



**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED  
MAYOR**

*Sent via Electronic Mail*

December 8, 2022

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

Daniel Boreen  
[REDACTED]

**SUBJECT: REQUEST FOR A HEARING BY DANIEL BOREEN ON THEIR FUTURE EMPLOYMENT RESTRICTION WITH THE CITY AND COUNTY OF SAN FRANCISCO.**

Dear Daniel Boreen:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **December 19, 2022, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at [www.sf.gov/CivilService](http://www.sf.gov/CivilService) under "Meetings" no later than end of day on Wednesday, December 14, 2022. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, email them to the Civil Service Commission's email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org) by **5:00 p.m.** on **Tuesday, December 13, 2022**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

You may contact me at (628) 652-1100 or at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) if you have any questions.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency  
Kimberly Ackerman, Municipal Transportation Agency  
Shana Dines, Municipal Transportation Agency  
David Garcia, Municipal Transportation Agency  
Christine Cayabab, Municipal Transportation Agency  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is [civilservice@sfgov.org](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/). Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

### **B. Policy Requiring Written Reports**

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, a available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting a agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

### **C. Policy on Written Submissions by Appellants**

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4<sup>th</sup>) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

### **D. Policy on Materials being Considered by the Commission**

Copies of all staff reports and materials being considered by the Civil Service Commission are a available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService), and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be a available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

### **E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement**

**A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.**

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

### **F. Policy and Procedure on Hearing Items Out of Order**

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

### **G. Procedure for Commission Hearings**

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

#### **H. Policy on Audio Recording of Commission Meetings**

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/).

#### **I. Speaking before the Civil Service Commission**

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

#### **J. Public Comment and Due Process**

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

#### **K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings**

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Information on Disability Access**

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email [civilservice@sfgov.org](mailto:civilservice@sfgov.org) to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

#### **Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: [sotf@sfgov.org](mailto:sotf@sfgov.org), or on the City's website at [www.sfgov.org/bdsupvrs/sunshine](http://www.sfgov.org/bdsupvrs/sunshine).

#### **San Francisco Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <http://www.sfgov.org/ethics/>.



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: 0078 - 21 - 7
2. For Civil Service Commission Meeting of: 12/19/2022
3. Check One:           Ratification Agenda  
                              Consent Agenda  
                              Regular Agenda                    X
4. Subject: Request by Daniel Boreen re: Restriction on Future Employability
5. Recommendation: Adopt the findings, deny the appeal, and approve the future employability restrictions
6. Report prepared by: Christine Cavabyab Telephone number: 415.646.2058
7. Notifications: (Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A
8. Reviewed and approved for Civil Service Commission Agenda:  
  
Municipal Transportation Agency Director: *kimberly deckerman*  
  
Date: December 8, 2022
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer  
Civil Service Commission  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102**

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

<u>CSC RECEIPT STAMP</u>

Attachment

## NOTIFICATIONS

Daniel Boreen

[REDACTED]

Email: [REDACTED]  
[REDACTED]

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Email: [Jeffery.Tumlin@sfmta.com](mailto:Jeffery.Tumlin@sfmta.com)

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London Breed, Mayor

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Amanda Eaken, Vice Chair  
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Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

## MEMORANDUM

**DATE:** December 7, 2022

**TO:** The Civil Service Commission

**THROUGH:** Kimberly W. Ackerman  
Chief People Officer, SFMTA *kl*

**FROM:** David Garcia *dg*  
Labor Relations Manager, SFMTA

**SUBJECT:** Appeal of Future Employability Restrictions by Daniel Boreen – Former 7540 Track Maintenance Worker (Register No.0078-21-7)

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## BACKGROUND

The San Francisco Municipal Transit Agency (Agency) hired Daniel Boreen (Appellant) on July 2, 2016, as a Temporary Exempt (TEX) 7540 Track Maintenance Worker. After nearly two years in a temporary and exempt status, the Appellant transitioned to Permanent Civil Service (PCS) on May 19, 2018. The SFMTA dismissed him from his position on April 28, 2021. The Appellant sent a series of emails to the San Francisco Fire Commission, SFMTA Employees, and other City and County of San Francisco Employees. His emails were violent and threatening.

On March 15, 2021, the Agency issued a “Notice of Proposed Disciplinary Action” to the Appellant proposing to dismiss him from his Permanent Civil Service (PCS) position for disciplinary reasons. The Agency recommends permanently restricting his future employability. Specifically, the Agency and the City and County of San Francisco (CCSF) should cancel his current examinations and eligibility status and offer no future employment with the Agency or the CCSF.

On May 13, 2021, the Appellant sent a request for appeal to the Civil Service Commission (CSC) and resubmitted and amended his request on May 18, 2021. The Appellant disagrees with SFMTA discharging him and restricting his future employability with the Agency and the CCSF because of his off-duty conduct. The Appellant believes his conduct amounts to constitutionally protected activities and not workplace violence. See Appeal to the Civil Service Commission, dated May 18, 2021 (Form CSC-12). In accordance with the Civil Service Rules, the Agency submits this staff report for the Commission’s review and consideration.



