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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF TULARE  
10

11 WESLEY J. HENSLEY,  
12 Petitioner,  
13 vs.  
14 CITY OF TULARE,  
15 Respondent.  
16

Case No. 273730  
HENSLEY STATEMENT OF FACTS  
RE: MEDIATION  
Date: January 10, 2018  
Time: 9:00 a.m.  
Mediator: Retired Judge Howard R.  
Broadman

17 Wes Hensley served honorably as a police officer with the City of Tulare for 27 years. After  
18 multiple promotions, and with an exceptional service record, the City named Hensley as its Chief  
19 of Police in November of 2016.

20 Chief Hensley was unexpectedly fired on March 20, 2018. Not for misconduct. Not for  
21 insubordination. Chief Hensley was fired because a corrupt politician, in concert with a weak City  
22 Manager and a conflicted City Attorney, were bent on sidelining an investigation – *initiated by the*  
23 *City Manager* – into the former Mayor’s improper use of a City credit card.

24 The principal actors in this saga are former Mayor Carlton Jones, former City Attorney  
25 Heather Phillips, and former City Manager Joe Carlini. Short biographies of these characters are  
26 followed by a sequence of events, largely told through witness testimony, that ended in the  
27 wrongful termination of Chief Hensley’s employment.  
28

1 **Former Mayor Carlton Jones**

2 Carlton Jones has a demonstrated history of antipathy toward the Tulare Police  
3 Department. A regular Facebook user, his posts are frequently critical of not only TPD, but law  
4 enforcement in general.

5 As an example, in March of this year (while Chief Hensley was on administrative leave),  
6 TPD experienced an officer involved shooting that ended in the tragic death of 27 year old Jontell  
7 Reedom. Within 24 hours of the incident, Jones was slamming TPD in the press. As reported  
8 by the Visalia Times Delta:

9 "I feel like there were other steps that could have been taken," Jones said. "It  
10 breaks my heart that we don't have better ways to deal with these issues."

11 *He added he's been trying to "clean up the police department."*

12 The following day, Jones doubled down on his criticism of the Department while addressing  
13 some 100 peaceful marchers outside City Hall. As reported by the Fresno Bee:

14 *"Hey brother, I've been a victim," Jones said. "Believe me, all of these problems  
15 have to be addressed ... We will fight somewhere else. Today, we'll come together."*

16 This rush to judgment by the Mayor, vowing within 24 hours of the incident to "clean up the  
17 police department," and shortly thereafter claiming personal victimhood, was pure politics, and  
18 consistent with his lengthy record of hostility toward law enforcement.

19 Inexcusably, Jones offered no apology to the officers involved in the incident after an  
20 investigation by the Tulare County Sheriff's Department cleared them of any wrongdoing.

21 In addition to his contempt for law enforcement, Jones has a history of intimidation. He has  
22 been the subject of four separate Domestic Violence Restraining Orders, issued by two separate  
23 judges of the Tulare County Superior Court.

24 At a council meeting on September 19, 2017, Jones left the council dais to personally  
25 confront Alex Gutierrez, a Tulare citizen. Jones was visibly angry, and was so threatening in his  
26 demeanor that Willard Epps, the recently retired Interim City Manager and long time Fire Chief,  
27 had to grab Jones by his shoulders and separate him from Gutierrez. This confrontation was  
28 recorded and widely published by local media outlets. The video will available at the mediation.

1 Jones' conduct has not gone unnoticed at City Hall, where he has the reputation of being  
2 a bully.

3 ***Roxanne Yoder's testimony:***

4 BY MR. LAMPE:

5 Q. Well, I mean, Mr. Jones sort of has a history of being a bully, doesn't he?

6 A. Yes.

7 Q. That's probably something that also was discussed, I guess, on a fairly  
8 regular basis at city hall. Would that be a fair statement?

9 A. Yes.

10 Jones' aggressive conduct and Facebook rants ultimately caught up with him. On June  
11 19, 2018, the Tulare City Council took the unusual step of stripping Jones of his title as Mayor,  
12 although he remains on the City Council.

13 In addition to his hostility toward TPD, Jones has little respect for other department  
14 personnel and fellow council members. According to Jones, just about everyone at City Hall is  
15 a liar.

16 ***Carlton Jones' testimony:***

17 BY MR. LAMPE:

18 Q. If I told you that five people at city hall have testified under oath that they  
19 heard Joe Carlini say that he had you on credit card fraud, or something to  
20 that effect, would that surprise you?

21 A. If you said that?

22 Q. Yes.

23 A. Nothing would surprise me.

24 Q. Would it surprise you if they testified to that under oath?

25 A. No. I wouldn't care.

26 Q. That's not my question. I didn't ask --

27 A. It wouldn't matter to me at all.

28 Q. I'll give you an idea what they said. So -- take a look at what's been marked  
as Exhibit 12 in this proceeding. This is a contemporaneous memo taken by  
Chontelle Adney regarding a --

1 A. Chontelle Adney is a bigger liar than you are.

2 Q. All right.

3 A. So I really wouldn't care what she says.

4 Q. Okay. What about Roxanne Yoder? Is she a bigger liar than I am?

5 A. No, you're a way bigger liar than Roxanne.

6 Q. Okay. Is Roxanne Yoder a liar?

7 A. I've known her to lie.

8 Q. Okay. So Chontelle Adney is a bigger liar than I am, which I guess, in your  
9 mind, is a pretty big liar, right?

10 A. Right, yeah.

11 Q. I mean, in terms -- in terms of lying on 1 to 10, where do I stand? Am I an  
12 8, 9, 10, 11?

13 A. No, you'd be about a nine.

14 Q. Chontelle is a ten?

15 A. Oh, she's probably a 15.

16 Q. Okay. All right. And where would Roxanne stand on the lying scale?

17 A. I don't know. You know what, I've -- I've only known Roxanne to, like, be  
18 dishonest -- be dishonest on a couple of occasions.

19 Q. Okay. So where would you put her?

20 A. Like, an opportunist liar... So, like, a three or four.

21 Q. What about Matt Machado?

22 A. He's -- yeah, he's a liar.

23 Q. Okay. Where does he sit on the scale?

24 A. Like, a five.

25 Q. Okay. What about Joe Carlini?

26 A. Yeah, Joe can lie.

27 Q. Where does he sit on the scale?

28 A. I don't know. I have no idea. He's -- Joe's like a kid that lies to get out of  
trouble... I put Joe right around where Roxanne's at.

1 Q. Three or four.

2 A. Yeah.

3 Q. So out of the -- out of -- what about Wes? Where would you put him on the  
4 liar scale?

5 A. I don't think I put Wes. I think Wes put hisself on the liar scale.

6 Q. Oh, okay. So where is he?

7 A. Like, a three.

8 Q. *Okay. Is there anybody at city hall who you think would not lie?*

9 A. *I don't think there's a person alive that won't lie.*

10 Q. *That include you?*

11 A. *Oh, yeah. I've lied tons of times.*

12 Q. Where would you put Jose Sigala?

13 A. I don't know if he -- I don't know. He's kind of like you.

14 Q. Well, I'm a nine. Is that what he is?

15 A. Well, yeah, you say stuff ....

16 Q. Okay. So is Jose a nine in your mind? Because this is going to be your  
17 word against, I think, a whole bunch of people's, Carlton.

