

CIVIL SERVICE COMMISSION MINUTES

November 5, 2025

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in person in room 402-A at the County Administration Center; 1600 Pacific Hwy.; and via Videoconference/Teleconference.

Present: P. Kay Coleman
Sam McGovern
Joe O. Montenegro
Will Rodriguez-Kennedy

Absent: Laura Bassett

Comprising a quorum of the Commission

Support Staff Present:

Todd Adams, Executive Officer
Morgan Foley, Commission Legal Advisor.

Approved
Civil Service Commission
January 7, 2026

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 5, 2025**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Attend in-person at the County Administration Center, 1600 Pacific Highway, 4th Floor, Room 402A, San Diego, California, or 170 Kai Ala Drive, Room 5303, Lāhaina, Hawaii; or via videoconference/teleconference

Notice pursuant to Government Code Section 54954.2.

CLOSED SESSION AGENDA
County Administration Center, Room 458

Members of the public may be present at this location to hear the announcement of the closed session agenda.

A. Commissioner Coleman: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) Rico Dominguez, Esq. on behalf of **2025-002P**, former Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

OPEN SESSION AGENDA

ORDER OF BUSINESS

A. ROLL CALL

Present: Coleman, McGovern, Montenegro, Rodriguez-Kennedy

Absent: Bassett

B. APPROVAL OF MINUTES: Regular meeting of October 1, 2025.

Motion by Commissioner McGovern to approve the minutes of the regular meeting of October 1, 2025; seconded by Commissioner Coleman.

C. NON-AGENDA PUBLIC COMMENT:

Two (2) people have requested to speak.

Paloma Serna, mother of Elisa Serna who died in custody on 11/11/2019, addressed the Commission. She stated that she is with Saving Lives in Custody California and North County Equity and Justice Coalition.

She stated that she understands that the Commission doesn't investigate deaths directly, but she reminded them that they can uphold or reverse disciplines and that these decisions determine "whether accountability is real or just procedural".

She asked that the Commission provide clear summaries of discipline cases involving Sheriff Office employees which would strengthen public trust. "Transparency is not an option, it's essential".

She asked that the Commission work together with CLERB and the Sheriff's Department to create a system of accountability and rebuild public confidence. She thanked the Commission for their time.

Yusef Miller, also with North County Equity and Justice Coalition and Saving Lives in Custody California, addressed the Commission. He stated that he agreed with Ms. Serna's statements and that he would be a regular attendee at Commission meetings with the intent to support our Commission as well "holding all bodies accountable with transparency and accountability".

He also stated that he looks forward to working with the Commission. He feels that through the Commission, CLERB and the Board of Supervisors, the community can be made aware of an area where they need to raise concern.

D. AGENDA ITEM DISCUSSION:

Ms. Serna has requested to pull items 1 and 2 for discussion.

E. FORMATION OF CONSENT AGENDA

Agenda items 1, 2 and 4 are pulled for discussion. Therefore, agenda items 3 and 5-7 formed the Consent Agenda.

Motion by Commissioner Montenegro to approve the Consent Agenda; seconded by Commissioner McGovern. Motion passed with all in favor.

F. DISCUSSION ITEMS:

Items #1, #2, and #4 have been pulled for discussion.

AGENDA ITEMS

CONFIRMATION OF ASSIGNMENTS

1. Commissioner Bassett: David J. Lopez, Esq., on behalf of **2025-026P**, former Deputy Sheriff-Detentions/Court Services, appealing an Order of Termination and Charges from the Sheriff's Office. (Previously assigned to Commissioner Rodriguez-Kennedy)

Public Comment:

Paloma Serna, addressed the Commission again regarding the two appeals on the agenda of Sheriff employees. She believes these cases address the need for accountability in our jails. She stated that two deputies involved in her daughter's death were never disciplined and that this lack of accountability endangers incarcerated people and other staff. Accountability is determined by the consequences.

She urged the Commission to uphold disciplines and that our "decision defines whether the County's word about reform actually means something". She also asked once again that the Commission would publish findings in language that the public can understand. understand.

She also stated again that the Commission, CLERB, and the Sheriff's Department operate in coordination; not isolation. (Watch the video that a Federal Judge made public at "JusticeforElisa.com"). Thank you.

Yusef Miller addressed the Commission again. He addressed in-custody deaths and the topic of natural causes, stating that the term is vague and could actually be due to neglect from jail staff.

He encouraged the Commission to reevaluate the definitions of some terms, especially regarding natural causes and accidental deaths and to look closer to determine if someone is actually at fault.

Commissioner Rodriguez-Kennedy pointed out to the public that this is a "Confirmation of Assignment" to a Commissioner. We are not hearing this case today. This is solely an assignment to a Commissioner. The Commissioner will then, depending on the type of case, usually hold a hearing in which they will hear the merits of the case. Plain reading decisions are already published by the Civil Service Commission; and they are also distributed as part of our minutes.

