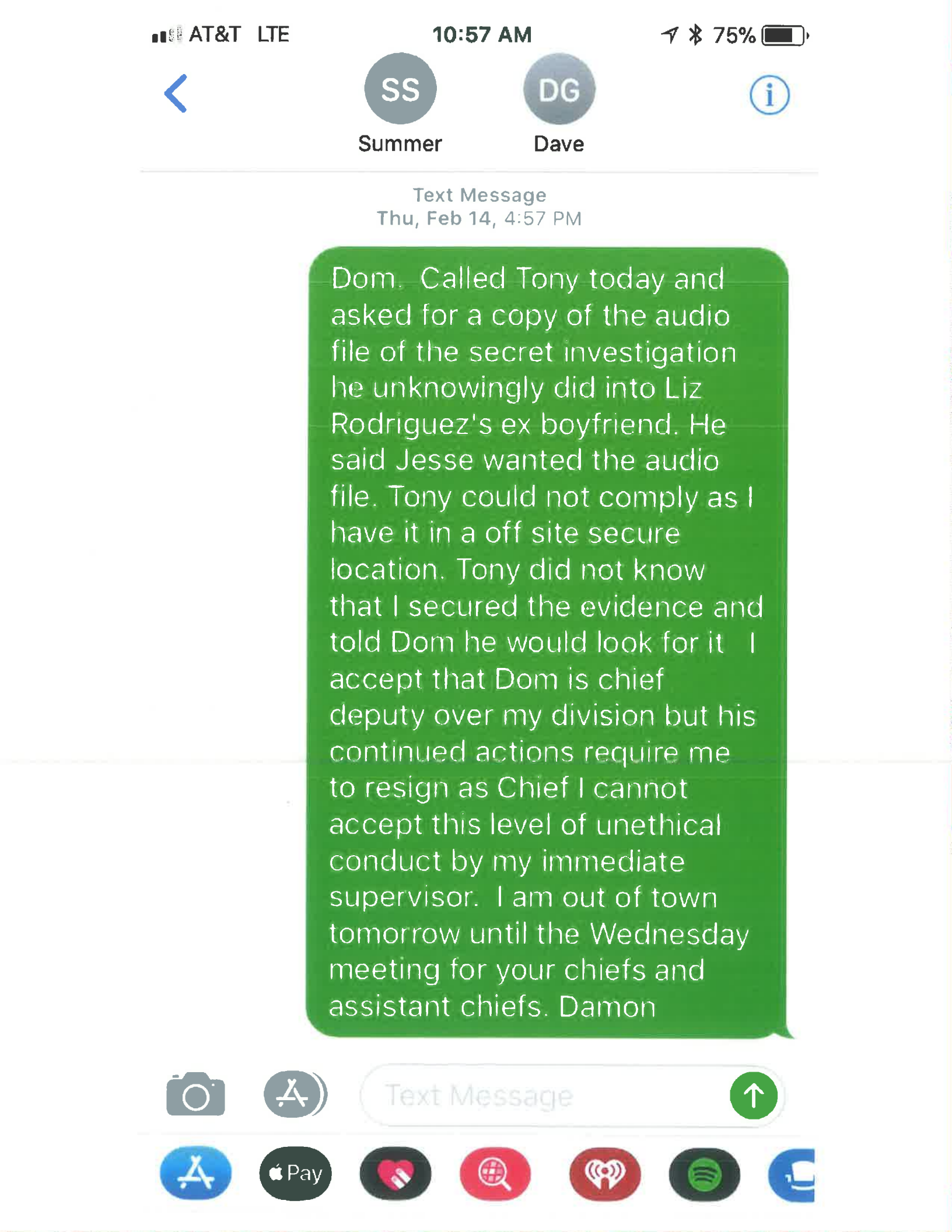
Dom, doing interviews. Anything you need right now. I can try you later if OK.

