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Stephen D. Lodge  
Chief of Police

## NOTICE OF FINAL DISCIPLINARY ACTION

May 26, 2010

Sgt. Kiet Nguyen  
Santa Clara Police Department

Dear Sgt. Nguyen,

### I

On March 12, 2010, Assistant Chief of Police [REDACTED] served you with a Notice of Proposed Discipline. Shortly thereafter, your attorney, Terry Lynn Bowman, notified Chief [REDACTED] that you wished to exercise your right to a pre-disciplinary "Skelly" hearing. Ms. Bowman never scheduled your hearing and on May 24, 2010, she notified Chief Lodge that you now "elected not to proceed to Skelly." Ms. Bowman requested however, that you be allowed to serve your suspension via a "step-reduction." I do not believe honoring this request is in the best interest of the Department. Your discipline shall become final, as proposed, with the exception that the dates have changed due to the Skelly-related delay.

Therefore, the City of Santa Clara hereby suspends you from duty without pay for four (4) working days, or forty four (44) hours, commencing on Monday, June 21, 2010, at 6:00 a.m. and concluding on Thursday, June 24, 2010 at 5:00 p.m. You are prohibited from working any voluntary overtime during this period or using any accrued leave. You are required to surrender your badge, Departmental identification card, and any City-issued firearm to your supervisor immediately preceding the date of your suspension. You are prohibited from acting as a Peace Officer, as defined in section 830.1 of the California Penal Code, during the term of your suspension from duty without pay.

### II

These actions are being taken against you for cause specified in the following sections of the City of Santa Clara Civil Service Rules and Regulations:

6.4 (15): Failure to Observe City Manager's Directives (CMDs), Departmental Rules and Regulations, and all City Rules and Policies, to wit: City Manager's Directive (CMD) #131—Equal Employment Opportunity Policy (Workplace Harassment), and

6.4 (2) Incompetence.

### III

The above causes are based on the following acts or omissions, as investigated and documented by [REDACTED] of the Professional Standards Unit, in Personnel Complaint #2009-02, which you have had the opportunity to review. The investigation covers two different areas of conduct: (A). Workplace Harassment and (B). Performance Appraisals.

#### A. Workplace Harassment

[REDACTED] transferred to the Nuisance Suppression Unit (NSU) in March 2008. You are also assigned to the NSU as the supervisor. You favored and welcomed [REDACTED] selection to the unit. During the relevant time period, your subordinates included [REDACTED] and [REDACTED]. [REDACTED] is African American.

You and [REDACTED] both stated that prior to the transfer, you enjoyed a long standing and close friendship, both on and off duty, that could be characterized as having a "family" atmosphere. You both indicated that friendly joking and verbal banter was a characteristic of your friendship. All of the NSU members interviewed, including you, described a very casual, joking-type atmosphere in the unit. [REDACTED] said there was a lot of joking around and inappropriate statements within the unit, but he characterized them as not personal. However, he stated that if somebody outside the unit heard the comments, they might be offended.

During his initial training in the NSU, [REDACTED] spent the first several months riding around in the same vehicle with you, going to meetings and generally learning the various aspects of his job. During this time period, [REDACTED] would later assert, you started to make racially inappropriate comments. According to [REDACTED], two of these incidents occurred in the presence of other people, one an FBI employee and the other a merchant, where, referring to [REDACTED], you interjected in the conversation that "He's from Africa." Neither of these people could remember this particular comment. However, you admitted to making the statement, "He's from Africa" in the presence of one of these people. You said this was in response to a comment by [REDACTED] that you are "from Tibet." You said your comment was out of line and described it as teasing that got out of hand. You said that you felt bad after the "He's from Africa comment" and asked [REDACTED] if he had been offended. You said [REDACTED] responded, "Fuck no."

On a separate occasion in approximately June or July 2008, you and [REDACTED] were in the office of [REDACTED]. [REDACTED] attempted to determine the proper way to address you; by your first name or "Sergeant." She asked by what title Officer Collins refers to you. According to [REDACTED] and [REDACTED], you responded, "I make him call me Master." [REDACTED] now asserts that he was offended by this

statement and that [REDACTED] "kind of froze." [REDACTED] said she remembered thinking "that's very inappropriate" and said the whole incident was uncomfortable. [REDACTED] said there were other employees in the area that may have heard the comment. [REDACTED] said she counseled you against making such comments later that day. She said you assumed you were being counseled because you thought that [REDACTED] had also heard the comment.

After the private counseling by [REDACTED], [REDACTED] said you told him, "I know she's your girlfriend, so if it comes up again, it has to do with karate." [REDACTED] took this to mean you were trying to explain this as a reference to "karate Sensei," because he has heard [REDACTED] refer to you as "Sensei." You later told your [REDACTED], [REDACTED], about the incident, but also gave the excuse that the "Master" comment referred to a martial arts term that described you as [REDACTED] "Sensei or teacher," rather than a reference to slavery. You did not offer this explanation at the time of the original incident, nor during the subsequent counseling by [REDACTED].

[REDACTED] contends that you made other racially inappropriate comments on several occasions when the two of you were alone. On an unspecified date, [REDACTED] said the two of you were in that city when you said, "there are no blacks in Cupertino, there is no crime, you can leave your car unlocked." On April 16, 2009 [REDACTED] said he received a phone call from you while he was in Humboldt County on vacation. When you learned where he was, [REDACTED] stated that you said, "You know, there are no blacks in Humboldt." [REDACTED] was annoyed and retorted, "Yeah, there are no Vietnamese either." You deny making these comments and there are no known witnesses.

[REDACTED] doesn't believe you were trying to be hurtful, but rather made these comments in a "poor, very poor, attempt at humor." [REDACTED] said he did not appreciate the comments, but never directly said "don't say that." He did however, claim to ask "why would you say that?" to voice his displeasure.

[REDACTED] recalled overhearing you having a conversation with an unknown officer on the phone, approximately during the week of April 18, 2009. During that conversation, [REDACTED] contends that you jokingly agreed to assist the officer with finding the proper vehicle code section to cite a citizen for because the individual was a "minority." You deny this conversation ever took place and we were unable to identify the involved officer.

[REDACTED] said that you have referred to him as "Nacho." [REDACTED] said you have referred to him as "Pineapple." [REDACTED] is Hispanic and [REDACTED] is of Polynesian descent. Both said they were not offended. You said you have referred to [REDACTED] as "Nacho" because he reminds you of a character in the movie Nacho Libre. You said that you have discussed your mutual fondness for pineapple with [REDACTED], but you have never called him that because it would be disrespectful. You also said you may have made reference to [REDACTED] personality reminding you of the characteristics of a pineapple.

