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3 IN A REALTIME PARTIALLY EDITED TRANSCRIPT, YOU MAY
4 SEE THE REPORTER'S RAW SHORTHAND NOTES. CONSEQUENTLY, YOU
5 MAY SEE ERRORS IN CAPITALIZATION AND PUNCTUATION,
6 MISSPELLINGS, SMALL WORDS MISSING (SUCH AS "THE," "IT,"
7 "A"), TRANSPOSED WORDS, DOUBLE WORDS, CONTEXTUAL HEARING
8 MISTAKES, HEARING MISTAKES OF SOUND-ALIKE WORDS, POSSIBLE
9 INCORRECT SPEAKER IDENTIFICATION, AND AT TIMES STENO
10 OUTLINES THAT HAVE NOT BEEN TRANSLATED.

11 BE ASSURED THAT IN THE FINAL EDITED VERSION OF THE
12 TRANSCRIPT, ALL ERRORS ARE CORRECTED. AN UNEDITED OR
13 PARTIALLY EDITED TRANSCRIPT REPRESENTS A FIRST DRAFT AND
14 SHOULD BE USED ACCORDINGLY.

15 THEREFORE, IT IS NOT RECOMMENDED YOU RELY ON THE
16 UNEDITED VERSION AS YOU WOULD A FINAL EVIDENTIARY CERTIFIED
17 TRANSCRIPT. ALTHOUGH AN UNEDITED OR PARTIALLY EDITED
18 TRANSCRIPT WILL BE VERY READABLE AND MOSTLY ACCURATE, IT
19 SHOULD BE USED WITH GREAT CARE.

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1 GABRIELINO-TONGVA TRIBE VS. STEIN, TRIAL DAY 16

2 ROUGH TRIAL TESTIMONY OF RICHARD POLANCO

3 THE COURT: Do you understand you're under oath?

4 A. Yes Your Honor I do.

5 THE COURT: By the way this is Mr. Polanco so.

6 Q. BY MR. STEIN: And Mr. Polanco thank you for
7 coming today?

8 A. You're welcome.

9 Q. Mr. Polanco I've prepared a few notes just to
10 speed things up and let me make sure you see them. Some of
11 these statements had you made and some of these statements
12 are not [PHAEUZ] so the quotation marks are basically to
13 use phraseology, not to say you said them, you can tell us
14 which ones you subscribe to and which ones you don't, is
15 that okay?

16 A. Sure.

17 Q. Okay. Of all did you say you were a lobbyist for
18 GT Tribe?

19 A. Yes.

20 Q. You talked about a pre print bill, what is a pre
21 print bill?

22 A. Preprint -- a pre print bill is a bill that is
23 send to the legislative counsel for purposes of having it
24 in a formal that legislative counsel prepares.

25 Q. And then not ready to introduce what is that?

26 A. May I continue on pre print?

27 Q. Please.

28 A. It's a bill that does not get introduced into the

1 legislature process because it is a pre print, it's for of
2 an example of something it might look like.

3 THE COURT: So it's never introduced into the
4 ledge tour in that form?

5 A. That's correct a pre print bill never introduced
6 into the legislative process.

7 Q. BY MR. STEIN: Not really to introduce what thaws
8 does that refer to?

9 A. What I just explained.

10 Q. So not ready to introduce would be a pre print?

11 A. That's right.

12 Q. So those are two names for much the same thing?

13 A. That's what I just testified to.

14 Q. Just wanted to double check. A draft bill, what
15 is a draft bill?

16 A. A draft bill.

17 Q. Right, is that something that would become a
18 preprint or would it be similar?

19 A. No it it's -- a preprint -- No, they were not
20 similar at all. A draft bill is -- a bill could be
21 introduced format, legislative digest, appropriate format,
22 it could be from a client t doesn't have to be from a
23 client, it could be from the author himself or herself.

24 Q. So it's a draft bill could be from a client, that
25 would be okay?

26 A. The draft bill would be authored and only authored
27 by a member of the legislature, it could be brought -- the
28 idea to be brought to the author for purposes of developing

1 the bill.

2 Q. So it could be brought to author by client, would
3 that be a better way to say it?

4 A. I'd say from client or by client, I can stay were
5 what I stated not what you're stating.

6 Q. Well are you okay with brought to author by client
7 or would you like it from client?

8 A. From client.

9 Q. From client, thank you?

10 Q. Putting a bill over the desk what does that refer
11 to?

12 A. That means that the bill has now been in a format,
13 legislative counsel has approved it, it is the bill is then
14 taken to the clerks office and it is now in the clerks
15 domain of the legislature.

16 Q. And gut and amend?

17 A. May I continue on the put over the bill?

18 Q. Sure. ?

19 A. Yeah. A preprint bill would never be put over the
20 desk.

21 Q. So it's not a preprint. Gut and amend?

22 A. Gut and amend is a term that takes a bill that
23 that's been officially introduced in legislative format and
24 then amended in its entirety or amended in some agency
25 respects of it or gutted in its entirety.

26 Q. And then after the gutting, do you -- after you
27 relationship the guts out of the bill, do you stuff in the
28 amendment?

1 A. Only if legislative council gives the appropriate
2 legislative language which would not come from a preprint
3 and which would not certainly come from SB 175.

4 Q. So you're saying lemming counsel would get
5 involved in a gut and amend?

6 A. Legislative council gets involved anytime the
7 bill, the proposed statute is going to be amended.

8 Q. The legislative council opinion, what is a
9 legislative council opinion?

10 A. Legislative council opinion is an opinion that is
11 issued by attorneys who represent the legislature, they
12 will give the opinion as to whether or not this is
13 constitutional or it violates other sections of the law but
14 it is a legal opinion provided to the author.

15 Q. And the legislative counsel digest what is that?

16 A. That becomes like a -- it's a title that's found
17 on the bills and it's a title that appears.

18 Q. Is it also a summary of the legislative counsel's
19 opinion, in other words it's a very brief summary of what
20 their opinion is?

21 A. Not necessarily it doesn't have to be a brief
22 summary but it --.

23 Q. But it can be?

24 A. It can be.

25 Q. It can be?

26 A. Yes. And again SB 175, the two page --.

27 Q. Okay.

28 A. If I may finish?

1 Q. Please.

2 A. The two page bill that senator Vincent authored in
3 February of 2005 has there listed their legislative council
4 summary.

5 Q. And then the --?

6 A. And legislative council period, digest, I'm
7 sorry.

8 Q. And given the role played by a preprint bill
9 that's sent by legislative council, are preliminary and
10 final legislative council opinions in other words it's a
11 negotiated process, in other words they come up with an
12 opinion, you sit down ask talk, they add something to the
13 opinion, they take it out, they might change t all for the
14 author of the bill, not for a lobbyist but for the author
15 of the bill?

16 A. Please restate the question.

17 MR. STEIN: Can I have the court reporter re-read
18 them.

19 THE COURT: Okay.

20 (Record read.)?

21 A. A preprint bill is really not a measure that ends
22 up being negotiated, it is a bill that a preprint is an
23 example of what might be the author. There's a lot of --.

24 THE COURT: Why don't you just explain it as best
25 you can?

26 A. Okay. Because it went from a preprint bill to the
27 legislative council to negotiation to --.

28 THE COURT: So you don't don't understand the

1 question any more?

2 A. I don't understand the question.

3 MR. STEIN: Okay I can?

4 A. If he could bifurcate it, if he could break it
5 down.

6 MR. STEIN: Sure?

7 A. I'd like to answer it honestly.

8 Q. Putting a bill over the desk is after legislative
9 council approval?

10 A. Putting a bill over the desk is a bill that has
11 met legislative counsel approval.

12 Q. Is there a period of negotiation where the author
13 and the legislative council can negotiate the preliminary
14 legislative opinion and get a better one so the legislative
15 council can approve the bill and allow it to be put over
16 the desk?

17 A. Prior to the bill -- offer after the bill is
18 introduced there can be negotiations yes.

19 Q. And that's negotiations between the author and
20 legislative council?

21 A. That could be negotiations between the author and
22 legislative council.

23 Q. And based on those negotiations, legislative
24 council might change or amend its opinion?

25 A. Legislative council is going to give its opinion,
26 I'm not sure that it would change its opinion. It's giving
27 the opinion of how it is interpreting state statute and the
28 impact to state statute and so I'm not sure that the

1 legislative council is going to make a change.

