

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING NOVEMBER 28, 1972

The Civil Service Board met in special session at 1:30 p.m. in the Personnel Department Examination and Conference Room, with President Yew presiding.

Present: Members Alexander, Reynoso, Street, Woods, Yew.
Absent: None.

AMENDMENT OF CIVIL SERVICE RULE 15.7, REINSTATEMENT AFTER RESIGNATION

At the Board meeting of November 24, 1972, the Board first considered the modification of Rule 15.7 in order to allow the Board to hear the petition of former Patrolman Gary Noblett for reinstatement after his resignation on November 28, 1971. Mr. Noblett had not been recommended for reinstatement by Police Chief Kinney.

It was moved by Mr. Woods, seconded by Mr. Alexander, and carried by unanimous vote to adopt the amendment to Rule 15.7 as proposed by the Civil Service Board. Rule 15.7 shall read as follows:

"Reinstatement After Resignation. An employee who has resigned from the City service may, within one year after the date of resignation, make application to the Board to be placed on the reinstatement list for the class from which he resigned. The Board may, after reviewing the recommendation of the head of the department and after considering all other pertinent information, place the name of such person on the reinstatement list, but upon reappointment it shall be the policy of the Board to require the employee to:

- (a) forfeit all sick leave credits accumulated on date of resignation;
- (b) return to the same step of the salary range occupied on date of resignation;
- (c) retain the same anniversary date for salary increases in the event the salary level of the employee was below Step E of the salary range on date of resignation; and
- (d) serve a six-month probationary period prior to attaining permanent status.

"Nothing in this section shall prevent the Board from altering the above policy in a particular situation where, in the judgment of the Board, the application of this policy would create a hardship or inequity."

HEARING OF PETITION FOR REINSTATEMENT FOLLOWING RESIGNATION

Gary Noblett, former Patrolman

The hearing was called to order by President Joseph Yew at 2:30 p.m. in the Personnel Department Examination and Conference Room. Mr. Yew advised that the purpose of the hearing was to consider the petition of Gary Noblett, former Patrolman, for reinstatement after resignation. Mr. Noblett had resigned from the Police Department on November 28, 1971.

Mr. Yew further informed those present that the proceedings of the hearing would be recorded on tape.

Mr. Yew requested Mr. Reynoso to remain for the hearing although Mr. Reynoso, as a law partner of John E. Virga who represented Gary Noblett, indicated that he would abstain from Mr. Noblett's hearing proceedings.

Mr. John E. Virga and Mr. James Long were the co-counsels for the appellant, and Labor Relations Counsel John Liebert and Deputy City Attorney Richard Brown represented the City.

Mr. Virga presented his opening statement by reviewing the allegations set forth in the petition of Gary Noblett for reinstatement as Patrolman. Mr. Virga stated that Officer Noblett was requested by the then Police Chief Ray Dehner to investigate the involvement of Officers James Moore and Richard Noya in the use of drugs, as the result of which actual purchase of drugs was made by Officer Noblett; that upon completion of the undercover investigation, Officers Moore and Noya were requested to resign from the Police Department; that Officer Noblett requested that his name be cleared in connection with the rumors that he, too, was involved in the use of drugs but that Chief Dehner nor the other officers who were aware of the undercover work performed by Officer Noblett had never done so; and that because of the extreme pressure brought upon Officer Noblett by his fellow officers, he was compelled to resign from the Police Department. Mr. Virga requested that, after hearing from witnesses who would speak on Mr. Noblett's behalf, the Board act to reinstate Mr. Noblett as a Patrolman.

Prior to presenting his testimony, each witness was first sworn in by Secretary William F. Danielson.

Citizens called by Attorney Virga to testify on behalf of Mr. Noblett were:

Robert Doyle, Vice Principal, Kennedy Senior High School.

Rod Nelson, an attorney employed by the Sacramento County Supervisor's Public Defender's office.

James Morris, Prosecutor in the Sacramento County District Attorney's office.

Mrs. Chunn, mother of Gary Chunn, student at Kennedy High School.

R. H. Suber, Sales Manager of Lasher Volkswagen.

Duane Wilson, Police Science instructor at Sacramento City College.

Mrs. J. Coover

Judge Earl Warren

Each witness related his or her acquaintance and relationship with Mr. Noblett and expressed his or her opinion of Mr. Noblett as an officer of law and as to his character.