The relevant part of CMD 131 states:

**“It is the policy of the City of Santa Clara that unlawful workplace harassment is considered unacceptable behavior and will not be tolerated.**

**Workplace harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:**

- 1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;**
- 2. Has the purpose or effect of unreasonably interfering with an individual’s work performance; or**
- 3. Otherwise adversely affects an individuals employment opportunities.**

**Harassing conduct includes, but is not limited to, the following:**

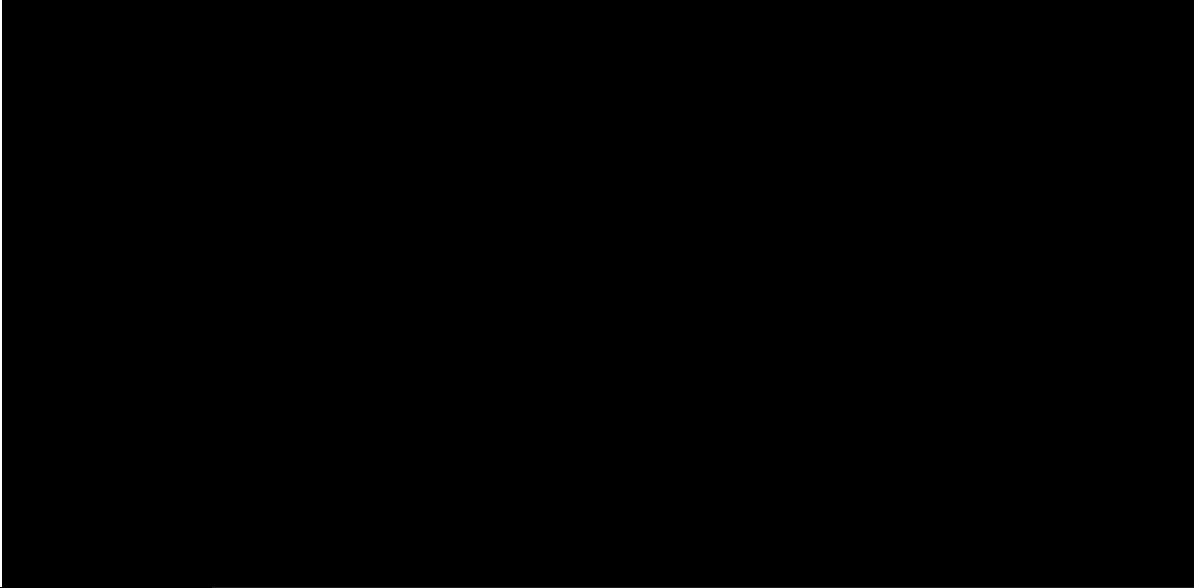
**Jokes, epithets, slurs, negative stereotyping; or threatening, intimidating or hostile acts, that relate to race, color, religion, gender, national origin, age, or disability; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is placed on walls, bulletin boards, or elsewhere on the City's premises or circulated in the workplace.”**

Due to your supervisory position and as required by law, you received formal training through the Human Resources Department regarding workplace harassment on Oct. 25, 2005 and April 3, 2008. You acknowledged understanding the City Workplace Harassment policy in at least five of the annual performance appraisals you have received since being promoted to sergeant. Furthermore, you have written in each performance appraisal you have authored as a supervisor that you had discussed the policy with the appraised employee, including [REDACTED].

Most of the individuals interviewed stated that your inappropriate comments were made in a joking manner. You said that you have been the subject of countless inappropriate comments over the course of your career, but don’t take offense. You said that you have a “thick skin” and can both "take it and dish it out.” Although not all the involved individuals were offended, some were, including [REDACTED] and [REDACTED]. You stated during your interview that the comments you admitted to making were inappropriate and could be offensive if taken out of context. You appear to have fostered and participated in a climate of good-natured joking and teasing. However, some of the comments you made were inappropriate and in poor taste.

As a supervisor, you are not only expected to refrain from offensive conduct, but to set the standard for proper behavior and atmosphere in the workplace. Additionally, you are obligated to put a definitive end to any behavior that is or could be inappropriate. You said that your friendship with some of the involved parties clouded your judgment and, "You can't be a supervisor twenty hours a week; you have to be a supervisor forty hours a week." You also said that when you're around [REDACTED] you have a tendency to "forget I'm wearing the stripes" (referring to being a sergeant). Your behavior, regardless of its intent, and lack of corrective action are in violation of CMD 131.

*The investigation into the above described events was concluded and this document was being drafted when you came forward on December 28, 2009 and provided [REDACTED] with a picture that had been given to you by [REDACTED] and [REDACTED] in approximately October 2008. You had just returned to work at that time after being off for the birth of your child. The picture was of an infant lying in a bed of roses. The picture had been altered in that the baby was given a large "Afro" hairstyle and your face was superimposed on that of the infant. You recalled [REDACTED] previously*



[REDACTED] was interviewed about your complaint and he painted a somewhat different picture. [REDACTED] said he recalled a visit to the hotel in June 2009 by Officer [REDACTED] and Officer [REDACTED]. [REDACTED] could not recall any specific comments being made pertaining to race. However, [REDACTED] said he has a very casual relationship with both you and [REDACTED]. He said that every time you and/or [REDACTED] come to the hotel, you ALL do a lot of joking around. [REDACTED] said that as part of this joking, ALL of you would make comments that if heard out of context could be construed as inappropriate. [REDACTED] said he willingly participated in these discreet conversations and was not personally offended. [REDACTED] only remembered the June 2009 conversation as typical of others he has had with [REDACTED] and that it probably included joking. During the investigation regarding the picture, it came to light that you posted it on the bulletin board in your office for a period of time (ranging from a day, to days, to up to a year, depending on whose recollection is more accurate).

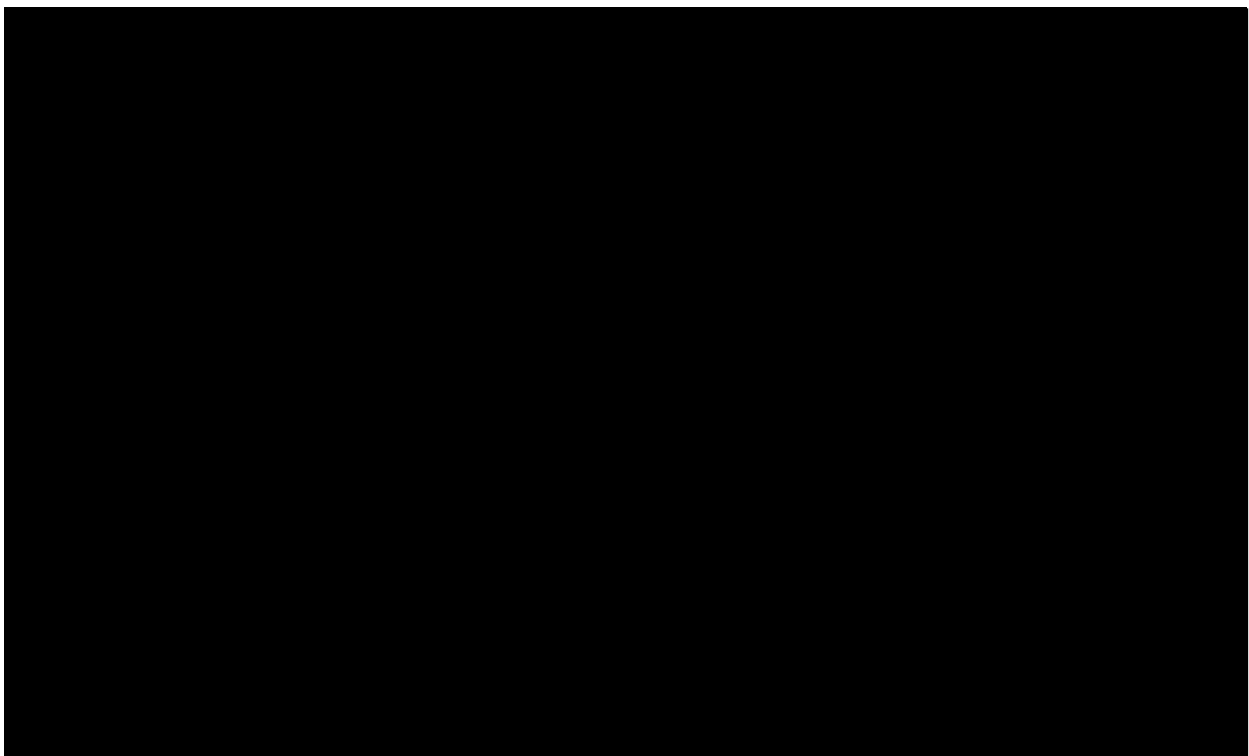
Another instance was described during the investigations you initiated in which you recently referred to [REDACTED] an African American, as a "Ghost of