2 Q. They might amend it?

3 A. A bill might be amended.

4 Q. No this me might amend their opinion, they might
5 have a preliminary opinion, amended and then a final
6 opinion?

7 A. It would be so long as it's not violating probably
8 other statutes or in the furtherance of statutes when you
9 that would not [TUR] in preprint bill.

10 Q. Right but it might occur in a draft bill or after
11 [TPH-R] eye put oaf the desk?

12 A. Offer after a put oat oh desk.

13 Q. Before or after?

14 A. Yes.

15 THE COURT: So an amended opinion can occur before
16 or after?

17 A. It can be.

18 MR. STEIN: Both?

19 A. Amended opinions can occur before and it can occur
20 as the legislative process -- as the bill moves to
21 committees and public hearings it can be amended again by
22 vote of the body, the committee.

23 THE COURT: Okay?

24 A. And/or the author himself could offer authors
25 amendments to the bill that the committee would then accept
26 which was not the case on SB 175.

27 Q. BY MR. STEIN: Were you the lobbyist of the tribe
28 during SB 175?

1 A. I was lobbying for the tribe.

2 Q. During SB 175?

3 A. I believe so, yes.

4 Q. And then you said you were the lobbyist, I'd like
5 to show you Exhibit 50 Five which has been put into
6 evidence.

7 THE COURT: 505.

8 Q. BY MR. STEIN: So here is a lobbyist filing for
9 2006, that's when you were lobbyist for the tribe, right?

10 A. I believe I was lobbying for the tribe up --
11 during that period of time.

12 Q. Yeah. And it says Gabrielino-Tongva Tribe?

13 A. That's correct.

14 Q. And it says that SB 175 is one of the bills that
15 they're lobbying?

16 A. That's -- that's what it says up there, yes.

17 Q. And because the SB 175 would allow them to get a
18 tribal gaming compact originally it says tribal gaming
19 compact just in case, is that correct?

20 A. No you're misrepresenting. What was happening at
21 this point in time I see the tribal gaming compact. The
22 gaming compacts were being negotiated at that point in time
23 and I believe tribal council members, myself with Mr. Stein
24 were lobbying for two purposes, one introducing a meet and
25 great and also letting tribal -- letting the members know
26 that we were concerned with the compacts. The compacts had
27 an exclusive territory provision that basically said if a
28 state recognized tribe was to come into the Los Angeles

1 County area, that they would forfeit the revenue
2 contributions that the gaming tribes are providing. So
3 yes, I was lobbying, I was not lobbying for SB 175,
4 certainly would never lobby for the cut and paste that was
5 submitted and had no reason to lobby 175 in the version
6 that senator Ed Vincent had authored, that was a totally
7 different bill that had no tribal gaming issues and no
8 reference to any Gabrielino-Tongva Tribe.

9 Q. Great. And -- and then California form 60 two,
10 this is where the filer, Gabrielino-Tongva Tribe authorized
11 St. Monica development to be its lobbyist, have you seen 16
12 those?

13 A. Yes, I have.

14 Q. And the tribe is called the lobbyist employer and
15 then the lobbyist is -- the lobbying firm is St. Monica?

16 A. That's what it says.

17 Q. Didn't you need to -- if you were a lobbyist for
18 the tribe, didn't you need to have Gabrielino tribe
19 authorize at Tres Es or Richard Polanco there?

20 A. Not on this particular form. Can you please
21 scroll further.

22 Q. Please.

23 A. Your exhibit please.

24 Q. (Indicating.)?

25 A. Yeah that -- here the responsible signature I
26 believe is yours Jonathan.

27 Q. Right and --?

28 A. And.

1 Q. Thank you but --.

2 THE COURT: And let him finish, so what does that
3 mean?

4 A. And that means that Jonathan Stein is the
5 responsible party for reporting purposes and later during
6 these proceedings, Mr. shrine sends a letter to Mr. Alcala
7 indicating that he had been informed by the fair political
8 practices commission that he needed a wet signature,
9 meaning that it had to be none electronic and he, Mr. Stein
10 then communicated in letter form to Martin Alcala asking
11 him to sign the attached form to basically represent to the
12 FPPC that Mr. Alcala was the responsible party.

13 THE COURT: Could you put it back Mr. Stein to
14 where it was.

15 MR. STEIN: Very good.

16 A. That Mr. Stein who had signed this and I believe
17 without counsel, tribal council knowledge, signed this
18 document and then tries to get Mr. Alcala to become the
19 responsible party. He communicates that through --.

20 MR. STEIN: I would object this is nonsuit and
21 it's hearsay.

22 THE COURT: I asked him for an explanation.

23 MR. STEIN: Very good.

24 THE COURT: So overruled. So Defendant signed it
25 and then he called Alcala, is that Al Cal as signature or
26 is that Mr. Stein's signature?

27 A. That's Stein's signature.

28 THE COURT: As the tribal development officer,

1 okay.

2 A. And that's the responsible party here, he's
3 signing this under the penalty of perjury, yet down the
4 line he communicates to Martin Alcala who's a counsel
5 member asking Martin to sign a new form because he is now
6 terminated, left the tribe and he left a paper trail
7 Jonathan that Mr. Alcala refused to sign, you penciled in
8 there and in your letter you said something to the effect
9 of which said.

10 MR. STEIN: Your Honor none of this is in
11 evidence, this is complete huey.

12 THE COURT: Overruled.

13 MS. IBARRA: It's his testimony.

14 THE COURT: Okay so he was terminated but he was
15 signing these verifications, is that what you're saying.

16 A. Absolutely. And he continued to do the reporting
17 to the year 2007 and to the year 2008 when in fact the
18 Gabrielino-Tongva Tribe and its council never saw these.

19 Q. BY MR. STEIN: That was with Linda Candelaria is
20 that correct?

21 A. No.

22 Q. Oh okay.

23 A. That was not Linda Candelaria at all. This is
24 after you had been terminated, you continued to do these
25 filings including filings of contributions to local
26 political candidates that included the mayor Dorn from
27 Inglewood. This is all on the website, Secretary of State
28 sources it and you continue to use the same name.

1 MR. STEIN: Your Honor I'm not asking questions.

2 THE COURT: But I asked him for an explanation.

3 MR. STEIN: Very good.

4 THE COURT: So is he done with his explanation,
5 are you done.

6 MR. STEIN: He's on his fourth topic.

7 THE COURT: I'm not asking you, I'm asking him, if
8 he's done with his explanation.

9 A. Well he has this up here, there's a total of
10 \$115,000 in payments.

11 MR. STEIN: Your Honor there's no question
12 pending.

13 THE COURT: My question is pending?

14 A. This document, this \$115,000, the tribe never paid
15 anyway shape or form \$115,000, the Gabrielino-Tongva Tribe,
16 this is --.

17 THE COURT: Well when you say that, are you saying
18 that this payment came from some other source?

19 A. Absolutely and if there's no source, it's just
20 being put up there, we know of no source whatsoever.

21 THE COURT: You mean there's no -- and you know
22 that because you were the consultant?

23 A. I was the lobbyist but we file these -- we file
24 these for the last since at least over 10 years and I
25 recognize that you need to have -- you know who the sole
26 responsible party is, these forms -- you can't just make up
27 payments of 7,000 and then total payments of 28, who
28 received those payments.

1 THE COURT: All right.

2 MR. STEIN: May I continue Your Honor.

3 THE COURT: Yes uh-huh.

4 MR. STEIN:

5 Q. So Mr. Polanco in answer to the wrongdoing that
6 you did because you refused to make a lobbyist filing,
7 you're now going on into three years of history of all the
8 phone [AOE] things that you think Mr. Stein did, that's
9 your answer to your wrongdoing when you refused to be the
10 lobbyist -- you have did lobbying for the tribe but you
11 refused to put in that you were a lobbyist for the tribe?

12 A. That's -- that's incorrect.

13 Q. And you were never -- you never got into loud
14 yelling arguments with Mr. Stein that you were lobbying for
15 the tribe but refusing to put in your forms and SMDC was
16 putting in the forms and Mr. [AOEUBG] man an accountant in
17 Sacramento for the tribe was being paid to certify these
18 things and he was saying Mr. Polanco's got to go and you
19 refused to go.

20 MS. IBARRA: Objection narrative.

21 MR. STEIN: Is that the question.

22 MS. IBARRA: I don't know the what the question.

23 A. No.

24 THE COURT: Overruled.

25 Q. BY MR. STEIN: And are you saying that the Mr.
26 [AOEUBG] man lied [PWHR-T] 115 though, [THOT] certified
27 public accountant lied about the 115?