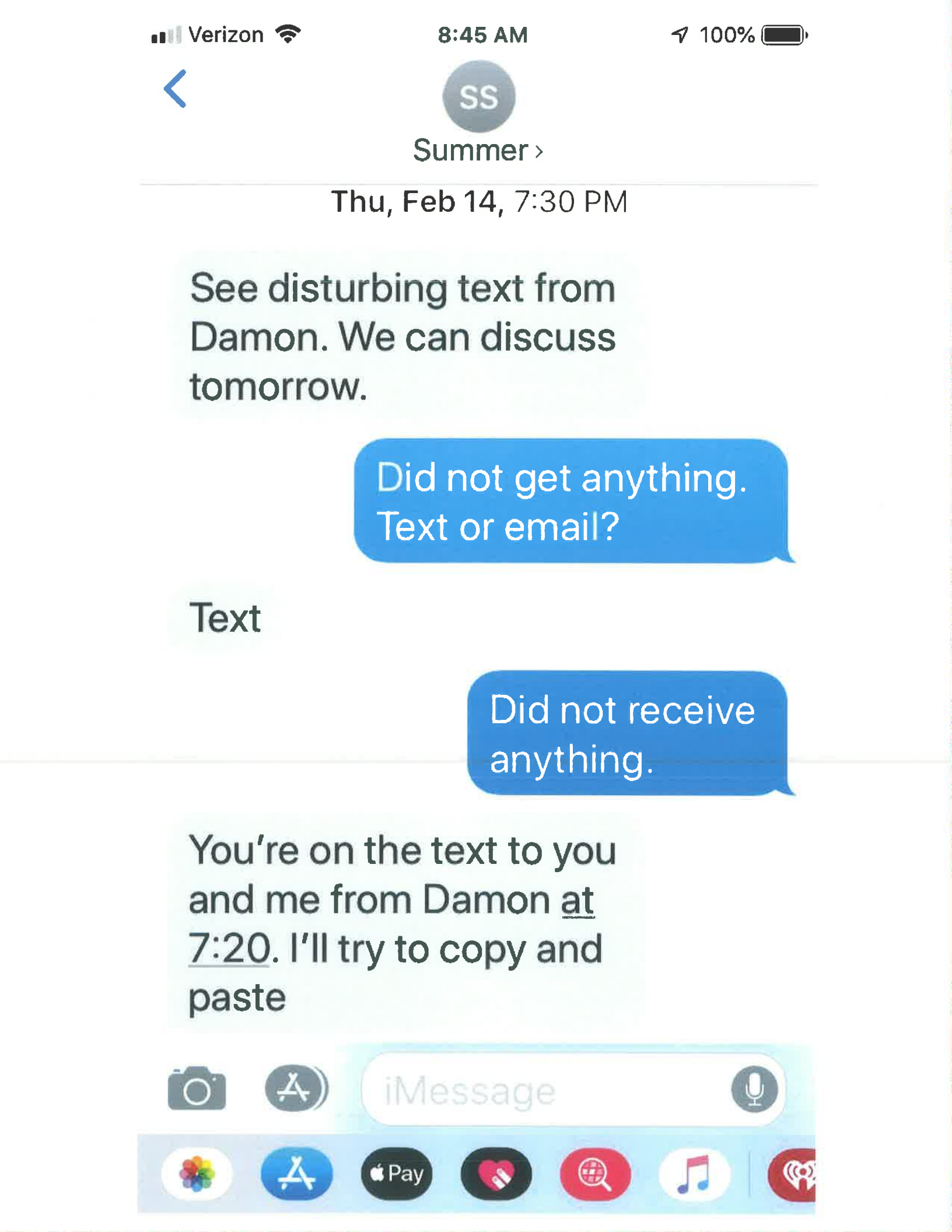
2:10 PM

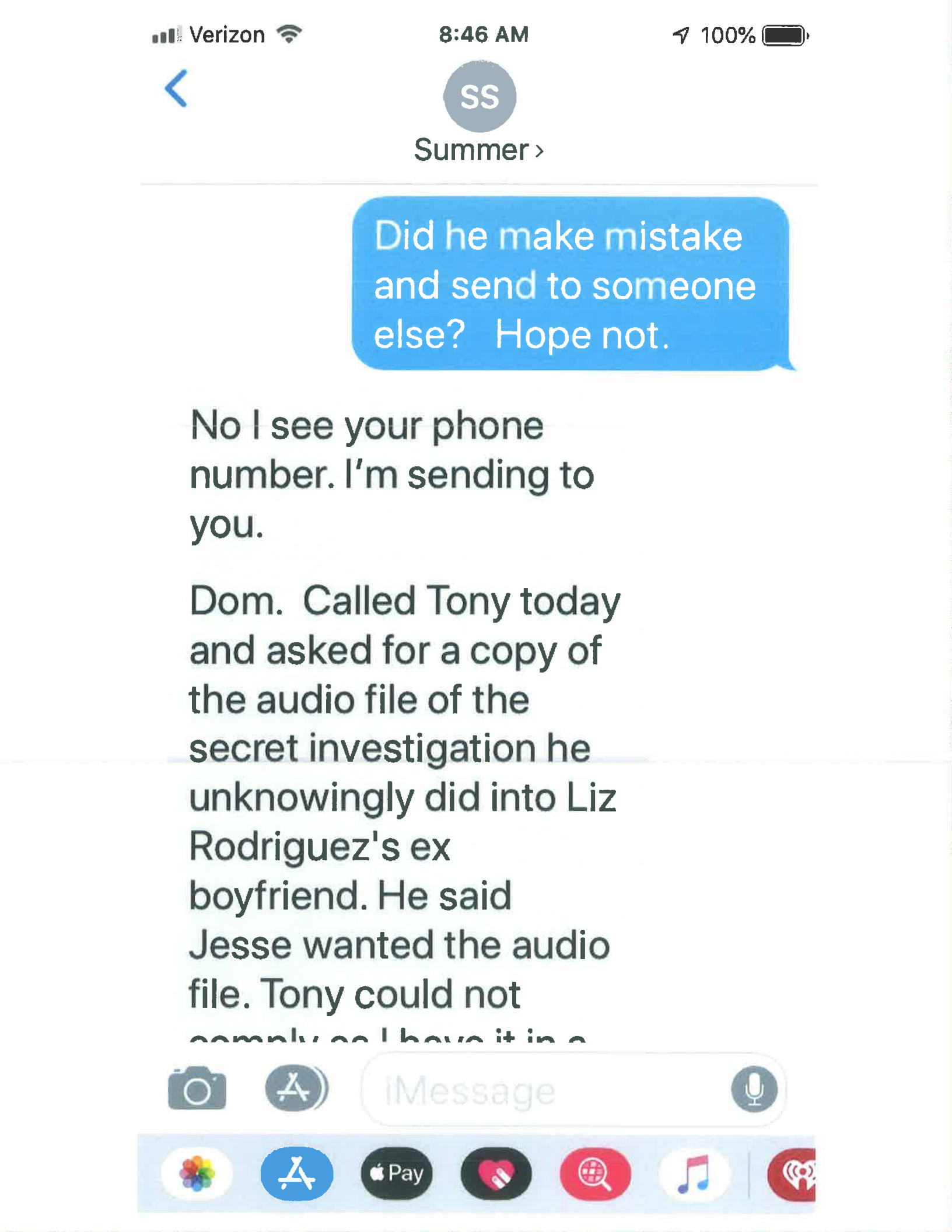
160/1

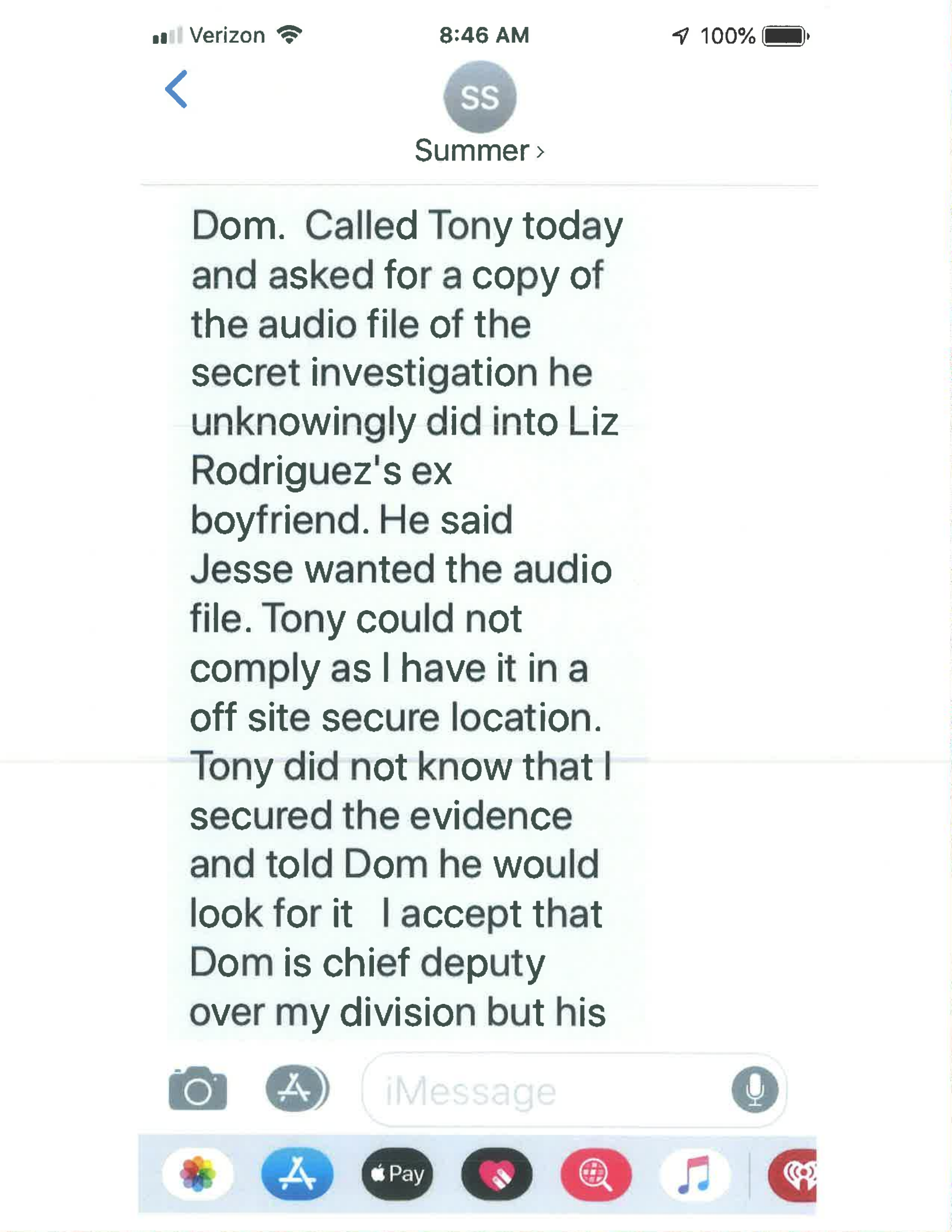
Enter message

Send


AT&T LTE
10:57 AM
75%
SS
DG
Summer
Dave
Text Message
Thu, Feb 14, 4:57 PM
Dom. Called Tony today and asked for a copy of the audio file of the secret investigation he unknowingly did into Liz Rodriguez's ex boyfriend. He said Jesse wanted the audio file. Tony could not comply as I have it in a off site secure location. Tony did not know that I secured the evidence and told Dom he would look for it I accept that Dom is chief deputy over my division but his continued actions require me to resign as Chief I cannot accept this level of unethical conduct by my immediate supervisor. I am out of town tomorrow until the Wednesday meeting for your chiefs and assistant chiefs. Damon
Text Message
Pay


Verizon
8:45 AM
100%
SS
Summer ›
Thu, Feb 14, 7:30 PM
See disturbing text from Damon. We can discuss tomorrow.
Did not get anything. Text or email?
Text
Did not receive anything.
You're on the text to you and me from Damon at 7:20. I'll try to copy and paste
iMessage
Pay


Verizon
8:46 AM
100%
SS
Summer ›
Did he make mistake and send to someone else? Hope not.
No I see your phone number. I'm sending to you.
Dom. Called Tony today and asked for a copy of the audio file of the secret investigation he unknowingly did into Liz Rodriguez's ex boyfriend. He said Jesse wanted the audio file. Tony could not
iMessage
Pay