## ISSUE

Is it reasonable to preclude the Appellant from future employment with the SFMTA and the CCSF, and to cancel his examination and eligibility status?

## AUTHORITY AND STANDARDS

The Agency's procedure for dismissal of permanent employees is governed by the Civil Service Commission Rule as set forth below: **(Exhibit A)**

### Sec. 402.1     Appointment

#### **402.1.1**     Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

### Sec. 414.2     Permanent Appointment – Definition

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

### Sec. 422.7     Procedure for Dismissal of Regular Permanent Employee

#### **422.7.1**     Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

#### **422.7.2**     Notification of Time and Place of Hearing

When the charges are made, the MTA Director of Transportation/Designee shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

The Appellant must comply with all the policies and rules contained in the CCSF Employee Handbook and the SFMTA Rail Rule Book as set forth below:

### CCSF Employee Handbook (Exhibit B)

- Policy Prohibiting Employee Violence in the Workplace
- Policy Regarding the Treatment of Co-Workers and Members of the Public



SFMTA Rail Rule Book **(Exhibit C)**

- Rule 2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.
- Rule 2.7.10 Employees shall not engage in any form of confrontation.
- Rule 2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.

**FINDINGS**

On July 2, 2016, the Agency hired the Appellant into the permanent civil service job class, 7540 Track Maintenance Worker and dismissed him from this position on April 28, 2021, for sending threatening and disrespectful emails to City Employees and Fire Department Commissioners.

The Appellant was hired twice before by CCSF and released from employment twice. He served the CCSF's General Services Agency as a Fire Alarm Dispatcher, job code 8234, from October 26, 2015 until he was released on March 18, 2016.

He served the San Francisco Fire Department (SFFD) as a Firefighter, job code H002, from December 16, 1997, until he was dismissed on November 14, 2007 **(Exhibit D)**.

From January 20, 2021, through March 13, 2021, the Appellant sent fourteen (14) emails from his personal email account to the San Francisco Fire Commission, San Francisco Police Department, SFMTA Maintenance of Way division employees, as well as other City employees.

The San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, which ordered the Appellant to stay at least 100 yards away from five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary. The TRO also ordered that the Appellant not "harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person" any of the listed persons **(Exhibit E)**.

On February 12, 2021, the Appellant was placed on Paid Administrative Leave and, and on March 12, 2021, the Agency extended his leave for an additional 30 days **(Exhibit F)**.

The Appellant filed a Step 2 grievance request dated March 3, 2021, to challenge his status on Paid Administrative Leave. The SFMTA responded on March 9, 2021, informing the Appellant that Paid Administrative Leave is not subject to the grievance procedure **(Exhibit G)**.

In a letter dated March 12, 2021, later amended on March 15, 2021, a Notice of Proposed Disciplinary Action - Dismissal recommend the Appellant be dismissed from his permanent position





as a 7540 Track Maintenance Worker for violation of the CCSF's Employee Handbook and SFMTA's Rail Rule Book and as stated above **(Exhibit H)**.

The Skelly Officer issued their decision on April 16, 2021 and recommended that the Agency reduce the proposed discipline to a thirty (30) day unpaid suspension **(Exhibit I)**.

The Agency issued the Notice of Dismissal on April 28, 2021, and thereby modified the 30-day suspension to a dismissal as recommended in the original Notice of Proposed Disciplinary Action, dated March 12, 2021 **(Exhibit J)**.

The Appellant filed a new Step 2 grievance request dated May 13, 2021, in response to the April 28, 2021, Notice of Dismissal. The SFMTA responded on May 28, 2021, informing the Appellant that the Union, Laborers International Union, Local 261, is the recognized employee representative, responsible for resolving grievances with the agency **(Exhibit K)**.

On June 14, 2021, the Appellant filed a Step 3 grievance request in response to the Agency's Step 2 response dated May 13, 2021. His request is regarding the April 28, 2021, Notice of Dismissal. The Appellant believes he was wrongfully discharged without cause. The SFMTA responded to this request on July 19, 2021 and informed the Appellant that only the Union has the right to file grievances, and that its response dated May 28, 2021, addresses the Appellant's Step 2 grievance that he filed improperly **(Exhibit L)**.

On July 27, 2021, the Appellant submitted a request for expedited arbitration because he believed the Agency failed to respond to his Step 3 grievance on time. His request is dated June 14, 2021. the Agency's response is dated August 9, 2021. The SFMTA reaffirmed its position that the Union has not filed a grievance in this matter. Only the Union has the right to file grievances regarding disciplinary actions (i.e. discharge) **(Exhibit M)**.

## DISCUSSION AND ANALYSIS

The Appellant was hired on July 2, 2016, as a Temporary Exempt 7540 Track Maintenance Worker and transitioned to Permanent Civil Service on May 19, 2018. The SFMTA dismissed him from his position on April 28, 2021. The Appellant violated CCSF Employee Handbook – Policy Prohibiting Employee Violence in the Workplace and Policy Regarding the Treatment of Co-Workers and Members of the Public. The Appellant also violated SFMTA Rail Rule Book.

Excerpts from the fourteen (14) emails show BOREEN making direct threats of violence towards Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees using disrespectful, derogatory, and threatening language in violation of policies and rules listed in the CCSF's Employee Handbook and SFMTA's Rail Rule Book.