28 A. Only if you provided him for that information, and

1 therefore, others had not lying, you're providing that
2 information Mr. Stein. And for the record, I had
3 conversation with Richard who I know and it was not a very
4 pleasant relationship and so to try to blame him is --

5 Q. Mr. Polanco?

6 A. Is wrong.

7 Q. Is nobody is blaming him, we're blaming had you
8 because you failed to put in the filing seeing you were a
9 lobbyist for the tribe and that's what led to the falling
10 out between the two of us?

11 A. Oh that's ridiculous.

12 Q. Uh-huh. And Martin Alcala had to sign it, how
13 come that filing was made without a wet signature?

14 A. Because you had filed already.

15 Q. Uh-huh.

16 A. And you were attempting to escape your
17 responsibility in the very first form that has your
18 signature that you signed under the penalty of perjury.
19 Mr. Alcala came, had discussion with me, and I said to Mr.
20 Alcala that he should not sign because you had already
21 signed, you were the responsible party and you were trying
22 to like you're doing with Mr. Ikeman, kind of do the
23 shuffle away the responsibility and that's wrong.

24 Q. And Linda Candelaria filed in early 2007 without a
25 wet signature. Could that be because they were allowing
26 electronic filing to the website, sopisenate.gov?

27 A. Time frame is a different time frame, Jonathan.
28 207 is -- the answer is yes, they did allow electronic, but

1 for the form you signed it needed a wet signature, not
2 electronic signature, which is why you sent the letter to
3 Martin Alcala asking for his wet signature and in your
4 letter you said and if he refused I want the Secretary of
5 State person to know that he has always been the
6 responsible party and if you look further I believe --

7 Q. Move to strike as nonresponsive Your Honor.

8 THE COURT: Moisture domes?

9 A. If you have look further, I believe that those --
10 Mr. Ikeman -- you were asking Mr. Ikeman to do the same
11 thing here by taking what you have filed and saying here
12 Mr. Ikeman I want for you to become the responsible party
13 and he refused it.

14 Q. Uh-huh got it. Are you done? I don't want to
15 stop prematurely?

16 A. If you have want to scroll some more I may be able
17 to identify some --.

18 Q. That's -- I don't want to ask that, I think you've
19 said your peace?

20 A. Okay.

21 Q. And I've got a limited amount of time I'd like to
22 use it the way I'd like to use it. You talked about the
23 Exhibit 32 and this is the meeting with Bill Lockyer on
24 April 6, 2004, were you the tribes lobbyist in April 2004?

25 A. If -- in 2004, 2003, March 20, I believe my -- I'm
26 not sure if I started in 2004, Jonathan, or -- I know 2005
27 I believe there was an agreement. Prior to that I was with
28 RGP and associated, you provided seconds to RGP and

1 associates, I'm not sure but if --.

2 Q. Let's go to the Tres Es will that help you?

3 A. Sure please.

4 Q. If we go to the Tres Es?

5 A. Please.

6 Q. Exhibit 25?

7 A. Please.

8 Q. We'll have to did it by paper, sorry. It would be
9 the blue, the first volume?

10 A. Yeah March 4th of 2004.

11 Q. March 4th of 2004?

12 A. That's correct.

13 Q. So you were the lobbyist with the tribe at that
14 time?

15 A. I was -- yes, yes.

16 Q. You testified yesterday that you were not.

17 MS. IBARRA: Objection?

18 A. No I testified.

19 MS. IBARRA: Yeah misstates his testimony?

20 A. I testified, I testified yesterday that there was
21 a period of time before this that I was lobby [AOEG], RGP
22 and associates was the firm that I owned and I was lobbying
23 at that point in time and I had received payments from you
24 and your law offices for lobbying services, so we can say
25 prior to this date, I was engaged in lobbying and
26 consulting services.

27 Q. And weren't you, in fact, at that meeting?

28 A. I don't recall being at that meeting.

1 THE COURT: What meeting are you referring to, the
2 meeting with the Attorney General?

3 MR. STEIN: Meeting with the Attorney General Bill
4 Lockyer, his staff, and 20 other people.

5 THE COURT: On April 6, 2004?

6 MR. STEIN: On April 6, 2004. Actually April 5th.
7 April 6th, sorry.

8 A. I don't recall, Jonathan, being at that meeting.
9 This could have been a meeting -- this meeting, if it
10 occurred, you around, I certainly you know didn't
11 communicate to bill.

12 Q. Didn't you give a very nice presentation to the 20
13 people, talk about the tribe, how this would help the
14 tribe, how it would help jobs in Los Angeles County and
15 especially that the tribe was willing to have a union in
16 their casino, wasn't that your big point?

17 A. I don't think so.

18 Q. Okay. And then up here, it says tribal developer
19 Jonathan Stein, St. Monica development company, was that
20 typical of the correspondence at that time?

21 A. No it was typical was you could have that and you
22 could have your Jonathan Stein law offices e-mail, if
23 you --.

24 Q. I'm forgive me will you answer this question and
25 stop trying to input negative things, just answer the
26 question.

27 THE COURT: Mr. Stein.

28 MR. STEIN: Tribal general counsel.

1 THE COURT: Mr. Stein let me give him direct.

2 MR. STEIN: Very good.

3 THE COURT: Not you.

4 MR. STEIN: Very good, [its|it's] getting a little
5 heated since I participated in it.

6 THE COURT: I understand but you're in court. So
7 your question is.

8 Q. BY MR. STEIN: My question is on written
9 stationery at that time for the Gabrielino-Tongva tribal
10 council listing their website and address, was it typical
11 to find the councilpeople on one side and the list of
12 advisors, including the tribal developer, Jonathan Stein of
13 St. Monica Development Company, LLC?

14 A. It was typical.

15 Q. Thank you. And was it typical to find tribal
16 general counsel law offices of Rae Lamothe?

17 A. It was typical.

18 Q. And turning to the next exhibit, let's go to 644
19 and we're going to look for the SB 175 that you were
20 talking about yesterday, so forgive me for taking a second
21 to get it.

22 THE COURT: 644 Libra investors agreement.

23 MR. STEIN: Yes and we want to get to the back end
24 of the document where the SB 175 that Mr. Polanco testified
25 to yesterday.

26 THE COURT: It's one of the exhibits I can't
27 remember exactly.

28 MS. IBARRA: Exhibit B.

1 THE COURT: B .

2 MR. FORDYCE: Yeah.

3 THE COURT: Okay thank you.

4 MR. STEIN: Oh actually I'd like to first go to
5 Exhibit E if we could.

6 THE COURT: Okay.

7 MR. STEIN: Which was the budget.

8 Q. Were you at all familiar with the budget here from
9 the Libra -- did you become familiar with it either --

10 A. I became familiar with it.

11 Q. (Ditto), okay?

12 A. But I think this is the budget that you
13 prepared.

14 Q. Was one payment that was needed was Mr. Ikeman
15 pour FPPC filings, the certified accountant in Sacramento?

16 A. I believe there was a payment that was made but it
17 was not a 5,000, what I've seen is \$150 or 100 some
18 dollars.

19 Q. Okay so what you're saying is Mr. Stein must have
20 padded the bill and pocket the -- pocketed the
21 difference?

22 A. No.

23 Q. That Mr. [AOEUBGZ] time is not worth \$5,000?

24 A. No, I'm not saying that, I'm saying that Mr.
25 Ikeman billed and I believe it was 100 -- under \$200 the
26 correct, the billing and he was paid that so this is a
27 budgeted item for services that could have been 5,000 but
28 in [REL] [TAO*EU] [TAOE] it was not an actual budget item.

1 Q. Was it for all the FPPC filings in 2005 [#1K]
2 2006?

3 A. I don't know.

4 Q. And --?

5 A. Jonathan you put that budget together.

6 Q. And leg?

7 THE COURT: Wait a second?

8 A. I'm sorry.

9 THE COURT: Wait a second?

10 A. I'm sorry.

11 THE CLERK: Hold on a second.

12 THE COURT: Let him finish. You don't know what
13 he's asking yet. You may think you know. Let him finish.

14 Q. BY MR. STEIN: Wasn't \$5,000 because he made a
15 series of filings and he oversaw all the filing process
16 including signatures by Martin Alcala, by him, by Mr.
17 Stein, that's not why it was not 150 or 200, it was 5,000?

