

**CIVIL SERVICE COMMISSION MINUTES**

**February 4, 2026**

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

Absent: Laura Bassett, Will Rodriguez-Kennedy

Comprising a quorum of the Commission

Support Staff Present:

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

**Approved**  
**Civil Service Commission**  
**March 4, 2026**

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 4, 2026**

- 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, 4<sup>th</sup> Floor, Room 402A, San Diego, California, or via videoconference/teleconference
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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 Montenegro: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) James J. Cunningham, Esq., on behalf of **2024-064P**, former Deputy Sheriff-Detentions/Court Services, appealing an Order of Termination and Charges from the Sheriff's Office.

**OPEN SESSION MINUTES**

**ORDER OF BUSINESS**

A. **ROLL CALL**

**Present:** Coleman, McGovern, Montenegro

**Absent:** Bassett, Rodriguez-Kennedy

B. **APPROVAL OF MINUTES:** Regular meeting of January 7, 2026.

**Motion by Commissioner Montenegro to approve the minutes of the regular meeting of January 7, 2026; seconded by Commissioner McGovern. All in favor.**

C. **NON-AGENDA PUBLIC COMMENT:** None.

D. **AGENDA ITEM DISCUSSION:**

One request was made by Attorney James Cunningham to speak on item #2.

E. **FORMATION OF CONSENT AGENDA**

Agenda item #2 pulled for discussion. Therefore, agenda item #1 formed the Consent Agenda.

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

F. **DISCUSSION ITEMS**

Agenda item #2 is pulled for discussion.

**AGENDA ITEMS**

**CONFIRMATION OF ASSIGNMENTS**

1. Commissioner Coleman: Rico J. Dominguez, Esq. on behalf of **2025-044P**, Deputy Sheriff, appealing an Order of Immediate Suspension from the Sheriff's Office.

**Approved on Consent.**

**DISCIPLINE**

**Findings**

2. Commissioner Montenegro: James J. Cunningham, Esq., on behalf of **2024-064P**, former Deputy Sheriff-Detentions/Court Services, appealing of an Order of Termination and Charges from the Sheriff's Office.

Mr. Cunningham stated that this employee has been a valuable asset since being hired by the county; and is in this situation because of an unclear policy as to what is covered under the term "expungement".

**FINDINGS AND RECOMMENDATIONS:**

Appellant 2024-064P ("Employee") appealed an Order of Termination and Charges removing her from the class and position of Deputy Sheriff Detentions/Court Services in the

Sheriff's Office ("Department"), which was presented to the Civil Service Commission. The Commission appointed Commissioner Joe O. Montenegro to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed, and a hearing was held on November 13 and 14, 2025.

The causes of discipline were failure of good behavior, dishonesty, and acts incompatible with and/or inimical to the public service.

In January of 2018 S.S. was arrested and charged with violating California Health and Safety Code section 11379(a), a felony. Following her arrest S.S. agreed to enter into a plea agreement with the District Attorney's office resulting in a felony conviction of a charge of transportation of methamphetamine in violation of Health and Safety Code section 11379(a). She was incarcerated in County jail for a period of five or six months, released in and around the summer of 2018, and placed on probation.

After successfully completing probation, S.S. petitioned the court for an order of relief under California Penal Code section 1203.4 (i.e., "dismissal") permitting her to withdraw her plea of guilty and enter a plea of not guilty and further allowing the court to dismiss the accusations or information against her and release her from all penalties and disabilities resulting from her conviction. The petition for dismissal was approved on October 1, 2021.

The Employee and S.S. began a long-distance relationship by meeting online, through social media, and remained an exclusively online relationship until January of 2019, when they met in person and began a long-distance relationship, with the Employee living in Los Angeles County and S.S. living in San Diego County. After she graduated from California State University at Long Beach in May of 2021, with a major in Criminal Justice, the Employee worked for six months as a security guard in Los Angeles County until she moved to San Diego County and began living with S.S. in late January or early February of 2022.

Before moving in with S.S., during the period of their long-distance relationship, S.S. had never disclosed her criminal history to the Employee. However, two or three months before the Employee moved to San Diego County, and after obtaining the dismissal order, S.S. disclosed a portion of her criminal

history to the Employee. This occurred in or around November of 2021. The disclosure S.S. provided to the Employee included information that she was arrested; that she spent time in County jail; that she was released in the summer of 2021, on probation; that she completed her probation successfully; and that it had been "expunged."

