

EXHIBIT [E27]

PLAINTIFF'S COMPLAINT TO SGT. DARRIN JOE OF THE  
NEWPORT BEACH POLICE DEPARTMENT<sup>1</sup>

PART 4 of 4

DECEMBER 08, 2021

[(0:01)] Plaintiff: ... you?

[(0:02)] Sgt. Darrin Joe: Pretty good, sir. How about yourself?

[(0:03)] Plaintiff: Good, thank you. Please feel free to call me Adam.

[(0:06)] Sgt. Darrin Joe: Thank you, Adam. Thank you, Adam. Yeah, I feel like we've talked long enough where we can be familiar with each other like that. That's totally cool with me.

[(0:15)] Plaintiff: Cool. So, what's going on?

[(0:20)] Sgt. Darrin Joe: I wanted to call to let you know that I picked the time to roundtable this issue with several people, including my colleagues, my lieutenant, my deputy chief. And then I also reached out to the Orange County District Attorney's Office to float the ideas out there and see what we can do with this. At the end of the day, the DA's office gave me pretty clear interpretations on their part that they don't have jurisdiction to intervene in a civil judgment that's already been sustained in a Court of Appeals. I asked, "Well, where do we go from here? What kind of advice can I give to Adam?" And they said, "He either ask to make a motion for a rehearing," which you may have... We've talked so long I believe you already tried that once, "or take the case to the Supreme Court," which I believe you're in the process of doing again, anyway, with the latest info that you sent me. Nonetheless, I am documenting this. I am going to cut a report. Let me give you the case number for when I do this, if you're ready to take it down.

[(1:48)] Plaintiff: Yeah, go ahead.

[(1:49)] Sgt. Darrin Joe: Okay, it's going to be 21-08880.

[(1:55)] Plaintiff: Okay.

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<sup>1</sup> NOTE: All efforts have been made to ensure this transcript's accuracy. However, it was created by a third-party transcription company. It is not a verbatim transcript in that 'words' such as "um" and "uh", stuttering, and other 'abnormalities' inconsistent with written speech have been excluded. Because neither the transcriber nor Plaintiff's assistant (who reviewed the transcript for accuracy) were present during the call, there may be slight discrepancies. The actual audio recording should be relied upon for best evidence.

[(1:57)] Sgt. Darrin Joe: And I'm going to document that we talked about this. I'm going to include everything that you've sent me and the emails as attachments to the case. So, the case will be on file with the Newport Beach Police Department. I tend to with the DA's that I talked to. The case is just not in its proper jurisdiction. We're not the right group to address this issue. It does need to be handled through the courts.

[(2:27)] Plaintiff: Okay. So on the first issue, I don't know why they would recommend to do a motion for a rehearing. Probably the only thing you can do with that is called a Motion for New Trial. As far as I know, there's a statutory time limit after the so-called trial that you can do that motion, and it's well past that.

[(2:54)] Sgt. Darrin Joe: Okay.

[(2:54)] Plaintiff: I did do challenges to jurisdiction at that time, which is very similar to that. They just did the same sort of lie, deceit, treason, and shut it down. So, in response to the DA, I wholeheartedly object and disagree. As you and I have talked many times, I believe, and it seems to me, in reading the California Constitution that we have a tripartite form of government, meaning 3 branches that are separate but co-equal. And those branches are supposed to check and balances for the other ones when they fall out of line or they violate the constitution because the constitution is the supreme law. No public official has the authority to violate that.

And so when that happens, if let's say the legislature is out-of-line, or they exceed their authority, or they don't have authority to do something, usually the judicial branch steps in. The same thing with law enforcement, the judicial branch is always hearing cases involving law enforcement and changing the law on that. Well, at the same token, law enforcement has the same duty to be a protective mechanism for the people so that those rights that are guaranteed under the constitution are protected.

And if law enforcement is going to basically say, "Well, this is just a problem with the courts," well then that is a total dereliction of duty when there is a viable bona fide complaint that can be verified. And so while the DA generally has the discretion to file a prosecution, there is no discretion when there is a deprivation of rights. Somebody has to do something, otherwise, what happens is that the constitution is just some toilet paper to wipe your ass with.

[(5:07)] Sgt. Darrin Joe: I agree with that but the issue that we keep running up against is you're leaving out a part about the deprivation of rights without due process. And because you've gone through the court process already, that was your due process.

[(5:25)] Plaintiff: No. No. Let me, let me object there for one second. Interrupt, if I could.

[(5:32)] Sgt. Darrin Joe: Okay, sustained. Go ahead.