18 A. Jose is just a -- just a POS in my book.

19 Q. POS meaning piece of shit?

20 A. Yeah.

21 Q. All right. So --

22 A. Who else is there? Macedo?

23 Q. Dave Macedo, yeah.

24 A. I'd say about a five.

25 Q. Okay. So he lies quite a bit.

26 A. No, you lie quite a bit.

27 Q. Okay. He lies sort of a lot, I guess.

28 A. Yeah... About half as much as you.

1 So there you have it. According to Councilman Jones, the current Mayor (Sigala), the  
2 former Mayor (Macedo), the former City Manager (Carlini), the Interim Police Chief (Machado),  
3 the former Police Chief (Hensley), the Chief Deputy City Clerk (Yoder), and the Police Chief's  
4 Administrative Assistant (Adney), are all liars.

5 And one more thing. Out of the former Mayor's own mouth: "*Oh, yeah. I've lied tons of*  
6 *times.*"

7 Yes, indeed.

### 8 **Former City Attorney Heather Phillips**

9 Heather Phillips enjoyed a brief tenure as the Tulare City Attorney. The circumstances  
10 surrounding her hiring are a bit murky. The circumstances surrounding her firing, and the council's  
11 decision to sue her and her law firm for professional negligence and unjust enrichment, are much  
12 clearer.

13 David Hale resigned as the City Attorney in March of 2017. At a special closed session of  
14 the City Council on March 31, 2017, the following report was made:

15 "Mayor Jones reported that the Council directed him to secure an Interim City  
16 Attorney by Tuesday, April 4, 2017, City council meeting."

17 Pursuant to the apparent authority granted him, Jones had Heather Phillips show up as the  
18 Interim City Attorney at the next council meeting. Jones testified that he and Phillips have been  
19 friends for nine or ten years, and that he met her through her representation of the Fresno  
20 Firefighters Union, of which he served two years as President.

21 At the time of her appointment as the Interim City Attorney, Phillips had been practicing law  
22 for a little over eight years, and had no experience representing municipalities. Although the City  
23 Council directed City Manager Carlini to put out a Request for Proposals to secure bids for the  
24 permanent position, this directive was ignored.

### 25 ***Roxanne Yoder's testimony:***

26 Q. Exhibit 3 is a copy of the City Council minutes of ... April 18, 2017. Do you  
27 see that?

28 A. Yes.

1 Q. And if you look at Page 2 of those minutes under Roman Numeral V, there  
2 was a report out of the closed session of the council, and the report out was,  
3 "Mayor Jones advised staff was directed to prepare a Request for Proposals  
4 for City Attorney Services." Do you see that?  
5  
6 A. I do.  
7  
8 Q. Do you know if staff actually prepared an RFP for attorney services pursuant  
9 to the mayor's direction?  
10  
11 A. I do.  
12  
13 Q. Which staff member or members prepared that?  
14  
15 A. I did.  
16  
17 Q. And then after you prepared the RFP, that went to Carlini's desk?  
18  
19 A. Correct.  
20  
21 Q. And what happened after it went to Carlini, if you know?  
22  
23 A. He told me to hold off on it.  
24  
25 Q. When did he tell you to hold off on it?  
26  
27 A. Shortly after I prepared it. We were directed on April 18th by City Council to  
28 prepare it. I worked on it the following day. I provided it to him to review. He  
made some changes. I made those changes and provided it back to him,  
asked him when he wanted to do -- to issue it and when proposals would be  
due. And he told me to hold off.

Q. And do you recall when Mr. Carlini told you to hold off?  
A. That would have been either the 20th or the 21st of that week.  
Q. What do you recall Mr. Carlini saying in terms of hold off?  
A. Just that. I asked him when -- I was trying to calculate the dates for the date  
issued and proposals due on the face of the RFP. Those are left as month,  
day, year. I was trying to get a time line on when he wanted these issued,  
and he just said, "Hold off."  
Q. Did he give you any reason for that?  
A. He did not.  
Q. Did you find that to be strange given the fact that the council had issued a  
direction to prepare this thing?  
A. I did.

1 Without going to bid, Mayor Jones' self-described "friend" was hired as the City Attorney  
2 at a flat rate of \$30,000.00 per month. Not bad for a lawyer with eight years of legal experience,  
3 none of it in municipal law.

4 Phillips' tenure as City Attorney proved to be a disaster. City Manager Joe Carlini felt he  
5 could not trust Phillips from the beginning of her employment, and apparently made a point of  
6 communicating his feelings to others. Carlini also thought that Phillips secured her appointment  
7 as City Attorney solely based upon her relationship with Mayor Jones.

8 ***Joe Carlini's testimony:***

9 Q. Have you ever told anybody that you thought Miss Phillips couldn't be  
10 trusted?

11 A. Yeah. Yeah. Yep. And not yeah; yes. Yeah.

12 Q. [Y]ou testified that you had told people you couldn't trust Heather Phillips....  
13 when did you first start to have concerns about her trustworthiness, as best  
14 you can recall?

15 A. Well, I mean, you know, I think it was right in the beginning.

16 Q. In your mind, is the only reason that Heather Phillips became the city  
17 attorney for the City of Tulare because of her relationship with Councilman  
18 Jones?

19 A. Yeah, yes.

20 Q. I mean, she didn't have any prior municipal experience, correct?

21 A. Absolutely no municipal experience.

22 On June 19, 2018 – the same day that Jones was stripped of his Mayorship – the City  
23 Council fired Heather Phillips as the City Attorney. On December 11, the City of Tulare filed suit  
24 against Phillips and her law firm, seeking damages for failure to provide legal services to the City  
25 and for professional negligence. Significantly, one of the City's allegations against Phillips  
26 includes her participation in the wrongful termination of Chief Hensley:

27 “[Phillips and Goyette & Associates] advised placing the Police Chief on paid  
28 administrative leave and, *when a multi-month investigation failed to give rise to  
cause for termination, advised firing the Chief, which City did based on the advice  
of G&A, Ms. Phillips, and Does 1 through 50.*”



1 This allegation, at its core, constitutes an admission by the City that it unlawfully terminated  
2 Chief Hensley, albeit in reliance upon its legal counsel and the Mayor's "friend."

3 **Former City Manager Joe Carlini**

4 Prior to landing in Tulare as its Wastewater Treatment Director, Joe Carlini was employed  
5 by West Palm Beach, Florida, as the plant manager for its sewage treatment facility. In October  
6 of 2013, Carlini was the subject of a highly-publicized firing. As summarized by the Palm Beach  
7 Post:

8 "While running the plant, Carlini developed a reputation among workers as some-  
9 one who could force employees out through complaints to HR. Workers who  
10 wouldn't sign statements against their colleagues said they later would be targeted.  
11 Two workers who fought firings were returned to their jobs by arbitrators, one of  
12 whom called Carlini's actions 'reckless'."