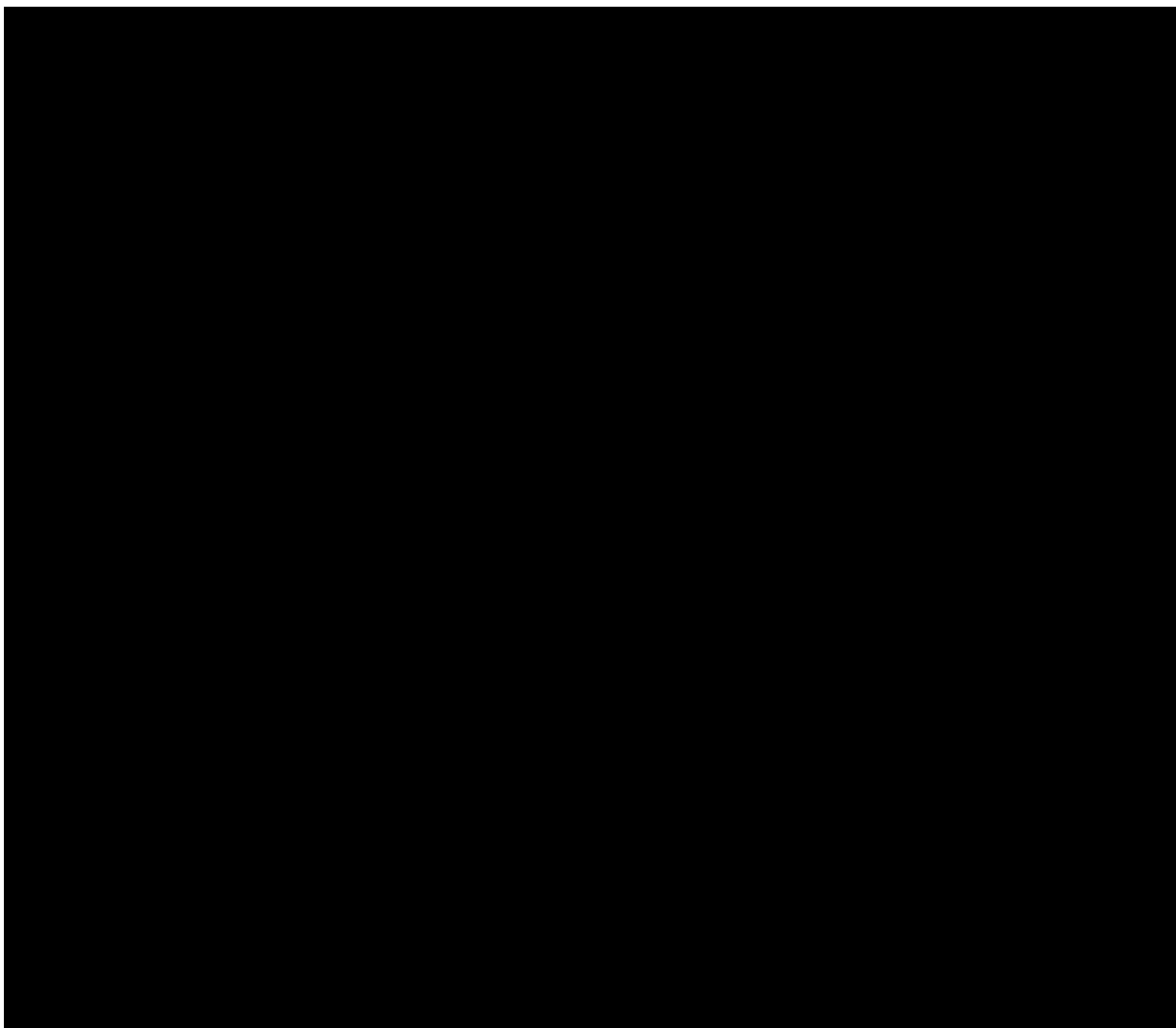
Mississippi.” When you were interviewed about this incident, you said you were merely making a harmless reference to a movie and book of the same name, that you never saw or read, that happened to be on your mind at the time. Aside from this being another strange reference to your inappropriate comments being related to movies, the film “Ghost of Mississippi” is about the murder of an African American Civil Rights activist.

The altered photograph is obviously inappropriate for the workplace. Any culpability on the part of [REDACTED] or other employees will be addressed out of your purview. However, its mere presence in the workplace is further evidence of the atmosphere you created and/or condoned amongst your subordinates that made it seem acceptable. This atmosphere should not have existed and the picture is another example of you not taking the proper corrective action as a supervisor. The sometimes inappropriate, albeit joking, conversations that occurred with [REDACTED], in some of which you were a participant, also evidences the same troubling behavior and inaction on your part.

#### B. Performance Appraisals

On May 14, 2009 [REDACTED] contacted [REDACTED] in the Professional Standards Unit and provided two versions of his recent annual performance appraisal you wrote. (Attached). [REDACTED] stated that you gave him the first “draft” appraisal on March 27, 2009. You gave the second document to him on May 14, 2009. [REDACTED] pointed out that there were significant differences between the two versions, specifically that the latter version contained negative comments and substandard numerical scores. The face sheet for the draft appraisal was not in his possession, but [REDACTED] is certain that it contained no sub-standard numerical scores when he saw it in your possession. [REDACTED] was frustrated and stated he felt the lower scores were not only unwarranted, but possibly had something to do with the above described workplace harassment complaint he had made on April 21, 2009.





There were multiple occasions when you were specifically directed to allow a superior officer to review an appraisal before it is presented to an employee. [REDACTED] was very explicit. [REDACTED] and [REDACTED] cautioned or counseled you that it was not a good practice. Finally, you were counseled in your annual appraisal by [REDACTED] to allow your supervisor an opportunity to “review and provide input first” on employee evaluations. Incredulously, [REDACTED] and [REDACTED] said you presented them the appraisal in question here for review *without* disclosing to them that you had already provided [REDACTED] with a draft. Both [REDACTED] and [REDACTED] had you make changes to the appraisal without the benefit of knowing you had already presented it to [REDACTED]. The ensuing conflict was inevitable and predictable.

You stated that your friendship with [REDACTED] clouded your judgment in this matter, just as it had in the workplace harassment situations described above. You also stated that you now understood that a request by a superior, no matter how politely done, is in fact a directive or an order.

The normal and accepted Departmental procedure for performance appraisals is as follows: A supervisor develops an evaluation and when completed, provides it to his/her superior for input. That superior reviews and provides both verbal and often written input on the evaluation. Any necessary changes are made and then the evaluation is presented to the employee. This provides an honest and fair evaluation of the employee while keeping the chain of command involved in the process. This procedure not only allows superior officers an opportunity to provide input on line personnel, but also allows them to review the work product of supervisors.

Your practice of first providing a "draft copy" of an evaluation to an employee before allowing your superior to review it creates two problems. First, it denies the superior officer an opportunity to provide input and review his subordinate's work product (both the employee and the supervisor). Second, it sets up a false sense of expectation on the part of the employee and creates conflict if significant, negative factors are added to the evaluation at a later date. You significantly compounded problems when you did not inform your superiors that you had provided draft copies, thus allowing them an opportunity to prepare for the certain and unfavorable reaction of the frustrated employee.

You claim that you gave [REDACTED] a "draft copy" of his evaluation as a motivational tool to get him to improve his performance. This assertion is nonsensical in that anyone reviewing the "draft copy" would view it as a positive evaluation, as did [REDACTED]. Giving him a subsequent version of the appraisal that contained new and negative comments would predictably be not well received and confusing. The suspicion [REDACTED] asserted that the change in his appraisal was in retaliation for the complaint he initiated against you is understandable.