[(5:33)] Plaintiff: Due process means that it follows due process. Due process means that it's within the law that's within the constitution. That's what the constitution guarantees. It guarantees constitutional due process. It doesn't mean let's say that some policeman stole something out of

my car, I can't go and say that was due process because I was pulled over. That's not how that works. Due process has parameters that are within the law. And they can't just make up rules and financially destroy me, and call that due process. That's not how it works. They know what the rules are and that they have to follow them. The constitution is pretty darn straightforward and simple and commonsense. All of these people have combined hundreds of years of experience. They know what they're doing. And if they don't, it's been pointed out to them by me multiple times, other people, multiple times, and by the Supreme Court of the United States. They don't want to listen to it. So, there has to be some other avenue and there is. There are plenty of other avenues that we can go down. And a couple of them, I shared with you on that paper that I sent of possible other ideas. Did you by chance review that?

[(7:03)] Sgt. Darrin Joe: That was on November 23?

[(7:06)] Plaintiff: That sounds about right.

[(7:08)] Sgt. Darrin Joe: Email?

[(7:08)] Plaintiff: Yes.

[(7:09)] Sgt. Darrin Joe: Yeah.

[(7:09)] Plaintiff: So even probably one of the most prolific things on there... Well, they're all things that the City of Newport Beach can do. And the first thing is, obviously, the city can intervene and file an injunction to stop this criminal behavior. They can do that. Absolutely, they can, and the city attorney knows exactly how to do that. The other thing is that the city could intervene and stop this behavior right now by paying the judgment, and then seeking their own charges or whatever civil or criminal redress that they need to do to regroup that issue. They could apply for a restraining order right now. That's something that you could do. A protective order to protect my rights and property and my money from being taken without due process of law. Those are a couple right there. All things that can be done, whether or not any criminal prosecution is done whatsoever.

But then, we take upon the part that there are very significant criminal things going on here. And we've talked about that and you've asked, "Well, how do I know that they're criminal?" Well, because they've been told, I would estimate, at least a dozen times now, whether through court process or personal letters, about their behavior, and they have not taken any action to correct it. They have a duty to know that what they're doing is not correct. I mean, nobody in their right mind buys that you can drive a car without a license for \$250, but yet when you do contracting without a license, you get a near million dollar fine. I mean, that's just absurd. And the fact that anybody even thinks that that's legitimate and due process, is mind-boggling. So, I'm making extra time with you, Darrin, because I think that, I feel, I know, that you're a stand-up guy, and I know that you have gone beyond what any other police officer and department have done. And that is commendable. I will do something to make sure that you do get recognized for that one way or another.

[(9:39)] Sgt. Darrin Joe: No, that's unnecessary. I've done everything that [crosstalk] I should've

done.

[(9:43)] Plaintiff: I realize that but... Yeah. Well, not yet, you haven't. You've definitely gone way more than any other agency has. I mean, this thing has been shut down, as I shared with you, by Santa Ana, all the way up the chain of command, to the chief, and the same thing with the sheriff's department. This is so black and white, it's unbelievable. Are you able to see what I'm sharing yet?

[(10:17)] Sgt. Darrin Joe: I see what you're sharing but I also see the other perspectives that are being brought to my attention as well.

[(10:28)] Plaintiff: Okay. Could you share some of those?

[(10:31)] Sgt. Darrin Joe: I just did. If the stuff that we're talking about [crosstalk] was the due process, that seems to be the hang-up.

[(10:38)] Plaintiff: Okay. Well, I shared my disagreements there because you know like... This going to be probably not an apples-to-apples comparison. But let's say that a policeman makes a car stop, he turns the lights on, and instead of waiting for the car to pull over, he just crashes into it. He's not allowed to do that. That's not due process. That's a procedure that is not authorized within the scope of his authority. And so he can't go with the end of that and say, "Well, you know, you didn't pull over fast enough. So, I just rammed my car into you." And then the guy goes to the police department and he complains and he says, "This man ruined my car. You know, I have \$10,000 in damage." And you go into the police department, and the police say, "Well, you know, it was just all part of the process. The officer felt that that was the right thing to do at the time. Sorry, that's how it goes." That's not the way it works, [crosstalk] not in the police department and not in the court system.

[(11:49)] Sgt. Darrin Joe: Correct.

[(11:50)] Plaintiff: They do not have a pass to just wipe their ass with the constitution and financially destroy people. And as I've shared with you...

[(12:02)] Sgt. Darrin Joe: There's one thing that you did bring to light for me that I had never seen before, never understood before, wasn't even on my radar, was the, for the lack of a better term, the penalty for contracting without a license. I had no idea that one of the preventions of having people contract without a license would be that the person or the victim of that could ask for all their money that they've given to the contractor. They could ask for it back.