18 A. No.

19 Q. And then Olson, Hagel & Fishburn, elections
20 lawyers, are those the lawyers that oversaw how we should
21 handle the filing lobbying and the file up in Sacramento?

22 A. I don't know if that's a true statement, I know
23 who they are.

24 Q. Who are they?

25 A. They are a well respected firm that I -- we use
26 for reporting lob [AOEBG] purposes but I don't know if they
27 received the 10,000, I have seen a check of 1500 that was
28 paid to them.

1 Q. And.

2 THE COURT: From whom, who paid it?

3 A. The 1500 I believe came [TPWR] when the tribe it
4 money and so it might have come from.

5 THE COURT: From the 800,000 or.

6 A. It might have come from the 800,000, yes, from the
7 investor money. In the last proceedings, there was
8 evidence that was submitted, all of the checks were part of
9 that, it's in the court record, that particular, Olson
10 Hagel check I know is nowhere near 10,000, if it's more
11 than 1500 I'd be surprised and I've seen it and I know it's
12 in the record.

13 Q. And Polanco payments would be you, 12 months at
14 4,000 a month?

15 A. That's correct.

16 Q. And the tribal general counsel payments, that would
17 be Rae Lamothe and Liz Aronson?

18 A. It's Rae Lamothe and let's see. I don't know
19 Jonathan when you put this together who was going to get
20 what, how much Liz was going to get or Rae Lamothe was
21 getting, I do know that in your vendor list that you
22 submitted you have Rae Lamothe at 58 zero thousand dollars
23 listed. She settled at 60,000 and you continued to present
24 that as you know evidence to be correct and it's incorrect.

25 Q. Okay. And the state fund of 150,000, would the
26 115,000 reported to the State of California be part of the
27 150,000?

28 A. I'm not sure.

1 Q. Would it be part of the state fund 200,000?

2 A. I'm not sure.

3 Q. Let's go to Exhibit B, this is Exhibit E.

4 THE COURT: I'm sorry we're going back to B now.

5 MR. STEIN: Yes and forgive me I'm going back to B
6 it's quite a long exhibit, I have just want to get to the
7 front.

8 THE COURT: That's okay.

9 MR. STEIN: Southern California senate bill 175
10 and it says amended in senate May 27, 2005. May I ask
11 opposing counsel the bill, does that occur at the end of
12 the exhibit.

13 MS. IBARRA: I'm sorry? .

14 MR. STEIN: We're looking for actual bill that was
15 published.

16 MS. IBARRA: Oh Your Honor it's in a different
17 bill, I asked Mr. Polanco yesterday.

18 MR. STEIN: What [EUBT].

19 MS. IBARRA: About a different bill. It was your
20 exhibit -- let me look at my notes from yesterday.

21 MR. FORDYCE: It might actually be in 644.

22 MS. IBARRA: I don't think it's in 644 but.

23 MR. FORDYCE: It was the last two stages of
24 something.

25 MS. IBARRA: It appears in your -- excuse me, let
26 me find it for you.

27 MR. STEIN: Can we continue on.

28 THE COURT: Yes.

1 MR. STEIN: Very good.

2 Q. And it says the bill but for the purpose I want to
3 point out, wasn't the bill that was published that you were
4 talking about having nothing to do with GT Tribe from May
5 27th, 2005; is that correct?

6 A. I don't understand your question.

7 Q. She's trying to find it?

8 A. Which bill are you referencing.

9 Q. SB 175?

10 A. Your verse [OERS] the senate legislative council
11 version.

12 MS. IBARRA: May I interrupt with the information
13 requested.

14 THE COURT: Okay.

15 MS. IBARRA: So it's Defendants' 7 33.

16 MR. FORDYCE: 733 that's right.

17 MS. IBARRA: Is where the actual -- what Mr.
18 Polanco testified was the actual bill is in a different
19 exhibit.

20 THE COURT: I think it's already been identified.

21 MS. IBARRA: It has been.

22 THE COURT: So 733 is the one. Thank you.

23 MS. IBARRA: It's in the back of 733.

24 MR. STEIN: Okay.

25 Q. So that is the published 175.

26 MS. IBARRA: Objection 733 in the binders is
27 different than 733 in here.

28 THE COURT: Oh then that is wrong.

1 MR. STEIN: This is right, this is what we made
2 our binder out of, it's the PDF.

3 THE COURT: Well we'll take a look and see.

4 MS. IBARRA: 733.

5 MR. STEIN: And then seven 34.

6 MS. IBARRA: That's a different --.

7 THE COURT: Seven 34 in your list is Senate bill
8 one.

9 MR. STEIN: I see what it is very good.

10 MS. IBARRA: So in back of 733.

11 MR. FORDYCE: 733 is the overview.

12 MR. STEIN: The overview, that's 733, and at the
13 back of it is this part? I'm just trying to make a really
14 simple point.

15 THE COURT: Maybe you should give him the binder.

16 MS. IBARRA: Yes.

17 MR. STEIN: May I.

18 MS. IBARRA: Yes.

19 MR. STEIN: Can you find '73 would be the middle
20 notebook hopefully.

21 MS. IBARRA: It's voluntary three.

22 MR. FORDYCE: And it's just the last two pages so
23 733.

24 THE COURT: Is it voluntary three of the one I
25 have.

26 MS. IBARRA: Yes?

27 A. 733.

28 MR. STEIN: Well at the very end of it. Let me

1 help you with this exhibit, it's easier.

2 Q. BY MR. STEIN: Okay same as what you're seeing on
3 the [SKRAOEP]?

4 A. Can you scroll it.

5 Q. Please.

6 A. Please? Thank you. Yes.

7 Q. So that -- this public bill was put in this form
8 on May 27, 2005?

9 A. This bill was amended -- last amendment was June
10 29th, 2006, first amendment was May 27th, 2005.

11 Q. Last amendment was what?

12 A. June 29th, 2006.

13 Q. Where is that, where are you reading that?

14 A. Right on top of the bill.

15 Q. Okay. June 29th, 2006, okay.

16 THE COURT: You're saying that's the last
17 amendment and then the first one was may 27th, 2005?

18 A. The way this is written, that's correct.

19 MR. STEIN:

20 Q. And then February 2005, is that the draft we're
21 looking at is February 2005?

22 A. This isn't a draft this is a bill, February 9th,
23 2005.

24 Q. I see. So February 2005, SB 175 is public and and
25 not about GT Tribe is that right?

26 A. That's correct.

27 Q. To your knowledge was there an effort to gut and
28 amend SB 175 with another gaming proposal that was SB 175

1 as shown to the Libra investors?

2 A. To my knowledge, what you had amended, I had not
3 seen until the proceedings here. So I would not be in a
4 position to lobby nor would I lobby a bill that was cut and
5 pasted in that particular fashion.

6 Q. And you never heard of any effort to gut and amend
7 SB 175 --?

8 A. No I --.

9 Q. And take out -- forgive me for continuing -- gut
10 and amend SB 175 and put in the text of the same Exhibit B
11 to investors?

12 A. The answer to your question is yes, I had heard.

13 Q. Was it your understanding that thereafter a
14 preliminary opinion of legislative council was adverse?

15 A. My understanding is that a legislative council
16 opinion came out, I don't recall the date it came out, I
17 believe in 2006.

18 Q. What exhibit.

19 MS. IBARRA: I believe it's exhibit 34.

20 THE COURT: I think it was Plaintiffs, right.

21 MS. IBARRA: Plaintiffs exhibits.

22 MR. STEIN: We don't have it here?

23 A. Yeah it was in May of 2006 I believe when --

24 Q. Wasn't that opinion May 23 transmittal?

25 A. I don't know what I mean by transmittal.

26 Q. It had a fax date on it from May 23rd?

27 A. What had a fax.

28 THE COURT: Yeah he probably needs to see the --

1 we're still looking for it.

2 MS. IBARRA: Exhibit 53.

3 THE COURT: This is in Plaintiffs.

4 MS. IBARRA: Plaintiffs 53.

5 MR. STEIN: And again we're not looking for the
6 truthfulness of the opinion we're just looking for date.

7 THE COURT: We're not looking at truthfulness at
8 all so it's clear?

9 A. May 22nd, 2006.

10 MS. IBARRA: If I may interject.

11 MR. STEIN: And was that transmitted.

12 THE COURT: Hold on. Before there was an
13 objection and traffic Lee I haven't turned to the exhibit
14 yet so give me a moment.