Your repeated problematic practice of providing draft copies of evaluations to your subordinates, especially when not informing your superiors of having done so when submitting the evaluations to them for approval, is supervisory incompetence because of the turmoil that has resulted. Your conduct could also be construed as insubordinate in light of the repeated direction against this practice you ignored from your superiors. You have also conducted yourself in a manner that brings disrepute upon yourself as a supervisor in this Department.

You are strongly admonished that any further violation of City or Departmental policies will result in further disciplinary action, up to and including termination.


#### IV

Right to Respond Pursuant to Government Code Section 3306. You are entitled to respond in writing to this document within thirty (30) days as guaranteed in section 3306 of the California Government Code.




Attachments:

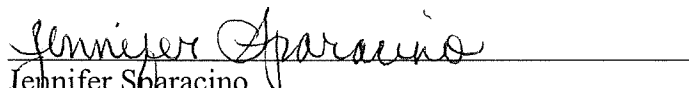
1. Employee Appraisal, Draft Copy
2. Employee Appraisal, Final Copy
3. City of Santa Clara Civil Service Rules and Regulations, Sections 6 and 7

  
Stephen D. Lodge  
Chief of Police


Reviewed by:

  
Elizabeth Brown  
Director of Human Resources

Approved by:

  
Jennifer Sparacino  
City Manager

I acknowledge receipt of a copy of this notice:

  
Kiet Nguyen  
Police Sergeant

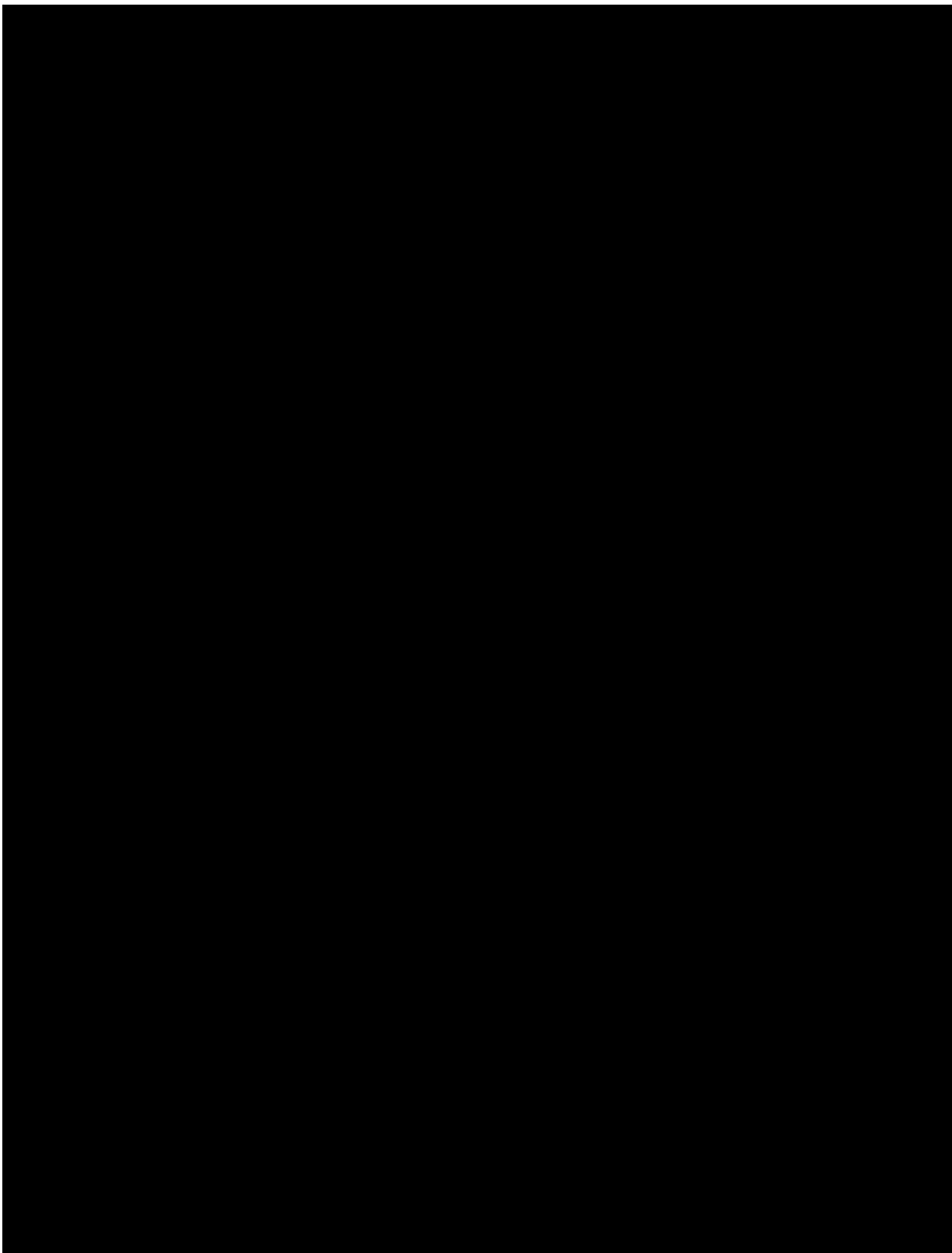
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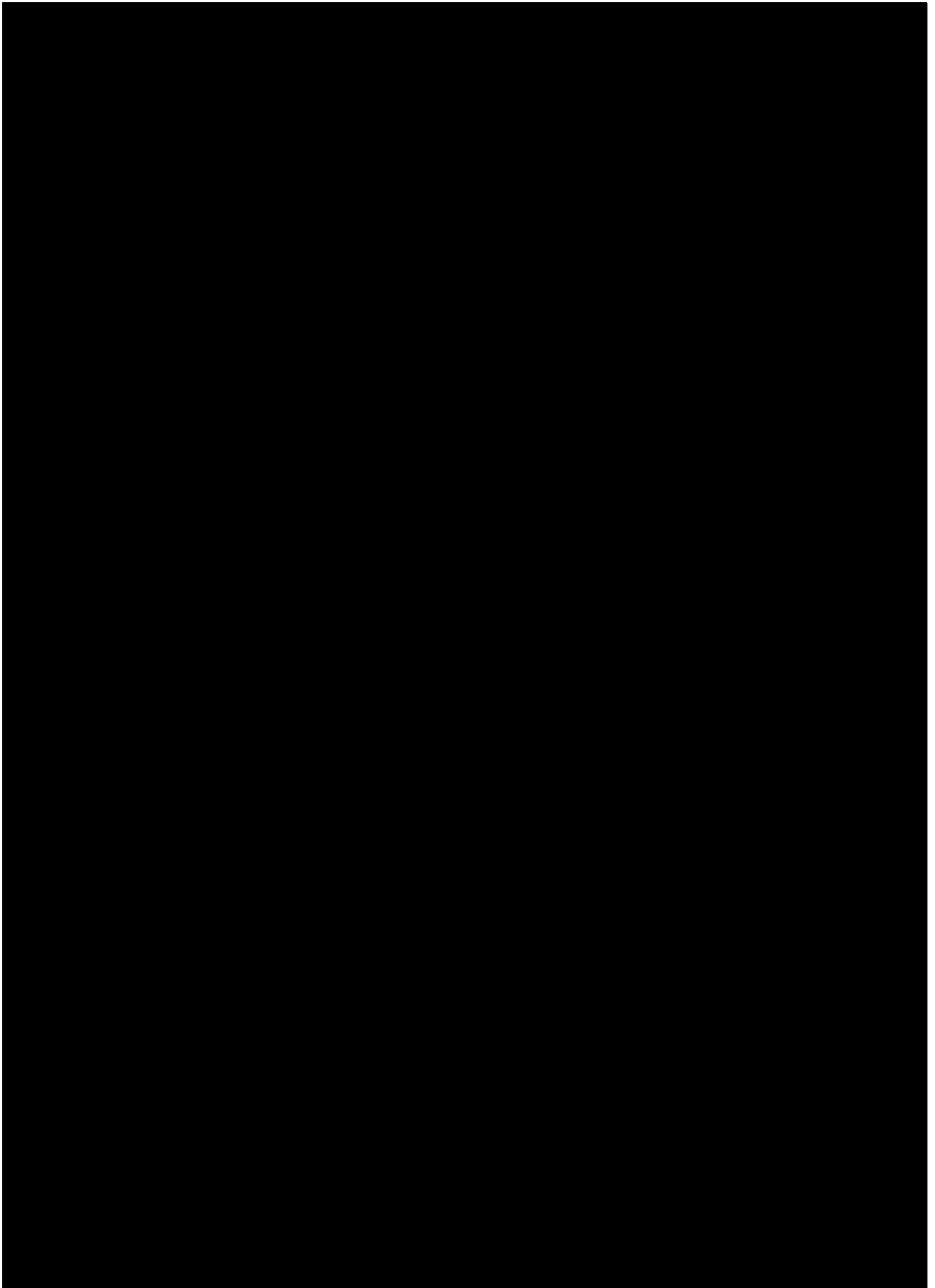
TO [REDACTED]