Verizon
8:46 AM
100%
SS
Summer ›
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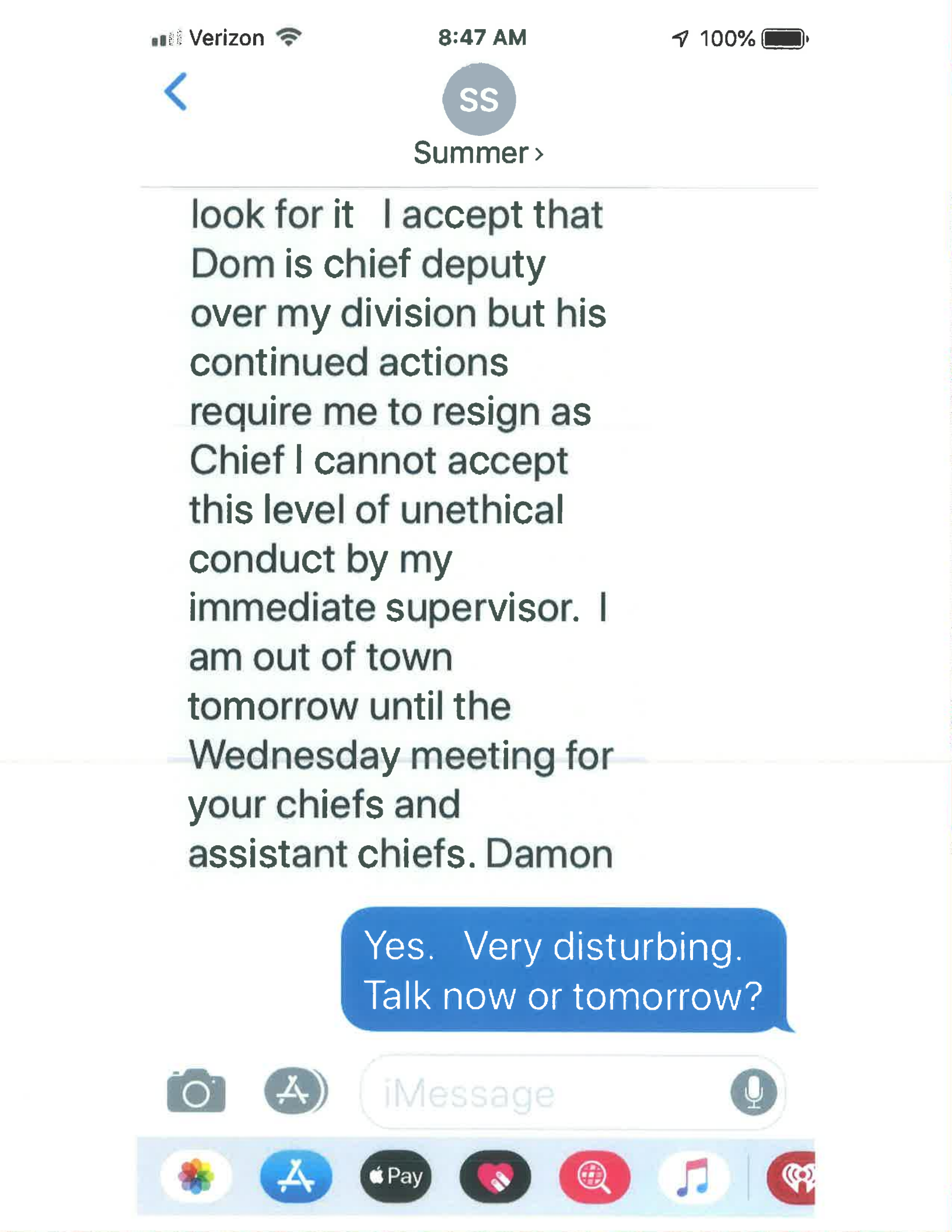