13 After Carlini became the City Manager of Tulare, many City personnel concluded that he  
14 was being manipulated by an "out of control" Mayor.

15 ***Roxanne Yoder's testimony:***

16 Q. So like any other organization, City staff talks about what's happening on sort  
17 of a day-to-day basis, I assume?

18 A. Yes.

19 Q. And what was the word around staff in November 2017 about Mr. Jones  
20 putting pressure on Mr. Carlini to either discipline or terminate certain City  
21 employees?

22 A. That Carlton was out of control and basically that Mr. Carlini was his puppet.

23 Q. Did you discuss the fact that Mr. Jones was out of control and that Mr. Carlini  
24 was Mr. Jones' puppet with more than one person employed by the City?

25 A. I wouldn't say discussed, but it was brought up in conversations probably at  
26 least once or twice a day.

27 Q. For what period of time?

28 A. I would say for at least a couple of months. From the time that certain  
actions occurred.

Q. Those certain actions being what?

A. Chief Hensley being placed on leave.

1 The Tulare City Council fired Carlini on March 20, 2018, just hours after Carlini  
2 unexpectedly fired Chief Hensley. The sequence of events leading to Chief Hensley's wrongful  
3 termination, and the multiple violations of his privacy rights that continue to this very day, began  
4 on September 16, 2017.

5 **Saturday, September 16, 2017**

6 **(The Cattlemens Dinner)**

7 On Saturday, September 16, 2017, former Mayor Carlton Jones met with former Tulare  
8 Police Union President James Kelly and retired Tulare Police Officer Pat O'Donohoe at  
9 Cattlemens Restaurant in Selma. Jones arrived at Cattlemens with his wife and daughter. Kelly  
10 and O'Donohoe arrived a short time later. Jones improperly used a City credit card to pay for food  
11 and beverages that day.

12 **Tuesday, September 19, 2017**

13 **(The Cattlemens Receipt)**

14 On September 19, Deputy City Clerk Roxanne Yoder was asked by Finance Director  
15 Darlene Thompson to have Joe Carlini sign off on the Cattlemens receipt, which Mayor Jones had  
16 presented for approval. Jones had checked out a City credit card to attend a League of California  
17 Cities conference that ended on Friday, September 15. Yoder recalls that Thompson refused to  
18 approve the charge because it was not related to the conference attended by Jones. Thompson  
19 confirms that Jones used the City credit card for a purpose other than its intended use:

20 ***Roxanne Yoder's testimony:***

21 Q. And when Darlene brought the Cattlemens receipt to you, did she specifically  
22 tell you that she was not going to sign off on it?

23 A. Correct.

24 Q. What was the reason that she gave for not wanting to sign off on the  
25 Cattlemens receipt?

26 A. Because the card wasn't issued for that. The card was issued specifically for  
27 the travel related to the League of California Cities conference.

28 Q. Did Darlene specifically tell you that she would not sign off on the Cattlemens  
receipt because the mayor had used the City credit card for a purpose other  
than for what it was intended to be used for?

1 A. Yes.

2 Q. Did you communicate that to Mr. Carlini?

3 A. Yes.

4 ***Darlene Thompson's testimony:***

5 Q. ... Roxanne has testified that it's her recollection that Carlton Jones checked  
6 this particular credit card out to go to a League of California Cities  
conference. Is that your recollection?

7 A. Yes.

8 Q. Do you know where that conference was?

9 A. Sacramento.

10 Q. Fair enough. Do you know when the conference ended?

11 A. It ended on Friday afternoon.

12 Q. All right. So the credit card was checked out to attend a League of California  
13 Cities conference that ended on Friday afternoon, but the Cattlemens receipt  
is dated Saturday, September 16, 2017, and it's not a charge in Sacramento  
14 where the conference was held. It was a charge in Selma, correct?

15 A. Correct.

16 Q. So this credit card would appear to have not been used for the purpose for  
17 which it was checked out with, from the finance department; is that a correct  
statement?

18 A. That's a correct statement.

19 When Yoder presented the Cattlemens receipt to Carlini, he wanted to know who was  
20 involved in the meeting. The receipt turned in by Mayor Jones had the following hand-written  
21 notation: "*Dinner w/ TPOU Kelly + 1.*" From this notation it was clear that Mayor Jones had  
22 dinner with Tulare Police Officers Union President James Kelly, but Jones refused to identify the  
23 "plus one."

24 Jones first declined to identify the third person to Darlene Thompson. He later refused to  
25 identify that person to Roxanne Yoder, who made the inquiry at the direction of City Manager  
26 Carlini.

27

28

1 ***Darlene Thompson's testimony:***

2 Q. When did you first see a copy of the Cattlemens receipt?

3 A. When it was given to me by at that time Mayor Carlton Jones.

4 Q. So Mayor Jones actually handed you the receipt?

5 A. Yes.

6 Q. And when he handed it to you, did he say anything?

7 A. He just said that he had a meeting with some police officers, and when I  
8 looked behind it, I saw the names. "I see you have one that says -- with no  
9 name." He said -- "with one unknown." And I asked him about it. He goes,  
"Well, sometime there's people who don't want it to be known that they had  
dinner with me." I go, "Okay."

10 ***Roxanne Yoder's testimony:***

11 Q. Did you make any effort to determine who the plus one was?

12 A. I went back to my desk. Mr. Carlini followed me into my cubicle. He stood  
13 behind me. I dialed Carlton Jones' phone number. I was asking him about  
14 the receipt. I said, "I need to know who the plus one is so I can process this."  
15 He goes, "Who's asking?" I said, "Joe's asking." "Well, it's a personnel  
16 matter." And I said, "Okay," and I hung up, and I told Joe it was a personnel  
17 matter. And then he got a little indignant and had the copy of the receipt with  
18 him, and he talks very fast and kind of muddled, and then he walked out of  
19 the office.

17 Q. Did Mr. Carlini subsequently ask you to call the chief's office, the police  
chief's office?

18 A. Yes.

19 **Tuesday, September 19, 2017**

20 **(Carlini's Meeting with Chief Hensley)**

21 Carlini wanted to speak to the Chief right away, and upon learning that Chief Hensley was  
22 available, Carlini walked over to the Police Department and asked the Chief to investigate Jones'  
23 use of the City credit card. According to multiple witnesses, Carlini accused Mayor Jones of  
24 committing credit card fraud.