In November of 2021, the Employee applied for employment as a Deputy Sheriff with the Department. On February 19, 2022, the Employee completed and signed the Questionnaire. Her answer to question 315 in the Questionnaire ("Are you currently living with a convicted felon or with someone who is on parole?") was "No." Her answer to question 328 in the Questionnaire ("Has anyone in your home ever been arrested?") was also "No." Both answers were untrue.

The Employee and S.S. were never married. The Employee and S.S. never registered as domestic partners with the California Secretary of State.

The evidence does not support a violation of Civil Service Rule 7.2(r) regarding failure of good behavior, in that when the Employee filled out the Questionnaire she was in a relationship with S.S., including living together. At that time the Employee was aware that S.S. was arrested; that she was convicted of a felony; and that she spent five to six months in County jail.

The Employee argues that her relationship with S.S. qualifies for the "unavoidable" exception to the Department's policy (Section 2.9 of the Sheriff's Rules of Conduct) prohibiting an employee's association with persons "whom they know, or should know, or have reason to believe are . . . convicted felons." The exception is "where unavoidable because of other personal relationships."

Unfortunately, there is no definition of "personal relationships" in Section 2.9, that would qualify for establishing unavoidability. However, both the Notice of Intent of Termination and Charges and the Order of Termination and Charges do include examples in the negative, (i.e., "not married at the time of employment," "not related by birth," "do not have children in the relationship"), and then adds a fourth condition, "and there is no evidence of significant financial ties (e.g., cohabitation, shared bank accounts, etc.)."

The Employee points to the parenthetical clause, "(e.g., cohabitation, shared bank accounts, etc.)" and argues that she and S.S. did, in fact, live together at the time that the Employee completed her Confidential Orientation Questionnaire. Further supporting her position that the relationship was not "avoidable," the Employee presented evidence that S.S. opened an account at Navy Federal Credit Union ("NFCU") on December 21, 2022, which was established as a "joint account," and included the Employee as a "member," and S.S. was the primary owner. The NFCU account was not consistently shared as a "joint account," as the Employee was "removed from the account" almost seven months later (on July 12, 2023), then "re-added on [March 20, 2024], and removed again on [October 14, 2025]."

Addressing Employee's contentions, the Department presented testimony of the Lieutenant, who conducted the Disciplinary Recommendation and Rationale ("R&R"), following the Internal Affairs investigation by the Sergeant. While the Sergeant's investigative report finds that the Employee's lack of "knowledge" supports a finding of "Not Sustained," as it relates to Cause 1, did not "knowingly" associate with a convicted felon, on the belief that the dismissal of the felony charges brought against S.S. post-conviction and probation eliminates the conviction as if none of it ever existed, the Lieutenant found that the I.A. investigation failed to consider ongoing violations post-investigation once the Employee was aware of the policy and actual status of S.S. as a convicted felon, the dismissal notwithstanding. The Lieutenant then restored the Cause I charge, with the language added as generally reflected above.

When questioned about his interpretation of "unavoidable" the Lieutenant used the example of a brother who is a convicted felon, a relationship that would exist from birth, "I can't just walk away from that relationship." He then explained further, "on the other hand . . . an avoidable relationship would be, . . . for example, a dating relationship, . . . where you have the option of dating that person or not dating that person."

The Commander, who later reviewed and approved the Notice of Proposed Disciplinary Action in this matter, was asked his understanding of "unavoidable," and replied (in part), "[W]e can't pick our family, . . . and we certainly have individuals, um, deputies and, many other individuals, that have brothers, parents, uh, maybe siblings, . . . children,

. . . that are involved in criminal activity. . . . I believe that creates an unavoidable relationship because of, . . . obviously close familial relationships." With respect to married couples his response would depend on when couple was married when determining if the association was unavoidable.

The Commander's R&R included this analysis, "By the conclusion of the investigative interview, [the Employee] had been made aware of the policy regarding Associations and reasonably should have known that her continued relationship with [S.S.] would be a violation of policy. During my meeting with [the Employee] on May 17, 2024, she told me that she was still engaged to [S.S.], which is a continued violation of SDSA policy."

It is a problem, however, that even those involved in finding the relationship between the Employee and S.S. was avoidable, and thus establishing a violation of Section 2.9, are not consistent. By including the examples of "cohabitation, shared bank accounts, etc.," to define an unavoidable relationship, without further explanation, or change by command, this hearing officer isn't convinced that the Department met its burden of proving a violation of Section 2.9, and Cause I is unsustainable.