**DRAFT  
COPY**

Employee Evaluation  
Officer [REDACTED]

DELIVERED TO P.S.U.  
ON 5/14/09







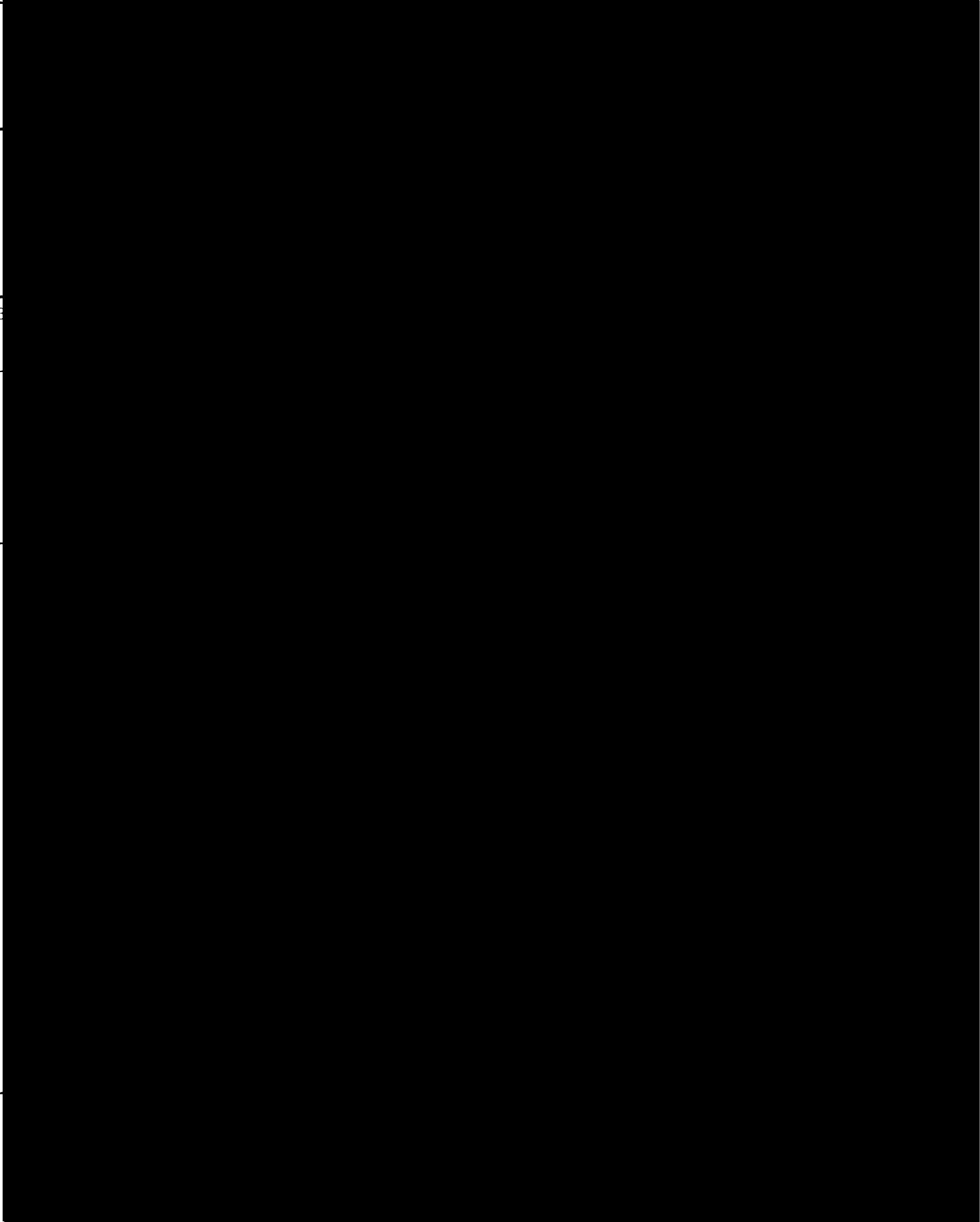
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City of Santa Clara

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POLICE OFFICER PERFORMANCE APPRAISAL