- On Tuesday, January 26, 2021 at ~3:52 pm the Appellant wrote in an e-mail:  
*"Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow..."*
- On Tuesday, January 26, 2021 at ~4:25 pm he wrote:  
"EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY'LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING"
- On Friday, January 29, 2021 at ~12:42 am he wrote and directed his communication to Fire Commission Secretary Maureen Conefrey:  
"I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."

*"Well aren't you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked." And,*

On Saturday, February 13, 2021 at approximately 5:13 pm he wrote:

"Therefore, please prepare to support the legal engagement(s) underway, or... RUN & HIDE (behind the CAO)... YOU SISSY!!!! FYI, DON'T START A FIGHT THAT I WILL FINISH ..."

- On Friday, January 29, 2021 at ~2:16 am he wrote and directed his communication to Fire Commission Secretary Maureen Conefrey:  
"Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE...."
- On Friday, February 5, 2021 at ~2:55 pm he wrote and directed his communication to SFPD Sargent Kelly Kruger:  
"...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM..."
- On Friday, February 5, 2021 at ~4:42 pm he wrote and directed his communication to SFPD Sargent Kelly Kruger:  
"...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!! HERE I AM ..."
- On Saturday, February 6, 2021 at ~1:00 am he wrote and directed his communication to SFPD Sargent Nathaniel Yuen:  
"...HERE I AM ..."



- On Saturday, February 6, 2021 at ~1:17 am he wrote and directed his communication to SFPD Sargent Nathaniel Yuen:  
"...YOU KNQW where I am. HERE I AM... WAITING..."
- On Saturday, February 6, 2021 at ~12:27 pm he wrote:  
"...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN – nothing more. HERE I AM... WAITING..."
- On Saturday, February 6, 2021 at ~3:13 pm he wrote and directed his communication to SFPD Sargent Kelly Kruger and Sargent Nathaniel Yuen:  
"...HERE I AM... WAITING FOR YOU RARRIVAL..."
- On Saturday, February 6, 2021 at ~8:34 pm he wrote:  
"FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS..."
- On Saturday, February 6, 2021 at ~11 :14 pm he wrote:  
"... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po – whenever – I'll be there – then – rest assured – I can't wait – HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM."
- On Friday, March 12, 2021 at ~4:34pm he wrote:  
"TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me.  
Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too.  
Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen, now on NOTICE, too..  
I'll pin it down to the ground very soon, so either submit, o r e l s e . . . ."

The SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the workplace. Undeniably, the Appellant's emails were of a threatening nature, suggestive of workplace violence against City commissioners and fellow employees.

In addition, the SFMTA requires employees to treat co-workers with courtesy and respect. Undeniably, the Appellant's emails were disrespectful and inappropriate, as they had a threatening tone and used derogatory, and threatening language towards City commissioners and fellow employees.



The Appellant's actions against City commissioners and fellow employees, in the form of emails, amount to a serious safety concern because they are threatening and intended to cause recipients to be afraid. There is no method for evaluating whether the Appellant is serious or whether he would follow through on his threats. The Appellant maintains that his communications amount to off-duty conduct and therefore amount to constitutionally protected speech. However, his communication directed at colleagues, managers and City employees represents an essential nexus on which the Agency may discipline the Appellant for his conduct.

Although, the Appellant filed Step 2 and Step 3 grievances and a request to arbitrate, the SFMTA responded to those requests, indicating the Appellant needs to consult with their union representative. The SFMTA responded to each request informing the Appellant that only the Union shall have the right to file grievances, and that the SFMTA has the right to suspend or terminate employees for proper cause. In this case, the Appellant violated the SFMTA's policies that govern workplace conduct, and the policy which requires employees to treat co-workers with courtesy and respect.

The Appellant was informed in each of the response that the grievances were improperly filed and was not an official response to any grievance filed by the Union. The response again reiterated SFMTA's right to suspend or terminate employees for just cause. Accordingly, the SFMTA has no obligation to proceed with arbitration.

### **CONCLUSION**

For the reasons mentioned herein, the SFMTA dismissed the Appellant from his position. The Appellant's disrespectful, derogatory, confrontational, and threatening language towards SFFD Commissioners and CCSF/SFMTA employees prompted his dismissal on April 28, 2021.

### **RECOMMENDATION**

Adopt the findings, deny the appeal, and approve the future employability restrictions.