The evidence supports a violation of Civil Service Rule 7.2(d) regarding dishonesty, in that during her background investigation the Employee failed to acknowledge that S.S., her girlfriend and roommate, had been arrested and charged with a felony; that S.S. entered into a plea bargain in which she admitted her guilt of committing a felony; and was sentenced to custody in the County jail with credit for time already served, resulting in her release and probation. Prior to her employment the Employee was required to fill out a lengthy questionnaire, including questions related to her relationships with any persons who have been arrested and any relationship with convicted felons.

The Questionnaire advisement makes it clear that the answers given by the Employee are expected to be complete and honest, and that if, at any time, it is determined that any of the responses were not honest, the Employee could be removed. When specific to her relationship with S.S., Question 315 clearly asks if the Employee has knowledge that S.S. was a convicted felon. Again, specific to her living arrangements at the time, Question 328 seeks information whether S.S. had ever been arrested. The Employee, knowing that S.S. had (1)

been arrested, and (2) convicted of a felony (by virtue of her incarceration for a period of five or six months), was likely a convicted felon.

Although it is plausible that the Employee accepted at face value the explanation given by S.S., that is, that her conviction was "expunged," the result being that it is as if it never existed, this explanation was not accurate. S.S. should have known that the dismissal does not remove the fact that she was, and will always be, a convicted felon, and the Employee should not have accepted the explanation of S.S. that the dismissal made it as if the arrest and conviction never existed. It remained the Employee's responsibility to answer questions 315 and 328 honestly and accurately; in the least the Employee should have made a better effort to understand what the dismissal means. Having a Bachelor's degree with a major in criminal justice the Employee should have a better understanding of the working of the California criminal justice system than the average person, in particular what an "arrest" means, what a "conviction" means; and what a "felony" is.

It should have become apparent that a Penal Code section 1203.4 petition, if granted, does not eliminate an arrest, nor will it eliminate the record of a conviction for certain purposes. What it does is change the result of the criminal matter to a dismissal. While it is often referred to as an "expungement," the record of an arrest, and criminal prosecution, remains a public record.

The evidence supports a violation of Civil Service Rule 7.2(s) regarding acts incompatible with and/or inimical to the public service, in that by not being honest in her application process, and by continuing in a close relationship with a convicted felon, the Employee has damaged the reputation of the Department. Her relationship with a convicted felon while at the same time she is a Deputy Sheriff is cause of embarrassment to the Department, especially when such a relationship became known to members of a sister law enforcement agency, the El Cajon Police Department. Such conduct is incompatible with the Sheriff Department's Executive Order and its Mission, Vision, Values, and Goals.

Although the Employee has received acceptable performance evaluations during her period of service in the Department, the incident in El Cajon triggered the investigation into her association with a convicted felon.

Even assuming the Employee did not know that the dismissal obtained by S.S. does not wipe out, completely, the criminal record of S.S., she did know that the arrest occurred and did know that S.S. had been convicted of a felony. She should have taken greater responsibility in determining how knowledge of S.S.'s criminal history could affect her career. If she had answered the questions accurately there is no reason to believe that this would have automatically disqualified her from being hired, if further investigation revealed the dismissal and good behavior on the part of S.S. following that dismissal.

In law enforcement honesty is one of the most important qualities peace officers must maintain. The Employee, coming from a family where her father is in law enforcement, and being a criminal justice major from California State University in Long Beach, should know how important being honest is if one is to succeed in the profession.

Therefore, I find that the Employee's termination from the Department should be sustained.

Based on the findings and conclusions set forth above, it is hereby recommended that the Order of Termination be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

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

Commissioner McGovern noted that the department's policies do not provide clear understanding as to what is considered an avoidable or unavoidable relationship, i.e. just because we have a brother with a felony or share a bank account with an individual, does not mean that they should be allowed to maintain a close relationship with this individual.

ADJOURNED: 3:02 p.m.

**ASSISTANCE FOR THE DISABLED:** Agendas and records are available in alternative formats upon request. Contact the Civil Service Commission office at (619)531-5751 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Americans with Disabilities Coordinator at (619)531-4908. To the extent

reasonably possible, requests for accommodation or assistance should be submitted at least 24 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.