

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

May 2, 1974
10:30 a.m.Electric Auditorium
301 West Avenue

The meeting was called to order by Mayor Pro Tem Love, stating that this was a Special Called Meeting of the City Council for the purpose of hearing an appeal from the decision of the Electrical Board regarding a Master Electrician License for Isaac Perez. The Council stood at ease until all members of the Council were present except Councilman Dryden.

Roll Call:

Present: Councilmen Binder, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love

Absent: Councilman Dryden

Mr. Bob Andrews, Attorney for Mr. Isaac Perez, filed a motion that this case be dismissed and that the decision of the Austin Electrical Board be set aside on each and all of the following independent grounds:

1. The period of suspension imposed by the Board had expired by its terms.
2. The decision of the Board was unfair as applied to Petitioner, denying him due process of law, in that one member theretofore disqualified voted for the suspension imposed, said decision fell short of having been imposed by the minimum of four Board member votes as required by Section 37-36 of the Electrical Code.
3. The suspension of the license, operating as it did in his case to deprive him of a valuable economic right in that it took away his means to earn a living, was a criminal sanction which should not be imposed except by a court with jurisdiction to do so, in which criminal court guilt can only be found after the prosecuting authority has proved it beyond a reasonable doubt.

4. Petitioner was earlier, on May 30, 1973, subjected to prior jeopardy as to Grounds Nos. 1 and 2 of the complaint on which this suspension must stand, said grounds should be considered as having been disposed of or discarded without sanction against Petitioner by the Electric Board.
5. Information was fatally defective in that it was not sworn to and verified by "the person familiar with the facts therein charged" as required by Section 37-36 of the Code. Information was an acknowledgement and not an affidavit.
6. Count 1 of the information should be dismissed in any event, since it charged no violation of the Austin Electrical Code.

Mr. Andrews asked for a favorable ruling as there was no basis to go forward and hear the case.

After discussion, Mayor Pro Tem Love moved that the Council deny the motion on all counts. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman, Handcox, Lebermann
Noes: None
Absent: Councilman Dryden

At this point Mr. Don Butler, City Attorney, stated that this was an appeal.

Mr. Butler filed a transcript of the evidence presented before the Electrical Board on Wednesday, December 5, 1973. Mr. Andrews agreed that this could be introduced into evidence with the understanding that he did not agree that it was their burden to free Mr. Perez from this suspension, and it being understood that they had brought to testify all witnesses as shown in the transcript who had so testified. It was determined that all witnesses would be considered to be under oath.

Testimony was given by Mr. Lonnie Davis, Director of Building Department; Mr. Isaac Perez; Mr. Leland Williams, Chief Electrical Inspector; Mr. Weldon Lamb and Mr. Max Ladusch, both of the Electrical Board, as shown on the attached transcript.

The following City Exhibits were filed by the City Attorney:

1. Transcript of evidence presented before Board on December 5, 1973.
2. Memo from Mr. Lonnie Davis to Mr. Homer Reed, Deputy City Manager, dated January 17, 1974.
3. Affidavit signed by Mr. Robert Carson Bain, dated January 15, 1974.
4. Building Inspection Department Electric Permit No. 27547 for work done at 4106 Avenue B, dated September 21, 1973.

5. Memo from Mr. Leland Williams to Mr. Jonnie E. Davis, dated January 14, 1974.
6. Letter from Mr. Dick T. Jordan, Chairman of the Electrical Board, to Mr. Isaac G. Perez, dated December 6, 1973.
7. Charges filed by Mr. Leland Williams against Mr. Isaac G. Perez, dated November 5, 1973.

(During the testimony, Councilman Dryden entered the Council Chambers.)

Motion

Mayor Pro Tem Love moved that the Council uphold the decision of the Electrical Board in their meeting held on Wednesday, December 5, 1973, at 10:00 a.m. and to deny the appeal and further that Isaac Perez be given sufficient time to complete work underway (30 days from now). The motion died for lack of a second.

Substitute Motion

Councilman Handcox moved that the Council reject the recommendations of the Electrical Board with a very stiff warning to Mr. Perez. The substitute motion died for lack of a second.

Second Substitute Motion

Mayor Pro Tem Love made a substitute motion that the Council uphold the stated recommendation of the Electrical Board as outlined in their report. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Friedman,
Mayor Butler

Noes: Councilman Handcox

Abstain: Councilman Dryden

Not in Council Chamber when roll was called: Councilman Lebermann

The stated recommendation of the Electrical Board regarding Mr. Perez's Master Electrician's License was as follows:

1. Suspend Master Electrician's License for a period of 60 days.
2. Order to surrender current Master Electrician's License to the Chief Electrical Inspector, Mr. Leland Williams.
3. Allow to finish all work that was permitted prior to this decision.

ADJOURNMENT

The Council adjourned at 12:40 p.m.

APPROVED


Mayor

ATTEST:


City Clerk

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B. 1. Hearing of appeal from decision of Electrical Board regarding Master Electrician License for Isaac Perez. (Postponed from January 28th and April 11th, 1974.)

MAYOR PRO TEM LOVE: Mr. City Attorney would you like to address yourself to this particular case so we can have a broader viewpoint?

MR. DON BUTLER: Would like to wait until the other members of the Council who are going to be here today arrive? Are they going to be here shortly?

MAYOR PRO TEM LOVE: Well, City Hall indicated they were en route, but I don't know where they are going.

COUNCILMAN BINDER: Excuse me, if this is in the nature of a hearing where evidence is going to be presented on both sides, it would seem like those who are going to vote on it should hear all of both sides.

MAYOR PRO TEM LOVE: That would be satisfactory.

MR. DON BUTLER: ...unless the Attorney for the appellant would like to agree otherwise, but I think it would certainly be wise if you did have everyone here who was going to be here.

MAN: ...do we have a motion to present...(unable to hear).

MR. DON BUTLER: Okay, Yes, I will bring that up Bob as soon as we..

MAYOR PRO TEM LOVE: All right, sir, well the request is granted, and I think it makes good sense, so we will stand at ease.

MAYOR PRO TEM LOVE: The meeting has been officially called to order with the proper document, and I would ask the City Attorney to set the scene for the hearing this morning, but we wanted to wait until as many Councilmen as possible could be here.

MAYOR BUTLER: Right, I apologize for being late. I had a personal emergency that I just could not get around. I understand Dr. Dryden is still in the emergency room. Shall we begin with 6 of us here?

MR. DON BUTLER: Mr. Andrews, who is representing Mr. Perez is out of the room just for a moment now. I think he will be right back.

MAYOR BUTLER: Mr. Andrews, is it satisfactory with you for us to begin with 6 out of the 7 Council members? All right, fine.

MR. DON BUTLER: I think first of all, Mr. Andrews has a motion to dismiss the case which he would like to present to the Council before we proceed on into this. I have the original of it here, and there have been some copies distributed. Would you like to summarize it quickly?

MR. ANDREWS: Honorable Council and City Manager, this is presented to expedite the case and possibly eliminate the need for the hearing today, because it would control if you do grant this motion on any of its grounds. The first one we

think would definitely dispose of the case and rend it moot and subject to no further proceedings here or elsewhere.

I would like to refer the Council to the record in this cause for the purpose of this motion, which will show the terms of the suspension imposed on Mr. Perez, and by its terms, it has expired. We do believe that it could have been worded so that it would not have, but it was I believe a suspension for 60 days from the date of the receipt. His receipt of the notice thereof.

Then into matters of substance in addition to procedure, we contend #2 that there is no basis for imposing the punishment which has been imposed in this case due to the manner in which it was arrived at. #1, during the proceeding Mr. Lamb was disqualified by agreement of all parties, and I believe I am correct that this stood at the time the recess took place for the Executive Session which led to the decision. Mr. Lamb voted. He was one of the four members who voted to suspend Mr. Perez' license, and therefore if his vote is disqualified, which I think it should be regarded as so, whether the proceedings, had they remained open, been reversed. If his vote is disqualified, then the section of the Electrical Code which I cite in Paragraph 2 has not been satisfied and only three officials voted for suspension.

In addition, we feel, we contend respectfully that the Electrical Board should be bound by its official document and notification in this case to Mr. Perez in that they declared to him on the very day that they said he was suspended, that they unanimously arrived at this decision.

At an appropriate and timely point we would be glad to submit some analagous law to the effect that frequently that word is construed against the public body. It has been in Workman's Compensation cases to the effect that it will mean unanimously at least of all members that constituted the quorum that day.

#3, it is certainly a valuable economic right at state in this case, two months of a man's livelihood that he is principally prepared for, and because of that we contend and would be willing to submit authorities that the punishment, although authorized by the Electrical Code constitutes a criminal sanction which shouldn't be imposed except in appropriate criminal tribunal where evidence standards are much more strict against the prosecuting body, and the standard of determination is much higher, beyond a reasonable doubt.

#4, the information is vital to this case, I mean the document, it is called an information, regarding suspension of an electrical license. It is the foundation of the whole proceeding below which we are complaining of now. It is required by the Section cited or I intended to cite it. I can quickly find it. It is in Chapter 37 of the Austin City Code of 1967. It is required to be sworn to, verified in writing under oath. That would have to be done before the proceedings below and it definitely was not done before the proceedings below...in other words at the time that Mr. Perez was notified and required to appear and defend. It is an acknowledgement and although that is a technicality, we would want to urge what cherish (?) technicalities in favor of the citizen and the defendant we still have in this area. We feel it does apply.

COUNCILMAN FRIEDMAN: Mr. Andrews, has the information been sworn to subsequent to the hearing?

MR. ANDREWS: There would be a contention I am sure that it has. I think that there was an attempt in the mind of Mr. Jordan to subsequently, during the initial stages of the hearing, cause it be sworn to. I also respectfully contend that it was not in effect clearly sworn to in the record. It is not clear whether Mr. Leland Williams is swearing that his testimony thereafter will be true and correct or whether he is referring to the information. I don't think that he can be truly construed to be referring to the information.

COUNCILMAN FRIEDMAN: Did that objection, was that objection raised in the record at the time of the hearing?