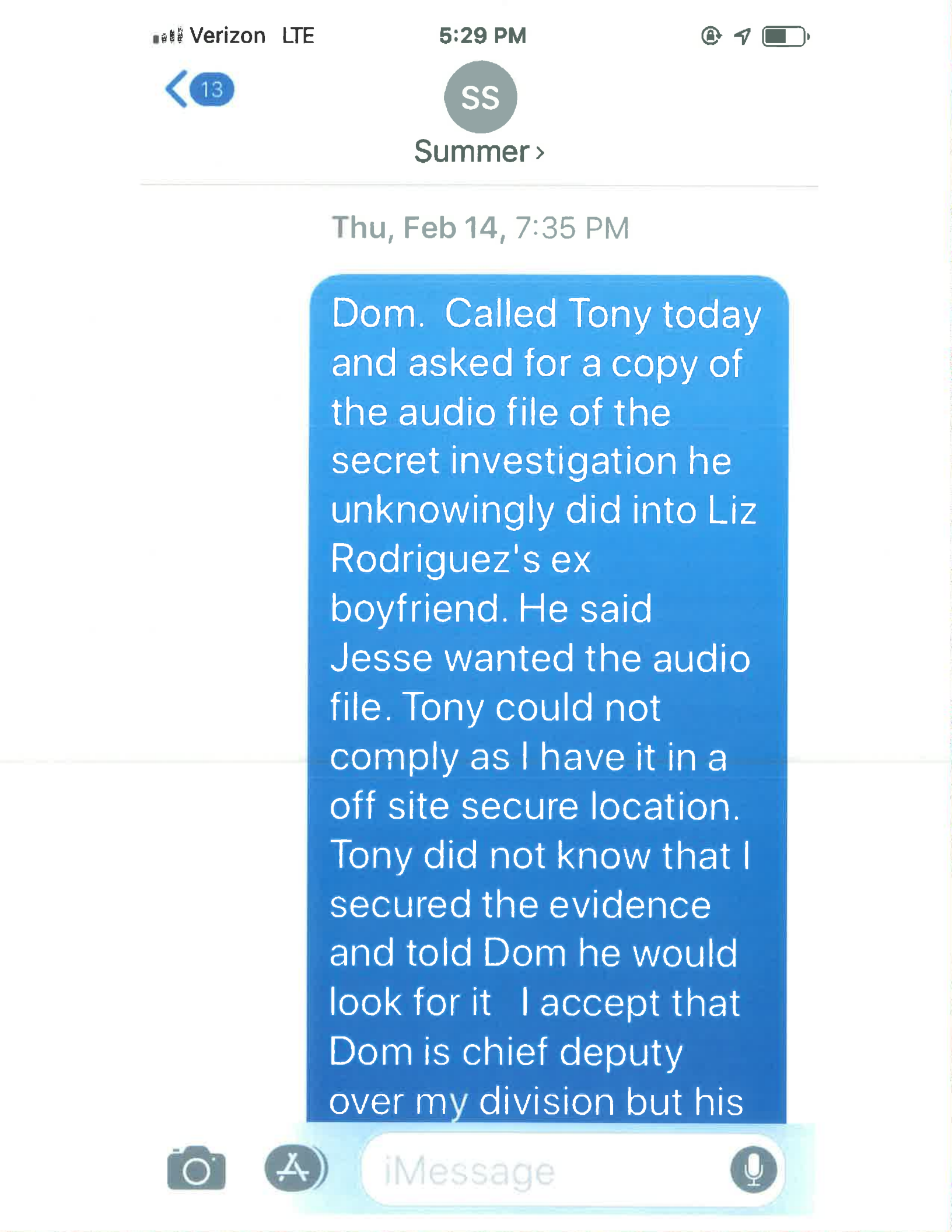
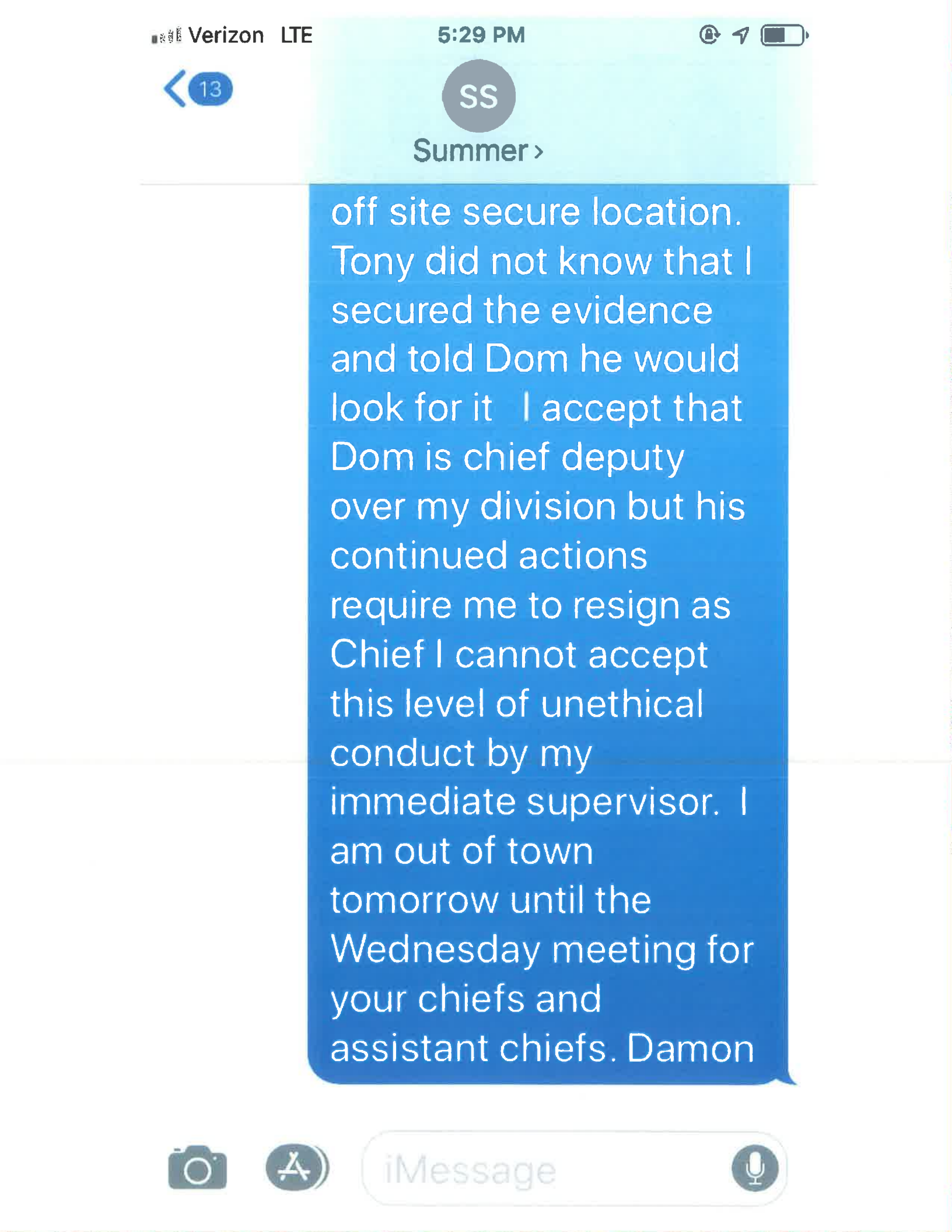
iMessage
Pay