[(12:38)] Plaintiff: Well, they can't

[(12:39)] Sgt. Darrin Joe: I had no idea that that was even a thing. I talked to a couple of other contractors and they're like, "Oh yeah, that's a thing. That's what prevents shady people out there from contracting without a license." I had no idea that was a thing. But apparently, it is.

[(12:55)] Plaintiff: Okay. Well, the problem with that is it's a total forfeiture, and it's one private

citizen prosecuting another private citizen. You can't do that. The entire executive power of prosecuting another private party and getting a fine or forfeiture is vested in the district attorney's office. It's actually vested in the governor, and the DA is under the governor to do prosecutions. So, I can't pull you over and say, "Hey, you don't have a license. I'm sending you down there and I want a fine for you driving without a license on my street." You can't do it.

So all of this stuff, yeah, it may be there, but it doesn't mean that it's lawful. That one issue alone deprives the court of any authority to do anything. The moment that that case is filed, under California Constitution and the U.S. Constitution, the moment that something like that is done, the judge has a mandatory non-discretionary duty to immediately dismiss the case. He can not hear it, he can not determine it, nothing, because there has not been a prosecution filed by the DA's office. That's how potent that is. So, yeah, it might be out there and there might be people saying, "Oh well yeah, this is a deterrent. Yeah." The word deterrent, the supreme court has used as punitive. So, how is a private party going to have constitutional authority to bring a penal action against another private party? It does not exist under the California Constitution.

Now, if they want to do an action and say, "Hey look, my property was damaged. And here's my expert witness that says, 'We had fifty thousand in damages. Here are our pictures. Here's our expert.'" Blah blah blah. That's a civil case and I'm not saying anything is wrong with that. But for someone to walk right in there and say, "I want an \$850,000 fine," after I got all the work and I don't have to prove any damages, that's a problem. That's highly, highly, highly unconstitutional.

So, yeah, as far as I see it from the conversation that we've shared now, there was no due process. So, to claim that there was and to say that committing treason is due process... Treason means they're exercising authority that they don't have. To commit treason and call that due process is absurd. So that's where I stand on it. My recommendation... Again, I very much respect that you want to stay objective. That's absolutely your duty to do that. To look at all the sides, and to interview, and examine, and do all of that. But as I see it, I mean, this is so crystal clear that not only did these people have no authority to prosecute me, it was not a civil case. It was a criminal case tried under a civil heading. That's, if you will, part of the disguise and part of the fraud that has allowed this to go on.

As I was sharing earlier, I'm not the only victim of this. There are millions, and millions, and millions of dollars of other judgments out there that this racket is going on. And every time it's brought to some public official's attention, they just say, "Oh well, that's how it is. You had your time in court. You had your due process. It's over. Sorry, we can't do anything. This is without our jurisdiction." Well, somebody has to do something about it, otherwise, people are just going to keep getting financially destroyed. The difference is going to be, someone like me is going to come along and I'm not going to take no for an answer. And all these people if I connect right in the supreme court or in some other court, everybody's going to be out of a job and a retirement.

You know, I'm going to say, "Look, I sent you fifty different letters notifying all these different agencies. I've talked to probably twenty-five different police officers already, and no one in the executive department of the government is willing to put a stop to treason." That's a problem, Darrin. I haven't even told you about some of the other stuff going on here. They did it to me too.

The Contractors State License Board has no authority to do its own arbitration proceedings. But yet, they've erected arbitration proceedings and admittedly, I believe the last number I've had, they've conducted over 10,000 arbitration proceedings. The whole point of having a court system is so that people's rights are recognized. When you go into arbitration, you don't have a judicial process.

[(18:06)] Sgt. Darrin Joe: Correct.

[(18:06)] Plaintiff: Your rights to evidence and all that stuff goes out the window. And so the licensing board has erected their own arbitration proceedings without any statutory authority and they've conducted over 10,000 arbitration proceedings, illegally, and nobody's doing anything about that either. I mean, the only word for it is treason. Exercising authority that you do not have. What are the people supposed to do if their rights are being violated? I mean, I can't pay the property taxes, my estate can't, or the mortgage, and so now the home that my estate holds is going to be taken away and I'm going to be forced into bankruptcy. And whatever property falls into line to be sold off at public auction or however they do it, is all going to be taken, all for something that there is no authority. I mean, seriously, if anyone, if you can get someone to give me the lawful authority, the constitutional authority that anyone can do this, I will fold up my house, I'll file bankruptcy and go away. But no one has been able to do it. No one can do it because it's totally illegal. I've asked, "Hey, fine. If I'm so wrong, just tell me. You know, somebody give me something," but nobody can.