**London Breed**, Mayor

**Gwyneth Borden**, Chair  
**Amanda Eaken**, Vice Chair  
**Cheryl Brinkman**, Director  
**Steve Heminger**, Director

**Fiona Hinze**, Director  
**Sharon Lai**, Director  
**Manny Yekutieli**, Director

**Jeffrey Tumlin**, Director of Transportation

Attachments:

- CSC letters dated December 7, 2022 – Register No: 0078-21-7
- Memorandum from SFMTA to CSC
- Exhibit A: Civil Service Rules, Pages 11 – 14
- Exhibit B: City and County of San Francisco Employee Handbook, Pages 15 – 17
- Exhibit C: SFMTA Rail Rule Book, Pages 18 – 20
- Exhibit D: CCSF Appointment Summary, Pages 21 – 22
- Exhibit E: Temporary Restraining Order, Pages 23 - 29
- Exhibit F: Paid Administrative Leave, Pages 30 – 39
- Exhibit G: Step 2 Grievance, Pages 40 – 42
- Exhibit H: Notice of Proposed Disciplinary Action, Pages 43 - 163
- Exhibit I: Skelly Decision, Pages 164 – 168
- Exhibit J: Notice of Dismissal, Pages 169 - 178
- Exhibit K: Step 2 Disciplinary Grievance, Pages 179 – 186
- Exhibit L: Step 3 Disciplinary Grievance, Pages 187 - 200
- Exhibit M: Arbitration Grievance, Pages 201 - 209
- Exhibit N: CSC Letter dated May 24, 2021 – Register No: 0078-21-7, Pages 210 – 221

# **EXHIBIT A**

# Rule 402

## Definitions

Applicability: Unless otherwise noted, Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

### **Sec. 402.1**    **Appointment**

#### **402.1.1**    **Permanent Civil Service**

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

#### **402.1.2**    **Probationary**

Status of civil service employees during a trial period following permanent appointment.

#### **402.1.3**    **Temporary Civil Service**

An appointment made to a temporary position as a result of certification from an eligible list.

#### **402.1.4**    **Provisional**

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

##### **1)    Non-Civil Service**

Section 402.1.4 1) shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which, in either case, is time limited to a maximum duration as provided elsewhere in these Rules.

# Rule 414

## Appointments

### Article I: General Provisions

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.1**      **Appointment - General Provisions**

##### **414.1.1**      **Report of Appointment**

All appointments shall be authorized by the MTA Director of Transportation/Designee on the prescribed form prior to the appointee's starting date of employment.

##### **414.1.2**      **Validation of Appointment**

No appointee may begin working until validation has been issued by the MTA Director of Transportation/Designee.

##### **414.1.3**      **Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the MTA Director of Transportation/Designee in all matters regarding appointment within the MTA shall be final.

#### **Sec. 414.2**      **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

#### **Sec. 414.3**      **Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**414.3.1**      by the return to duty of a permanent holdover;

**414.3.2**      by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;



# **Rule 422**

## **Employee Separation Procedures**

### **Article IV: Dismissal of Permanent Employee**

Applicability: Article IV, Rule 422, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 422 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 422.7      Procedure for Dismissal of Regular Permanent Employee**

##### **422.7.1      Dismissal of Permanent Employee**

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

##### **422.7.2      Notification of Time and Place of Hearing**

When the charges are made, the MTA Director of Transportation/Designee shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

##### **422.7.3      Hearing Officer - Sources**

The hearing itself, as required by Charter, shall be conducted by a hearing officer under contract to the MTA chosen as follows in each case: From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers; or from a list of qualified hearing officers certified by the Civil Service Commission, which shall be kept current and contain at all times at least three (3) names.

# **EXHIBIT B**

## WORKPLACE VIOLENCE PROHIBITED

### **Policy Prohibiting Employee Violence in the Workplace**

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property.

Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

### **Reporting and Responding to Workplace Violence**

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

or privileged information obtained by virtue of your office or employment for non-business purposes, and you may not use that information to advance the financial or other private interest of yourself or others.

- For a period of one (1) year after you leave City employment, you may not contact your former department on behalf of any person for the purpose of influencing a governmental decision. You also may not work for or receive compensation from any party to a City contract if, within the previous twelve (12) months, you were personally and substantially involved in the City's award of that contract. For other post-employment restrictions, please visit [www.sfethics.org](http://www.sfethics.org).
- Depending on your level of decision-making authority, you may be required to file a statement of economic interests. For a list of those employees who are required to file these statements, and instructions on how to do so, contact your supervisor.

The San Francisco Ethics Commission investigates violations of these rules and other improper government activities. If you are aware of any such violations or activities, or if you have any questions concerning the ethics rules for City employees, contact the Ethics Commission at (415) 252-3100. All complaints will be kept confidential to the extent permitted by law.

### **Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

### **Smoke-Free Workplace**

Smoking is not permitted in City offices, or within 20 feet of entrances, exits, or operable windows of public buildings.

### **Drug-Free Workplace**

You may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol or illegal drugs in workplace. This prohibition includes prescription drugs used improperly (e.g., those not prescribed for the user). Any violation of this policy may be grounds for discipline up to and including dismissal.

If you perform activities in your job that are funded by a federal grant, you must notify your department head of any drug convictions for violation of drug laws that took place in the workplace within five days of any such conviction. Employees in certain safety-sensitive positions, or in positions where testing is required by federal law, may be required to submit to periodic drug tests. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

# **EXHIBIT C**

**2.3 Duties**

2.3.1 Employees shall not allow anyone, unless properly authorized, to perform any part of their assigned duties.

**2.4 Compliance with Traffic Laws**

2.4.1 Employees shall comply with all applicable traffic laws while operating on city streets.

**2.5 Record of Employees**

2.5.1 Employees shall immediately notify their Immediate Supervisor of any change in their Driver's License status.

**2.6 Personal Appearance**

2.6.1 Current Rail Operator ID Number (Cap Number) shall remain in designated place on the uniform, properly displayed in plain view, at all times while on duty.