15 MS. IBARRA: My objection is about which exhibit
16 to use because we saw two yesterday, Plaintiffs 53 is one
17 of them and then there was a Defendants --.

18 THE COURT: This is in your book so.

19 MS. IBARRA: Yeah Plaintiffs 53 doesn't have fax
20 transmittal information, so if you want the fax transmittal
21 information, that would be in Defendants' 7 35 if you want
22 to reference that.

23 THE COURT: He can look at both of them. Exhibit
24 53 and defense seven 35.

25 MS. IBARRA: Seven 35.

26 THE COURT: The difference between them is a fax
27 transmittal but that's it?

28 A. I've got it up here yes.

1 THE COURT: The text is basically the same.

2 Q. BY MR. STEIN: Was it your understanding that on
3 May 23rd GT Tribe found out that legislative counsel's
4 preliminary opinion was adverse?

5 A. I have not testified about that.

6 Q. You didn't know anything about that, you didn't
7 hear anything about that?

8 No not until these proceedings.

9 Q. Ask was it your understanding that after that ad
10 verse opinion came out following --.

11 THE COURT: Can I see what was written on the back
12 there, can you put down.

13 MR. STEIN: Oh [S-R] [AOE] I ran out of room.
14 Transmittal May 23rd, 2006, transmittal of adverse,
15 preliminary legislative council opinion.

16 THE COURT: Transmittal to whom.

17 MR. STEIN: GT Tribe.

18 THE COURT: Is that true, was it --

19 A. No no, the tribe wasn't aware of this.

20 THE COURT: So the tribe doesn't know.

21 MR. STEIN: So can I put no here that that didn't
22 happen?

23 A. Yeah.

24 Q. Okay.

25 A. And certainly no for me.

26 Q. And can I put yes here that in fact the gut and
27 amend did happen or do you want to put no there.

28 MS. IBARRA: Objection misstates testimony.

1 THE COURT: Yeah I mean it does but we're not
2 going to use this for any purpose e right.

3 THE COURT: I mean counsel you can use it.

4 MR. STEIN: That's what I want to do.

5 THE COURT: In closing but it's not evidence.

6 MR. STEIN: Yeah it's not evidence, right.

7 THE COURT: Whatever he writes up there is his
8 own -- it's best to try to be accurate when you're writing
9 on the board but you know the court can't consider it for
10 any reason.

11 MR. STEIN: So Mr. Polanco.

12 THE COURT: Hold on there's an objection.

13 MS. IBARRA: Objection Your Honor objection to the
14 question, the question misstated the testimony.

15 THE COURT: Why don't you re-ask it.

16 Q. BY MR. STEIN: Is it your testimony that you knew
17 about the gut and amend of SB 175 to the form in Exhibit B
18 of the Libra agreement?

19 A. No.

20 Q. Thank you. So why did you say yes before.

21 THE COURT: There was no --.

22 MR. STEIN: So why did you say yes before.

23 MS. IBARRA: Objection misstates the testimony.

24 THE COURT: He didn't say that, you wrote that on
25 your paper, that's not what he said, so what you wrote on
26 your paper counsel isn't evidence.

27 MR. STEIN: Very good. Absolutely understood.

28 Q. BY MR. STEIN: And may I refer you to Exhibit 5

1 four that has been previously identified? And I'm going to
2 refer you to Page 4 of it but let's start at Page 1. Do
3 you have Exhibit 54 in front of you?

4 A. Exhibit 54?

5 Q. Yes.

6 THE COURT: Yes it would be in the Blue Book. Is
7 he on this e-mail.

8 MR. STEIN: No I don't think he is I'd like to see
9 if he came across it?

10 A. I don't have it.

11 THE COURT: It's not in the book.

12 MS. IBARRA: Let's zoo if we have it here.

13 MR. STEIN: It's Plaintiff's Exhibit.

14 MS. IBARRA: 54?

15 A. Confidential proposals. I think I can go from
16 here Your Honor.

17 THE COURT: Let him ask his questions.

18 THE COURT: It looked like an e-mail can you --

19 A. I'm not listed on e-mail address.

20 MS. IBARRA: Yeah.

21 Q. BY MR. STEIN: Have you heard about an e-mail of
22 Mr. Stein in July 15 of 2006.

23 THE COURT: Have you ever heard about it when.

24 MR. STEIN: After -- at any time, at any time.

25 MS. IBARRA: Excuse me.

26 THE COURT: Might have heard about it now but --?

27 A. I heard about it, I read [T*] about it in the
28 proceedings.

1 MR. STEIN: Okay so you heard about it and read
2 about it in the proceedings is that correct.

3 A. That's correct.

4 Q. Can I go to Page 4.

5 MS. IBARRA: I'm going to object lacks --.

6 THE COURT: What's the relevance of it.

7 MS. IBARRA: Yeah.

8 MR. STEIN: It's on Page 4.

9 THE COURT: Well let's see, I don't see any
10 relevance yet.

11 Q. BY MR. STEIN: Mr. Polanco let me read this to you
12 and see if this refreshes your recollection.

13 THE COURT: Had he hasn't forgotten anything
14 counsel ask your question and see in he.

15 MR. STEIN: Was will there a huge defeat when
16 senator Vincent reviews fused to put the bill across the
17 table in July of 2006?

18 A. Item 6?

19 A. Repeat the question please.

20 THE COURT: Okay.

21 MR. STEIN: If I can ask the court reporter.

22 THE COURT: [KWRAOF] she can read it.

23 (Record read.)?

24 A. The bill was already put across the table, that
25 was senator senator [SR*EUPBZ] bill, that was the only
26 thing that fast put across the table.

27 Q. BY MR. STEIN: Don't you also have to put a little
28 over the desk.

1 THE COURT: So the answer is no there wasn't a
2 huge defeat because that wasn't the bill that was put
3 across?

4 A. That's correct Your Honor.

5 THE COURT: Oh okay?

6 A. That's correct.

7 Q. BY MR. STEIN: Don't to put the bill oaf the desk,
8 excuse me, don't you have to put a gut and amend over the
9 desk too?

10 A. The bill gets gutted, amended, it will be -- the
11 answer is yes, everything that gets amend [-PD], gutted or
12 technically amended goes over the desk, it becomes part of
13 the record and the clerk is then managing that legislature
14 process going forward.

15 Q. And wasn't there a human defeat in July when
16 senator Vincent changed his mind, some people in Sacramento
17 are known to do that, he changed his mind and he refused to
18 put the gut and amend to which he had agreed, he refused to
19 put it over the desk.

20 THE COURT: That assumes a lot of facts.

21 MS. IBARRA: Yes objection assumes facts not in
22 evidence.

23 THE COURT: So maybe you can break that down
24 counsel.

25 MR. STEIN: Sure.

26 Q. You've already testified that a gut and amend has
27 to be put over the desk to change what's shown to the
28 public is that correct?

1 A. Yes.

2 Q. Okay. And an author such as Senator Vincent can
3 gut and amend his own bill SB 175?

4 A. He can -- he can make amendments and offer them to
5 the committee that would have to vote in support up or down
6 on those amendments, he did not amend it unilaterally,
7 there is a process. That would mean that the bill would be
8 heard in policy as amended in amended form with an
9 analysis, that would mean that a vote out of policy, then
10 to the senate floor and then the process would start all
11 over again gnat assembly side.

12 Q. Okay. Is that not incorrect, isn't the whole
13 purpose of gut and amend is to skip that process and go
14 straight to the vote, it's made for special interest
15 legislation?

16 A. Wrong.

17 Q. Okay very good. And can we now go back to 733,
18 the overview. Can you ask you to read the first two
19 sentences please.

20 THE COURT: This is on page 1568 of that exhibit?

21 A. This overview addresses.

22 MR. STEIN: Yes Your Honor?

23 A. SB 175 -- excuse me, this overview addresses,
24 number one SB 175, a bill to create a state Indian
25 reservation at Hollywood park and to allow the
26 Gabrielino-Tongva Tribe to conduct game there on Number 2,
27 the state recognized tribes trite to conduct gaming
28 [OUPBDZ] Cal constitutional article four Section 19 F, the

1 April 2004 presentation to Attorney General Bill Lockyer
2 and senior lawyers of the Department of Justice, as well as
3 the [TPHAE] 2004 presentation to legislative council Dianne
4 [PWOEUR] vine and three, the tribes ancestral ties to the
5 Los Angeles County and its current membership of 1600.
6 Paragraph 2, in 2004, presentations, both the Attorney
7 General and legislative council orally agreed that the
8 legislature has the authority to interpret the ambiguous
9 second sentence of California constitution article four,
10 Section 19 F in a manner that allows the state recognized
11 Gabrielino tribe to conduct gaming on a state Indian
12 reservation. SB 175 is intended to be the legislative
13 enactment discussed in 2004 presentations.