25 ***Chontelle Adney's testimony:***

26 Q. Did Mr. Carlini actually come down to talk to the chief...

27 A. Immediately. He was there within five minutes.

1 Q. And when he came in, did he walk into your office through the door on the  
2 north side of your office?  
3 A. Yes.  
4 Q. And then he would have walked across your office to the south side to walk  
5 into the chief's office?  
6 A. Yes, he came in from the lobby, which he would enter this north door, and  
7 he stayed in my office for a portion of time, not long, had conversation, and  
8 then they both moved into the chief's office.  
9 Q. So did you overhear part of what Mr. Carlini had to say that day?  
10 A. Absolutely. I was part of it.  
11 Q. Did you prepare any memos regarding what you heard with Mr. Carlini that  
12 day?  
13 A. I did.  
14 Q. When did you prepare that memo?  
15 A. Probably Thursday, the 28th because I believe the chief was -- yeah, I'm  
16 looking at it. I wasn't paying attention to what that was. Probably the 28th.  
17 Q. So you prepared a memo within nine days of what you heard because the  
18 chief was placed on administrative leave on September 27; is that correct?  
19 A. Yes.  
20 Q. And at that time that you prepared that memo, were the events fresh in your  
21 mind, and "the events" being what Mr. Carlini said when he walked in that  
22 day?  
23 A. Absolutely.  
24 Q. All right. Chontelle, we have marked as Exhibit 12 to this proceeding a copy  
25 of the memo that you described. And I just want to confirm that it's your  
26 recollection that you prepared this memo on or about Thursday, September  
27 28, 2017, correct --  
28 A. Yes.

1 Q. And I'm going to kind of assume here, but you can tell me one way or the  
2 other, did you think it was important to memorialize what happened because  
3 you felt like the chief was being set up?

4 A. Absolutely.

5 Chontelle Adney's memo, Exhibit 12, reads in part:

6 "Wes, the mayor turns in his receipts from our League of California Cities trip and  
7 there is a receipt from Saturday night ... from Cattleman's in Selma and on the  
8 receipt it states plus 1 with the total bill being around \$144. I asked Carlton who is  
9 the plus 1 on the receipt and he basically tells me to go fuck myself that it was a  
10 meeting regarding potential personnel issues with the police department. *Wes, this  
11 is total bullshit now. I have the fucking Mayor committing fraud with the city credit  
12 card, what is next?*"

13 In addition to Chief Hensley and Chontelle Adney, three other witnesses heard Carlini  
14 accuse the Mayor of committing fraud with the City credit card.

15 ***Interim Police Chief Matt Machado's testimony:***

16 Q. Do you remember seeing Mr. Carlini come down to the department to see  
17 the chief on or about September 19?

18 A. Yes. I can't be certain that it was the 19th, but if I were to give an estimation,  
19 it would have been mid to late September is when that would have been.

20 Q. And do you recall Mr. Carlini coming to see the chief specifically about a  
21 credit card charge that had shown up on the mayor -- on a city-issued credit  
22 card that was in the mayor's possession at the time?

23 A. Yes.

24 Q. Prior to entering the chief's office, did Mr. Carlini say anything in your  
25 presence regarding Mayor Jones' use of that credit card?

26 A. It wasn't in my presence, but I was outside of the office when it was said.

27 Q. And did you -- did you hear the words spoken by Mr. Carlini while you were  
28 outside of the office?

A. I did hear Mr. Carlini speak some words in regards to the credit card.

Q. What were those words?

A. The words were to the extent -- I can't say the exact words, but to the extent,  
"Is the mayor committing fraud?" or "...my mayor committing credit card  
fraud?" It was to that extent. I don't know the exact words, but I specifically  
remember "the mayor" or "my mayor" and "fraud" or "credit card fraud." *The  
"mayor" and the "fraud" portion is what stuck in my head as I heard the  
statement.*

1 ***Roxanne Yoder's testimony:***

2 Q. Did you ever hear Mr. Carlini at any point in time say anything about the  
3 mayor potentially having committed fraud with the City credit card?

4 A. Yes.

5 Q. When did you first hear him say that?

6 A. When he came back from where -- I'm assuming, based on this, Wes' office  
7 that day.

8 Q. So you personally observed him leave to go to the police department,  
9 correct?

10 A. I personally observed him leave.

11 Q. All right. And then he came back sometime later?

12 A. Yes.

13 Q. What do you recall him saying, as best you can recall?

14 A. He's colorful in his language; so he does use the F word.

15 Q. That's fine. Just tell me the way it is.

16 A. So, "Fucking bullshit. He's -- he's not going to get away with this," things like  
17 that.

18 Q. When you say he's not getting away with things like that, you understood that  
19 to mean Carlton Jones?

20 A. Yes.

21 Q. So he was angry at Jones at that point in time, it sounds like?

22 A. Yes.

23 ***Darlene Thompson's testimony:***

24 Q. So after having read the [Chontelle Adney] memo, does that refresh your  
25 recollection in any way as to what [Joe Carlini] said regarding the mayor and  
26 fraudulent charges ...

27 A. I have heard him saying -- making that -- that he felt like we had a mayor that  
28 was making a fraudulent charge.

At least five witnesses – the former Police Chief, the Interim Police Chief, the Deputy City Clerk, the Finance Director, and the Police Chief's Administrative Assistant – have testified under oath that Joe Carlini accused Carlton Jones of improperly using the City credit card. Carlini is the only witness who does not recall doing so. Carlini's testimony is simply not credible.

1 It is well known at City Hall that the City credit card policy was tightened up several years  
2 ago because of previous abuses by Councilman Jones. This no doubt factored into Carlini's  
3 request that the Department investigate Jones' use of the City credit card and his refusal to  
4 identify all present at the September 16 meeting.

5 **Friday, September 22, 2017**

6 **(The Cattlemens Surveillance Video)**

7 Pursuant to the instructions of his City Manager, Chief Hensley had two officers secure a  
8 surveillance video from Cattlemens Restaurant for September 16. This video clearly shows Jones  
9 entering the restaurant with his wife and daughter, followed by the arrival of James Kelley and a  
10 another individual. Securing this video answered one question that Carlini could not pry from  
11 Mayor Jones: the identity of the third person present at the Cattlemens meeting. It was former  
12 TPD Officer Pat O'Donohoe.

13 **Sunday, September 24, 2017**

14 **(The Mayor Calls Joe Carlini)**

15 On Sunday, September 24, Jones called Joe Carlini to discuss the fact that he had recently  
16 learned about TPD securing the Cattlemens surveillance video. As described by Carlini, Jones  
17 was "irritated" about the situation. Carlini did not tell Jones that he was the one who asked Chief  
18 Hensley to conduct an investigation into the Cattlemens affair. According to Carlini, the telephone  
19 conversation with the Mayor took "twenty-five minutes, maybe longer." Carlini, however, did not  
20 recall much of the conversation.

21 **Wednesday, September 27, 2017**

22 **(Hensley Placed on Administrative Leave)**

23 Three days after his Sunday telephone call from the Mayor, Carlini placed Chief Hensley  
24 on paid administrative leave. [Exhibit 1] The Notice of Administrative Leave was, somewhat  
25 oddly, served upon the Chief by Heather Phillips, the City Attorney. Even more oddly, the notice  
26 failed to apprise the Chief of the reason for his placement on administrative leave. The notice  
27 simply states that the Chief is being placed on administrative leave "... pending the City's  
28



1 investigation into allegations of misconduct by you, relating to an incident on Friday, September  
2 22, 2107.”