2.6.2 Employees shall only wear SFMTA issued or approved articles of clothing, headgear and PPE while on duty.

**2.7 Conduct**

2.7.1 Employees shall not be careless or indifferent to their own safety or the safety of others.

2.7.2 Employees shall not be indifferent or inattentive in performance of their duties.

2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.

2.7.4 Employees shall perform their duties competently in accordance with SFMTA standards, training, rules, and procedures.

## SFMTA RAIL RULE BOOK

- 2.7.5 Employees shall not be dishonest in performing their duties.
- 2.7.6 Employees shall not provide any information regarding SFMTA operations or personnel, except what is required by the riding public or as part of normal operations.
- Requests for confidential information, interviews, records or requests of similar nature shall be referred to their immediate supervisor.
- 2.7.7 Employees shall not consume intoxicants while on duty or off duty while in SFMTA issued uniform.
- 2.7.8 Employees shall not be insubordinate to their SFMTA supervisory or managerial personnel.
- 2.7.9 Employees shall not willfully damage or deface SFMTA property or commit acts of vandalism
- 2.7.10 Employees shall not engage in any form of confrontation.
- 2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.
- 2.7.12 Employees shall not disregard known or common risks to human life and safety in the performance of their duties.
- 2.7.13 Employees shall not interfere with any vehicle in revenue service or willfully disrupt or delay service.
- 2.7.14 Employees shall not use profane or vulgar language while on duty, or on SFMTA property and/or vehicles.
- 2.7.15 Employees shall properly handle fares and transfers.

# **EXHIBIT D**



CCSF Job Appointment Summary

Daniel J Boreen Emp ID [REDACTED] Empl Record 0

Personalize | Find | View All | [Grid Icon] | [Print Icon] | First 1-8 of 8 | Last

Eff Date	Appt Date	Action	Description	Payroll Status	Job Code	Union Code	Empl Class	Exmpt Cat	Full/Part Time	Elig List #	Rank	POS #	Dept Sen Date	Dept	Location	Cert Date	Ctywd Snty Date	Company Seniority Date	Vacation Anniversary Date	Sick Anniversary Date
04/28/2021	05/19/2018	TER	Dismissal of Permanent Employee	Terminated	7540	261	PCS	NA	F	M00138	3.00	01059109	11/07/2017	MTA	MTA001	11/07/2017	11/07/2017	10/26/2015	10/26/2015	10/26/2015
05/19/2018	05/19/2018	DTA	Status Change	Active	7540	261	PCS	NA	F	M00138	3.00	01059109	11/07/2017	MTA	MTA001	11/07/2017	11/07/2017			
07/01/2017	07/02/2016	POS	Position Data Update	Active	7540	261	TEX	17	F		0.00	01037998		MTA	MTA001					
07/02/2016	07/02/2016	REH	Rehire	Active	7540	261	TEX	17	F		0.00	01037998		MTA	MTA001					
03/18/2016	10/26/2015	TER	Release fr Probation-NonDiscip	Terminated	8234	790	PCS	NA	P	065355	4.00	01131570	08/06/2015	TIS	TIS001	08/06/2015	08/06/2015			
10/26/2015	10/26/2015	REH	Rehire	Active	8234	790	PCS	NA	P	065355	4.00	01131570	08/06/2015	TIS	TIS001	08/06/2015	08/06/2015			
11/14/2007	12/16/1997	TER	Dismissal of Permanent Employee	Terminated	H002	798	PCS		F	020783	942.00		12/01/1997	FIR	FIR001	12/01/1997	12/01/1997			
12/01/1997	12/16/1997	HIR	New - Permanent Civil Service	Active	H002	798	PCS		F	020783	942.00		12/01/1997	FIR	FIR001	12/01/1997	12/01/1997			

Save | Return to Search | Notify

# **EXHIBIT E**

# WV-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

**ENDORSED  
FILED**  
San Francisco County Superior Court

**FEB 19 2021**

**CLERK OF THE COURT**  
BY: NEYL WEBB  
Deputy Clerk

**1 Petitioner (Employer)**

a. Name: City & County of San Francisco  
 Lawyer for Petitioner (if any, for this case):  
 Name: Natassia Kwan State Bar No. [REDACTED]  
 Firm Name: San Francisco City Attorney's Office

b. Your Address (If you have a lawyer, give your lawyer's information.):  
 Address: 1390 Market Street, 7th Floor  
 City: San Francisco State: CA Zip: 94102  
 Telephone: 415-554-4272 Fax: 415-554-3837  
 E-Mail Address: natassia.kwan@sfcityatty.org

Fill in court name and street address:

**Superior Court of California, County of  
San Francisco**  
 400 McAllister Street, Room 103  
 San Francisco, CA 94102  
 Civic Center Courthouse

**2 Employee (Protected Person)**

Full Name: SF Fire Commissioner President [REDACTED]

Court fills in case number when form is filed.