Executive Officer Todd Adams confirmed that detailed summaries of our hearings, minutes, and hearing reports are available to the public after the decision has been made.

Commissioner Rodriguez-Kennedy also stated that the Civil Service Commission, as a matter of practice, has done this historically; and he wanted the public to know that this has been the case for a long time now.

Motion by Commissioner McGovern to approve the Confirmation of Assignment to Commissioner Bassett; seconded by Commissioner Montenegro. Motion passed with all in favor.

2. Commissioner Montenegro: David Fujimoto, Esq., on behalf of **2025-028**, former Sheriff Detention Nurse, appealing an Order of Termination and Charges from the Sheriff's Office. (Previously assigned to Commissioner Coleman)

Public Comment:

Ms. Serna stated that this was her first meeting, and she was unaware of the process. She has no further comment as it was all stated with agenda item #1.

Motion by Commissioner McGovern to approve the Confirmation of Assignment to Commissioner Montenegro; seconded by Commissioner Coleman. Motion passed with all in favor.

3. Commissioner McGovern: Miguel A. Peñalosa Jr., Esq. on behalf of **2025-029P**, Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department. (Previously assigned to Commissioner Rodriguez-Kennedy)

Approved on Consent.

DISCIPLINE

Findings

4. Commissioner Coleman: Rico Dominguez, Esq. on behalf of **2025-002P**, former Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

FINDINGS AND RECOMMENDATIONS:

Appellant 2025-002P ("Employee") appealed a Final Order of Removal and Charges removing him from the position of Deputy Probation Officer in the Probation Department ("Department") was presented to the Civil Service Commission. The Commission appointed Commissioner P. Kay Coleman to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on September 25, 2025.

The causes of discipline were conduct unbecoming, discourteous treatment of another employee, and acts incompatible with and/or inimical to the public service.

The Employee was hired by the Department on July 15, 2022. During the period of March 1, 2024, through June 30, 2024, the Employee was assigned to Cottage Thrive as a shift leader at the County's Youth Transition Campus.

During that period, the Employee and the mother of his child ("Child's Mother"), were in a family relationship. At that time the Child's Mother was pregnant with their second child.

The relationship between the Employee and the Child's Mother ended in July of 2024; as of August 28, 2024, the Child's Mother had obtained a temporary restraining order against the Employee.

A Female Officer, also a Deputy Probation Officer, attended the academy at the same time as the Employee. Following graduation from the academy and training both the Employee and the Female Officer were assigned to the Department's Youth Transition Center, working the same shift, but assigned to different cottages which were located next to each other. The Employee and the Female officer would share breaks and developed a bond. The Female Officer calls her relationship with the Employee as a "regular friendship," and that the Employee was someone she could count on at work. There was no romantic relationship between the two of them. Like many colleagues, they did text or call one another outside of work but they did not share in-person activities outside of work.

On March 5, 2024, at 1:45 p.m., the Female Officer received a text message from the Employee's phone number, which read: "Look you whore! You need to stop flirting with [Employee] knowing that he has a family. He told me everything about you guys. Honestly you disgust me you slut! Dirty whore [¶] Btw learn to do your hair and makeup [¶] Nasty fucking whore [¶] I hope you get your karma slut."

On April 28, 2024, the Employee called the Female Officer at 1:01 a.m., leaving the following voicemail message: "I'm just leaving this message to let you know that I want nothing

to do with you; don't ever bug me; don't ever talk to me. I want nothing ever to do with you." The message also included two inaudible, brief, utterances before it ended.

On or about May 30, 2024, the Female Officer received a message from the Employee's Facebook account, through Facebook Messenger, bearing the messages, "Look whore leave me alone [¶] Whore [¶] Slut."

On or about June 10, 2024, the Female Officer was notified by text message from another deputy probation officer ("DPO"), who "follows" Employee on Instagram, that they saw a "story" on Instagram that included the Female Officer's picture on the Employee's Instagram account.

The Female Officer emailed her supervisor on June 11, 2024, complaining that the Employee continues to harass her. She stated that she "[didn't] know what to do," and she "[felt] embarrassed, humiliated." She informed her supervisor that despite efforts such as blocking the Employee "from social medias [sic]" the Employee and the Child's Mother find "ways to continue [harassing her]." The next day, June 12, 2024, the Female Officer filed a Sexual Harassment Incident Report.

The complaint was initiated by the Department, and was assigned to Supervising Probation Officer, for investigation.