Verizon
8:47 AM
100%
SS
Summer ›
look for it I accept that Dom is chief deputy over my division but his continued actions require me to resign as Chief I cannot accept this level of unethical conduct by my immediate supervisor. I am out of town tomorrow until the Wednesday meeting for your chiefs and assistant chiefs. Damon
Yes. Very disturbing. Talk now or tomorrow?
iMessage
Pay


Verizon LTE
5:29 PM
13
SS
Summer ›
Thu, Feb 14, 7:35 PM
Dom. Called Tony today and asked for a copy of the audio file of the secret investigation he unknowingly did into Liz Rodriguez's ex boyfriend. He said Jesse wanted the audio file. Tony could not comply as I have it in a off site secure location. Tony did not know that I secured the evidence and told Dom he would look for it I accept that Dom is chief deputy over my division but his
iMessage


Verizon LTE
5:29 PM
13
SS
Summer ›
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iMessage

[redacted]

David

Fri, Feb 15, 9:14 AM

From Damon last night:

Dom. Called Tony today and asked for a copy of the audio file of the secret investigation he unknowingly did into Liz Rodriguez's ex boyfriend. He said Jesse wanted the audio file. Tony could not comply as I have it in a off site secure location. Tony did not know that I secured the evidence and told Dom he would look for it I accept that Dom is chief deputy over my division but his continued actions require me to resign as Chief I cannot accept this level of unethical conduct by my immediate supervisor. I am out of town tomorrow until the Wednesday

iMessage

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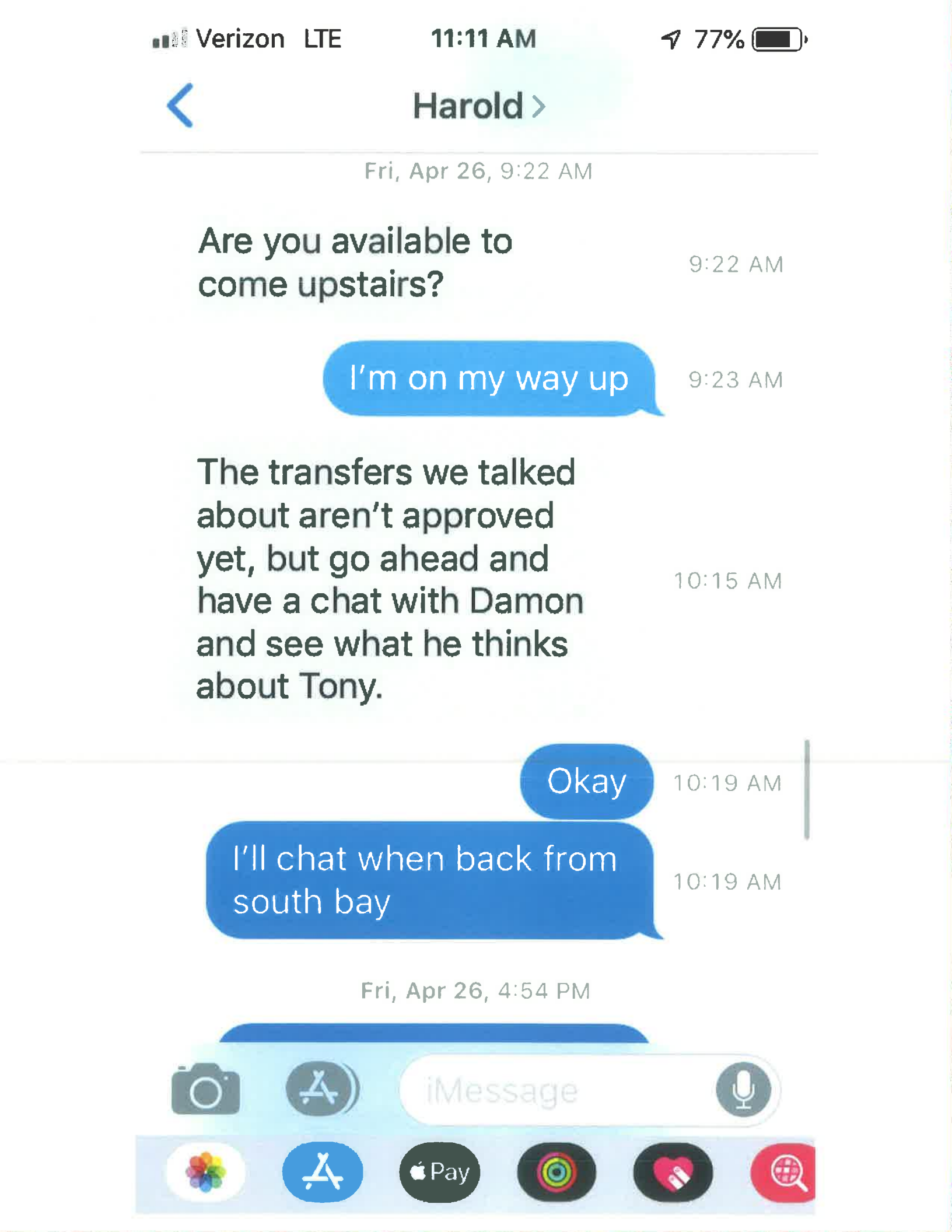
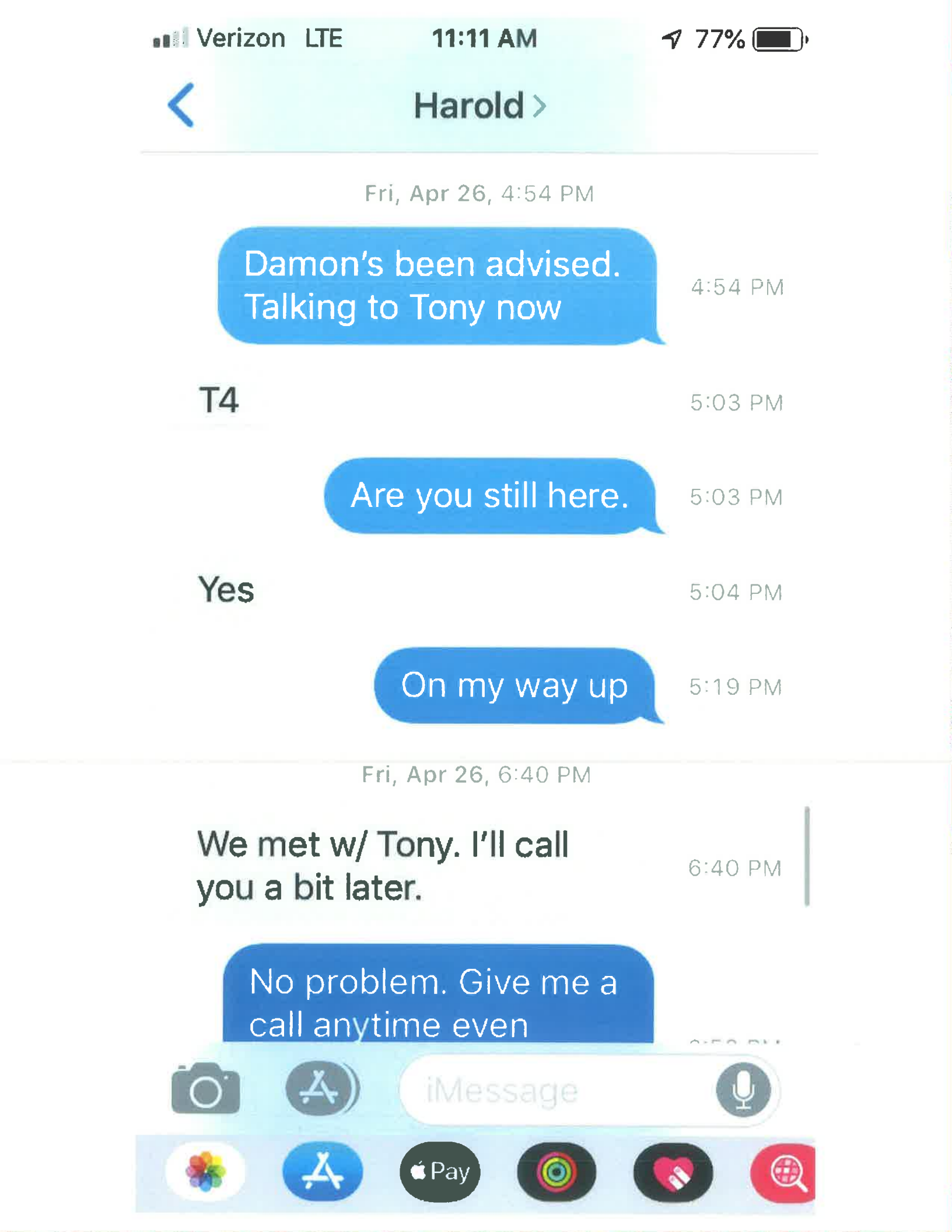
9:14 AM