**3 Respondent (Restrained Person)**

Full Name: Daniel Jess Boreen

Case Number:  
[REDACTED]

Description:

Sex:  M  F Height: [REDACTED] Weight: [REDACTED] Date of Birth: [REDACTED]  
 Hair Color: [REDACTED] Eye Color: [REDACTED] Age: [REDACTED] Race: [REDACTED]  
 Home Address (if known): [REDACTED] (as of July 2020)  
 City: San Francisco State: CA Zip: 94122  
 Relationship to Employee: SFMTA employee (pending termination)

**4  Additional Protected Persons**

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/09/21 Time: 8:45  a.m.  p.m.

**This is a Court Order.**



**To the Respondent:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You are ordered ~~not~~ do the following things to the employee

and to the other protected persons listed in **4**:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5)  Enter the workplace of the person.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (specify):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You **must** stay at least 100 yards away from (check all that apply):

- (1)  The employee
- (2)  Each other protected person listed in **4**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (specify):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
b. You must:
(1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)
c. [ ] The court has received information that you own or possess a firearm.

9 Other Orders

- [ ] Not Requested [x] Denied Until the Hearing [ ] Granted as Follows (specify):

[ ] Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. [ ] The clerk will enter this Order and its proof-of-service form into CARPOS.
b. [x] The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
c. [ ] By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

[ ] Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person [ ] Ordered [ ] Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. [x] The Order is based on a credible threat of violence or stalking.
b. [ ] The petitioner is entitled to a fee waiver.

This is a Court Order.

⑫ Number of pages attached to this Order, if any: 1

Date: 2/14/2021

Judicial Officer 

### Warnings and Notices to the Restrained Person in ②

#### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

**This is a Court Order.**



**Instructions for Law Enforcement**

**Enforcing the Restraining Order**

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**Start Date and End Date of Orders**

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)  
—Clerk's Certificate—



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: **FEB 19 2021** Clerk, by \_\_\_\_\_, Deputy Clerk of the Court

**This is a Court Order.**

**ATTACHMENT 4**  
**To Form WV-110 Temporary Restraining Order**

Full Name	Sex	Age	Household Member?	Relation to Employee
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Co-worker, SF Fire Commission Executive Secretary
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				[REDACTED]



# **EXHIBIT F**



London Breed, Mayor

Malcolm Heinicke, Chair  
Gwyneth Borden, Vice Chair  
Cheryl Brinkman, Director  
Amanda Eaken, Director

Lee Hsu, Director  
Cristina Rubke, Director  
Art Torres, Director

Edward D. Reiskin, Director of Transportation

February 12, 2021

Daniel J. Boreen



RE: NOTICE OF PLACEMENT ON PAID ADMINISTRATIVE LEAVE  
Track Maintenance Worker, Job Code 7540

Dear Mr. Boreen:

Pursuant to San Francisco Administrative Code Section 16.17 Paid Administrative Leave (a), the department is hereby placing you on paid administrative leave effective February 12, 2021, pending completion of an investigation for an incident that occurred during the course of your duties as a Track Maintenance Worker. (a) "Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances: 1-4, 1. When the City has initiated an investigation relating to an employee's conduct and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days".

The leave is subject to a maximum of thirty (30) calendar days, unless the SFMTA seeks to extend the leave consistent with Administrative Code Section 16.17(d). A copy of Administrative Code Section 16.17 is attached to this letter. The SFMTA may end the administrative leave at any time.

Please turn in your employee ID, keys, and other City property to Charles Drane, Manager. You are not to return to the worksite until instructed to do so by Mr. Drane.

During the period of your leave, you must be available to participate in the Skelly meeting. In addition during your leave, you are required to telephone Mr. Drane every workday at 10:00 a.m. at 415.401.3120. The SFMTA considers this matter and its investigation confidential and you are directed not to discuss either with anyone other than your union representative. Failure to comply with these terms may lead to discipline, up to and including termination, in addition to any discipline that may subsequently result from your conduct that is the subject of the investigation.



Should you have any other questions, please contact Christine Cayabyab, Senior Human Resources Analyst, Employee & Labor Relations at 1.415.646.2058

Sincerely,

*Kimberly W Ackerman*  
Kimberly W. Ackerman  
Director of Human Resources

CC.: Charles Drane, Management  
Young Laolagi, Track Maintenance  
JP (Julie) Zeigler, Employee and Labor Relations  
Parveen Boparai, Employee and Labor Relations  
Mike Keohane, HR, Payroll  
Employee File

**SEC. 16.17. PAID ADMINISTRATIVE LEAVE.**

(a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances:

(1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days;

(2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization, or local, state or federal law, for the period of time between the date the City directs the employee to submit to such testing until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject to a maximum of thirty (30) calendar days;

(3) When the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

(4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to the Civil Service Rules starting on the business day following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the employee has no accrued sick leave, any lost compensation for the same period.

(b) While an employee is on paid administrative leave the employee shall receive the compensation he or she would have earned if the employee had worked during the same period, without the inclusion of overtime earnings or special pay.

(c) The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave.

(d) Subject to the prior written approval of the Director of the Department of Human Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees employed by the Municipal Transportation Agency, the Director of the Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident.