The following officers were called and questioned by Attorneys Virga and Long, concerning their relationships with Officer Noblett, their opinion of Gary Noblett as an officer, their knowledge of the undercover work of Officer Knoblettr, and the rumors heard subsequent to the resignations of Officers Moore and Noya:

Bernis Ferguson, Patrolman
 Dan Ware, Patrolman
 Luis Flores, Patrolman, Community Relations
 Chuck Paulson, then Patrolman, now employed by Sacramento County
 Domestic Relations Division
 Lloyd Houghton, Lieutenant, Traffic Division
 Gary Smith, Patrolman
 Bill Davis, Patrolman
 Johnie S. Pieratt, Patrolman
 Ronald Shields, Patrolman
 George Davis, Patrolman
 Richard Gregson, Patrolman, the then President of Sacramento
 Police Officers Association
 Michael Kime, Patrolman
 Gerald Bakarich, Sergeant

Following Luis Flores' testimony, Mr. Reynoso excused himself from the hearing.

Attorneys Liebert and Brown and Board members directed questions to the witnesses concerning their testimonies.

Attorney Virga presented the following exhibits:

Appellant's

<u>Exhibits</u>	<u>Description</u>
#1	Letter dated November 11, 1971, to Police Chief Kinney from Principal Frank J. Schimandle, Kennedy High School.
#2	Letter dated November 15, 1971, to Officer Gary Noblett, from Dave M. Ross, Student Body President of Kennedy High School, et al.
#3	Letter dated November 22, 1971, to Chief of Police from the Joseph Chunn family.
#4	Letter dated April 3, 1967, to the Police Chief from R. D. Suber, Vice President, W. B. Lasher Company.
#5	Letter dated February 19, 1971, to W. Kinney, Chief of Police, from W. Rad Coover.
#6	Employee Evaluation Report on Gary Noblett dated July 20, 1969 and July 5, 1970.
#7	Photograph, news picture, and news story re Gary Noblett "The Breath of Life" saving a baby after a car accident.

- #8 Set of 16 letters from Sacramento City College teacher and students commending Gary Noblett.
- #9 Letter dated October 7, 1968, to Chief of Police Joseph Rooney from Joe A. Gonsalves, Assemblyman, 66th District.
- Letter of evaluation dated December 2, 1971, To Whom It May Concern from Chief of Police William J. Kinney.
- Letter of evaluation dated November 29, 1971, To Whom It May Concern from Lt. William McKenzie, Sacramento Police Department.
- Letter of evaluation dated November 29, 1971, To Whom It May Concern from Sgt. D. E. Willis, Sacramento Police Department.
- Letter of evaluation dated November 29, 1971, To Whom It May Concern from Captain H. V. Foster, Sacramento Police Department.
- #10 Employee Probationary Report on Gary Noblett dated April 9, 1967, and June 23, 1967.
- #11 Marriage Certificate dated June 16, 1962.
- #12 Photocopy of Gary Noblett's Sacramento City College transcript.
- #13 Hereford House payroll record submitted by Attorney Virga.

Appellant Gary Noblett was then called by Attorney Virga, and sworn in by the Secretary.

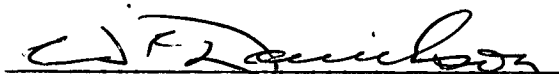
Questions were directed to Mr. Noblett by Attorney Virga concerning his education, military service, his service for the City of Sacramento and the undercover investigation undertaken by him, and circumstances surrounding his resignation.

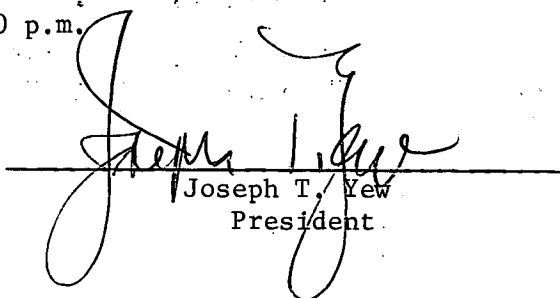
Mr. Noblett alleged that his understanding was that his name would be cleared at the proper time, but that Chief Dehner did not uphold his promise; that he had requested the other officers, Lt. Robbie Waters, Deputy Chief Jack Kearns, and Detective Arthur Stanley, who knew of the undercover work, to clear his name, but that they did not do so.

Mr. Noblett stated that he had taken many civil service written tests for Patrolman for different cities but that he was failed on his oral interview after he attempted to relate the undercover investigation.

As the City had yet to cross-examine Mr. Noblett and there were to be six or seven witnesses to be called for the City, it was the decision of the Board to continue the hearing on December 5, commencing at 2:00 p.m.

The meeting was adjourned at 11:00 p.m.


William F. Danielson
Secretary


Joseph T. Yew
President