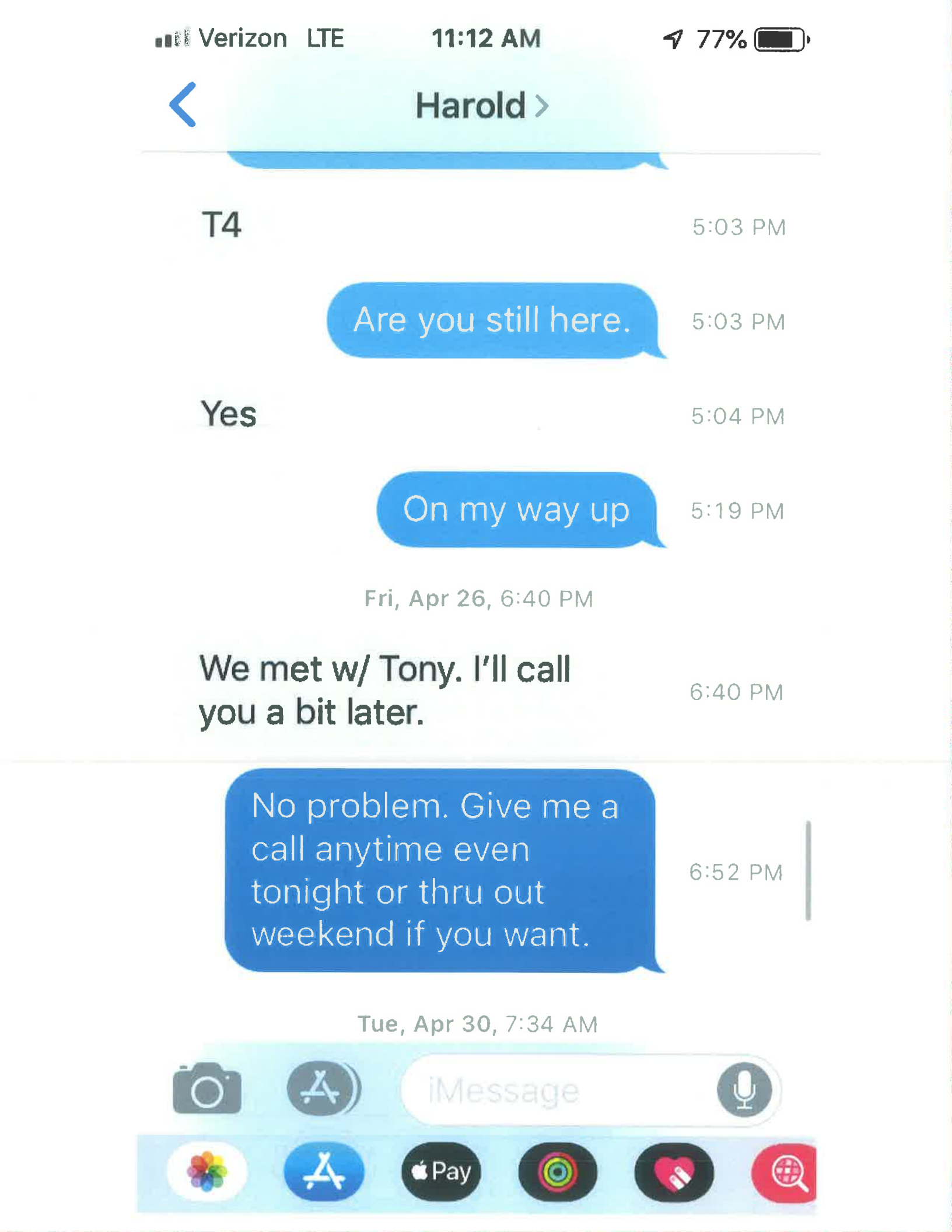
I wrapped up my meeting and will come down to see you.