On July 2, 2024, while the investigation was being conducted, the Employee appeared before the Division Chief, looking "disheveled, upset, on the verge of crying." The Division Chief was aware of the ongoing investigation into the Female Officer's complaints of the Employee's conduct and told the Employee that he can't talk with him about that. The Employee understood the restriction but was concerned that he could not concentrate on his duties. During their conversation the Employee's phone was "buzzing like he's getting messages . . . constantly." The Employee then described the Child's Mother as "crazy." He told the Division Chief that the Child's Mother "has access to all my social media," even after he's changed his passwords, and "I don't know how, somehow she's getting into them and she's doing all of this."

The Employee showed the Division Chief evidence of physical abuse at the hands of the Child's Mother.

During this meeting the Division Chief observed that the Employee's phone was buzzing three or four times when he answered the phone in the Division Chief's presence and told the Child's Mother that he was in a meeting with his "boss." The Division Chief could hear the Child's Mother yelling at the Employee and saying, "Why are you talking to your boss? Why?" When the Employee promised to call her back the Division

Chief could hear her answer, "Fine! Call me back," and the Employee ended the call. Less than 30 seconds later the Employee's phone is buzzing again from text messages from the Child's Mother. The Employee then explained to the Division Chief that the Child's Mother controls nearly every aspect of his life and has taken control of social media accounts (by changing passwords) and has access to view his work schedule through the Department's scheduling software (i.e., "workschedule.net").

At some point during the meeting a text message from the Child's Mother was received on the Employee's cell phone. He showed it to the Division Chief. The message said, "Are you with her? Are you with that bitch?"

The Employee blames the Child's Mother for all the offensive comments, messages, and changes to the Employee's Facebook profile picture. He claims that the voicemail he left on April 28, 2024, was done under duress, with the Child's Mother threatening him with physical harm if he didn't leave the message. Further, he blames the Child's Mother for the offensive messages sent to the Female Officer, and for changing the profile photo on his Facebook page.

Although the Child's Mother only admits to leaving one message - the first one on March 5, 2024 - she denies any involvement in the other communications. She admits that she was present during the early morning voicemail on April 28, 2024, but denies being responsible for his actions in making the call.

The Department contends that regardless of whether he made the phone call under duress, the Employee should have known that the voicemail message, as well as the use of his social media in a harassing manner was harmful, offensive, highly inappropriate, discourteous and disrespectful, and the Employee had the responsibility to ensure that the harassment of the Female Officer was prevented.

The Employee contends that he was both physically and emotionally abused by the Child's Mother and that she used her position of control over their son (and threats to prevent him from a relationship with their son, as well as the child she was expecting) to manipulate him into not only providing access to his social media accounts and cell phone, but also to access the Department's highly sensitive workschedule.net, by using his cell phone and the application for the software then logging in with the "Remember Me" option (which he had previously accepted).

The Department counters that he, alone, is responsible for his actions, and he could have stopped the harassing messages and other actions by preventing the Child's Mother

from controlling the communications as well as the Employee himself. The County questions whether the application for workschedule.net has a "Remember Me" option when a County employee uses a cell phone to log in to the software.

The Employee voluntarily allowed the Child's Mother to access his cell phone, his social media accounts with Facebook and Instagram, and recklessly provided her with his log in information and password to the County's scheduling software, workschedule.net.

The Child's Mother used the Employee's cell phone and social media accounts to leave harassing, disrespectful, and discourteous messages on the Female Officers cell phone and private messaging service of her social media accounts. This includes changing the profile picture on the Employee's Instagram account from his infant son to a headshot of the Female Officer.

The Child's Mother forced the Employee to leave the voicemail message on the Female Officer's cell phone in the early morning hours of April 28, 2024, through emotional and physical threats. The recording includes a delay in disconnecting the call and an indecipherable yet perceptible comment to somebody in his presence before ending the message. It is reasonable to assume that the Child's Mother made physical threats forcing his compliance as the Employee provided evidence to the Division Chief of a picture on his phone showing a gash on the top of his head. The Employee told the Division Chief that the Child's Mother hit him on the head with a candlestick.

Employee is guilty of conduct unbecoming, in that On March 5, 2024, he allowed his girlfriend, the Child's Mother, access to his cell phone, which resulted in a harassing, offensive, and disrespectful text to the Female Officer. The message was shocking, in the least, and understandably caused concern on the part of the Female Officer.

The evidence further supports conduct unbecoming when a similar message was sent through Facebook Messenger from the Employee's account to the Female Officer on May 30, 2024. Based on the consistency between the messages, and the Employee's belief that the Child's Mother would take action to deny him access to his children, as well of evidence of physical abuse on the part of the Child's Mother, it is accepted that the Child's Mother controlled his social media accounts (Facebook and Instagram) and the Employee felt powerless to stop her from using these vehicles of communication to harass the Female Employee. The Employee provided evidence that as early as May 23, 2024, he attempted to regain control of his Instagram account but was unable to

do so, based on Meta's inability to confirm his identity at that time. This provides sufficient evidence to support that the Employee was not in control of his social media accounts.