MR. ANDREWS: Councilman Friedman, I doubt that the record would add up to that. Mr. Juarez seemed to be concerned at that time that the witness not be allowed to testify on knowledge and belief but on knowledge only.

COUNCILMAN FRIEDMAN: What you are telling me is, that the objection was waived at the hearing.

MR. ANDREWS: I would contend that it wouldn't be waived, I would contend that it would be fundamental. And it couldn't be cured even by Mr. Jordan had he, we suggest, expressly tried to during the proceedings, I don't think it is clear that he did. I think that is what he was trying to do.

COUNCILMAN FRIEDMAN: You maintain it is fatal error not to have it sworn.

MR. ANDREWS: I beg your pardon, sir.

COUNCILMAN FRIEDMAN: You maintain it is fatal error not to have it sworn.

MR. ANDREWS: Yes, sir, right. Fatally defective.

MR. DON BUTLER: Could I ask a question? During this 60 day period that you contend that this was in effect, he has been operating, has he not? And he has not complied with the suspension if it was to have been effective?

MR. ANDREWS: Let me confer quickly, but I think. May I ask ..? ..proof would be that for 8 days he was in effect suspended prior to the notice of appeal.

MR. DON BUTLER: But in other words, the only reason that he has continued to operate has been because you appealed the case, which in effect stayed the suspension, which means he has had a valid license to operate during this period of time, hasn't he?

MR. ANDREWS: Yes, sir, that is correct.

MAYOR BUTLER: Well, has he been able to take out new jobs or complete the ones he already has? You have been able to take out new jobs, so it hasn't effected you at all.

MR. PEREZ: It effected me 8 days, sir.

MR. ANDREWS: If there is anything, and I have only scanned this in its final draft, if there is anything in here that suggests that he was deprived of operating for 60 days, I didn't mean for it to be, and I don't think there is. That is the fact, and we are not embarrassed by that fact. We think he is entitled to all the construction in his favor that he can have in this case.

Furthermore, I would respectfully cite the Council if they don't decide in our favor now, to consult the record beyond the time when the proceedings were recessed for Executive Session, and they will find that the problem of how to suspend Mr. Perez when it was decided that he be suspended, was considered. They had every opportunity to do this in a manner that would clearly protect them. For instance, I think they could have easily said he was suspended from the time the decision of the Board became final, either by no appeal within 10 days, or by the appeal subsequently being affirmed by the Council. They did not do that.

Excuse me, I will move the next one. I was just wanted to emphasize that I don't think it was unavoidable. I don't think they were put in the position of time requirements, leaving them with Mr. Perez in effect being able, for instance, to eliminate 24 days of the suspension, 10 days for appeal and 14 days for notice. They could have worded it, we believe, to take effect when Mr. Perez no longer had any remedies to avoid the suspension.

COUNCILMAN FRIEDMAN: Well, assuming that they could have done it that way, where is the harm that they didn't?

MR. ANDREWS: We just respectfully contend that we should be allowed to rest on the effect of what they did. They say clearly that they suspend his license for 60 days from the date of receipt of the notice. They also recognize clearly they weren't in the dark, so to speak, about their problem. They recognize clearly that, and Mr. Davis has since in writing, Lonnie Davis observed this fact. He was kind enough to provide me with a complete record, that it would be stayed upon notice of appeal, that the suspension would be inoperative until the decision of the Council. We just want to rest on that if we are entitled to.

MR. DON BUTLER: Well, then, you have the benefit of this, though.

COUNCILMAN FRIEDMAN: There is no Court in the world that rules that way, Bob.

MR. BOB ANDREWS: We certainly have the benefit of it.

MAYOR BUTLER: Well, until the Council heard it. He in effect won his case.

MR. ANDREWS: Yes, sir, Mayor Butler. We respectfully contend that he was entitled to, they had it in their hands on what punishment they were going to impose, and that's how they chose to word it.

And I believe I am correct in number 6, excuse me, I am referring to #6, but let me cover #5. I have covered #5 in essence. We urge all of these grounds whether or not I have discussed them in detail now, and #6 I believe is correct. I don't believe that the first charge in the information amounts to a charge of a violation. And then I would just hasten to add this, and I will close. I will ask for your favorable ruling that there is no basis to go forward and hear the case because of one or more of these grounds. But there is nothing that could be presented, or will be presented in evidence in any way that we would be ashamed of today. We just want the benefit of the procedural posture of the case, if we can. Thank you.

MAYOR BUTLER: All right, Mr. City Attorney, on Paragraph 5 of the motion to

dismiss here, is really, I presume, a question for you, is it not? I think in the questions and statements by Mr. Friedman and by myself, and I think the Council ought to vote at this time whether to grant the motion or...

COUNCILMAN FRIEDMAN: At the very most, the only remedy that could possibly happen if that was deemed to be harmful was that a new complaint would be filed. It wouldn't end ... the complaint would be filed.

MAYOR BUTLER: Do we have a motion to act on this motion to dismiss?

Motion MAYOR PRO TEM LOVE: Yes, I move Mr. Mayor, that we deny the motion.

Second COUNCILMAN Friedman: I second it.

MAYOR BUTLER: Call, the roll, please.

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman *, Handcox, Lebermann

Noes: None

Vote: 6:0; Dryden absent.

Record * COUNCILMAN FRIEDMAN: I'll say yes, make sure your motion in the record, Mrs. Monroe, shows that it was to deny the motion on all counts.

MR. DON BUTLER: May I at this point, tell this is an appeal. As has been pointed out, the Code is very ambiguous as to whether this is a substantial evidence hearing or a de novo(?) hearing; the difference being if it is substantial evidence, simply determine whether the Board had evidence before it which would justify the decision being made or if it is de novo, that is disregard what the Board has done and proceed to hear it anew. I think in all fairness to the appellant here that we probably should consider it on the de novo basis, so that there will be no doubt about what we have done, that is, as though nothing had transpired in the past.

MAYOR BUTLER: Well, Mr. City Attorney, what is the point of having an Electrical Board then?

MR. DON BUTLER: Well, that is a very good question, what the point of having an Electrical Board is.

MAYOR BUTLER: These citizens spend a lot of time and work at it. That doesn't mean we couldn't overrule them, because we do the Planning Commission and all, but we certainly rely on their judgment.

MR. DON BUTLER: All I am saying, Mr. Mayor, if I were to make a recommendation as to what this ordinance should say rather than what it does say, I think it should be final with the Electrical Board, and at the very most it ought to be clearly a substantial evidence hearing, but the trouble is we don't have the luxury of saying what we think it ought to be, but what we do have here, and I think for that reason we ought to proceed on that basis.

MAYOR BUTLER: Well, in this case then, I believe the burden is on Mr. Andrews, so would it be proper for him to begin?

MR. DON BUTLER: Right, now what we have agreed to do in order to expedite this thing, rather than having to go through all this evidence, there is a transcript of the evidence presented before the Electrical Board. I think Mr. Andrews is agreeable and I would like for him to so state for the record that this can be introduced into evidence ...testimony that would be testified to here today and may be considered for all purposed by the Council as though it were presented at this time in this particular hearing. However, by so agreeing you do not waive any legal objections that you might have or agree to the validity of the substance of the evidence presented.

MR. ANDREWS: That is correct, providing, that, I will go along with that voluntarily providing that we have further understanding, namely that we do not agree that it is our burden to free Mr. Perez from this suspension. We ... attempt to do that today, but because of that we contend that evidence has to be introduced by somebody, either us or the City of Austin....to show that he has committed one or more violations as charged. That is what we are going totoday. We do not mind it being understood that we have brought to testify all witnesses as shown in transcript would have so testified.

MR. DON BUTLER: Okay, well that is the evidence we are introducing at this time with that particular understanding.

MR. ANDREWS: That's right, but we want to contend that that will not the case for firms in the citation of enough basis for firms..... must be made or the City hasn't cared what....

MR. DON BUTLER: Well, certainly that is the argument any time any evidence is introduced. I mean you are just reserving your argument that it is not adequate. But you do not object to the admissability of the evidence at this time?

MR. ANDREWS: The purpose of showing what would be testified to... and in addition to the other sections that you mentioned..in effect..agree it would be similar to a deposition... I believe...I would like toout, if I may. If there is any disagreement with the Council, it would not be objectionable by the City, either me or Mr. Sampson, if a tradition (?) statement on these various following items were given prior to Council's decision, assuming the Council did render a decision too soon for us to give it. And if they again, I would like to submit that we give out to this...a profit(?).....detail on the objections, the sections, the evidence summary that is relied on.

MR. DON BUTLER: A brief in effect.

MR. ANDREWS: Legal contentions in the citation...

MR. DON BUTLER: Yes, it is up to the Council, but we have no objections.

MR. ANDREWS: All right, but ..consider....for purchases of.....we..... My..... burden showing you what I think does not constitute..... that Mr. Perez is guilty of anything. It seems a rather easy ...if you can do it. Mr. Sampson can show you what he thinks does constitute prima facie.. (Mr. Andrews was too far from the mike to pick up all of his statements.)

MR. DON BUTLER: Well, that's what we are introducing this for, at this time, to prove the violations. And we respectfully refer the Council to the parts of this transcript that do bear, or does bear on this.

MR. ANDREWS: One other thing,....questions(?) I want to clear so if there are any objections,..... have an appeal...don't expect to begin this case. If we did have an appeal from an adverse ruling, I would want to be free to attack the basis of it.....record.... live witness....

MR. DON BUTLER: Well, that defeats the whole purpose. We might as well go ahead and....(unable to hear)

MR. ANDREWS: It doesn't from its action, I am not saying there will be any....

MR. DON BUTLER: Well, either you agree to have this introduced into evidence as evidence, or we can put the witnesses on, which do you want to do?

MR. ANDREWS: Well, there is notstates....go on...

MR. DON BUTLER: You will go along with the agreement to introduce this into evidence.

MR. ANDREWS: Yes, we will....our agreement to....whatever it is, this on... ..

MR. DON BUTLER: Okay, this has been introduced into evidence, and would you mark this as City Exhibit #1. We of course would like to reserve the right to present rebuttal, but at this time, I think Mr. Andrews, if you would like to proceed. If it is agreeable to the Council, I don't want to mean to be

MAYOR BUTLER: No, I think this is in your area.