3 September 22, of course, was the date that TPD officers secured the Cattlemens  
4 surveillance video that had Mayor Jones so upset. The procurement of this video was the sole  
5 reason that Carlini, after discussing the matter with City Attorney Phillips, took the extraordinary  
6 step of placing the Chief of Police on “paid” administrative leave.

7 ***Joe Carlini’s testimony:***

8 Q. Other than the fact that there was some type of investigation regarding the  
9 Cattlemens Ranch meeting, which we haven’t even talked about yet, were  
10 there any other allegations of misconduct against the chief on September 27,  
11 2017, that factored into your decision to place him on administrative leave?

12 A. No. That was the only reason.

13 Q. And the only person you discussed that with before you put the chief on  
14 administrative leave was Heather Phillips?

15 A. Yes.

16 The placement of Chief Hensley on administrative leave was widely covered by the local  
17 media. Chief Hensley enjoyed, and still does today, wide public support in the community. Many  
18 in the community instantly recognized that Mayor Jones was behind the move to sideline the  
19 Chief, as his criticism of both Chief Hensley and law enforcement in general was well known. The  
20 Chief also enjoys wide support within City Hall.

21 ***Roxanne Yoder’s testimony:***

22 Q. In terms of just the water cooler talk down at the City, is it the general  
23 consensus of City staff that the chief was treated unfairly?

24 A. Yes.

25 Q. What kind of comments have you heard from staff?

26 A. That he shouldn’t have been let go, that he had done a lot for the  
27 department, and that he needed to come back, and Joe was just a puppet  
28 and did Carlton’s work.

1 **October 25, 2017**

2 **(Jones Quietly Reimburses the City)**

3 On October 25, after the Mayor's use of the City credit card became a public issue, the  
4 Mayor repaid the City in full for the Cattlemens Restaurant charge. The repayment of this charge  
5 was done quietly and only made public as a result of a Public Records Act request. Even Joe  
6 Carlini, who many perceived as the Mayor's "puppet," recognized Jones' repayment as  
7 incriminating.

8 ***Joe Carlini's testimony:***

9 Q. When did you first become aware of the fact the mayor had repaid the City  
10 for the charge incurred at Cattlemens?

11 A. It was probably moments afterwards, but I was made aware through  
12 Roxanne Yoder. Darlene called Roxanne and said, "He just -- they just paid  
13 the Cattlemens check."

14 Q. Do you recall thinking at the time, well, gee, if the mayor hadn't done  
15 anything wrong, why would he come in and reimburse the City? Did that  
16 occur to you?

17 A. Yeah.

18 **November 6, 2017**

19 **(The Jones KTIP Radio Interview)**

20 Twelve days after Jones repaid the City for the Cattlemens Restaurant charge, he was  
21 interviewed on KTIP's "Hopper in the Morning" radio program. Referring to Chief Hensley, Jones  
22 made the following statement:

23 "HOPPER: Hey, where's Wes? Anybody seen Wes? Anybody seen Wes?

24 MAYOR CARLTON JONES: Yeah, he's still around ... and doing his thing. You  
25 know, it's -- I got -- I did get my first update on where we are with that, and I can say  
26 now that -- that I do support the city manager's decision to -- and what he's doing.  
27 There's still a lot of parts that needs to come out of that. You know, those -- they're  
28 very confidential investigations."

29 Jones' public statement regarding an ongoing investigation, and his "support" for that  
30 investigation, clearly violated Chief Hensley's rights under both the Peace Officers Bill of Rights  
31 and the City's personnel rules. A certified transcript of Jones' KTIP interview was served on the  
32 City Attorney on November 14, with a demand that the Mayor publicly retract his remarks.

1 No retraction was issued by either the Mayor or the City Attorney.

2 **November 6, 2017**

3 **(Ynclan and Boatman Placed on Paid Administrative Leave)**

4 Sometime after Jones gave his public remarks on KTIP radio, Carlini put two additional  
5 command staff officers on paid administrative leave: Captain Fred Ynclan and Lieutenant Jerod  
6 Boatman. Rumors had been circulating that, after the placement of Chief Hensley on admin-  
7 istrative leave, Mayor Jones was threatening to “take down the command staff” at TPD. This  
8 would be consistent with both Jones’ public statements at the time and his demonstrated hostility  
9 toward TPD.

10 **November 8, 2017**

11 **(Jones’ Call to Traci Myers)**

12 Two days after Ynclan and Boatman were paced on administrative leave, Jones called  
13 Traci Myers, the Community and Economic Development Deputy Director. During this telephone  
14 conversation, which lasted approximately 45 minutes, Jones talked about “cleaning house” at City  
15 Hall, and boasted that he and fellow Councilman Greg Nunley would decide whose jobs would  
16 be “saved.” Myers – like Chontelle Adney – recognized the significance of the Mayor’s remarks  
17 and prepared a contemporaneous memo, Exhibit 13, to document the phone call.

18 ***Traci Myers’ testimony:***

19 Q. Are the contents of Exhibit 13 completely in your handwriting?

20 A. Yes.

21 Q. Can you tell me when this document was prepared?

22 A. November 8th [2017].

23 Q. Let’s do this: I’d like for you, if you can, to read into the record this entire  
24 handwritten memo, and any abbreviations you have, expand upon those for  
25 us. Okay. So, in other words, instead of just CJ, you’re going to tell us it’s  
Carlton Jones. So can you read that for us?

26 A. Sure. “Received call from Carlton Jones ...

27 *Carlton Jones advised me to keep quiet. Joe is going to be ‘cleaning house,’*  
28 *and he doesn’t want me to be one. Said he and Nunley talked about who*  
*they want to ‘save.’ Nunley said Josh McDonnell. Carlton Jones said me.”*

1 Q. And [Jones] said Joe is going to be cleaning house. When he said Joe, did  
2 you understand that to be Joe Carlini?

3 A. Yes.

4 Q. And what did you understand Carlton to mean when he said, "Joe will be  
5 cleaning house?" You've got the "cleaning house" in quotations there.

6 A. That Joe was going to be looking into getting rid of some department heads.

7 Q. Did you find it odd that he talked about -- him and Nunley talked about who  
8 they wanted to save in terms of department heads? My understanding is  
9 that individual council members are not supposed to be interfering with the  
10 city manager's decision on who to hire or fire in terms of department heads.  
11 Is that your understanding?

12 A. Yes, that's my understanding.

13 Q. Did you find it odd that Jones and Nunley were poking their nose into the city  
14 manager's business?

15 A. Yes.

16 If Councilmen Jones and Nunley intended to engineer a housecleaning at City Hall, they  
17 were off to a good start. By November 8, Joe Carlini had already placed Chief Hensley, Captain  
18 Ynclan and Lieutenant Boatman on administrative leave.