(e) The City's ability to place employees on paid administrative leave under this section is in addition to, not in lieu of, its right to place employees on unpaid administrative leave under Charter Section A8.341, or any similar successor Charter Section. The City may elect to place an employee on paid or unpaid administrative leave as permitted under this Section or under Charter Section A8.341. Further, the City may place an employee on paid administrative leave either before or after the employee is placed on unpaid administrative leave.

(f) Nothing herein shall limit or prohibit compliance with the regulations of the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations.

(Added by Ord. 174-11, File No. 110622, App. 9/12/2011, Eff. 10/12/2011)



London Breed, Mayor

Malcolm Heinicke, Chair  
Gwyneth Borden, Vice Chair  
Cheryl Brinkman, Director  
Amanda Eaken, Director

Lee Hsu, Director  
Cristina Rubke, Director  
Art Torres, Director

Edward D. Reiskin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 9, 2021

Daniel J. Boreen  
[REDACTED]  
[REDACTED]

RE: **AMENDED** – NOTICE OF PLACEMENT ON PAID ADMINISTRATIVE LEAVE  
Track Maintenance Worker, Job Code 7540

Dear Mr. Boreen:

This letter supersedes the prior Notice of Placement on Paid Administrative Leave letter issued on February 12, 2021. Pursuant to San Francisco Administrative Code Section 16.17 Paid Administrative Leave (a), the department is hereby placing you on paid administrative leave effective February 12, 2021, pending an investigation into your conduct. (a) *“Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances: 1-4, 1. When the City has initiated an investigation relating to an employee’s conduct and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days”.*

The leave is subject to a maximum of thirty (30) calendar days, unless the SFMTA seeks to extend the leave consistent with Administrative Code Section 16.17(d). A copy of Administrative Code Section 16.17 is attached to this letter. The SFMTA may end the administrative leave at any time.



Please turn in your employee ID, keys, and other City property to Charles Drane, Manager. You are not to return to the worksite until instructed to do so by Mr. Drane.

During the period of your leave, you must be available to participate in the Skelly meeting. In addition during your leave, you are required to telephone Mr. Drane every workday at 10:00 a.m. at 415.401.3120. The SFMTA considers this matter and its investigation confidential and you are directed not to discuss either with anyone other than your union representative. Failure to comply with these terms may lead to discipline, up to and including termination, in addition to any discipline that may subsequently result from your conduct that is the subject of the investigation.

Should you have any other questions, please contact Christine Cayabyab, Senior Human Resources Analyst, Employee & Labor Relations at 1.415.646.2058

Sincerely,

A handwritten signature in cursive script that reads "JP Zeigler".

Julie P. Zeigler  
Employee and Labor Relations Manager

Cc: Theresa Foglio-Ramirez, LIUNA!, Local 261  
Employee File



London Breed, Mayor

Malcolm Heinicke, Chair  
Gwyneth Borden, Vice Chair  
Cheryl Brinkman, Director  
Amanda Eaken, Director

Lee Hsu, Director  
Cristina Rubke, Director  
Art Torres, Director

Edward D. Reiskin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 12, 2021

Daniel J. Boreen  
[REDACTED]  
[REDACTED]

RE: NOTICE OF EXTENTION OF PAID ADMINISTRATIVE LEAVE  
Track Maintenance Worker, Job Code 7540

Dear Mr. Boreen:

In a letter dated June 17, 2019, you were placed on Paid Administrative Leave effective June 17, 2019, in accordance with San Francisco Administrative Code Section 16.17, pending completion of ongoing investigation.

This is to notify you that your paid administrative leave has been extended for an additional 30 calendar days in accordance with the administrative code.

This action is authorized under Ordinance No. 174-11, Section 16.17 Paid Administrative Leave d). "Subject to the prior written approval .... For Service Critical Employees employed by the Municipal Transportation Agency, the Director of Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this section no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident."

In addition, Section C. states: "The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave."

During the period of your leave, you must be available to participate in the Skelly meeting. In addition during your leave, you are required to telephone Mr. Drane every workday at 10:00 a.m. at 415.401.3120. The SFMTA considers this matter and its



investigation confidential and you are directed not to discuss either with anyone other than your union representative. Failure to comply with these terms may lead to discipline, up to and including termination, in addition to any discipline that may subsequently result from your conduct that is the subject of the investigation.

Should you have any other questions, please contact Christine Cayabyab, Senior Human Resources Analyst, Employee & Labor Relations at (415) 646-2058.

Sincerely,

A handwritten signature in cursive script that reads "JP Zeigler".

Julie P. Zeigler  
Employee and Labor Relations Manager

Cc: Theresa Foglio-Ramirez, LiUNA!, Local 261  
Employee File





London Breed, Mayor

Malcolm Heinicke, Chair  
Gwyneth Borden, Vice Chair  
Cheryl Brinkman, Director  
Amanda Eaken, Director

Lee Hsu, Director  
Cristina Rubke, Director  
Art Torres, Director

Edward D. Reiskin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 15, 2021

Daniel J. Boreen  
[REDACTED]  
[REDACTED]

RE: **AMENDED - NOTICE OF EXTENTION OF PAID ADMINISTRATIVE LEAVE**  
Track Maintenance Worker, Job Code 7540

Dear Mr. Boreen:

In a letter dated February 12, 2021, you were placed on Paid Administrative Leave effective February 12, 2021, in accordance with San Francisco Administrative Code Section 16.17, pending completion of ongoing investigation.