COUNCILMAN LEBERMANN: Send me a memo on that if you please.

MR. ANDREWS: (at mike) I would respectfully urge that I am not in agreement on our presenting our case first.

MR. DON BUTLER: We have introduced this into evidence, so far.

MR. ANDREWS: Well, then I would contend that this is .. our evidence in chief, Mr. Butler, that is all I am getting at. That you have closed, is that right?

COUNCILMAN FRIEDMAN: Rested.

MR. ANDREWS: Rested

MR. DON BUTLER: We reserve the right to present rebuttal testimony.

MR. ANDREWS: All right, sir, I would like to call Mr. Lonnie Davis. Would you prefer...

MR. DON BUTLER: Yes.

MAYOR BUTLER: So we can hear him.

MR. DON BUTLER: Do you want to consider that these witnesses are under oath, or do you wish them to be sworn?

MR. ANDREWS: Just so they would be considered to be under oath, ...satisfies the...(not at mike) Mr. Davis, before I ask you a question, it will be very brief and I won't ...called in....file..I feel I need to take certain matters in evidence. I do want to offer to be submitted this evidence for the purpose only of showing what Mr. Davis wrote and signed. In the event that I am correcting any portion of this document, would be helpful to us to have the evidence. I don't want to..I am not just, I am not trying to prove anything but what might be available to you from theCity Manager... under the doctrine that a party's admissions can always be usedthe evidence. So there are one or two things I would like to add... The easiest way I think to....would be for him....his letter andevidence....subjected to, and then..... argument...the Council that they have to.... Do you have a copy of this letter, Lonnie?

MR. LONNIE DAVIS: Yes, I do.

MR. ANDREWS: Furnish true copy to City Clerk.. It is a letter that you wrote, is it not?

MR. DAVIS: That is correct, I do have a true copy here in my file..dismantle this file to take it out?

MR. DON BUTLER? For the benefit of the Council, this is the letter of January 17, 1974.

MR. ANDREWS: Yes, we are agreeable for any of this copy of the letter to be used as...

MR. DON BUTLER: Okay, we will introduce it.

MR. ANDREWS: And we offer it, for purposes to be....copies of this, showing any...admission to...(everybody talking at once) ... any....

COUNCILMAN FRIEDMAN: Wait a minute, wait a minute, say..you are introducing it to prove the truth of the contents that will help Mr. Perez, but not for any other reason?

MR. ANDREWS: That's right..documents of admission for the party, admission of the party is always admissible even though the admissions might not be harmful or deemed harmful at the time.

COUNCILMAN FRIEDMAN: I think we can admit it on the grounds that we can take, since you are introducing it, we can take the letter at its face value, for every interpretation that we may put to it.

MR. DON BUTLER: ...evidence, or not..

MAN: Yes.

MR. ANDREWS: That's why..I thought I was going to use it.....That's why I am(other people talking).. and....

MAYOR BUTLER: All right, why don't we try to slow some of the legalese down, and get to the merits of this case.

MR. ANDREWS:We withdraw the....tender, because we object to the City's use for their purposes, and I will quickly ask him to confirm. ...refer to the....

COUNCILMAN LEBERMANN: I don't understand. Of course, I have understood very little this far. But Mr. Don Butler, why if a letter has something in it which bears on the fact circumstance here, why can't we use it? I don't understand that at all.

MR. DON BUTLER: Well, he is putting on a case right now, and I think that is just a point that Mr. Friedman and I were making, either it is evidence or it is not in evidence here, but you know we can't make him introduce it into evidence.

COUNCILMAN LEBERMANN: Right, but we know that the letter exists, and we are not to pretend...

MR. DON BUTLER: ...will be introduced into evidence later, if he is not going to. Let him go ahead with his case now.

MR. ANDREWS: Councilman Lebermann, it is because we feel that the use of the letter would be unfair to the self-serving attitude of....there is... All right, Mr. Davis....this letter, and I am justthe instance in which, actually this is the job site and I was talking...two workmen came down to your offices and secured an apprentice license, which required no exam, although....required.....electrician. That of course, is correct, is it not?

MR. DAVIS: That is correct.

MR. ANDREWS: The next paragraph and the second sentence, you referred to the fact that Mr. Perez was contacted about this matter, and admitted did have an electrician on the job, but he was unaware these two men were working there, that is correct, is it not?

MR. DAVIS: That is correct, also.

MR. ANDREWS: Then I will read the entire bottom paragraph of the first page, for the purpose only of refreshing your memory and seeing that you confirm this also. "That this questionable procedure by Mr. Perez was not the first time, he was requested to appear before the Electrical Board on May 30, 1973, and instructed by the appeal board that if, in fact, he was securing permits in his name for other people to do the work(referred to as peddling your license) this was a violation of the electrical ordinance. He was further advised no disciplinary action was contemplated by the board at this time, but such a situation was not to happen again."

MR. DAVIS: That is correct.

MR. ANDREWS: The next to last paragraph in front of this .."As evidenced by the enclosed minutes of the meeting, it was quite lengthy. However, after the closing presentation had been made, the board went into a closed meeting and, after considerable discussion, Mr. Perez was found guilty as charged, and he was assessed a thirty day suspension of his license to begin at the time Mr. Perez was notified." Is that correct?

MR. DAVIS: That is correct, also.

MR. ANDREWS: Then this first sentence of the next paragraph, "Notification was hand delivered to Mr. Perez on December 6, 1973."

MR. DAVIS: Correct.

MR. ANDREWS: All right, that is all I wish to I am sorry.... about that letter, but I think it was.....

MR. DON BUTLER: Okay, we would like to ask him a question or two. About this letter of January 17, 1974, was it determined by parties working under your supervision that on this Sirloin Stockade Steakhouse job at 8828 Research Boulevard on May 10, 1973, employees, people who were not employees of Mr. Perez were actually performing the work and in effect ~~xxxx~~ through a loan of his license?

MR. DAVIS: That is correct.

MR DON BUTLER: Okay, and there are several other instances referred to in this letter regarding where homeowners had advised that they had been unsatisfied with the particular work that had been done, and apparently this work had been done by a Mr. Arthur Edens , is that right?

MR. DAVIS: That is correct.

MR. DON BUTLER: How had Mr. Edens performed that..?

MR. DAVIS: Mr.Edens had represented himself to the homeowners as being an electrical contractor.

MR. ANDREWS: I hate to interrupt but we are objecting to anything that constitutes hearsay, most of it is clearly hearsay, what he testified to.

MR. DON BUTLER: Well, this is an administrative type hearing, and I think we have some latitude to build into these matters. These items were determined by people working under your supervision?

MR. DAVIS: That is correct.

MR. DON BUTLER: Okay, would you continue.

MR. DAVIS: Mr.Edens had bought out the Manlove Electric Company, without benefit of being an electrical contractor or a man holding a Master Electrician's license, and he represented himself to the general public as being an electrical contractor and owner of Manlove Electric Company, but couldnot take out a permit, so the permits were taken out by Ike Perez, and Mr. Manlove had done the work. As in this letter, when we would confront..

MAYOR BUTLER: You mean Mr. Edens did the work.

MR. DAVIS: Excuse -me, Mr. Edens done the work, and we would talk with the homeowners or the property owners, they would indicate to us they did not know who Mr. Perez was. The only man that they had done business with was Mr. Arther Edens.

MAYOR BUTLER: How many occasions did this occur on?

MR. DAVIS: I think I refer to one on Bridlepath and Avenue B, and the Sirloin Stockade.

MR. DON BUTLER: Would the Council like to ask any more questions of Mr. Davis?

MAYOR PRO TEM LOVE: I have none.

MAYOR BUTLER: The affidavit from Mr. Bain is on the avenue B. Was the work done according to the Code? Did it pass the inspector's inspections?

MR. DAVIS: It did pass the inspection, yes. He had raised a complaint about it, which is what got us out there, and as indicated in another letter signed by Mr. Leland Williams it is time he talked with Mr. Bain. He was somewhat reluctant to raise a complaint or sign the affidavit at that very moment because the job had not been completed. He still had some light fixtures to hang..

MR. ANDREWS: May I speak to Council. I won't.....order, but may I one time. I am sure this is understood that I won't interrupt it, but we have already made an agreement for the record about the presentation of evidence and accepted. As long as it is understood that where judgement is everything thatdoes not show to be within his personal knowledge as being admissible hearsay, and if hearsay, it is being informed, it wouldn't be admissible either for. There will be form We will try and

MR. DAVIS: There were still some light fixtures to be hung, and Mr. Bain was somewhat reluctant to raise an objection at that particular time as he was afraid that Mr. Edens wouldn't in fact come back and complete the job. When we informed Mr. Edens that it would still be another 30 to 45 days before we took any action, well then Mr. Bain did furnish us with two checks, that he used to pay Arthur Edens with for the job. We did Xerox those two checks, and gave them back to him, and the permit in our office indicated that Ike Perez had the electrical permit on that job, who Mr. Bain had never heard of and did not know who Ike Perez was.

COUNCILMAN FRIEDMAN: Did Mr. Bain talk directly to you, Mr. Davis?

MR. DAVIS: I have talked with Mr. Bain as a matter of fact when he came in and gave his affidavit. I was..he was with me in my office at that time.

COUNCILMAN FRIEDMAN: So what you have just told us has been verified in conversation you had with Mr. Bain.

MR. DAVIS: Taht is correct.

MAYOR BUTLER: Any other questions of Mr. Davis?

MR. DON BUTLER: We would like to introduce into evidence subject to Mr. Andrews objections this letter of January 17, 1974, from Lonnie Davis to Homer Reed, subject: violations of Electrical Code as our Exhibit #2. And also the affidavit from Mr. Bain that has been referred to, Mr. Sampson do you have a copy of that?

MR. DAVIS: Will a copy suffice, that I might keep this file together, or do you want to take it out of this file?

MR. DON BUTLER: I am sure he will agree with a copy.

MR. ANDREWS:most of my objections, Councilman.

MR. DON BUTLER: I Council wishes.