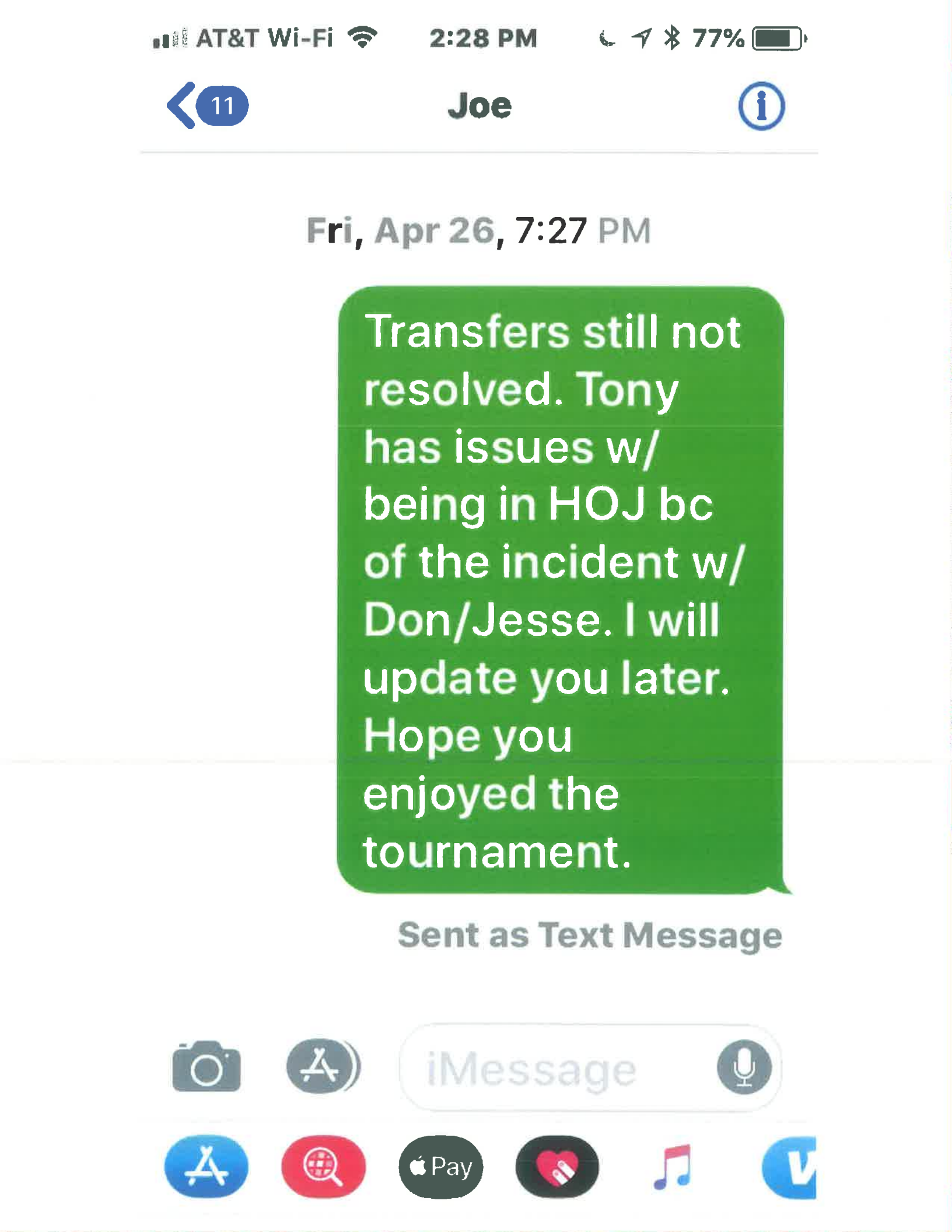
9:47 AM

Thu, Apr 25, 8:09 PM


Verizon LTE
11:11 AM
77%
Harold
Fri, Apr 26, 9:22 AM
Are you available to come upstairs?
9:22 AM
I'm on my way up
9:23 AM
The transfers we talked about aren't approved yet, but go ahead and have a chat with Damon and see what he thinks about Tony.
10:15 AM
Okay
10:19 AM
I'll chat when back from south bay
10:19 AM
Fri, Apr 26, 4:54 PM
iMessage
Pay


Verizon LTE
11:11 AM
77%
Harold
Fri, Apr 26, 4:54 PM
Damon's been advised. Talking to Tony now
4:54 PM
T4
5:03 PM
Are you still here.
5:03 PM
Yes
5:04 PM
On my way up
5:19 PM
Fri, Apr 26, 6:40 PM
We met w/ Tony. I'll call you a bit later.
6:40 PM
No problem. Give me a call anytime even
iMessage
Pay


Verizon LTE
11:12 AM
77%
Harold
T4
5:03 PM
Are you still here.
5:03 PM
Yes
5:04 PM
On my way up
5:19 PM
Fri, Apr 26, 6:40 PM
We met w/ Tony. I'll call you a bit later.
6:40 PM
No problem. Give me a call anytime even tonight or thru out weekend if you want.
6:52 PM
Tue, Apr 30, 7:34 AM
iMessage
Pay


AT&T Wi-Fi
2:28 PM
77%
11
Joe
Fri, Apr 26, 7:27 PM
Transfers still not resolved. Tony has issues w/ being in HOJ bc of the incident w/ Don/Jesse. I will update you later. Hope you enjoyed the tournament.
Sent as Text Message
iMessage
Pay