[(19:40)] Sgt. Darrin Joe: Yeah, and unfortunately, like we discussed before, that's not going to be me. I'm not that guy. Number one, this isn't anything that I was trained for. You're going to have to continue what you're doing when it comes to putting this in front of the Supreme Court.

Adam, I've got 5 minutes before I have a four o'clock appointment.

[(20:05)] Plaintiff: Okay. So, in the meantime, when you do your report, could you send it to me? And then allow me to, if you want... I mean it's up to you. I would like to either put my own statement to it or something like that.

[(20:22)] Sgt. Darrin Joe: You absolutely can. I can't send you a report. You can request a copy after... I don't know. I think ten days is what our front desk normally gives for a timeframe. It'll be brief on my end. It'll essentially be a summary. The meat and potatoes is the stuff that you've given me. I would encourage you to provide a statement as well.

[(20:55)] Plaintiff: Okay. And Darrin, I'm just recommending to you. I don't know where this is going to go, but if it goes further, I will sue you and the Newport Beach Police Department. So, just make sure you cover yourself. I don't want to have to do this but I'm going to protect myself and my rights and property. I was really hoping that I would hear from you and that you would be taking action that is within your power to take. I realize that you don't think that there is anything else you can do but I've clearly given you things that the City of Newport Beach can do. It is within your executive authority to continue an investigation and determine if there has been criminal activity or get an injunction or do any of those other things.

[(21:49)] Sgt. Darrin Joe: Yeah, I'm comfortable that I've utilized the resources available to me, and like we were talking about, in your own words, I've gone further than anyone else than before. That's not to say that I'm above and beyond but I've [crosstalk] done what [inaudible] to do.

[(22:07)] Plaintiff: Yeah, you've gone farther.

[(22:09)] Sgt. Darrin Joe: Just out of curiosity, what would you sue me and the department for?

[(22:13)] Plaintiff: For dereliction of duty, because you have a mandatory, non-discretionary duty. Mandatory, meaning not discretion. You don't have discretion on whether I make a complaint to you about my rights. You have a duty to investigate it and to intervene if I bring a complaint to you that evidence says that it's a bona fide complaint, that my rights, liberty, and property are being taken without constitutional authority. You don't get to, under the constitution, go, "Oh, I don't think we're going to do anything about this," because then, as we both agreed upon before, the constitution is toilet paper. There's no point to it.

It says in there, "These are the duties of public officials. They have to investigate. They have to intervene when someone is violating their rights." Otherwise, what's the point? That's why there are 3 separate branches. That's why all these things were put into place. So, because right now we have a judicial branch and a legislative branch that has gone hog-wild because the executive branch says, "Huh, well, you had your day in court. Sorry, we don't know what to do. We can't do anything about this. It's just a matter for the courts to take up."

[(23:27)] Sgt. Darrin Joe: Did you sue the other departments yet or...

[(23:28)] Plaintiff: What's that? No. No.

[(23:30)] Sgt. Darrin Joe: Did you sue the other departments yet or you're you going to start with Newport?

[(23:32)] Plaintiff: No. No. They're all going to be sued at the same time for dereliction of duty. Right? I come to them and I make a bona fide complaint. I'm not some knucklehead making stuff up. I'm giving you lawful authority. I'm giving you the Learning Domain Book from the police academy. I mean could you imagine that, if we're all in front of a jury, and I say, "Ladies and gentlemen, I gave them the Learning Domain Book from the police academy that says right here on page L-5 that a police officer has a duty to protect the rights of the people. And here are the rights they have a duty to protect.

I went to each of these police departments, probably 20 different police officers and I told them that my rights were being violated and I gave them credible evidence of it. And they said, 'Sorry, we can't do anything you had your day in court, bye.' It's going to be hell to pay because that's so easy that the jury can see that there's a problem here. No one in their right mind says, "Yeah, an \$850,000 fine is legitimate," especially when the constitution has four requirements that a judge has to do. It has to be reasonable, it has to be... What's the word? ... proportional to the offense. And under California law, you also have to take into account someone's ability to pay. Well, I

don't even have \$500 to my name right now. How the hell could I pay that?