14 Q. Didn't you arrange a fund raiser for senator Ed
15 Vincent.

16 THE COURT: So do you have a question about that I
17 mean.

18 MR. STEIN: No, is this your understanding of what
19 happened, excuse me.

20 THE COURT: You need to ask a question.

21 MR. STEIN: You're exactly.

22 THE COURT: You can't [SKWRUF] read something and
23 it doesn't mean anything without a question.

24 MR. STEIN: You're absolutely right.

25 Q. Isn't this in fact what happened in April of 2004
26 that led to the gut and amend effort with senator Vincent?

27 A. I don't know.

28 Q. You don't know, okay?

1 A. This is the first time you know that I've taken
2 the time to read these two paragraphs out loud. If
3 you're -- you know you're stating -- I read that there was
4 agreement between the Attorney General and legislative
5 council, I don't know if there was an agreement or not.

6 Q. Okay very good. And then -- buzz it doesn't say
7 there was an agreement with both them, it says both of them
8 orally agreed that the legislature has the authority to
9 interpret the constitution that Gabrielino tribe is state
10 recognized and SB 175 was going to be the vehicle, you
11 don't know about any of that?

12 A. This is the first time I'm reading it, and based
13 on outcome here, they differed with you know -- they
14 differed with your opinion and your you know law review
15 article that you spent time researching.

16 Q. Didn't you arrange a fund raiser for senator
17 Vincent in Sacramento at Fat Freddy's to encourage him to
18 gut and amend SB 175?

19 A. No.

20 Q. And you never heard him complain at that fund
21 raiser or elsewhere that he was getting inn credible
22 pressure from the casino tribes not to put SB 175 over the
23 desk.

24 MS. IBARRA: Objection lacks foundation, he said
25 he doesn't recall that events.

26 THE COURT: Well it calls for hearsay, both
27 sustained.

28 Q. BY MR. STEIN: Senator Vincent never said that to

1 you directly.

2 THE COURT: Hearsay, sustained.

3 Q. BY MR. STEIN: And let me close with Exhibit 7 34.

4 THE COURT: Yes Mr. Polanco?

5 A. There is no Fat Freddy's in Sacramento, that is a
6 restaurant.

7 MR. STEIN: Spelled for the record --

8 THE COURT: Well, back in 2007 was there one or
9 whatever time frame we're talking about?

10 A. No.

11 MR. STEIN: Spelled PH A T because he was Asian?

12 A. There is no -- Fat Freddy's you said.

13 Q. Oh, so is there a Phat but it's not called
14 Freddy's? Tell me, Richard.

15 A. No, it's not.

16 Q. Oh, okay.

17 THE COURT: And what time frame are you referring
18 to?

19 A. It would be -- 2000 -- when this occurred.

20 THE COURT: 2004 presentation, so there was no Fat
21 Freddy's at that time?

22 A. I never attended a restaurant called Fat Freddy's.

23 Q. And that's not where the famous napkin deal was
24 done between --

25 A. There is no Fat Freddy's.

26 Q. -- plaintiffs attorneys and Willy Brown at about
27 that time --

28 A. There is no Fat Freddy's.

1 Q. -- that led to the cap on damages to medical
2 insurance and doctors?

3 A. I've answered you.

4 Q. Very good.

5 THE COURT: You're sticking to?

6 A. There is no Fat Freddy's, I never attended a Fat
7 Freddy's restaurant in Sacramento.

8 Q. Preprint bill, Senate bill number one would this
9 be an example of a preprint?

10 A. Yes.

11 Q. From December 2007?

12 A. Yes it would.

13 THE COURT: Hold on what exhibit are you referring
14 to?

15 A. Seven 34.

16 MS. IBARRA: Is this a new exhibit.

17 THE COURT: Oh there's nothing in my book so.

18 MR. STEIN: It is the Defendants' 7 34 S [PW-FRPLT]
19 one it was introduced into evidence.

20 THE CLERK: It's actually ID'd at Senate bill one.

21 THE COURT: I don't have a copy.

22 [RIGHT1]: Your Honor would you would you like a
23 copy.

24 MR. STEIN: Why don't re give the court a copy.

25 THE COURT: He is [TKPWEU] I'm the only one that
26 doesn't have it.

27 MR. STEIN: That may be the one that was
28 identified.

1 THE COURT: Thank you because you have it Mr.
2 Polanco, right?

3 A. Yes I do Your Honor.

4 THE COURT: All right go heaved.

5 Q. BY MR. STEIN: And this is an example of a
6 preprint bill?

7 A. That's correct.

8 Q. And this is a bill that has not been gut and
9 amended?

10 A. If it's a preprint probably not.

11 Q. Okay.

12 A. And I don't see any strikes. Yeah this has not
13 been amended.

14 Q. And this is the legislative counsel's digest?

15 A. Yes, it is.

16 Q. And again the legislative counsel's dining is just
17 the summary of the legislative counsel's opinion?

18 A. Yes.

19 Q. And this is dated in December 2007?

20 A. That's correct.

21 THE COURT: Can I ask, this is a -- this is a
22 different bill though, right?

23 A. Yes this is not.

24 THE COURT: Okay just.

25 A. This is a different bill.

26 THE COURT: And Vincent isn't part of this bill?

27 A. No Vincent is -- no the author is Oropeza, Yee,
28 and Scott and assembly members [TKAEUFT] Karnet and Parra.

1 Q. So instead of having one author we now have one
2 two three four Five six authors?

3 A. That's correct.

4 Q. And the legislative council dining it's a little
5 long but can you ask you to just read the first two
6 paragraphs?

7 A. Preprint SB 1 as opposed, Oropesa,
8 Gabrielino-Tongva Tribe. Under existing federal law the
9 bureau of Indian affairs within the department of the
10 interior is responsible tort administration and the
11 management of land held in trust by the United States for
12 tore American Indian, Indian tribes, and Alaskan native.
13 Understand existing law, there are 561 federally recognized
14 tribal governments in the United States. California law
15 identifies various Indian tribes and reservation lands but
16 does not have a formal system of recognizing state Indian
17 tribes such as that contained in federal law. Paragraph 2,
18 this bill would establish a state recognized Indian
19 reservation for the Gabrielino-Tongva Tribe, a none
20 federally recognized Indian tribe effective immediately
21 upon the certification of specified facts by the city or
22 cities in which the reservation is located. It would
23 require the tribe to purchase and contribute to the state
24 the real property to be designated as the reservation. The
25 bill would provide that title to the reservation shall be
26 held by the State of California in trust for the benefit of
27 the Gabrielino-Tongva Tribe.

28 Q. And it says that the Gabrielino-Tongva Tribe is

1 nonfederally recognized tribe?

2 A. That's what it says.

3 Q. And it says that a bill is okay that would
4 establish a reservation from the state, held in the trust
5 by the State of California?

6 A. Yeah that bill would have established a state
7 reservation.

8 Q. So does it appear that by December 2007 the
9 legislative council changed its mind?

10 A. No.

11 Q. Why not?

12 A. If you turn to Page 6, the last sentence.

13 Q. Page 6 the last sentence, let me get there sir.
14 Nothing in this division?

15 A. Yes.

16 Q. Nothing in this division is intend today grand
17 gaming rights to the tribe?

18 Q. Oh.

19 A. So your whole intention was to create a state
20 reservation, put it into trust thinking that you can do
21 gaming once it's in trust.

22 Q. Huh.

23 A. This piece of legislation, the preprint, as well
24 as the bill that she introduced the following year would
25 have prohibited, in fact she dropped the bill after
26 learning about the fact that you know you were intending
27 to.

28 Q. Uh-huh.

1 A. Establish gaming on a state reservation.

2 Q. Didn't she know exactly that and suggest to GT
3 Tribe, just split it in two, let's get the reservation
4 established, let's come back later and talk about gaming
5 after the reservations established?