MR. ANDREWS: ..If the Council will.... Has anything... I have got the interest (?) now to confirm what it is in the substance of these letters that are determined even by conversation. I doubt it that is submissible circum is not.. Beyond that, to hearsay of extreme nature. It iswitness if he candid and honest could provide you in substance of this letter that he had gotten from anything but general investigation and nothing from personal knowledge, we are sure. We object to use of the letter, which as long as it is being used we tender all portions of it..... to the extent that they circum such as admissions in our favor. I did state after the affidavit it is not an affidavit, so we won't perserve (?) the error later in avation to you, it is all right, seems to be all right. So and should be considered not even of the quality of rank hearsay. It is It is not an affidavit, and I will mention..

COUNCILMAN FRIEDMAN: The affidavit of Mr. Bain , is that what you are talking about?

MR. ANDREWS: That's correct, it is not an affidavit. We say that in our motion to dismiss it.

COUNCILMAN FRIEDMAN: And that was denied.

MR. ANDREWS: It is just an acknowledgement, and there should be procedurethe man I admit that is a technicality, but Robert Bain I am not su sure if he were available it would still be appropriate to admit to introduce the instrument...affidavit it should.....to some affidavit, he isn't subject to perjury or false swearing charges.

COUNCILMAN FRIEDMAN: State your objection against why you say this isn't an affidavit.

MR. ANDREWS: It is the acknowledgement at the end of Mr. He said noused for purposes of providing of unfaithful admission, like I made this deed, I gave this..I signed this contract, but for purposes of barest fact, you are required to say something under oath so we can prosecute you if you lie.

COUNCILMAN FRIEDMAN: Did you subpoena Mr. Bain , or ask him to appear at the Eleectrical Board?

MR. ANDREWS: I am sure there is no one on our side here, ad you don't see No, sir, I think I can safely say we did not. We would not, but for purposes...of

MR. DON BUTLER: Well, we contend that it is a proper affidavit and that he does state everything there as being correct to the best of his knowledge and belief, and shouldbe introduced as evidence, our Exhibit #3.

MAYOR BUTLER: We are going to have to move on here.

MAYOR PRO TEM LOVE: Yes, we are getting hung up in Court here.

MR. DONBUTLER: I would like to do this since the objection has been raised. Waht parts of this letter of January 17 do you have personal knowledge of Mr. Davis?

MR. DAVIS: The personal knowledge I would have would be the paragraph in there of 4106 Avenue B and what Mr. Bain personally told me.

MR. DON BUTLER: Okay, other portions?

MR. DAVIS: The other portions were in discussion with the Chief Electrical Inspector, Mr. Leland Williams, the Stockade Steakhouse, the reference trying to see if I referred to the Bridlepath incident in the letter.

MR. DON BUTLER: Mr. Williams has personal knowledge of all these other items then in your letter?

MR. DAVIS: Yes. 4106 Avenue B where I talked with Mr. Bain at the time he gave me an affidavit would be the personal knowledge that I would have.

MR. DON BUTLER: Thank you unless Council has something else.

MR. ANDREWS: ...respect..... First objectionwhatwould not possibly be the knowledge ofperson.. Secondly, there is... personal knowledge sentence..

MR. DAVIS: Stands as written.

MAYOR BUTLER: Well Mr. Andrews are you indicating that what Mr. Bain says in this affidavit or letter or whatever you want to call it, is not true?

MR. ANDREWS:that is true, The reason I am going through this in this way, is I feel I have to protect myself on this record. I think everything that Mr. Bain said is being..if true, I am not saying it is, and I certainly think if I may, the whole position here today is that we were not trying to avoid the determination of Council of what should be done with Mr. Perez' suspension, unless ..we entirelyon motions of this list. Hethe whole case on Mr. Perez ...will get to you in a few minutes..we are doing it now, or trying to do. I believe here a little, is that Mr. Perez has not committed any violations as charged. I can quickly say the letters involving Mr.are true, is true the contractor who went out and did work that was not ..he made contracts not covered by the Electrical Code. Ike Perez performed work that he had permits to do. We feel that the violations under 3 and 4 in this information have to be the basis for your action, but in 3 and 4 a fatal..it cannot be proven because the City Code does.. makes it a violation to get a permit and let someone else who isn't licensed do the work. We think those are not the facts. We got a permit, we did the work, it doesn't matter who the contractor..the subcontractor was who made the deal. That's really.. That really goes to thecase under the City ordinance. That'sthe only thing you can explain are those two counts. I have another question of Mr. and I wasMr. Davis.

MR. ANDREWS: (at mike) I would just like to say that there is a certain letter of January 14, four pages in length by Mr. Leland Williams which I was interested in introducing, ..the time to be consumed will be too much. If there is anything the City Attorney wants to introduce, he knows about the existence of the letter. I just want it on the record that I was interested in confirming as favorable admissions certain small portions of that letter. And I tender it now but for that limited purpose only, and if it is not allowed, which I understand it will not be based on a prior ruling,

I am not going to try to prove the contents of the letter, but I accept respectfully from being unable to on that basis.

COUNCILMAN FRIEDMAN: Well, you can admit for whatever purpose you want. It is also up to the other side, in this case the City Attorney to also submit the rest of the letter for the Council's discussion and decision. So you enter anything you want, just you know, we are not preventing you from that, but there is certainly nothing to prevent the City Attorney from offering as evidence the rest of the letter.

MR. ANDREWS: Well, assuming the ruling would be the same, I would like for the Council to consider that I am making the same motion again on this letter. I assume that the Council is going to allow the City- Attorney to ask questions on it, if I ask any. And I accept that, I just wanted my exception, if it is helpful to me later, and if I need it, I hope I don't, but I want it to be on record.

MR. DON BUTLER: Are you offering it or not?

MR. ANDREWS: Well I at least accept being unable to offer it for that limited purpose.

COUNCILMAN FRIEDMAN: Well, if you offered it, you would get a ruling, and then you can except to it.

MR. ANDREWS: I offer it for that limited purpose.

COUNCILMAN FRIEDMAN: We don't even know what you are offering.

MR. ANDREWS: It is limited purpose of reading small isolated portions of the letter, and tendering them as favorable admissions.

COUNCILMAN FRIEDMAN: And enter it as for the truth of what they speak.

MR. ANDREWS: Yes, because they are favorable to us, and we should be able to claim them even though we don't want to have the whole letter in evidence. It is too self-serving. I assume I am going to be overruled.

COUNCILMAN FRIEDMAN: It strikes me it would be all right to read those portions, as long as.. But the rest of it is going to be used by the City Attorney.

MR. ANDREWS: Then may I just have a notation in the nature of a bill of exceptions..I would like to identify the letter, give it to the Clerk and have it in the Record. Is that all right, Councilman Friedman. Then I don't want to introduce it.

MAYOR BUTLER: Are you talking about the one from Leland Williams the memo?

MR. ANDREWS: Yes. Leland Williams, four pages, Mayor Butler.

COUNCILMAN FRIEDMAN: It strikes me you are trying to present a Brady v. Maryland decision here. This is your motion for all exculpatory material beneficial to your client, is that correct?

MR. ANDREWS: The civil counterpart to it.

COUNCILMAN FRIEDMAN: Well, I understand, but you really are the one who referred

Record

Record

to this as a criminal proceeding, not us, so I am assuming you are following under that type of proceeding, and if you are, you are entitled to everything that is favorable to your client. It has been given to you. You can introduce it as evidence, but you cannot prevent the introduction of all other evidence contained in that letter. Now either you want the letter introduced for exculpatory material and all other material as written in the letter, but you don't want to introduce the letter, which is..

Record MR. ANDREWS: No, I just want the letter in the record with the Clerk, and the record to show that I did want to introduce small portions of it to show favorable admissions and otherwise not have the letter referred to.

COUNCILMAN FRIEDMAN: In other words, you want the record to show that you submitted a letter that was bits and pieces favorable to you and for no other purpose.

MR. ANDREWS: And if I am over ruled, which I think I am being over ruled now, I just respectfully want it in the record, is that all right?

MAYOR BUTLER: Let me ask you this, are we going through this procedure just to allow you to make some sort of appeal?

MR. ANDREWS: No, sir..

MAYOR BUTLER: Well, the Council has the letter, we have read it, so what's the point of all this. If we are going through this charade here just perfecting an appeal for you, let's get on with it. Because we have read the letter and it doesn't matter whether you pull three paragraphs out of 20 or five.

MAYOR PRO TEM LOVE: Mr. Andrews, we really are quite familiar with the case.

MAYOR BUTLER: So I don't know whether you are trying to perfect the record or really having a hearing here. It doesn't make any difference to me either way, so let's get on with it, and tell us which way we are going.

MR. ANDREWS: Well, Mayor Butler, I am really very secondarily..I really want to be respectful about this and urge again that I think our case is with us on the merits. Second .it is very secondarily to have the record perfected. I was just trying to do it as I moved along here. There is not too much testimony..

MAYOR BUTLER: Why don't we let him put anything in the record he wants to?

MR. DON BUTLER: That suits me. I think that is what Mr. Friedman is saying though or not put it in.

COUNCILMAN FRIEDMAN: ..put it in. It is up to us to consider the weight and the substance to it.

MR. DON BUTLER: Right.

MR. ANDREWS: The letter is not that essential to us, so I will just have it in the records a bill of acceptations (?) but not before the Council, if that should make any difference. At this point, I would like to summarize if I may, a few of the objections to the record, which will bring me to probably the only testimony I want in this case, namely, Mr. Isaac G. Perez for

a few minutes. But I would like to first..since the burden has been placed on me to attack this suspension of appeal, which I don't think is my burden, I would like to quickly state why I don't think the whole record makes the case against Mr. Perez.

May I do that at this time?

MAYOR BUTLER: Yes.

COUNCILMAN LEBERMANN: Have we dealt with any substance at all?

MAYOR BUTLER: No, we haven't had any facts presented to us yet, you know.

COUNCILMAN LEBERMANN: That is my distinct impression.

MAYR BUTLER: And I..I think the Council is a little frustrated by that.

MR. ANDREWS: Well, Mayor Butler, I can certainly concur in your feeling there, and this comes about because of the contention which I think is wrong by the City Attorney that we have the burden of going forward. The original burden we maintain is the..