19 **December 14, 2017**

20 **(Jones' Facebook Post)**

21 On December 14, Jones posted a completely false statement on his Facebook page,  
22 obviously designed to interfere with Chief Hensley's due process rights. Jones' Facebook post  
23 stated, among other things:

24 "Are you aware that chief ran an internal affairs investigation into what was said at  
25 a union meeting? A conversation which he and everyone else knew was privileged.  
26 The goal, simply to teach the union president a lesson. The result was unfounded  
27 but the stress it caused the union president sent the message."

28 This egregious violation of Chief Hensley's rights was brought to the attention of City  
Attorney Heather Phillips in a letter from Mike Lampe, Chief Hensley's counsel, dated December  
14, 2018. In response to this correspondence, the City Attorney did nothing to control Mayor  
Jones.

1    **December 18 and 19, 2017**

2    **(Phillips Misrepresents the Status of the Investigation)**

3                    In the face of a media storm that was not tilting in the Mayor's favor, on December 18  
4 Heather Phillips notified Lampe that:

5                    "Since the time that Mr. Hensley was placed on leave, additional information has  
6 continued to come to light that requires investigation. Additional information relating  
7 to each and every one of the *numerous allegations now being investigated* will be  
8 provided to Mr. Hensley, when appropriate and as required by law."

8                    The very next day, Phillips was quoted in the Visalia Times Delta as saying:

9                    "[A]n out-of-the-area investigator will be hired to handle the investigation, *but no one*  
10 *has been appointed.*"

11                    In truth of fact, the outside investigator hired by the City, John McGinness, was not retained  
12 until January 19, 2018. Given the fact that McGinness was not hired until early 2018, the City  
13 Attorney could not in good faith make a representation on December 18 that there was "additional  
14 information" resulting in "*numerous allegations now being investigated.*"

15    **March 12, 2018**

16    **(Phillips Seeks a Settlement)**

17                    In March of 2018, Phillips knew that John McGinness would make no adverse findings  
18 against Chief Hensley. This created a serious public relations issue for her and her friend Mayor  
19 Jones. Rather than admit defeat by allowing the Chief to be reinstated with his reputation intact,  
20 Phillips sent an email to Lampe, asking if the Chief would "like to discuss terms of a possible  
21 retirement package."

22                    Chief Hensley responded the following day with a settlement offer that he believed to be  
23 fair at the time.

1 **March 19, 2018**

2 **(Settlement Negotiations Appear to be On-Track)**

3 At 10:32 a.m. on March 19, City Attorney Phillips sent an email to Lampe, responding to  
4 Chief Hensley's settlement offer. This email accepted certain settlement terms put forward by  
5 Hensley, countered others, and concludes with the following statement:

6 "Do not hesitate to call me if you have any questions or concerns regarding the  
7 above. I am available by cell phone at [redacted.] As stated above, time is of the  
8 essence, due to the near completion of the investigative report. We would need to  
9 get this at least tentatively agreed to and signed off by Chief and City Manager  
before the report is completed and submitted, so that we can honestly say no  
adverse findings were made."

10 Heather Phillips knew full well that there would be no adverse findings against Chief  
11 Hensley when she sent her March 19 "time is of the essence" email.

12 **March 20, 2018**

13 **(Carlini Fires the Chief)**

14 At 3:30 p.m. on March 20, Mayor Jones stood outside of Traci Myers' office at City Hall and  
15 gave Joe Carlini what Myers has described as a "bro hug." Carlini whispered something to the  
16 effect, "It's done." Myers found the encounter so disturbing – she thought the reference was to  
17 her imminent firing – that she created another contemporaneous memo regarding the incident.

18 ***Traci Myers' testimony:***

19 Q. ... Exhibit 14. Is this another contemporaneous memo that you prepared?

20 A. Yes.

21 Q. And this memo is dated 3/20 ... March 20 of 2018?

22 A. Yes.

23 Q. And it says 3:30 P.M., correct?

24 A. Yes.

25 Q. I'd like for you to, as you did with the earlier exhibit, just read into the record  
26 what this memo says, expanding upon any abbreviations.

27 A. Sure. "Mayor in my office. Joe Carlini comes down. Mayor steps into  
28 doorway (right outside), gives Joe Carlini 'bro hug,' whispers something such  
as, 'It's done.' Mayor says something like ... 'Okay. We'll talk later'."

1 Q. So this occurred at 3:30 P.M. on March 20, 2018, correct?  
2 A. Yes.  
3 Q. The chief was terminated on March 20, 2018, and then Mr. Carlini was later  
4 terminated at the council meeting that night by the city council, correct?  
5 A. Yes.  
6 Q. Joe Carlini has testified that he did not see Councilman Jones prior to the  
7 commencement of the council meeting on March 20. Are you positive, as  
8 you sit here today, that you saw Councilman Jones and Joe Carlini in the, as  
9 you describe it, bro hug position?  
10 A. Yes.  
11 Q. And are you confident that that happened at 3:30 in the afternoon?  
12 A. By my note, yes.  
13 Q. When did you prepare this note? Was it prepared at the same time or was  
14 it prepared days later?  
15 A. No, it was at the same time. It was after they both left my office.  
16 Q. And then when you found out that the chief is the one that got the ax, in your  
17 mind, are you convinced in your own mind that when Joe Carlini whispered  
18 to the mayor, who, by the way, Mr. Carlini denies talking to, that "it's done,"  
19 that he was referring to his termination of Chief Hensley?  
20 A. As I sit here, I can't honestly say 100 percent that that's what --  
21 Q. You can't say 100 percent. What do you think?  
22 A. Do I think it related to Wes?  
23 Q. Yes.  
24 A. Yes.  
25 At 4:24 p.m., less than an hour after Traci Myers witnessed Jones and Carlini "bro-  
26 hugging," Lampe received an email from Janice Avila, the City's HR Director. Attached to this  
27 email was a Notice of Termination of Chief Hensley's employment, signed by Joe Carlini.  
28 [Exhibits 5 and 6] The Notice of Termination did not terminate the Chief's employment as a result  
of misconduct. Implausibly, just hours before his own termination as City Manager, Carlini claims  
to have made the decision to fire the Chief as an at-will employee, without awaiting the  
investigative report the City had retained McGinness to prepare.

1        **Joe Carlini's testimony:**

2        Q.     Did you cause this notice (of termination) to be prepared?

3        A.     Yes.

4        Q.     Did you physically prepare it?

5        A.     No.

6        Q.     Who did?

7        A.     City attorney.

8        Q.     The city attorney did this?

9        A.     She drafted it.

10       Q.     When did you first see the first draft of this?

11       A.     It was the only draft that I saw, which was March 20th.

12       Q.     How was this presented to you?

13       A.     Sent to me by email.

14       Q.     By the city attorney?

15       A.     Yes.

16       Q.     Did you ask the city attorney to prepare this?

17       A.     Yes.

18       Q.     When did you ask her?

19       A.     On the same day.

20       Q.     This notice says, if you look at basically the second bullet point -- the first  
21       one says, "You are not being dismissed from employment as the result of  
22       misconduct." That's a true statement, correct?