Employee is guilty of discourteous treatment, in that his decisions to allow the Child's Mother access to (1) his cell phone, (2) his social media accounts, and (3) workschedule.net; his unwillingness to refuse the demands of the Child's Mother to call the Female Officer in the early morning hours of April 28, 2024; and his failure to take back control from the Child's Mother, all the while knowing that she was communicating (or forcing him to communicate) abusive, harassing, and offensive messages to the Female Officer, displayed discourteous treatment to the Female Officer, who repeatedly asked the Employee to stop the harassment.

Although the evidence supports a finding that he was not in control of the social media accounts, the Employee clearly had the means to free himself of his personal relationship with the Child's Mother and seek legal assistance to maintain his parental rights to their children. Instead of taking action to confront the Child's Mother and address the problem, he allowed himself to be manipulated at the expense of the innocent Female Officer.

Employee is guilty of acts incompatible with and/or inimical to the public service, in that not only was his regrettable decision to allow the Child's Mother access to his phone, and to continue to control his social media accounts, he shared his access to the County's scheduling software, workschedule.net. It is more likely than not (even assuming the likely dishonesty of the Child's Mother during the investigation) that in order to appease the Child's Mother the Employee had previously shared website address, login information, and his password, to the Child's Mother, which is contrary, and potentially damaging, to the County's secure program.

The Employee was terminated after the Department found the violations of Civil Service Rule 7.2 (m) (conduct unbecoming); Civil Service Rule 7.2 (h) (discourteous treatment of another employee); and Civil Service Rule 7.2 (s) (acts incompatible with or inimical to the public service).

In mitigation, the record reflects that the Employee's actions that led to the abusive, harassing, and discourteous, communications to the Female Officer, likely arose out of an emotionally and physically abusive relationship. The record reflects that that relationship has ended, with the Employee understanding the hurt that was caused to the Female Officer.

The record also reflects that the Female Officer, through it all, felt that their relationship as friends and co-workers was otherwise acceptable, as stated at the time she reported the harassment to her supervisor. However, if returned to work the Employee should never be scheduled to work in the same facility as the Female Officer.

This hearing officer recognizes that most of the harm was likely caused by the Child's Mother but also believes that the Employee should have taken immediate and firm steps to stop it, such as terminating the relationship and fighting for custody of his children in the proper venue, not the workplace. While he ultimately did this, it does not completely absolve him of the harm that was caused to the Female Officer.

What the Department has proven, by a preponderance of the evidence, is that the Employee's efforts to appease the mother of his children through transparency and capitulation were inefficient, and he let his personal life affect his work life to the detriment and harm of an innocent coworker, the Female Officer. It has also proved, by a preponderance of the evidence, that allowing access to the County's secure scheduling system is inimical to the interests of protecting the County from nefarious computer hackers.

I do believe, however, that termination is too harsh of punishment for the Employee's misguided personal decisions and behaviors and that progressive discipline would be more appropriate in this instance. I believe that the Employee better understands his obligation to others in the workforce, and how bad relationships in his personal life should not adversely impact others. Given this understanding, the Employee has been duly warned and any further conduct unbecoming of the officer shall result in termination. Therefore, it is my recommendation that while the Department has met its burden in finding violations for all three Causes, the discipline should be reduced to a suspension without pay for the maximum period of 90 calendar days.

Based on the findings and conclusions set forth above, I hereby recommend that the Final Order of Removal and Charges be modified to a ninety (90) calendar day suspension; that Employee be awarded back pay, benefits, and interest from the date of removal to the date of this decision minus wages attributable to the ninety (90) calendar day suspension, and minus any wages, benefits or other compensation Employee received from other employment, unemployment benefits or other assistance programs; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Commissioner Coleman to approve the decision; seconded by Commissioner Montenegro. Motion passed with all in favor.

Extension of Temporary Appointments

5. Health and Human Services Agency

1 Administrative Analyst I: **2025-037**

Ratified.

INFORMATION

6. Christopher L. Ludmer, Esq., on behalf of **2023-031**, Public Defender Investigator II, and **2023-032**, Public Defender Investigator II, withdrawing their complaints alleging discrimination by the Office of the Public Defender. (Commissioner Rodriguez-Kennedy)

7. Justin Crane, Esq. on behalf of **2024-030**, Senior Deputy County Counsel, withdrawing appeal of a Final Order of Suspension and Charges from the Office of County Counsel. (Commissioner Rodriguez-Kennedy)

Approved on Consent.

ADJOURNED: **3:11 p.m.**

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