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9
10 BEFORE THE DEPARTMENT OF JUSTICE
11 OFFICE OF THE ATTORNEY GENERAL
12 STATE OF CALIFORNIA
13

14 **IN THE MATTER OF THE INVESTIGATION OF**
15 **POSSIBLY UNLAWFUL AND WASTEFUL**
16 **ACTIVITIES BY OFFICIALS, OFFICERS, AND**
EMPLOYEES OF THE CITY OF VERNON, ETC.

SUBPOENA TO ATTEND AND TESTIFY
(Cal. Gov. Code, § 11180, et seq.)


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19 TO: City of Vernon

20 Pursuant to the powers conferred by California Government Code sections 11180-11189
21 upon the Attorney General of the State of California as Chief Law Officer of the State of
22 California, which powers and authority to conduct the above-entitled investigation has delegated
23 to Deputy Attorney General Jeffrey A. Rich, among others:
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1 YOU ARE COMMANDED to appear through the person(s) most knowledgeable before
2 Deputy Attorney General Jeffrey A. Rich at the Office of the California Attorney General, 300 S.
3 Spring Street, Los Angeles, California 90013, on the 10th day of November, 2010 at 10:00 a.m.,
4 or at a place and time to which the parties otherwise agree, to attend and testify.

5 This subpoena requires you to designate one or more persons who are most
6 knowledgeable or most able to testify on behalf of the City of Vernon with respect to the matters
7 described in Schedule A. Failure to comply with the requirements of this subpoena will subject
8 you to liability for proceedings and penalties provided by law.

9 Given under my hand this 20th day of October, 2010.

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12 _____
13 JEFFREY A. RICH
14 Deputy Attorney General
15 Telephone: (916) 324-5154

16 TO THE PERSON SERVED: You may seek the advice of an attorney in any matter
17 connected with this subpoena. You should consult your attorney promptly so that any problems
18 concerning your appearance may be resolved within the time required by this subpoena. You are
19 advised further that, while you will be permitted to consult with an attorney during the course of
20 your testimony, your attorney will not be permitted to participate directly in these proceedings.

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DECLARATION OF JEFFREY A. RICH

I, Jeffrey A. Rich, declare as follows:

1. I am a Deputy Attorney General of the State of California.

2. The Attorney General of California, pursuant to California Government Code section 11180, et seq, has authorized an investigation of the City of Vernon as may pertain to possible violations of various state laws and the waste and misuse of public funds. I, among others, have been delegated the authority to conduct the investigation and hold hearings in connection therewith by the Attorney General of California pursuant to California Government Code section 11182.

3. I have issued this subpoena to attend and testify in connection with this investigation. Based upon investigation conducted thus far, I believe that the matters listed and/or described in Schedule A hereto are relevant to this investigation.

4. The facts set forth herein are personally known to me and I have first hand knowledge of the same. If called as a witness, I could and would competently testify thereto under oath.

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

Dated this 20th day of October 2010, at Sacramento, California.



JEFFREY A. RICH

1 **PRELIMINARY STATEMENT**

2 The Office of the Attorney General is investigating the officials, officers and employees
3 of the City of Vernon as may pertain to possible violations of various state laws and waste and
4 misuse of public funds.

5 The Attorney General has reason to believe that you or your designee(s) may have
6 information relevant to this investigation. Pursuant to section 11180 et seq. of the California
7 Government Code, the Attorney General has issued a subpoena which requires you or your
8 designee(s)'s personal attendance to answer certain questions under oath.

9 **SCHEDULE A**

10 The City of Vernon ("City") shall designate one or more persons who are most
11 knowledgeable or most able to testify on behalf of the City with respect to the following matters
12 from the period 2003 to the present:

13 1. The agreements for services/compensation between the City and: Eric T. Fresch;
14 Donal O'Callaghan; Roirdan S. Burnett; Jeffrey A. Harrison; Bruce V. Malkenhorst, Jr. and
15 Bruce Malkenhorst, Sr.

16 2. The City's negotiation and approval of agreements for services/compensation
17 between the City and: Eric T. Fresch; Donal O'Callaghan; Roirdan S. Burnett; Jeffrey A.
18 Harrison; Bruce V. Malkenhorst, Jr. and Bruce Malkenhorst, Sr.

19 3. Services rendered to or on behalf of the City by: Eric T. Fresch; Donal
20 O'Callaghan; Roirdan S. Burnett; Jeffrey A. Harrison; Bruce V. Malkenhorst, Jr. and Bruce
21 Malkenhorst, Sr.

22 4. Agreements between the City and Tara Energy, Inc.

23 5. Payments made by the City to Tara Energy, Inc.

24 6. Payments made by the City to: Eric T. Fresch; Donal O'Callaghan; Roirdan S.
25 Burnett; Jeffrey A. Harrison; and Bruce V. Malkenhorst, Jr., for reimbursement of expenses.

26 7. Pension or other retirement benefits for: Eric T. Fresch; Donal O'Callaghan;
27 Roirdan S. Burnett; Jeffrey A. Harrison; Bruce V. Malkenhorst, Jr.; and Bruce Malkenhorst, Sr.
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