MAYOR BUTLER: We have read the charges and the findings..

MR. ANDREWS: And also the transcript, is that correct?

MAYOR BUTLER: Yes, of the Electrical Board..

MR. DONBUTLER: Not the transcript.

MAYOR BUTLER: We have scanned it.

MR. DON BUTLER: Well, you have the transcript now, but before you have not. We have introduced the transcript for that purpose, to meet our burden. That's our testimony. That's the reason we put it in evidence, Mr. Andrews.

MR. ANDREWS: That's right, Mr. City Attorney, but I think I do need to know whether the Council knows the contents of the transcript. I don't guess they do.

MAYOR BUTLER: The only thing I am saying is we see in this letter from Mr. Williams, and Mr. Bain and some of the others, the violations that Mr. Perez allegedly committed. So it would appear to me for it to be proper for you to say no, he didn't really commit these violations because. And get to some facts instead of all of this appeal and record and so on, because we are not here for that.

MR. ANDREWS: In the nature of the presentation of facts, in a negative sense though, Mayor Butler, I would like to quickly show what the sum total is I think that the City has shown in its record, and that would be getting to some of the facts you want, is that right. The City has introduced..an affidavit, or so-called affidavit which even if considered for its full effect in the 4th paragraph and the 5th paragraph it reflects the observations of the layman as to what Mr. Art Edens was doing on that job, so that is not very strong evidence. We are going to in a few minutes to affirm that Art Edens did not do that job.

All of the testimony from Mr. Leland Williams, all of the testimony from Mr. Davis today, all the testimony in transcript from Mrs. Porter, in fact all of the testimony anywhere in the transcript only shows that no one knows for sure by personal observation except Mr. Bain in his general statement and his affidavit, no one has said, which is before this Council today, who was doing what electrical work at these two job sites of Bridlepath and Avenue B. We are going to quickly in a few minutes give you testimony as to who did that. It is going to be for the purpose of showing that Ike Perez did the work, Ike Perez was the permittee and Ike Perez under no statute or ordinance needed to be the contractor. That would dispose of 3 and 4.

Under 1 and 2, I will call Mr.. I want to make additional objections in writing and presentations to the Council after we close. I will call Mr. Perez now.

MR. ANDREWS: (not at mike) I would consider that you are under oath, there is no here.

MR. ISAAC PEREZ: Yes.

MR. ANDREWS: It is agreeable that all the witnesses are considered to be under oath. Ike, state your name.

MR. PEREZ: Isaac Perez.

MR. ANDREWS: You are a Master Electrician, is that right?

MR PEREZ: Yes.

MR. ANDREWS: How long have you been in the electrical field?

MR. PEREZ: 30 years.

MR. ANDREWS: How long have you been, what do you do, do you have a journeyman's license.

MR. PEREZ: Yes, I had a journeyman's license. From 1959 to 1967, till I took my Masters.

MR. ANDREWS: ...took your license, right?

MR. PEREZ: Yes, sir.

MR. ANDREWS: Thereafter, you had ...since 1967 date, a Masters Electrician's license?

MR. PEREZ: Yes, sir.

MR. ANDREWS: It was unrestricted?

MR. PEREZ: Right.

MR. ANDREWS: And you had many jobs

MR PEREZ: Mostly, except for 5 years I was working West Texas.

MR. ANDREWS: All right, sir, continuously for this 10 years, is that right?

MR. PEREZ: Yes.

MR. ANDREWS: Did you or did you not..... or through the people working for you, perform electrical work at Bridlepath and the Avenue B locations involved in this case without anyone else performing the electrical work except through you?

MR. PEREZ: It was done by Adam Cordova. He was working for me.

MR. ANDREWS:anyone else did any of the work?

MR. PEREZ: Not that I know of, no. I am sure he didn't.

MR. ANDREWS: Adam Cordova has worked for you on and on and off way, part time?

MR. PEREZ: That is correct.

MR. ANDREWS: About how long?

MR. PEREZ: Oh, maybe, roughly speaking, say 6 months, maybe a year..just off knowing...

MR. ANDREWS: This testimonywas before you, the Electrical Board was He had not been working for 9 months..... for about a year. Would it be correct that, for about a year at the time of the Board hearing, he had been working on and off for you, would that be correct?

MR. PEREZ: I believe so, I didn't keep any record, but he worked for me two or three days a week, like that, or a few hours, whatever had to do.

MAYOR BUTLER: Mr. Perez, did you pay him directly, yourself?

MR. PEREZ: Yes, sir.

MAYOR BUTLER: And not the Manlove Electric pay him..

MR. PEREZ: When he done work for me, I paid him myself, yes.

MR. ANDREWS: Were all matters which contributed in your knowledge testified to by Mr. Cordova before the Electrical Board, were all the matters that you ..that he indicated in that testimony would you would have had knowledge of, were they correct what he testified to? He your employee, that you paid him cash, that he did a job for you, and whether or not all he do was at the scene of the work Cordova was doing electrical work, is that correct?

MR. PEREZ: Yes, sir.

MR. ANDREWS: Art Edens, didn't do any electrical work on either of these jobs, is that your testimony?

MR. PEREZ: He didnt do any at all.

MR. ANDREWS: Now, when you thework....be called on this....in the form of Art Edens as your agent, did you realize you were

saying under oath that he was your employee?

MR. PEREZ: No, sir.

MR. ANDREWS: Was that

MR. PEREZ: Yes, sir.

MR. ANDREWS: Would you like to add anything to that, because I think affidavits are sometimes sloppily executed, did you?

MR. PEREZ: Well, Art Edens and I ...made an arrangement that we were going in partnership, and we was going to do some work... See he bought Manlove Electric, and he had a lot of customers. He told me let's go in partnership, we will take the jobs in and we pay material and labor whatever it is, we will split it, like in a partnership..

MR. ANDREWS: ...the work, did you agree. he could do the workwithout a license?

MR. PEREZ: No, he had an apprentice license, he could help Adam Cordova, Cordova is a journeyman electrician, but no..he could help Cordova, but he was my agent, so he could sign. I didn't have to..look for me to sign permits or if anything like that. He could go out there and get a permit out and get the job done. We get Cordova.

MAYOR BUTLER: I thought I noticed in this record, that he didn't have any kind of license. Did he have an apprentice license? Mr. Edens?

MR. ANDREWS: all the work,took me time that you allow. Did you make sure that Arthur Edens.....perform electrical work

MR. PEREZ: Well, Cordova done the job. Art Edens could help him, he is an under supervision of a journeyman, which Mr. Cordova is a journeyman electrician.

MR. ANDREWS: Well, he didn't do anything,..he didn't do anything on these two jobs in question. He didn't do it in the absence of Mr. Cordova ,did he?

MR. PEREZ: No, I am sure he didn't.

MR. ANDREWS: Mr. Cordova was?

MR. PEREZ: He had been doing it 40 years. 45,

MR. ANDREWS: Wasn't your name objective with him, that of making sure..... wasn't he able to do it without your direction..?

MR. PEREZ: Sure can.

MR. ANDREWS: Do you havepower so you had general supervision, is that right?

MR. PEREZ: Yes, sir.

MR. ANDREWS:before the Electrical Board, is that right?testifybefore the Electircal Board.....

MR. PEREZ: Yes, sir.

MR. ANDREWS: You heard all his testimony?

MR. PEREZ: Yes, sir.

MR. ANDREWS: And Art Edens said.

MR. PEREZ: Yes, sir.

MR. ANDREWS: Did you ever allow Art Edens to do any work on any job by using your license to get a permit, and you let him do the work?

MR. PEREZ: No, sir.

MR. ANDREWS: Now that's at the crux..... You never did?

MR. PEREZ: Never.

MR. ANDREWS:

MR. DON BUTLER: Yes, why don't you just go ahead with the questions, you can make your arguments later on about all that.

MR. ANDREWS: Since.....the Electrical Board, December.....it was, and he had the kind of situation where you took out a permit and did the work of someone else who had ahad you even done that?

MR. PEREZ: What was that sir, I didn't ...

MR. ANDREWS: that this was a contractor had a contract but couldn't perform because he wasn't licensed. And you had a license and you got a permit and you did the work. After the days of the electrical board hearing, did you even do that?

MR. PEREZ: On..

MR. ANDREWS: ...testimony that all of your permits since the February (?) Electrical Board hearing has been resolved that you yourself had the contract .

MR. PEREZ: Yes.

Record MR. ANDREWS: ...we want that in the record forfavorable consideration on these.....

MAYOR BUTLER: From the Manlove..I notice in here Mr. Edens died in November 1973.

MR. ANDREWS:

MAYOR BUTLER: So obviously if he had any arrangement from thereon that would have terminated.

MR. ANDREWS:with anyone else.. Who did you.....work that you did at the Bridlepath shop?

MR. PEREZ; Art Edens

MR. ANDREWS: Nobody else, right?

MR. PEREZ: Nobody else.

MR. ANDREWS: Who did you bill for the work that you did for Avenue B?

MR. PEREZ: Art Edens.

MR. ANDREWS: Nobody else?

MR. PEREZ: Nobody else.

MR. ANDREWS:Master electrician, was your bill representative of a fairly reasonable fee for all the work that you have done electrically at that location?

MR. PEREZ: Yes, sir.

MR. ANDREWS: Yourwas about what?

MR PEREZ: On 4106 Avenue B was 175 dollars.

MR. ANDREWS: Okay, is it also true that as to the Bridlepath location, your bill was a reasonable bill for all the work that was done at the Bridlepath location?

MR. PEREZ: Yes, sir.

MR. ANDREWS: And once again, was your work at both locations..was the work done at both locations all done by you or under your supervision?

MR. PEREZ: Right, yes,sir.

MR. ANDREWS: And supervision would have been either directly by you or ..

MR. PEREZ: Adam Cordova.

MAYOR BUTLER: I think we have copies of some \$1200 worth of checks at that.. And I am a little confused, you say his bill was 140 something. Explain this to me. What is the 175 for?

MR. ANDREWS: His bill to Arthur Edens,now we are perfectly willing to tell you the facts here.