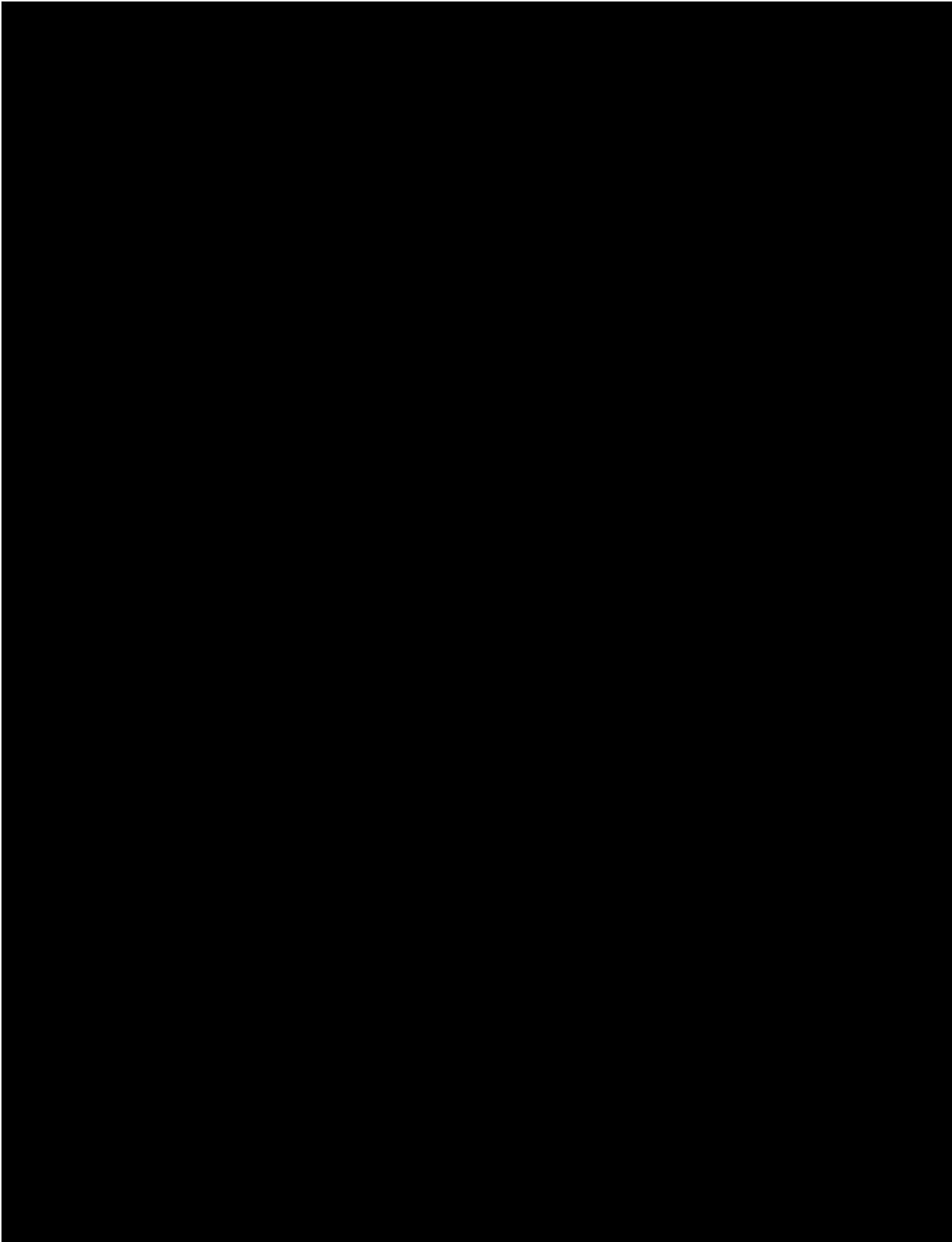
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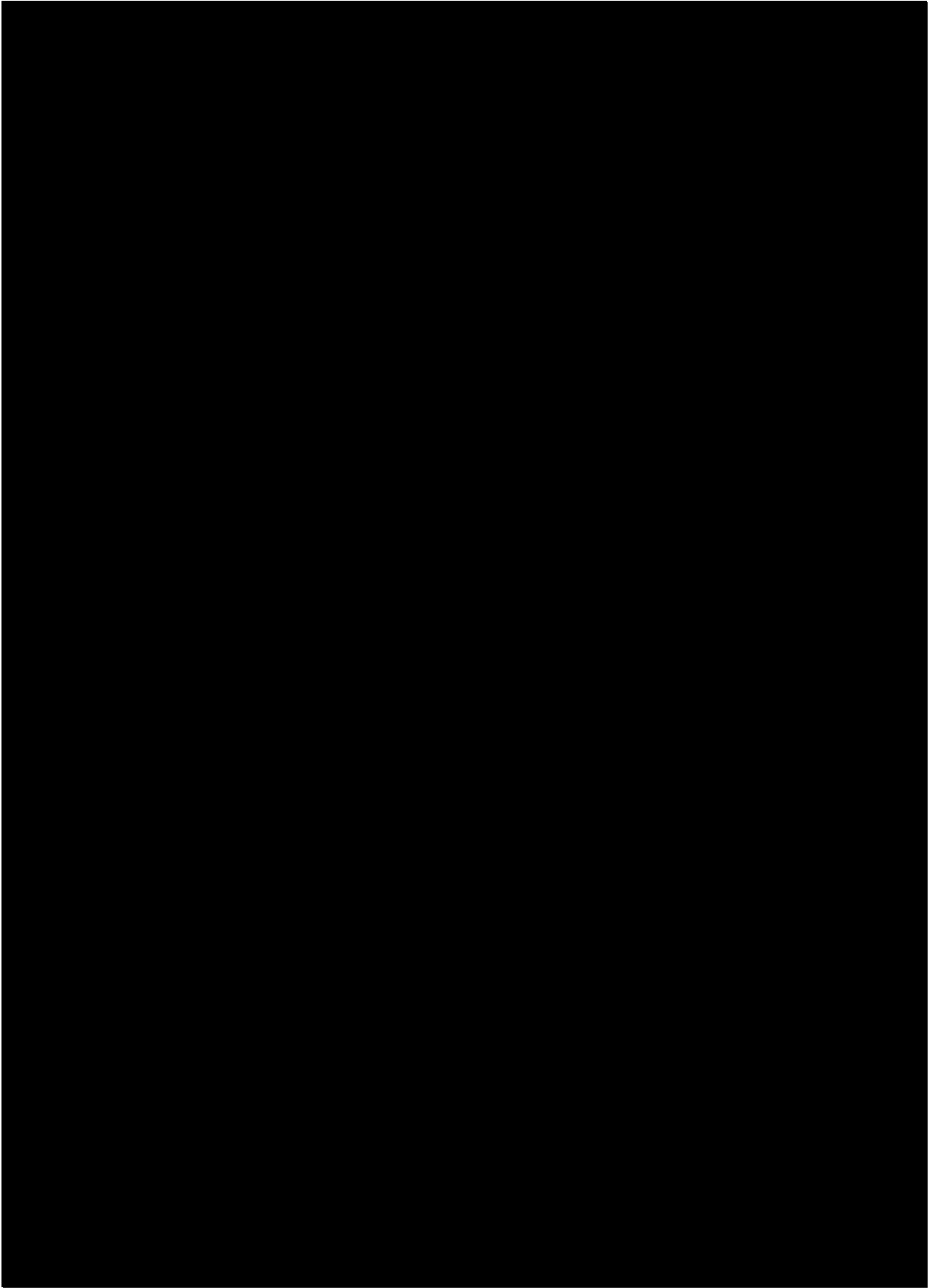
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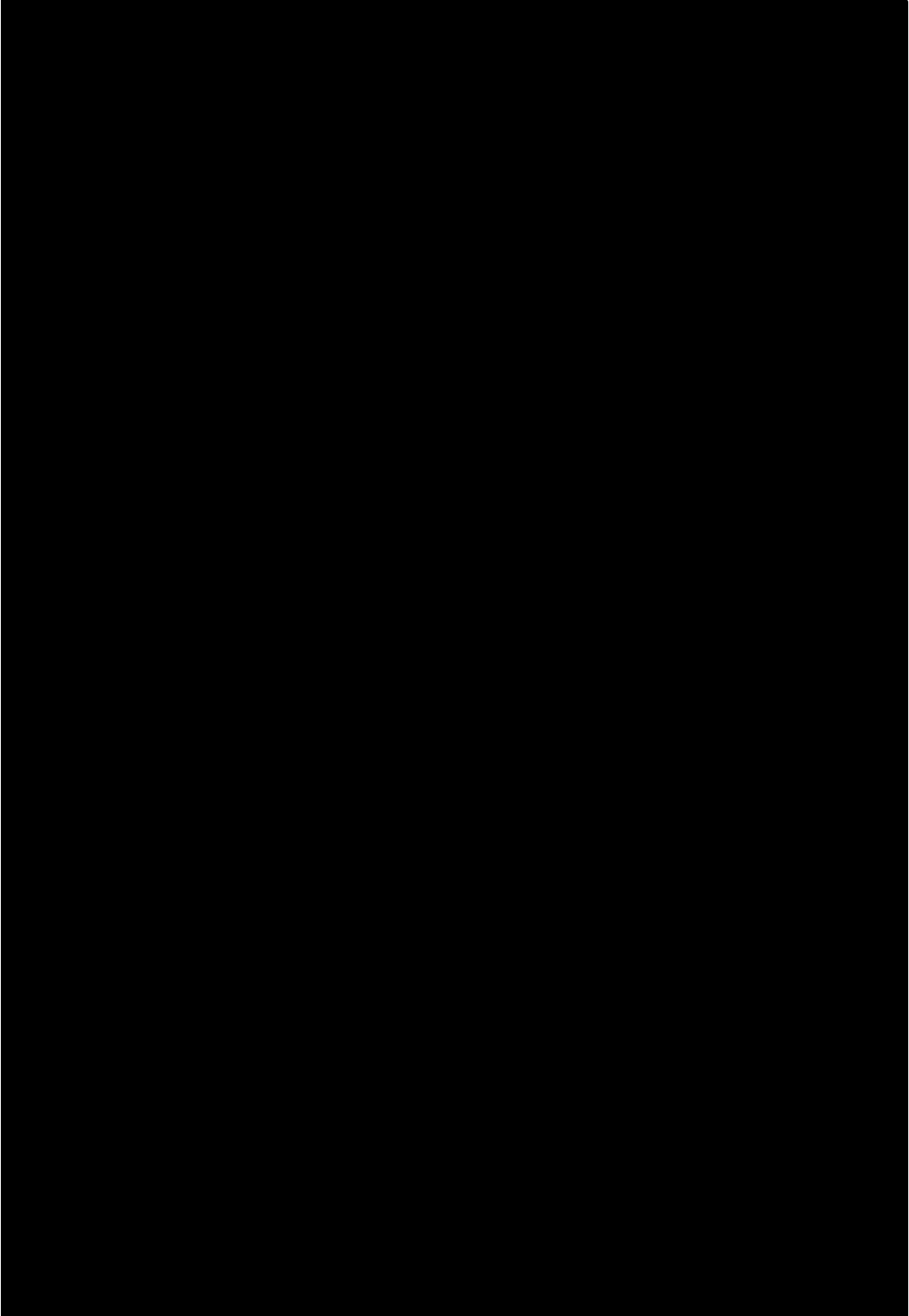
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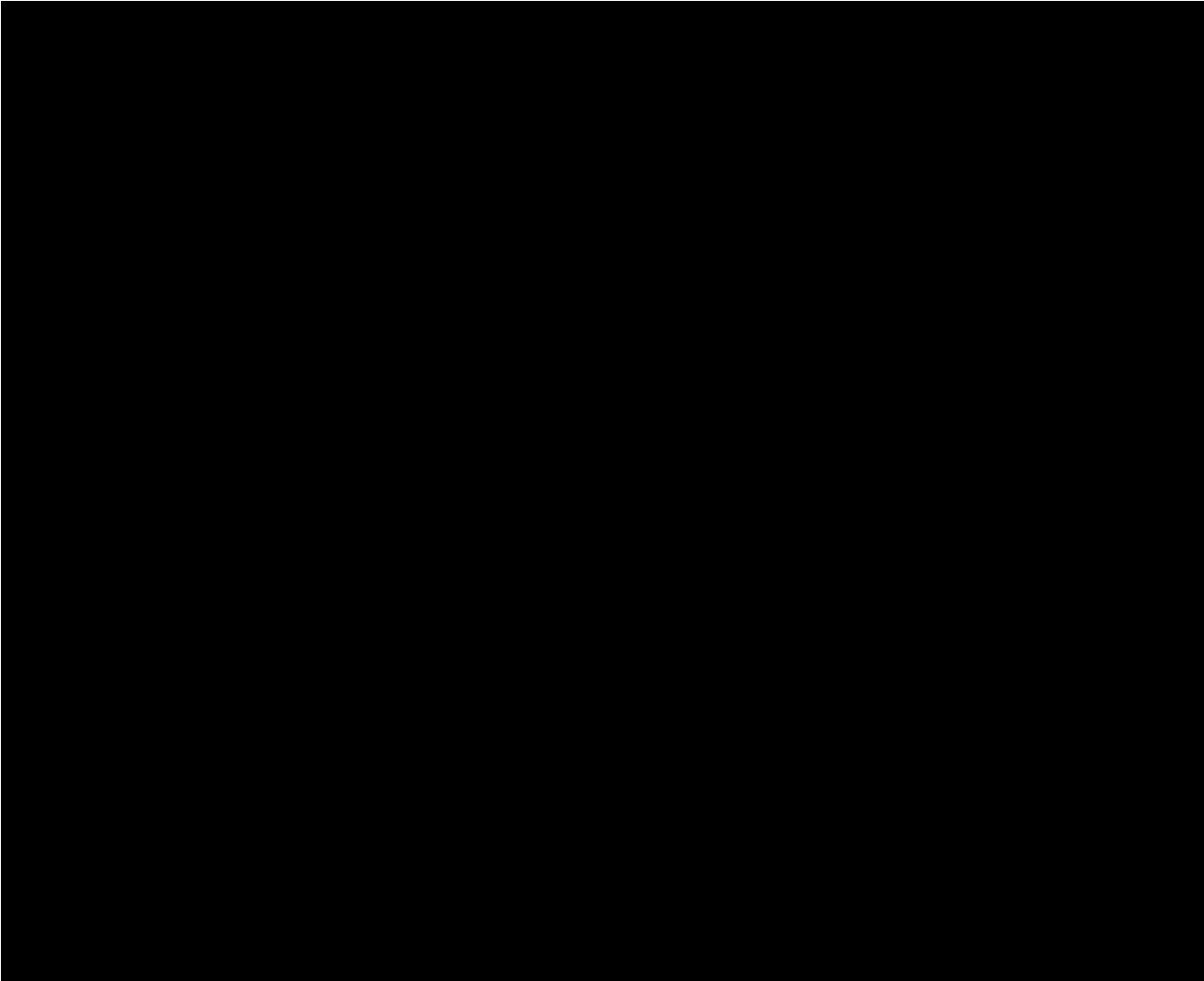
Employee Evaluation