6 A. I don't know those conversations.

7 Q. Very good?

8 A. What I do know is the bill would not have allowed
9 for gaming rights.

10 Q. Right right. Except that can I refer you to some
11 part of the bill, eight 575. Doesn't that take care of the
12 legislative counsel's concern that the tribe was not
13 recognized, they wanted the full legislature and the
14 governor to act to say that it is and [T-PBDZ] to be a
15 recognized tribe, didn't that take care of what the
16 legislative council is worried about?

17 A. I don't think so, I think the legislative council
18 issued the opinion and the opinion was that it was un
19 constitutional.

20 Q. Uh-huh.

21 A. And they never changed their mind.

22 Q. Uh-huh. .

23 THE COURT: Well let me ask you a question, when
24 you say un conditions [TAOUGS] Al, are you are referring to
25 the state recognizing them as an Indian tribe, are you
26 referring to gaming or both or?

27 A. I'm referring to -- and I'm not the expert on
28 this.

1 THE COURT: No?

2 A. So let me leave it, I think the expert witnesses
3 but in a layman's understanding is that Jonathan wanted to
4 have a state reservation, a state reservation because he
5 says that the Gabrielino-Tongva Tribe is a state recognized
6 tribe, there's nothing that has anywhere near that, they
7 have a territory, there's a resolution that describes their
8 time in history in this geographic area but -- and so his
9 concept was create a state reservation, this --
10 Gabrielino-Tongva Tribe then acquires it, puts it into
11 trust and gaming but you know the bill prohibit that so not
12 only would it have not been constitutional because the
13 legislative council opinion it would have been statute Lee
14 impossible as well.

15 MR. STEIN: No further questions.

16 THE COURT: All right thank you. I guess
17 redirect.

18 MS. IBARRA: Yes.

19 Q. BY MS. IBARRA: Can we go over this bill, SB 1.

20 THE COURT: Which is exhibit.

21 MS. IBARRA: This is Exhibit 7 34.

22 THE COURT: Seven 34.

23 A. Yes.

24 Q. BY MS. IBARRA: Counsel went over in quite a bit
25 of detail with you, and you just read section -- so can you
26 read the second -- the last sentence in the first
27 paragraph?

28 A. On the first page.

1 Q. Under existing law?

2 A. What payment would that be.

3 Q. That would be in the first page of the bill, Page
4 99, if you can read the sentence that begins with under
5 existing law?

6 A. Let's see here --.

7 THE COURT: In the first paragraph okay?

8 A. Oh the first paragraph. Under existing federal
9 law --.

10 THE COURT: Under existing law there are 561 is
11 that what you're asking.

12 MS. IBARRA: Yes that's right.

13 THE COURT: No you were on the right page?

14 A. I was on the right page.

15 MS. IBARRA: It's also up here. So it's second --
16 it's in the middle of the paragraph, under existing law,
17 should I point you?

18 A. Yes please.

19 Q. [HREUPBDZ]?

20 A. Okay got it may I read it.

21 Q. [KWRAES] please.

22 A. Under existing law there are 561 federally
23 recognized tribal governments in the United States.
24 California law identifies various Indian tribes and
25 reservation lands, but does not have a formal system of
26 recognizing state Indian tribes such as that contained in
27 federal law.

28 Q. So is this an admission or is this a statement

1 that there are no California state recognized tribes? Can
2 you read it again and see if that's your understanding?

3 A. Your question is is this a correct statement?

4 Q. I don't know if this is a correct statement but
5 does this say --?

6 A. Yeah we have no process. The -- if the question
7 is does the State of California have a BIA process or a
8 process where you petition and you have these elements that
9 have to be medical met, the answer is the state does not.

10 Q. When did you come to that understanding?

11 A. I'm not sure. It's been 10 years in this.

12 Q. I know.

13 A. But I'm not sure.

14 Q. Was that your understanding at the time that you
15 were lobbying on behalf of GT Tribe when you were not yet
16 the CEO?

17 A. We were lobbying frankly to oppose the compacts
18 that were taking place. Again SB 175 by Vincent, we never
19 [HRO*BD] because it was a bill that dealt with card club
20 ownership from out of state and so I can't put a finger or
21 a time frame specifically.

22 Q. But your agreement which is exhibit 35 is between
23 Tres Es and this Gabrielino-Tongva Tribe, a state
24 recognized?

25 A. That's correct.

26 Q. So at the time that you entered into a the
27 agreement you thought it was a state recognized tribe?

28 A. I had to believe that because there was this

1 resolution and you read the resolution and you learn
2 through the early [HR*EURPLG] where I was sued, I you begin
3 to see what each -- what this really meant and it meant
4 that -- it was [RO*BGD] recognized others the
5 Gabrielino-Tongva tribe's Moran [SES] [TRAL] land than the
6 Gabrielino-Tongva Tribe having federal or special
7 [powers|powers'] per se.

8 Q. So isn't that representation made throughout this
9 litigation in contracts and oral statements and verbal
10 statements that the Gabrielino-Tongva Tribe is a state
11 recognized tribe that hasn't achieved federal recognition?

12 A. That's correct.

13 Q. Isn't it also contained in pleadings filed here?

14 A. That's correct.

15 Q. So but this is -- in 2007, you're familiar with
16 this legislation?

17 A. I am familiar with -- with this legislation, yes.
18 This was obviously after Jonathan Stein had been
19 terminated, he continued to lobby the concept and the
20 idea.

21 Q. So this is at the behest of Mr. Stein, is that
22 your knowledge?

23 A. Yes.

24 Q. So sometime in December 5/20 '07 a bill is
25 introduced that specifically states that there is --
26 that -- what does it say, California identifies various
27 Indian tribes and reservation lands but does not have a
28 formal system of recognizing state Indian tribes?

1 A. That's my understanding.

2 Q. Do you have any recollection of what your
3 knowledge or the Gabrielino-Tongva tribe's knowledge, how
4 that evolved with regards to this, to the specific facts?

5 A. I really don't understand the question.

6 Q. Okay. So my question is is that -- so throughout
7 this litigation there's been -- and even throughout this
8 trial there's an representations that GT Tribe is a state
9 recognized tribe but then in December of 2007 there's
10 **[SPH*]** this bill introduced that you say by Mr. Stein where
11 it specifically says there's no system for recognizing
12 state Indian tribes. So didn't you at this point realize
13 that this representation was false?

14 A. Reading the preprint that had not existed in the
15 past, yes this is -- this is an admission that the state
16 does not have a process -- a formal process for recognizing
17 state Indian tribes.

18 Q. Did you wonder why Mr. Stein had changed his
19 information with regard to this legislation as opposed to
20 the representation he made in this litigation?

21 A. Well I think he --.

22 MR. STEIN: Objection that is not the position of
23 Mr. Stein, that is the position of legislative council.

24 MR. FORDYCE: It assumes facts.

25 THE COURT: I think you should restate your
26 question.

27 MS. IBARRA: Okay so at this point were you having
28 conversations with Mr. Stein.

1 A. At which point?

2 Q. Were you -- at this point were you having, which
3 is at the time the bill --

4 A. Of this bill.

5 Q. -- was introduced?

6 A. No we were already in litigation, he had sued
7 me.

8 Q. Right. Did you have any understanding why the
9 bill didn't comport with your understanding of the status
10 of the tribe, representations that had been made to you
11 about the status of the tribe? So did you have any
12 understanding as to why this was -- because you were
13 familiar with the legislation?

14 A. Yes.

15 Q. You still had a presence in Sacramento?

16 A. Yes.

17 Q. Did you have conversations with scanning electron
18 microscope below woman or senator or president a- about
19 this?

20 A. No. Just reading the last sentence it's complete,
21 they were not going to be able to do gaming.

22 Q. Well this says it doesn't grant them the right to
23 do game but I mean it could through some other bill, right?
24 Let's look at it. This doesn't grant -- is it your -- so
25 reading this again, do you believe it doesn't grant them
26 the right to gaming?

27 A. Nothing in this division is intended to grant
28 gaming right to the tribe.

1 Q. But [I*] does it forbid gaming?

2 A. I would interpret it that it does.

3 Q. Well that it's currently forbidden?

4 A. That it's currently for bed inn. Now if they were
5 to become a federally recognized tribe that changes, that's
6 different then they would have to negotiate a compact.

7 Q. So in addition to getting federal approval they
8 would need to get state approval?

9 A. They would need to get a compact approved by the
10 legislature.

11 THE COURT: Can I ask a question, maybe this is
12 something for the expert, but if you become federally
13 recognized does the state then recognize you as a state
14 tribe or you're just allowed to game? Maybe this is an
15 expert question but --

16 A. When you're federally recognized then you don't
17 need to be state recognized, the federal government is
18 granting you government to government relationship.

