

State of California

## Memorandum



**Date:** September 30, 2008

**To:** All Commissioners, All Advisors, Executive Director Clanon, Chief ALJ Minkin,  
General Counsel Lindh

**From:** Richard W. Clark, Director,  
Consumer Protection & Safety Division

*ric 9/30/08*

**Subject:** Agenda Item #7951 before the Commission at its October 16, 2008 meeting.

In this management report, the Commission will be asked to approve the designation of the following individuals as employees authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code Section 830.11 and Public Utilities Code Section 308.5.

In the scope of their duties, these individuals "investigate the laws administered by the Commission or commence directly or indirectly any criminal prosecution arising from any investigation conducted under these laws." Penal Code Section 830.11 authorizes these individuals to exercise the powers of arrest, the power to serve search warrants and the ability to receive and review "rap sheets." As a matter of Commission policy, these individuals do not directly exercise their power of arrest or their power to serve search warrants. The Commission's policy is to rely upon local law enforcement to make arrests and serve search warrants. Consequently, the appointment of the below listed individuals enable them to obtain and review "rap sheets," file misdemeanor complaints, be the affiant for search warrants, assist local law enforcement in conducting searches after local law enforcement has served the warrant and secured the area, and obtain phone disconnects, when such activities are undertaken in the course of investigating entities subject to the Commission jurisdiction.

1. Rudy B. Sastra
2. Jeannine Merritt Elzey