22       A.     Yes.

23       Q.     It goes on to say, "You are being dismissed to further the goals of this  
24       organization, due to a loss of confidence in your ability to lead the police  
25       department in a manner that is consistent with the goals of this organization."  
26       Do you see that?

26       A.     Yes.

27       Q.     What caused you to lose confidence in the chief's ability to lead the  
28       department between September 27 when he was placed on administrative  
29       leave and March 20 when you terminated his employment?



1 A. I had the conversation with the -- the inves -- the investigator on the -- on that  
2 day.

3 Q. On March 20?

4 A. Yeah, that's when -- that's when I --

5 Q. That was John McGinness, correct?

6 A. Yes.

7 Q. Your loss of confidence, as I understand your testimony today -- and I want  
8 you to be real careful about this. Your loss of confidence on March 20 is  
9 completely based upon a conversation you had with John McGinness on  
10 March 20 in which he told you four things. Those four things being: The chief  
11 said the meeting in the library didn't happen, that the chief said that you  
12 initiated the investigation into the credit card charge, there was a discharge  
13 of a firearm that you were never told about, and there was a sexual  
14 harassment claim that you thought the discipline was rather light on. Right?

15 A. Right.

16 Q. Other than that, there was nothing that caused you to issue the notice of  
17 termination, correct?

18 A. Correct.

19 Contrast Carlini's testimony to that of John McGinness, a 31 year law enforcement veteran  
20 and former Sheriff of Sacramento County.

21 ***John McGinness' testimony:***

22 I hold a Bachelor of Arts Degree in Criminal Justice with a minor in Public  
23 Administration from California State University, Long Beach. I also hold a Master  
24 of Science Degree in Emergency Services Administration from California State  
25 University, Long Beach. I am a graduate of the West Point Leadership Institute.

26 I was employed by the Sacramento County Sheriff's Department for 31 years.  
27 During my 31 years of service I was a training officer, team leader, homicide  
28 detective, CSI investigator, and department spokesman. I was appointed under-  
sheriff of Sacramento County in March of 2001. I was elected as the Sacramento  
County Sheriff in 2006.

I have reviewed pages 97 through 111, and page 128 of the deposition of former  
Tulare City Manager Joe Carlini.

In his testimony, Mr. Carlini testified that *prior* to his termination of Chief Hensley on  
March 20, 2018, he had a telephone conversation with me which caused him to lose  
confidence in Chief Hensley.

Although I had a telephone conversation with Mr. Carlini *after* he terminated Chief  
Hensley on March 20, none of the issues set forth in the above-referenced  
testimony were discussed.

1 During our March 20 telephone conversation, which occurred after 4:24 p.m., Mr.  
2 Carlini told me that he had already terminated Chief Hensley.

3 *I was surprised that Mr. Carlini had taken this action as I had previously advised the*  
4 *City Attorney, Heather Phillips, that based upon my investigation firing Chief*  
5 *Hensley for cause would be indefensible.*

6 During our telephone conversation of March 20, Mr. Carlini made it clear to me that  
7 he had terminated Chief Hensley because he perceived the termination as essential  
8 to his survival as the Tulare City Manager.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 The McGinness testimony is credible. Carlini's testimony is not. Both Joe Carlini and  
12 Heather Phillips knew on March 20 that based upon his investigation, McGinness had concluded  
13 that firing Chief Hensley for cause would be "indefensible." It would be unreasonable to conclude  
14 that Phillips did not impart this knowledge to her friend, Carlton Jones.

15 With advance knowledge of McGinness' findings, there was only one option. Carlini had  
16 to fire the Chief as an "at-will" employee. By doing so, Carlini hoped to save his job at the council  
17 meeting later that night.

18 Carlini, as we now know, was unsuccessful in saving his job as City Manager. But his "bro-  
19 hug" buddy Carlton Jones tried to come to the rescue a few months later, when he lobbied City  
20 officials to rehire Carlini in another capacity.

21 ***Roxanne Yoder's testimony:***

22 Q. Mr. Carlini testified that after he was fired as the city manager, he applied  
23 for re-employment with the City as a plant manager of the City's waste water  
24 treatment plant. Do you know if Carlton Jones ever pushed Carlini for that  
25 position?

26 A. Yes.

27 Q. Did he, in fact, push Carlini for that position?

28 A. He tried.

Q. Who did he try to do that with?

A. Willard Epps. Trisha Whitfield.

One does not need to be a cynic to see political payback at work here. Thankfully, for all  
of Tulare, then acting City Manager Willard Epps refused to re-hire Carlini.

1 **May 29, 2018**

2 **(Ynclan and Boatman Return to Work)**

3 On May 19, 2018, Captain Ynclan and Lieutenant Boatman were allowed to return to work.  
4 Jones' attempt to gut the command staff at TPD had failed.

5 **October 2018**

6 **(Jones and Phillips Expose the City to Significant Liability)**

7 In October of 2018, Councilman Jones made an extraordinary request of Heather Phillips.  
8 Although Phillips had been fired from her position as City Attorney months earlier, Jones asked  
9 her to send confidential TPD personnel records to him. For inexplicable reasons, without  
10 consulting her former client or the current City Attorney, Phillips did so. Jones then widely  
11 circulated these personnel records.

12 ***Carlton Jones' testimony:***

13 Q. So, as I understand your testimony, you called Heather Phillips on or before  
14 October 9, 2018, and you asked for a copy of the McGinnis report, which she  
15 subsequently -- which she sent to you on October 9 by way of an email,  
16 correct?

17 A. Yes.

18 Q. When you called Miss Phillips and you asked for the report -- did you specify  
19 what report you were asking for?

20 A. The investigation or the -- yeah, it was about the investigation of -- that went  
21 into Chief Wes.

22 Q. Wes Hensley?

23 A. Yeah.

24 Q. Did Heather Phillips at any time advise you that that was a confidential  
25 personnel matter and that you were not entitled to see it?

26 A. No.

27 Q. You testified that you transmitted to the following people the information that  
28 you got from Heather Phillips: Dave Macedo, Jose Sigala, Maritsa  
Castellanoz, Willard Epps, Dennis Mederos, correct?

A. Yes.

Q. But you transmitted it to nobody else, correct?

A. No. There was the Channel 30 reporter.

1 Q. All right. And a portion on the Facebook post. Was there anyone else?

2 A. So I shared it with my brother Ty... that's who I sent the Facebook image to.  
3 And Brian Johnson was the reporter from Channel 30.