MAYOR BUTLER: For what?

MR. ANDREWS: For having done the electrical work.

MAYOR BUTLER: You mean for labor?

MR. ANDREWS: No,sir, for having done the electrical work.

MAYOR BUTLER: Out of \$1200?

MR. ANDREWS: He was..well now let me ask you another question, I will clarify that.

MR. ANDREWS: Were you in any way interested or did you from any other Art Edenshad collected from either home owner?

MR. PEREZ: No, sir.

MR. ANDREWS: Or any person involved in this case?

MR. PEREZ: NO,sir.

COUNCILMAN BINDER: Who paid Adam on this Avenue B job?

MR. PEREZ: I don't know sir. I know now because they show me the checks, but can I explain myself on that job?

MR. ANDREWS:Adam..

MR. PEREZ: I pay Adam..

COUNCILMAN BINDER: Out of the \$175?

MR PEREZ: nO, sir, I charge Art Eder\$ \$175 for the job. Now Art Eder\$ called me to this job, sir about this job how much will you do it for me for. I went to look at it, it was a metal, 3 plugs and replacing fixtures. So I told Art, I will do it for \$175. So I didn't never know Mr. Bain , I didn't know who he was or who he was doing the work for. Art he told me.. asked me wann't Idone the job. Art he..... I don't know what he charged after that, if he was charging..

COUNCILMAN BINDER: Who paid Adam, though, did you pay him? Out of the 175?

MR. PEREZ: I did. No, sir, I don't pay..I think I pay \$65 for the job and the rest was my

COUNCILMAN BINDER: I am not following you.

MR. DON BUTLER: Who had the permit on the job?

MR. PEREZ: I did.

MR. DON BUTLER: You took out the permit?

MR. PEREZ: Yes, isr.

MR. DON BUTLER: Art Edens asked you to do the job.

MR. PEREZ: For him, for Art Edens.

MR. DON BUTLER: And used your license to do the job.

MR. ANDREW_S: We object.....

MR. PEREZ: But I was going to do the job. He didn't ask me to do the license, he asked me to do the job.....

MR. DON BUTLER: Did he get the money himself from the homeowner?

MR. PEREZ: I assume he did, sir. He had the contract.

MR. HANDCOX: ..ask a question here. If he asked you to come out and do that particular job that you just described, is this the kind of thing that one could do and they go on and do a lot of other work, and they get you hooked into this particular thing, and they go on and do a lot of other electrical work, is that possible?

MR. PEREZ: Well, no, well I gave him a of what is to be done. It was a substandard home, which was just bring up to standard, which you say it runs around like that, a few plugs missing or have some fixtures or repair wiring. Now Art Edens told me to go out there and give a bid on it. I gave Art Edens the bid. Whatever he done with..

MR. HANDCOX: But he asked you to bid on a particular part?

MR PEREZ: Well, on items to be done, yes. To bring it up to standard.

COUNCILMAN HANDCOX: If he should contract with the owner of the property for the total electrical work that is to be done, but he only asked you for a particular part, is that how it is..?

MR. PEREZ: No, sir. Well, he asked me what would it take to bring it up to minimum standards, which I went up there and examined it, and I needed some plugs, needed some wiring corrected it and a new meter loop. And that's what I have done for \$175.

COUNCILMAN HANDCOX: Waht I am trying to get at is there is a sizable amount of money spent on that property, and you only got \$175 worth of it. I was wondering why Mr. Edens was able to contract for much more unless there was a lot more work to be done.

MR. PEREZ: Not electrical work, if he did any other work, it could have been repairing the house or something like that. As far as electfical concern, ther was..

COUNCILMAN HANDCOX: Whatever he did is beyond your knowledge, is what you are saying.

MR. PEREZ: Yes,sir .

MAYOR BUTLER: Mr. Perez you mean you can put a loop, 14 outlets, a panel, I don't know how many breakers were in it..and two special circuits it says down here, you can do that for \$175.

MR. PEREZ: Sir, there were no 14 outlets put in on that job.

MAYOR BUTLER: That's what the permit was taken out for.

MR PEREZ: It was 3 outlets. 3 plugs, to replace fixtures, and a meter loop.

MAYOR BUTLER: And a 60 amp panel.

MR. DON BUTLER: This permit was all in your name, right. For all of these things?

MR PEREZ: Right.

COUNCILMAN BINDER: The other \$1,025 that Manlove Electric got that you didn't

take, you don't know what that was for?

MR. PEREZ: No, sir

MAYOR BUTLER: You don't have a copy of that bill anywhere do you?
in the Record here, in our record? The bill covering the \$1200. We have the
checks but not the bill itself.

MR. ANDREWS: I don't think it is..

MAN: I don't think..

MR. DON BUTLER: We will just have the check..
the

MAN: You will just have checks

COUNCILMAN BINDER: I am afraid I haven't gotten something straight yet. Mr.
Bair gave Manlove \$1200. Manlove or Edens gave you \$175. Right? Now who
paid Adam, did you pay him?

MR. PEREZ: I did here?

COUNCILMAN BINDER: Out of the \$175, how much did you give Adam?

MR. PEREZ: \$65.

COUNCILMAN BINDER: \$65 to Adam. Okay. And then Edens did the remainder
of whatever was done?

MR PEREZ: I don't know what he done, i don't know.

COUNCILMAN FRIEDMAN: All right, let me ask this. If you didn't know what
Mr. Edens had done, you just told us you were in agreement with Mr. Edens to
split all the money after the jobs were completed.

MR. PEREZ; That was before, when he was my agent, sir. Not after Mr. Leland
Williams told me..he couldn't be my agent, which I went and told Miss
Porter there not to let Art Edens have any more permits, because I was going
to cancel his

COUNCILMAN FRIEDMAN: So you were not going to split any profit or any of the
expenses..

MR. PEREZ; Not after. I told Mr. Edens he couldn't sign any more permits in
my name. That was after taht happened.

MR. ANDREWS: He should....count 3 and count 4after the date of revocation
of agency occurred.

MAYR BUTLER: Well, if that happened then, why was Mr. Bain check made to
Manlove Electric? instead of Mr. perez.

MR. ANDREWS: I will be gla d to may I.

MAYOR BUTLER: Um, hum.

MR. ANDREWS: You..you didn't deal with either property owner, you didn't deal

with Bain at 4106 Avenue..

MR. PEREZ: No, sir, I don't know MR. Bain, I have never seen him before.
No, sir, I have never ..

MR. ANDREWS: The same is true on Bridlepath.

MR. PEREZ: Same thing.

MR. ANDREWS: The man who got the business together was evidently..at least
it wasn't you, it was evidently Mr. Edens, right?

MR. PEREZ: Right.

MR. ANDREWS: Now, oncethe business, he couldn't do the work, could
he?

MR. PEREZ: No, he couldn't. He wasn't licensed.

MR. ANDREWS: .. he got a permit, you didn't let him use your license,
did you?

MR. PEREZ: No, I didn't. Ipermit.... already come and did the
job.

MR. ANDREWS: You are trying to tell the Council here that you did the work
that you got the permit for.

MR. PEREZ: Right.

MR. ANDREWS: Now can you swear that either you or through Adam Cordova that
you did all the work at both of those locations?

MR. PEREZ: Right.

MR. ANDREWS: Can you remove from your minddeny.....that Art
Edens did any other work on his own at either place.

MR. PEREZ: Art Edens wasn't supposed to, but I know where he could have got
the job, I was doing it before he did. He paid me to do it. He wasn't supposed
to do anything.

MR. ANDREWS: But you know that he didn't do any of the work, that you did it
all either, you did it all through Adam Cordova..

MR. PEREZ: Right.

MR. ANDREWS: That's what we willto the Council. Now since the
agency appointment. You know Mr. Williams, Mr. Williams. He had not
..have any similar arrangement like this with any contractor for any
electrical work, is that right.

MR. PEREZ: Right.

MR. ANDREWS: We want to submit that there is nothing wrong. Now Mr. Edens
might have been guilty of some sharp practice, but he is equal.....Mr.
Perez has not been. But if you do feel he has been, you are still going to

file those charges, and since the date of revocation of the agency, we want to make sure the Council knows the extent of what is, that he has done only work, he has only gotten permits for work that he not only bid, but for work that he had that's all. We do respectfully submit that there is nothing wrong with someone..

MAYOR BUTLER: Okay, so you are saying that all the work, that the \$175 paid for, electrical work done at 4106 Avenue B..

MR. ANDREWS: That's his testimony. In other words, that was a fair price. If the man at 4106 Avenue B paid more than that, he really paid too much.

MR. PEREZ: I made \$40 on the job, out of the \$175.

MR. ANDREWS: Yes, that's right. Of course that doesn't reflect very well on Edens, it doesn't reflect very well on a practice like that, but he urge this, that Mr. Edens, he has never done any more

MAYOR PRO TEM LOVE: I think we got that message.

COUNCILMAN BINDER: You don't know what the parts on Avenue B that you installed cost you offhand, do you? The cost of the things that you..

MR. PEREZ: Yes, it costs me around, the material about \$60, roughly speaking, something like that.

COUNCILMAN FRIEDMAN: Mr. Perez, how long has Mr. Cordova worked for you?

MR. PEREZ: Well, of f and on like I say, ever since..when I made Art Edens agent, but he was really and truly working for both of us because we were..

COUNCILMAN FRIEDMAN: How long has Mr. Cordova worked for you?

MR. PEREZ: Just for me, since I took..since I left that agent go for Art Edens, which was, I don't remember exactly what date it was, it was ..

MR. ANDREWS: ...

MR. PEREZ: May 5, and then he worked for me, well he has been working for me ever since then, off and on just like I said.

COUNCILMAN FRIEDMAN: Since May 5 1973.

MR. PEREZ: Yes, sir.

COUNCILMAN FRIEDMAN: That's how long Mr. Cordova has been working for you. How did you pay him, did you pay him by check?

MR. PEREZ: Cash. No, sir, pay him cash, because he is getting Social Security, and he wants to keep his own record.

MAYOR PRO TEM LOVE: That's another case.

COUNCILMAN FRIEDMAN: I don't want to ask any questions about tax right now, but..that's sufficient.