## CIVIL SERVICE RULES & REGULATIONS

### SECTION 6

#### SEPARATIONS AND PUNITIVE ACTION

##### 6.1 TENURE OF PERMANENT EMPLOYEES: METHODS OF SEPARATION:

The tenure of every permanent employee in the Classified Service is contingent upon good behavior, satisfactory performance and the existence of the position. Any such employee may be temporarily separated from the service through layoff, leave of absence or suspension; permanently separated through resignation or removal for cause, or permanently or temporarily separated through retirement.

##### 6.2 LAY-OFF:

When it is necessary to reduce the staff for lack of work or funds or in the interest of economy, the Appointing Authority shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The procedure for the lay-off of employees shall be as follows:

- (a) All employees holding temporary appointments shall be laid off first, to be followed next by those employees holding probationary appointments.
- (b) Among employees holding permanent appointments, those having the lowest relative performance ratings in the last three service evaluations, covering a period of at least one year, shall be laid off next. Provided, however, that in the event the performance ratings are substantially equal, separations shall then be arranged in order of the seniority of service, and the employees with the lowest relative seniority shall be laid off to the extent necessary.

- 6.3 RESIGNATION: Any resignation, whether voluntary or involuntary, is to result in severance of the person resigning from City employment, and the procedures prescribed for disciplinary treatment shall not apply to effectuate the termination of such employment, except that whenever it is claimed by any person that he has been unlawfully suspended, laid off or discharged, and that such lay-off, suspension or discharge is ineffective for any reason, a demand for reinstatement must be filed in writing within seven (7) calendar days following the date on which it is claimed that such person was first illegally, wrongfully or invalidly laid off, suspended or discharged. Such demand for reinstatement must be filed with the Civil Service Commission. Failure to file such demand for reinstatement within the time herein specified shall be a bar to any action to compel such reinstatement, and proof of filing such a demand for reinstatement must be completed and proved a condition precedent to the maintenance of any action for reinstatement. The Civil Service Commission shall treat such a demand for reinstatement which meets the above requirements as a written demand to investigate the same and shall otherwise act as provided in Section 7 of the Civil Service Rules for investigating, hearing and disposing of such matters.