You know, I sent you that case, *People v. Cowan*, and there was an indigent guy. I don't remember what the number was. Let's just say \$30. The court said that that was excessive. They wanted him to pay court fees. And he said, "Well, I don't know how I'm going to do that. I'm homeless." And they said that's excessive and they overruled it. It's black and white, Darrin. There's not something here that's like, "Gee, you know. I don't know if this was this way or it's a he-said she-said, you know." Something like that. There are clear violations of rights and clear not discretionary duties but mandatory duties that have to be followed. I even sent you a couple of cases from I think it was the Ninth Circuit that showed that police have a duty to intervene. Their only duty to intervene arises when someone's constitutional rights are being violated.

As far as I can tell, you don't even have a duty to show up at someone's house when they call and say that they're being attacked. That's discretionary. But if I come to you and tell you... I make a bona fide complaint that my rights are being violated, and I give you credible evidence of that, and you say, "Well, I don't think we're going to do anything about this time. You had your day in court. You had your due process," when clearly there wasn't due process. Then you are in dereliction of your duty.

That's what gives me grounds for a lawsuit. And it's clear if you run it up the chain of command, that you've spoken to your supervisors, and there is apparently some type of policy within the Newport Beach Police Department, that when people come to them with complaints for Deprivation of Constitutional Rights, that the Newport Beach Police Department isn't going to do anything about it. So that's a problem. That's a big problem.

[(27:18)] Sgt. Darrin Joe: So, I've got to run off to my appointment.

[(27:20)] Plaintiff: Okay.

[(27:20)] Sgt. Darrin Joe: If anything pops up, you still have my number. I'm still picking up the phone. That's never going to change. That's not going to end but I'll let you know where we stand on this so far. So, any other questions that pop up, you can always give me a call, Adam.

[(27:38)] Plaintiff: Okay. Thank you, Darrin. I appreciate that so much. And then is your report done already or I should wait a couple of days or...

[(27:45)] Sgt. Darrin Joe: Yeah, I've still got to put pen to paper.

[(27:48)] Plaintiff: Okay. So, how much time do you want me to give you? I mean, it's fine whatever you need. But I just don't want to go make an... I'm going to make a Public Records Act request.

[(27:57)] Sgt. Darrin Joe: I will save you a trip too. I don't want you to come here and leave empty-handed. Let's just go with the typical ten days that the front desk tells people.

[(28:05)] Plaintiff: Okay. So, wait for ten days. Do you know if I can get a copy just by going to



records? Or do they require a Public Records Act request?

[(28:15)] Sgt. Darrin Joe: That's a good question. You might want to call ahead first.

[(28:20)] Plaintiff: Okay. Do you have Records' number by chance?

[(28:23)] Sgt. Darrin Joe: I do. Let me know when you're ready for it.

[(28:25)] Plaintiff: Go ahead.

[(28:26)] Sgt. Darrin Joe: 949-644-3681.

[(28:33)] Plaintiff: Okay. Cool. I meant to tell you in the beginning but I record all of our conversations and so I want to let you know about that. Do you have any objection to that?

[(28:46)] Sgt. Darrin Joe: No, it's fine.

[(28:47)] Plaintiff: Okay. Perfect. So, yeah. I'm very grateful for the time that you have shared with me. If you want to get a cup sometime and just talk, I'm open to that. You know, Darrin, I think there's something with this that you could really revolutionize law enforcement because this duty is not being done and it's not being done right within law enforcement. And this is a major, major, major issue. I don't want to use George Floyd as an example, but it's kind of hard not to. Someone's crying for help and you're saying... This is your job to help me when someone is using excessive force upon me, i.e. the judicial department, and the police department just stands there and says, "Oh well, we wrote it down," or whatever.

Anyways, I do thank you for your time. Like I said, please feel free. It works two ways too. You can reach out at any time.

[(30:07)] Sgt. Darrin Joe: That sounds good. It's my pleasure to help you out. I wish you the best of luck with the Supreme Court, Adam.

[(30:11)] Plaintiff: Thank you. Darrin, have you been recording our conversation just out of curiosity?

[(30:18)] Sgt. Darrin Joe: No, I have not actively been recording but the lines in and out of the department are recorded through dispatch, I believe.

[(30:28)] Plaintiff: Okay.

[(30:29)] Sgt. Darrin Joe: But it takes more of a process for me to pull on those.

[(30:32)] Plaintiff: Okay. So, you know, like even your detectives, sergeant's office is recorded?

[(30:39)] Sgt. Darrin Joe: That's what I've heard but I've never had to pull one of my own recordings.

[(30:42)] Plaintiff: Okay. Perfect.

[(30:44)] Sgt. Darrin Joe: [inaudible]

[(30:45)] Plaintiff: Well, thank you, Darrin. Take care.

[(30:47)] Sgt. Darrin Joe: See you.

[(30:48)] Plaintiff: Okay. Bye.

[END]