MR. ANDREWS:he is obviously giving you the facts,

MR. PEREZ: In 1964, 1963, something like along there.

COUNCILMAN FRIEDMAN: And you have complete confidence in him and you would turn him loose on any job?

MR. PEREZ: Yes, sir, he is a journeyman. He is not todoing a job.

COUNCILMAN FRIEDMAN: Was he ever paid by Mr. Edens, for anything he did for Mr. Edens?

MR. PEREZ: I imagine he paid him when he worked for him, I don't know.

COUNCILMAN FRIEDMAN: Was Mr. Cordova working for Mr. Edens before he started to work for you.

MR. PEREZ: Yes, sir, see I don't work Mr. Manlove for years and years, and when Art Edens bought Mr. Manlove, well he stay with Art Edens. See he also had a shop, a little motor shop..

MAYR BUTLER: Across the street from City Hall.

MR. PEREZ: He had this vacuum cleaner shop or something else, and he kept Adam working for him.

COUNCILMAN FRIEDMAN: Okay, so you and Mr. Edens entered into an agreement where you would split the profit.

MR. PEREZ: Yes, sir.

COUNCILMAN FRIEDMAN: Okay, then after May 5, 1973, you stopped that agreement with Mr. Edens,...

MR. PEREZ: Yes, sir.

COUNCILMAN FRIEDMAN: And at that point, instead of Adam staying with Mr. Edens, he came over to work with you.

MR. PEREZ: Yes, sir

COUNCILMAN FRIEDMAN: Did you and Mr. Edens discuss Adam coming to work for you?

MR. PEREZ: Yes, he said..we told him, say he couldn't use him anymore, he might use him at the shop a few hours or something like that, which I am sure that he did. Adamwork..vacuum cleaners. I mean after that..of course I don't know what else he done for him. Adam was not a steady employee. He don't put in 40 hours a week. He just works when I have something to do.

MR. ANDREWS: To supplement you.... since the death of Adam Cordova Art Edens has continued to work for you, is that right?

MR. PEREZ: Right, yes, sir.

MR. ANDREWS: That is where he is today?

MR. PEREZ: He is in the shop working.

MR. ANDREWS: At your shop?

MR. PEREZ: Yes, sir.

MR. DON BUTLER: If I could, I am going to hand you this copy of the permit marked as City's Exhibit No. 4, and permit No. 27547, 4106 Avenue B. It says21-73. Did you install all those things yourself? That are shown on there?

MR. PEREZ: No, sir.

MR. DON BUTLER: You didn't install all those, and you couldn't have installed all those things for \$175?

MR. PEREZ: No, I couldn't have, no way in the world.

MR. DON BUTLER: We would like to introduce that into evidence.

MR. ANDREWS: May I look at that just a moment.

COUNCILMAN FRIEDMAN: The permit that he took out.

MAYOR BUTLER: What it is, it is an inspection copy, and John Peters inspected it.

MR. ANDREWS: No objection but let me ask the witness just one question. This, of course, is not your application for a permit, is it?

MR. PEREZ: No, my name's not there.

MR. DON BUTLER: Who is "Ike" on there?

MR. PEREZ: Well, it is just "Ike" but I didn't sign my name. All my permits are in my name, Isaac G. Perez.

MR. ANDREWS: Isn't there..I am just going tothis..trying to find out. Is thisapplication for a permit?

MR. PEREZ: Well, I guess he printed them somewhere else. But my name is not here. This is just a copy of the inspection, of the last deal. This is a copy of the inspector, it is not mine, my permit. I mean I took out the permit myself, but my name 's not on it. Say "Ike"..

MR. DON BUTLER: ...that permit yourself?

MR. PEREZ: Yes, I took the permit myself.

MR. DON BUTLER: You are the Ike referred to as contractor?

MR. PEREZ: Yes, sir, that's me.

MAYOR BUTLER: So what you must be implying, Mr. Perez is that you only put three outlets in; when the inspector came by, if I am reading his report right, he found 14 installed. So someone else must have put the other 9 in.

COUNCILMAN HANDCOX: Is there a copy of the list that you took out, or did you take out..or you took out a permit, but did your permit have this number of items on it? Or is there a copy of that permit available?

MR. PEREZ: I assume this is a copy here, if it is I guess they just copied over it, but my name is not here. Because I know I didn't put no 14 outlets.I didn't put in that many.

COUNCILMAN FRIEDMAN: Did Adam Cordova take the permit out in your name, or did you go down to City Hall and sign..

MR. PEREZ: No, sir, I go out and take them out.

MAYOR BUTLER: I don't see a permit for this job. That is the inspection permit, but I don't see the..

MR. DON BUTLER: ..Mr., we have a copy of the application for permit.

COUNCILMAN HANDCOX: Or do you Mr. Davis? Do you have any of those..?

MAYOR BUTLER: Do you have a copy of the application for permit?

MR. Mr.....we don't have the original application that he signed, he misseed the sign, and we typed off of that affidavit onto this card.

MAYOR BUTLER: All right.

MR. DAVIS: We do not have that original application..

COUNCILMAN HANDCOX: What do you do with those original applications?

MR. DAVIS: We keep them a while.

COUNCILMAN HANDCOX: Then it is..

MAYOR BUTLER: What you are saying then if this has..could I ask you this. In one column it has 7 outlets, and opposite it in pencil, it says 14. What does that mean?

MR. DAVIS: What happened we typed exactly off the original that he signed, we typed exactly what he put on there onto this card.

MAYOR BUTLER: You must have typed the 7, then.

MR. DAVIS: Yes, sir.

MAYOR BUTLER: All right, then the 14 is what the inspector found when he went to the job.

MR. DAVIS: I have personally seen the 14 ...

MR. DON BUTLER: Let the record show that this is Mr. Leland Williams, ...at this time, he is considered to be under oath, correct Mr. Andrews.

MR. ANDREWS: ...apprentices at the time of the application for the permit.

MR. WILLIAMS: No, sir.

MR. ANDREWS: Have you visited any time prior to the time of inspection or some controversy.....?

MR. WILLIAMS: I visited that time... (unable to hear, not at mike)

MR. DON BUTLER: So what you are saying, Mr. Williams is that there was an application for 7, but there were 14 put in?

MR. WILLIAMS: Yes.

MAYOR BUTLER: Now, Mr. Perez said he only applied for 3. They put 3 in.

MR. DON BUTLER: Do you know who put the others in if he didn't?

MR. WILLIAMS: Mr. Baine told me personally Mr. Edens and Mr. Cordova had done all the electrical work, and I did personally inspect the job again myself, and there were 14.

MR. DON BUTLER: What about these other things listed, were all of these things done as indicated..

MAYOR BUTLER: The loop and breaker panel and all that.

MR. WILLIAMS: I want to clear up one thing..... how do you know how much work he has done, you might have counted them and

MR. DAVIS (?):inspector.....you can tell what's been added fairly recently by the cleanliness of the parties and everything else.

MAYOR BUTLER: In other words, the 14 plugs ran off circuits that were in the new panel box.

COUNCILMAN HANDCOX: Mr. Perez, did you work on this job yourself?

MR. PEREZ: No, sir, Mr. Adam Cordova did it.

COUNCILMAN BINDER: And he just put in 3, is that what you said, Adam Cordova just put in 3 plugs.

MR. PEREZ: Yes, sir.

MAYR PRO TEM LOVE: Mr. Mayor, I would remind us of what we know, there are going to be a great number of people waiting at 1 o'clock this afternoon, in our Chambers.

MAYR BUTLER: We do have..this is zoning day.

MR. DON BUTLER: Do you have anything else, Mr. ..

MR. ANDREWS: Just a very little. At the meeting, I think it iswhere we met before, at this time you did not know that Art Edens needed to be your employee in order to be your agent?

MR. PEREZ: No.

MR. ANDREWS: Is that right?

MR. PEREZ: I didn't know, yes, I didn't know. I thought it would be my partnership..

MAYOR BUTLER: Let me ask Mr. Williams something. Mr. Williams, on the amount of work you saw out there, that's not at issue, but I am just trying to get in focus on the thing, could that amount of work have been done for \$175?

MR. WILLIAMS: I can't pick on that I didn't personally think it could be done for \$125.

MAYOR BUTLER: Would \$1200 have been too much?

MR. WILLIAMS: I would think so.

MAYOR BUTLER: You know, it here seems to be..

MR. ANDREWS: As long as you are on that subject..

MAYOR BUTLER: That's just an estimate. I am not asking him to swear to it. He is not a contractor.

MR. ANDREWS: Did you ever intentionally indicate to anyone that Art Edens is your employee or under your personal supervision?

MR. PEREZ: No, sir.

MR. ANDREWS: Was the only way he was ever under your supervision had been to the extentfor Adam Cordova?

MR. PEREZ: I don't understand.

MR. ANDREWS:Adam, that would be the only way that he could be a supervisor for you? ..authorize Adam to work,...

MR. PEREZ: No,

MR. ANDREWS: Now, at the Sirloin Stockade location, did you know that anybody was working the Sirloin Stockade location at the time you were told that there were unlicensed people there?

MR. PEREZ: No, I didn't know they were working there.

MR. ANDREWS: What had you already done there yourself under your supervision?

MR. PEREZ: Well, I worked in the slab, put in the pipe in the slab, I mean before they poured the slab. I done that from Mr. Cordova, and I was supposed to supervise the job at \$10 an hour.

MR. ANDREWS: For Mr. Curtis (?), and you did you know.

MR. PEREZ: Yes, he paid me for the roughing of the job, so much and he paid me for it.

MR. ANDREWS: How did he do that, through a..... or it itself..

MR. PEREZ: Well, I was doing it myself on that job.

MR. PEREZ: Well, I was on myself on that job. I had one or two shop men working for me. Yes.

ANDREWS:

MR. And nobody told you when these other people saw you working there at Mobile Home City, is that correct.

MR. PEREZ: Right.

MR. ANDREWS: And these people from Mobile home city had acquired a similar franchise operations called Sirloin Steak, is that right.

MR. PEREZ: Right.