4 Q. What did you send to Brian Johnson at Channel 30?

5 A. I sent him the entire report.

6 Q. When you say the entire report, are you talking about the McGinnis report or  
7 something more than that?

8 A. Everything I got, I sent it to him.

9 Although discovery is not complete, and it has yet to be determined precisely how much  
10 confidential personnel data has been released, the "everything" that Jones received from Phillips  
11 and has transmitted to the public includes, at a minimum:

12 A formal grievance filed by Tulare Police Officer James Kelly;

13 A formal grievance filed by Tulare Police Officer Rosa Moreno;

14 A formal grievance filed by Tulare Police Officer Michael Derogee;

15 An Investigative Report relating to a complaint filed by Officer Moreno;

16 An Investigative Report relating to a complaint filed by Tulare Captain Fred Ynclan  
17 against a subordinate officer;

18 Unsubstantiated charges against Chief Hensley communicated to John McGinness  
19 by former City Attorney Heather Phillips;

20 A confidential witness statement given to John McGinness by Tulare Police Officer  
21 Jacob Adney;

22 A confidential witness statement given to John McGinness by Tulare Police  
23 Sergeant Tim Ramirez;

24 A confidential witness statement given to John McGinness by Tulare Police  
25 Corporal Rosa Moreno;

26 A confidential witness statement given to John McGinness by Tulare Police Officer  
27 Craig Yancy;

28 A confidential witness statement given to John McGinness by Tulare Police Officer  
Bill Roberson;

A confidential witness statement given to John McGinness by Tulare Police  
Corporal James Kelly;

A confidential witness statement given to John McGinness by Tulare Police  
Lieutenant Jerod Boatman;

1 A confidential witness statement given to John McGinness by Tulare Police Captain  
2 Fred Ynclan; and

3 A confidential witness statement given to John McGinness by Retired Tulare Police  
4 Sergeant Patrick O'Donohoe.

5 The remarkably reckless acts of Councilman Jones will certainly spawn future litigation  
6 against the City.

7 The State of California preserves the privacy rights of police officers, as well as other public  
8 employees, and limits access to their personnel records (California Constitution Article 1, §1; Civil  
9 Code §1798 *et seq.*).

10 Penal Code §832.7(a) provides that peace officer personnel files and records maintained  
11 pursuant to Penal Code §832.5 are "*confidential and are not to be disclosed*" except by discovery  
12 pursuant to Evidence Code §§1043 and 1046.

13 Section 1013 of the City's own personnel rules prohibits the release of the information so  
14 casually released by Jones. Section 1013 provides:

15 "In the interest of preventing undue embarrassment and subsequent loss of ability  
16 to perform city work effectively, the following policy will prevail regarding release of  
17 information to the news media on personnel actions:

- 18 a. No information shall be released without prior approval of the City Manager.
- 19 b. No information shall be released until final action has been determined and taken.
- 20 c. Even after final disposition of the matter, no details will be released other than the  
21 exact nature of the action taken."

22 The violations of Penal Code §832.7(a), the Peace Officers Bill of Rights, and the City of  
23 Tulare's personnel rules, are serious matters. In fairness to the current City Attorney, when  
24 notified of the breach of confidentiality, immediate steps were taken to limit the damage. Among  
25 other things, the City Attorney:

- 26 ● Demanded that Jones immediately surrender or destroy all copies of the  
27 report, whether in electronic form or hard copy;
- 28 ● Demanded that Jones immediately take down his Facebook post; and
- *Agreed that if Councilman Jones failed to abide by the City's demands, the  
City Attorney, acting on behalf of the City of Tulare, would immediately file  
suit against Jones, seeking injunctive relief from the Tulare County Superior  
Court, in an effort to protect the privacy rights of Department members.*

1 Despite the efforts of the current City Attorney to limit the damage, the long term  
2 ramifications of this illegal act will be significant, both in terms of Department morale and taxpayer  
3 dollars.

4 **December 2018**

5 **(Jones Continues to Disparage Chief Hensley)**

6 To this day, Councilman Jones continues to disparage Chief Hensley. Jones recently  
7 posted this on his Facebook page: "Oh, and don't get me started on the dirty ex police chief?"  
8 although under oath he made a tortured attempt to deny doing so. To the extent that he may be  
9 acting in his official capacity as a public official he continues to expose the City to liability.

10 ***Carlton Jones' testimony:***

11 BY MR. LAMPE:

12 Q. Have you ever said anything disparaging about Wes?

13 A. No.

14 Q. Never?

15 A. Like, today?

16 Q. What is it about the word "never" that is confusing you?

17 A. Well, I -- after all -- prior to you becoming Wes's attorney, I had the utmost  
18 respect for him, but ... today ... I think that's different. So ... *probably* --

19 Q. Okay. Probably.

20 A. Yeah.

21 Q. Can you remember anything that you said about Wes?

22 A. No, not really. It's not about Wes. It's more about you.

23 Q. More about me?

24 A. Yeah.

25 Q. Did you post, like, within the last three or four days to your brother, "Oh, and  
26 don't get me started on the dirty ex police chief?" Did you post that?

27 A. Yeah.

28 Q. Was that about me?

A. Well, your representation of him.

1 Q. So when you post, "Oh, and don't get me started on the dirty ex police chief,"  
2 you don't mean to disparage Wes, you mean to disparage Mike Lampe? In  
your mind, that's about me?

3 A. Well, if you're -- you -- you represent a Wes that I didn't know. And if -- if  
4 Wes is what you say he is and the things where you stand before our  
meeting and you say Wes says this, then, yeah, that's crap.

5 To summarize: Jones first denied *ever* disparaging Chief Hensley. Then he admitted to  
6 *probably* disparaging the Chief. And when confronted with a Facebook post only days before his  
7 deposition, he incredulously tried to spin "Oh, and don't get me started on the dirty ex police  
8 chief," as a commentary on the Chief's legal counsel.

9 Go figure.

### 10 **Concluding Remarks**

11 Chief Hensley and his legal counsel want to thank the community for its continuing support,  
12 and particularly thank those public employees who have testified in this action without fear of  
13 retaliation.

14 Tulare is on the right track. Joe Carlini is gone. Willard Epps, who enjoys the same level  
15 of community support as Chief Hensley, performed admirably as the Interim City Manager after  
16 Carlini's departure. Rob Hunt, the current Interim City Manager, is doing an equally good job.

17 There currently exists a solid majority on the City Council, comprised of Mayor Jose Sigala,  
18 Vice Mayor Dennis Mederos, and Councilwoman Terry Sayre, all of whom have the best interests  
19 of the community in mind.

20 Heather Phillips, although still exposing the City to liability, is gone as well. The new  
21 Interim City Attorney, Mario Zamora, is a breath of fresh air.

22 Chief Hensley has consistently said that he wanted a *public administrative hearing*  
23 appealing his termination, so that the community could judge for itself whether or not his firing was  
24 justified. City Attorney Phillips refused to allow that to happen, for reasons that are now quite  
25 obvious. Consistent with the Chief's long-standing position that the public has a right to know the  
26 truth, this statement of facts will be made public.

1           And one more thing. Regardless of his own future, Chief Hensley wants the public to know  
2 that he has total confidence in the Tulare Police Department. This confidence extends to every  
3 dedicated employee of the Department, whether a sworn law enforcement officer or support staff.  
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7 Dated: January 2, 2019

8 LAW OFFICES OF MICHAEL J. LAMPE  
9 Attorneys for Wes Hensley  
10 By: Michael J. Lampe  
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