19 THE COURT: So it doesn't -- there is nothing --?

20 A. The state recognition doesn't mean anything.

21 Q. BY MS. IBARRA: So one more question about this,
22 your understanding of the last bill -- the legislative
23 opinion that you didn't see see from March 26, 2006 was
24 that it wasn't granting -- two didn't recognize the
25 Gabrielino-Tongva Tribe as state recognized tribe, it
26 didn't identify it as that?

27 A. That's correct.

28 Q. And that's consistent with what's in this bill?

1 A. Yes. This is not a April, this is a preprint.

2 Q. Okay.

3 A. This is a preprint, this is -- it's -- it's like
4 an example of what something might look like, a preprint.

5 Q. So just to recap because some of this is
6 confusing, so this is something that Ms. senator Oropeza --

7 A. Yes.

8 Q. -- went to legislative council and said please
9 introduce something like this?

10 A. Yes.

11 Q. And then legislative council put it in this
12 format?

13 A. That's correct.

14 Q. But then it was never -- what's the process of
15 like actually introducing it?

16 A. They would have to introduce it without it being
17 preprint.

18 Q. Okay but what is that process of doing that that
19 you called it?

20 A. Going to legislative counsel, getting it back,
21 sending it over the desk, having it read three times before
22 it you know gets to committee -- oh excuse me. So here's
23 of the process, the bill goes to the clerk, the clerk reads
24 it one time, the clerk reads it again the second time, not
25 in the same day but with notices, then the bill gets
26 assigned to committee or to rules and then rules then
27 assigns the bills to committee so there's this committee
28 process that takes place.

1 Q. When did you see it go from preprint to Senate
2 bill what's the specific?

3 A. It would have to -- December -- so probably in
4 2008 since this is a preprint this was being used in the
5 last part of the year, legislative session, December 2007
6 and so the following year there probably would be a bill
7 that may have been introduced or not, I'm not sure but
8 there would be a bill that would not have preprint on it
9 and pretty much the same language.

10 Q. So if you go to legislative council with language
11 that you get from a special interest, a lobbyist, even in
12 legislative council disagreed with the bill would they
13 still issue you a preprint **[-FRPL]** they're not issue -- if
14 the author takes proposed language to legislative counsel,
15 legislative counsel can and may and does which appears to
16 be -- this appears to be the case, incorporate your ideas
17 into a preprint and/or to legislation.

18 Q. But does it also insert its own ideas about what
19 you're attempting to do into the bill? Does it ever just
20 take your plan like leak I want a fish pond in downtown
21 L.A. and put it in there?

22 A. No no no.

23 Q. It would never do that?

24 A. It would research the law, it will research
25 federal statute, it will research **[HROEBG]** allege
26 ordinances to see for example if there's preemption in
27 certain areas so it doesn't just take your idea and puts it
28 in.

1 Q. So is it fair to say that a preprint bill will
2 contain the grain of the idea from the lobbyist or special
3 interest group that brought it to the senator or the
4 assembly person?

5 A. That's fair to say.

6 Q. And it would also include the legislative
7 counsel's own research about what the state of the law is?

8 A. That's correct.

9 THE COURT: I have a question, this isn't the bill
10 itself, this is just the digest?

11 A. This is not.

12 THE COURT: We don't know what it says, there's
13 no, at least I haven't seen it.

14 MR. STEIN: No Your Honor if you go through it,
15 the entirety of the bill is there.

16 MS. IBARRA: Oh okay.

17 THE COURT: It's after.

18 MR. STEIN: Yeah there's there are six pages
19 there.

20 MS. IBARRA: This is the actual bill.

21 THE COURT: The whole thing is the digest that's
22 the first page.

23 MR. STEIN: And it [PHAE PBGS] [-Z] A, if you look
24 at two A that's how California recognized the Indian
25 tribes.

26 MS. IBARRA: So counsel just testified that --
27 [TPEFZ] how -- but that's contradicted by the digest isn't
28 it Mr. Polanco?

1 A. What are we speaking of?

2 Q. So [KOUFPB] just said that Section 2?

3 A. Yes.

4 Q. A, here?

5 A. Uh-huh.

6 Q. Specifies how a state tribe is recognized. So
7 here is that representation given, the State of California
8 officially recognizes Gabrielino-Tongva Tribe, is that
9 right?

10 A. In 1994 there was a resolution, I it in fact vote
11 [TPH-D] support of the resolution, the resolution was more
12 to give the tribe the historical presence, it did not
13 empower or designate any tribal council, Gabrielino tribal
14 council as the entity, it was a resolution that passion-d
15 overwhelmingly quite frankly but it was just acknowledging
16 the ongoing existence in this L.A. county geographic area.

17 Q. Is it also just honoring the heritage of the
18 Gabrielinos?

19 A. Acknowledging the heritage, the culture, the fact
20 that you can find it in universities that there are
21 archaeological cites in LA County designated.

22 Q. And was the intent to sort of raise the profile of
23 the Gabrielino people because --?

24 A. I think it was yes because at that point in time
25 there was a lot of Indian movement and mature Tuo political
26 speak [SKP-G] so Dianne Martinez who was the author from
27 San Gabriel Valley authored the bill and I think there were
28 like 30 or 40 coauthors, I being one of them.

1 Q. So but it doesn't -- it didn't give them any
2 special rights or [powers|powers'] or designation as the
3 state recognized tribe?

4 A. That's correct.

5 Q. So and do you usually issue resolutions like when
6 people are retiring or --?

7 A. Yes. Resolutions are acknowledgments of re
8 [TAOEURPLTS], community service to community groups.

9 Q. But they don't have -- you know if somebody gave
10 you a resolution [which they probably have, it doesn't give
11 you special power?

12 A. That's correct.

13 Q. It's just an honor?

14 A. Yes.

15 Q. So then that's -- so looking at it from that
16 perspective, it's consistent with the language in the first
17 paragraph that under existing law there's a federal
18 recognition process, blah, blah. The California law
19 identifies various Indian tribes and reservation, so
20 identifies various Indian tribes and reservation laws but
21 does not have a formal system of recognizing state Indian
22 tribes?

23 A. That's a correct statement.

24 Q. So sitting here today do you think the
25 Gabrielino-Tongva Tribe is a state recognized trying?

26 A. I think Gabrielino-Tongva Tribe has ancestral
27 territory that's been acknowledged by the State of
28 California but it does not have special privileges.

1 Q. Whatever.

2 THE COURT: Counsel how much longer do you have I
3 think you've covered it.

4 MR. STEIN: And I'd just like to have one or two
5 questions.

6 THE COURT: All right [STHAO] I'm nearing the end
7 Your Honor.

8 Q. Whatever happened to this preprint did it ever
9 move forward?

10 A. I don't know happened hot preprint, I have no
11 [TPHR-L] of what happened to the preprint.

12 Q. Was this every introduced to legislation?

13 A. It may have, I think Jonathan Stein.

14 Q. But did it ever become --?

15 A. Did it ever become law, no.

16 Q. Okay that's all I have Your Honor.

17 THE COURT: And you may I guess recross.

18 MR. STEIN: Yeah [SKWHR*E] just very briefly, .

19 Q. Mr. motion to compel are you today the chief
20 executive officer of GT Tribe?

21 A. Yes.

22 Q. And that's the unincorporated association that the
23 jury found is involved in this action?

24 A. That's correct.

25 Q. And have you been -- so you're CEO in 2016 of the
26 unincorporated association. And then were you CEO in late
27 2006 without worrying about the exact date, is that when
28 you became CEO?

1 A. October 11th officially.

2 Q. Okay October 11th. And have you been CEO of GT
3 Tribe, the unincorporated association between October 11th,
4 2006 and today?

5 A. Yes.

6 Q. Without interruption?

7 A. Yes.

8 MR. STEIN: No further questions.

9 THE COURT: Anything further.

10 MS. IBARRA: No nothing further.

11 THE COURT: Thank you you may step down.

12 A. May I be excused.

13 THE COURT: I believe you're excused are you going
14 to need Mr. Polanco.

15 MR. STEIN: Yes we will so if we can put him on
16 all as well.

17 THE COURT: So just be on call, do you know what
18 it means to be on call?

19 A. Yes.

20 THE COURT: Okay thank you. Let's take 10
21 minutes.

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