6.4 **RETIREMENT:** Effective January 1, 1979, and pursuant to § 7508 of the Government Code, an employee who reaches the age of seventy (70) years shall be retired, unless, due to extenuating circumstances, his/her retention in the City service is deemed by the Appointing Authority to be in the best interest of the City. Retirement is mandatory without exception upon the employee attaining the age specified in the City's Retirement Plan as the age for compulsory retirement for the particular type of personnel.

6.5 **REMOVAL FOR CAUSE:** No cause is necessary for dismissal, demotion or suspension of any employee other than a permanent employee in the Classified Service.

(a) **Punitive Action:** The Appointing Authority may cause the dismissal, demotion, suspension of any permanent employee in the Classified Service for each of, but not limited to, the following causes:

- (1) Fraud in securing appointment.
- (2) Incompetency.
- (3) Inefficiency.
- (4) Inexcusable neglect of duty.
- (5) Insubordination.
- (6) Dishonesty.
- (7) Drunkenness on duty
- (8) Intemperance.
- (9) Addiction to the use of narcotics or habit-forming drugs
- (10) Absence without leave, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked or canceled by the Appointing Authority; provided, however, that if such absence or failure to report is excusable, the Appointing Authority may dismiss the charges.
- (11) Conviction of a criminal offense involving moral turpitude.
- (12) Immorality.
- (13) Discourteous treatment of the public or other employees
- (14) Political activities as proscribed by law.
- (15) Willful disobedience.
- (16) Misuse of City property.
- (17) Failure to observe departmental rules and regulations.
- (18) Failure to observe City's Code of Ethics.
- (19) Failure of employee to pay or make provision for future payment of just debts when annoyance is caused his Department Head or scandal is caused the service by such failure.
- (20) Any other failure of good behavior or acts either during or outside of duty hours which is incompatible with or inimical to the public service.

(b) **Medical Action:** The Appointing Authority may cause the dismissal, demotion, suspension of any permanent employee in the Classified Service for:

Physical or mental disability.

6.6 **NOTICE:**

Written notice of the dismissal, demotion, suspension, or other action, taken by the Appointing Authority under this Section 6, and the specific reasons therefore shall be furnished by personal delivery and receipt or by the posting of a certified letter to the employee against whom such action is taken within three (3) days after such dismissal, demotion, suspension, or other action as provided in Section 7 of these rules.

## SECTION 7

### BOARD OF REVIEW

7.1 ORGANIZATION: The Civil Service Commission shall meet and act as a Board of Review when required. The Personnel Director shall appoint a Recording Secretary of the Board, and the minutes of the proceedings shall be signed by the members present and voting. Three (3) members shall constitute a quorum. The concurring vote of at least three (3) members shall be required for any decision or recommendation of the Board, other than to adjourn or postpone a meeting.

7.2 POWERS:

- (a) The Board of Review shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoena issued in the name of the City. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and the refusal of a person to attend or testify in answer to such subpoena shall subject said person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council.
- (b) Each member of the Board of Review shall have the power to administer oaths or affirmation to witnesses.

7.3 DUTIES: Any permanent employee who has been dismissed, laid off, suspended, or demoted by the Appointing Authority shall be entitled to be heard before the Board of Review at a duly constituted meeting thereof provided a written request therefore has been filed with the Secretary of the Board and the Appointing Authority within ten (10) calendar days from the date of receipt or posting of the written notice of the action taken, as set forth in Section 6.6, whichever occurs first.

Any employee whose duly processed personal grievance, and not a dismissal, lay-off, suspension or demotion, that has not been resolved to his satisfaction by the Appointing Authority, may petition and at the discretion of the Board of Review may be heard before the Board of Review at a duly constituted meeting thereof provided the Board has not previously heard the case, and provided a written request therefore has been filed with the Secretary of the Board and the Appointing Authority within seven (7) calendar days from the date of receipt of the Appointing Authority's final decision on the grievance.

The Appointing Authority may also refer an unresolved grievance to the Board of Review for their consideration and recommendation whereupon the Board shall hear the case at a duly constituted meeting thereof.

- (a) Within twenty (20) days after the proper filing of a written request for a hearing or as soon thereafter as said Board is able to function, where it is unable to function within the twenty (20) day period, the said Board of Review shall conduct a hearing following any review of the action and complaint deemed necessary by it.
- (b) The hearing before the Board of Review may be public or private at the option of the Commission unless the employee requests a public hearing but the hearings of the Board shall be informal and the rules of evidence shall not apply.
- (c) The Board of Review shall, within ten (10) days after the hearing is closed and the matter is submitted, render its decision in writing and thereupon copies of said decision shall be directed by the Secretary of the Board to the Appointing Authority and to the employee.

7.4 APPEARANCE REQUIREMENT: Unless incapacitated, the person making the complaint shall appear personally before the Board of Review at the time of the hearing.

7.5 BINDING FORCE OF BOARD'S DECISION:

In any case involving a dismissal, lay-off, suspension or demotion, the decision of the Board shall be binding upon the employee and the Appointing Authority, and shall not be subject to review by any Court, or other tribunal, except in cases where the decision was procured through fraud, or lack of jurisdiction, and before any such review shall be had in such cases, a petition for reconsideration shall first be presented to the Board wherein such alleged fraud or lack of jurisdiction is set forth, and verified by the petitioner. Petitions for reconsideration of any such decision of the Board shall be filed with Board not later than ten (10) days after rendition of such decision, excepting petitions based upon fraud or lack of jurisdiction which shall be filed no later than thirty (30) days thereafter. A decision shall be deemed to have been rendered as of the date of certification thereof to the Appointing Authority and the employee. In the event the Board of Review revokes or modifies a dismissal, lay-off, suspension, or demotion and orders the employee reinstated to the former position, it may direct payment of salary to the employee for the period of time the Board finds the dismissal, lay-off, suspension or demotion was improperly in effect.

7.6 NON-BINDING FORCE OF BOARD'S DECISION:

In any case involving a personal grievance and not a dismissal, lay-off, suspension or demotion, the decision of the Board shall not be binding upon the Appointing Authority but shall be submitted in the form of a recommendation for consideration by the Appointing Authority.

7.7 TEMPORARY BINDING FORCE OF BOARD'S DECISION:

Notwithstanding Section 7.6 hereof for the period commencing January 1, 1973, and ending December 31, 1974, any decision of the Board on grievances arising and heard by the Board in that period shall be final and binding on all parties.

## PROOF OF SERVICE

I was, at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to the within entitled action.

I served the attached Notice of Final Discipline and Sections 6 and 7 of the City of Santa Clara Civil Service Rules and Regulations by delivering a copy of same to each hereinafter named person personally, in the county of Santa Clara, State of California, at the address and on the date set forth opposite each name, to wt:

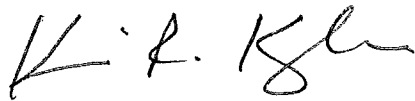
<u>Name of person Served</u>	<u>Address and City where Served</u>	<u>Date of Service</u>
Sgt. Kiet Nguyen	601 El Camino Real, Santa Clara	June 1, 2010

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 1, 2010, at Santa Clara, California.

By:

Kevin R. Kyle  
Assistant Chief of Police



\_\_\_\_\_  
Signature