MR. ANDREWS: ...and it would have been possible for you or Adam Cordova or some other journeyman or some other master to supervise these people under a local..apprentice license is that right?

MR PEREZ: Yes, we supervise our journeyman, it could be.

MR. ANDREWS: You didn't know when he got here, for one thing.

MR.PEREZ: Oh,no, I didn't. I didn't get that.

MAYOR BUTLER: Could we hear someone else, or are you through?

MR. ANDREWS: Yes, I am just..one other thing. You do not know th details just exactly when Cordovafor Art Edens, now.

MR. PEREZ: I don't have the date, I don't.

MR. ANDREWS: It is possible that he did a little work for Manlove or for Edens fromwork for you?

MR. PEREZ: Maybe, the shop,doing some work at the shop.

MAYOR BUTLER: Okay, I see Mr. Lamb out there, a member of the Board, who is a contractor. MR. Lamb, could you give me your unofficial opinion as to ..I know you are not here to testify as a contractor, but the \$175 is probably not enough and the \$1200 may be too much. How do we get some realistic impression of this project?

MR. LAMB: (not at mike)a few minutes ago. It was inspect..that shop and that job should have been inthe neighborhood of..this will be rough, from about \$400 to maybe \$500 in that category. Theremodeling work will usually average out about \$6 to \$8 per outlet..work. A meter loop roughly might run about \$1.25 an amp service

MAYOR BUTLER: This was 60 amp..

MR. LAMB: No, we have a number of permits.. ..

MAYOR BUTLER: Okay, well this thing says. 60 amp on the inspection down here. It was 100.. Okay.

MR. LAMB: It shouldn't run more than \$400 or \$500.

MAYOR PRO TEM LOVE: Mr. Mayor if there is no more testimony, I have a motion.

MR. DON BUTLER: Well, let's see, just for..

MR. ANDREWS: I would like to ask for a summation.....

MAYOR BUTLER: It is \$400 or \$500 he said.

MR. ANDREWS:add... go ahead.

MR. PEREZ: I want to explain the 7 outlets over here which thewas took out. At being 3 plugs and 4 fixtures that I replaced. And there was a outlet. The other 14 I don't know anything about that.

MR. ANDREWS: All right, thank you.

MR. DON BUTLER: Are you through with your testimony? We would like just very quickly get Mr. Williams up. Are you personally familiar with all the information contained in the letter which is introduced into evidence from Lonnie Davis to Homer Reed, dated January 17, 1974?

MR. WILLIAMS: Yes, sir.

MR. DON BUTLER: Is that true and correct to your personal knowledge?

MR. WILLIAMS: Yes, sir.

MR. DON BUTLER: Okay, I am going to hand you a group of items here, one of which has been introduced into evidence, an affidavit from Bain. Your memo to Lonnie Davis, which we will mark I believe #5. Letter..we will skip that one. Letter from Dick Jordan to Mr. Perez dated December 6, 1973, which we will mark #6. Your information regarding suspension of electric license dated November 5, 1973, signed by you which we will mark #7. And then various applications for permits on the jobs that have been testified to and ask if you are familiar with these, and if they are true and correct?

MR. ANDREWS: These are in effect all prior to the papers filed, were they not?

MR. DON BUTLER: I think that's right Bob.

MR. WILLIAMS: Everything I have..

MR. DON BUTLER: Okay, and you previously testified before the Electrical Board did you not?

MR. WILLIAMS: Yes, sir.

MR. DON BUTLER: In the interest of time we haven't gone through the ropes of asking you these same questions, but would your testimony be the same today as it was before the electrical board?

MR. WILLIAMS: Yes, sir.

MR. DON BUTLER: And is that testimony that you gave at that time a true and correct,?

MR. WILLIAMS: Yes, sir.

MR. DON BUTLER: That's all..

MR. ANDREWS: May I summarize briefly my position. (not at mike) Gentlemen, my position on the score..... which has to be the basis for the hearing, I want to..... all the evidence shows on is that Mr. Perez should have kept track of when he that job and did work..... So that he could personally supervise them and supervise .. His failure to do that certainly falls short of being That's really all he did wrong. He had a right if he wanted to, to do the electrical work for someone who had the contract.this case....contention.

I think it might be a good idea to make that impossible under the City ordinances, but it is impossible now. A contractor can make a deal to do the electrical work,from doing it if he isn't license to do it, and someone else like Mr. Perez can get the permit and do the work. That is the essence of our case, Council, one, three and four. ...number two, I think it is obvious,common knowledge He didn't realize the man had to be his employee. He waschance of false swearing and perjury charge, if he said the man was him employee and he wasn't. He said I called him my agent, parenthetically the form says you must employ. There is nothing further here except the ordinance needs to be amended, that you....perhaps not be able to take out a contract when you are not a licensed electrician. ..some of the.....licensed electrician..... You don't think.... And if they do, we respectfully witness...his honesty in answering questions, the fact that he doesn't even deal with contractors anymore like this unless he also haspermit, the contract and the work. That's Thank you.

MAYOR BUTLER: Was the..I know it said unanimous here on the Minutes of the Electric Board finding. How many people, how many members were present? Four, Mr. Davis?

MR. DAVIS: Four as I recall, Mayor. nine..minutes here..

MAYOR BUTLER: Okay, that answers my question.

MR. DAVIS: I didn't vote. There were five, I didn't vote.

MAYOR BUTLER: You didn't vote.

MR. ANDREWS:

MR. DAVIS (?): I am Max Ladusch.

MR. ANDREWS: Ladusch, excuse me.

MR. LADUSCH: Mr. Mayor,Mr. Ladusch, Mr. Lamb, Mr. James, Mr. Carter, and Mr. Jones (?).

MAYOR BUTLER: Max, may I ask why you disqualified yourself?

MR. LADUSCH: Yes, I guess I let my temper get the best of me when I knew an outright lie had been told by Adam Cordova, and so I disqualified myself.

MAYOR BUTLER: All right, what is the pleasure of the Council?

MOTION

MAYOR PRO TEM LOVE: Mayor, I move that the Council uphold the decision

of the Electrical Board in their meeting held on Wednesday, December 5, 1973, at 10:00 A.M. and to deny the appeal and to further recommend Mr. Perez be given sufficient time to complete work under way, if that be 30 days, I would have to leave that up to the discretion and judgement of Mr. Davis.

MAYOR BUTLER: I think that is in the order of the Electrical Board's motion.

MAYOR PRO TEM LOVE: The 30 days.

MR. DON BUTLER: It was left a little bit more open..but I think we ought to have some limitation.

MAYOR PRO TEM LOVE: Well, I will just say 30 days, and suspension goes into effect at that time.

COUNCILMAN HANDCOX: The motion is to suspend him for 30 days.. 60 days. In effect it would be a 60-day suspenseion.

MAYOR PRO TEM LOVE: To uphold, in other words 30 days from now the suspension would go into effect to allow him to complete work that is under way.

MAYOR BUTLER: Yes, here is the Electrical Board's findings.

MAN: I am the..... (not at mike)the work..the Board made its decision, heto continue the work, he already had a contract, and ...take out.. ..for a period of 60 days.
any new permits

MAYOR PRO TEM LOVE: All right, my motion would reflect that.

MAYOR BUTLER: That's why.. Do we have a second to that motion? That was the motion to uphold the electrical board, do we have another motion. We don't have a second to that.

COUNCILMAN HANDCOX: Yes, Mr. Mayor, I would make a motion that we reject the commendations of the Electrical Board with a very stiff warning to Mr. Perez for what I consider to be a lack of knowledge and to be conned in by some kind of sharp. There is a heck of a lot of this going around where they use a person like you to do a lot of things much cheaper than they could get them done elsewhere. In my opinion, you have been a victim of that. Therefore I would say that this should be a warning to you and the very last time, that something of this nature should occur and therefore my motion is to deny the recommendation.of the Board.

MAYOR BUTLER: All right, do we have a second to that motion?

MAYR PRO TEM LOVE: If not, Mr. Mayor I would move that we uphold the stated recommendation of the Electrical Board, as it is outlined in this report and as we discussed a moment ago.

COUNCILMAN BINDER: I second.

COUNCILMAN FRIEDMAN: We could just..hold up for amminute, I am trying to reread something that I read before just so I know what I am doing.

MAYOR BUTLER: We do have a motion and a second.

MAYOR BUTLER: If I can say something here. If this motion passes, Mr. Davis maybe you can help me..assuming and of course there is no way for the Council to know, assuming Mr. Perez has a fair amount of work under way, this could really not create a too great economic hardship on him, couldit?

MAN:he had...

MAYOR BUTLER: He just cannot take any new jobs for the 60 days period.

COUNCILMAN HANDCOX: I don't have that before me, what is the stated recommendation?

MAYOR BUTLER: Pass it back. It is that, no new business but to finish what he has got.

MR. ANDREWS: Is this recommendation something that was part of the record through the adjournment of the appeal record, or just something..

COUNCILMAN FRIEDMAN: This is a letter to Mr. Perez, dating.. This was their ruling.

MAYOR BUTLER: All right, are we ready for the vote.

MAYOR PRO TEM LOVE: Let's vote.

COUNCILMAN FRIEDMAN: I have read what I wanted to read.

MAYR BUTLER: Call the roll pelase.

Ayes: Friedman, Mayor Butler, Mayor Pro Tem Love, Binder

Noes: Handcox,

Present but not voting: Dryden*

Absent: Lebermann

Vote: 4:1, Dryden present but not voting, Lebermann absent.

*DR. DRYDEN: I was late and I am sorry, I didn't hear the first of the testimony.

MAYOR BUTLER: Okay, does it carry. Allright, Mr. perez and Mr. Attorney, again we have approved the Electrical Board's findings and upheld it. We have no way of knowing but it appears to me really a pretty mild rebuke if I may use that word, because assuming he does have some work, he will certainly be able to finish it, get paid for it, and it is not closing his door like today. That was the basis of the Council..

MR. ANDREWS: We accept and reserve rights for notice of appeal.

MAYOR BUTLER: Do we have a motion to close the hearing and adjourn.

MAYR PRO TEM LOVE: So move.

COUNCILMAN HANDCOX: Second