This is to notify you that your paid administrative leave has been extended for an additional 30 calendar days in accordance with the administrative code.

This action is authorized under Ordinance No. 174-11, Section 16.17 Paid Administrative Leave d). "Subject to the prior written approval .... For Service Critical Employees employed by the Municipal Transportation Agency, the Director of Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this section no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident."

In addition, Section C. states: "The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave."

During the period of your leave, you must be available to participate in the Skelly meeting. In addition during your leave, you are required to telephone Mr. Drane every workday at 10:00 a.m. at 415.401.3120. The SFMTA considers this matter and its



investigation confidential and you are directed not to discuss either with anyone other than your union representative. Failure to comply with these terms may lead to discipline, up to and including termination, in addition to any discipline that may subsequently result from your conduct that is the subject of the investigation.

Should you have any other questions, please contact Christine Cayabyab, Senior Human Resources Analyst, Employee & Labor Relations at (415) 646-2058.

Sincerely,

A handwritten signature in cursive script that reads "JP Zeigler".

Julie P. Zeigler  
Employee and Labor Relations Manager

Cc: Theresa Foglio-Ramirez, LiUNA!, Local 261  
Employee File

# **EXHIBIT G**

DANIEL BOREEN

Via Electronic Transmission

March 3, 2021

Mr. Jeffrey Tumlin  
Director of Transportation  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue  
San Francisco, California 94103

Re: 7540 Track Maintenance re Administrative Leave Grievance

Dear Mr. Tumlin,

Regrettably, on Friday, February 12, 2021, as I was preparing to depart from work premises, Mr. Young Laolagi, supervisor for Respondent San Francisco Municipal Transportation Agency, conveyed that I would be placed on administrative leave beginning Tuesday, February 16, 2021. Mr. Laolagi denied any knowledge of just cause, any justification, nor articulation of any threat posed -- whatsoever; forcing me to tender my identification badge and door key, and forbidding me from returning to work premises.

On Tuesday, February 16, 2021, via electronic message I received formal written notice (attached) of the administrative leave: neither with just cause, any justification, nor articulation of any threat posed -- whatsoever.

On its face, the unsupported administrative leave based upon opinion, conjecture, innuendo and speculation is clearly pretext for abuse and retaliation; which I will simultaneously escalate through exhaustion of statutory administrative remedies, before seeking judicial relief.

I categorically deny any (speculative) accusation(s) of bad faith, willful misconduct, intentional acts, waste or fraud; and assert my affirmative performance of the duties, functions and responsibilities of any position beyond the satisfaction of my direct supervisor(s).

Presently, because I have received no further details from Mr. Laolagi, nor anyone else, paragraph 25, Step 1 of the grievance procedure in the operative Memorandum of Understanding has been exhausted.

Accordingly, pursuant to paragraph 26 of the operative MOU, because Step 2 is now in effect, this grievance letter constitutes the escalation and advancement to, and now duly before, you.

As a direct consequence of the administrative action, I continue to suffer harm and injury to my reputation, profession, loss of opportunities, loss of promotion(s), loss of prospective income, as well as other economic and non-economic benefits.

In conclusion, onward.

Best regards,



/s/ Dan Boreen

cc: Young Laolagi



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 9, 2021

Daniel Boreen  
[REDACTED]  
[REDACTED]

**Re: 7540 Track Maintenance re Administrative Leave Grievance Response**

Dear Mr. Boreen,

I am in receipt of your grievance letter dated March 3, 2021 regarding 7540 Track Maintenance re Administrative Leave Grievance. Per the Laborers, LiUNA!, Local 261's Memorandum of Understanding (MOU), Article I.G. Grievance Procedure, Paragraph 18 grievances are limited to disputes over MOU provisions. Your grievance fails to identify any MOU provision at issue. Moreover, the San Francisco Administrative Code Section 16.17 Paid Administrative Leave is not subject the grievance procedure. Therefore, SFMTA will not respond further to your grievance.

Sincerely,

Julie P. Zeigler  
Employee and Labor Relations Manager

Cc: Theresa Foglio-Ramirez, LiUNA!, Local 261  
Employee File

# **EXHIBIT H**

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 15, 2021

Daniel Boreen  
[REDACTED]  
[REDACTED]

Email:

**Re: Amended Notice of Proposed Disciplinary Action - Dismissal**

Dear Mr. Boreen,

This is to advise you that I am recommending that you be dismissed from your position of 7540 Track Maintenance Worker for sending threatening and disrespectful emails to City Employees and Commissioners. Your conduct violates the Policy Prohibiting Employee Violence in the Workplace and Policy Regarding the Treatment of Co-Workers and Members of the Public from the City and County of San Francisco's (CCSF) Employee Handbook and Rule 2.7.3, 2.7.10 and 2.7.11 from the San Francisco Municipal Transportation Agency (SFMTA) Rail Rule Book.

**My recommendation for this disciplinary action is based on the following violations:**

**City and County of San Francisco Employee Handbook:**

- **Policy Prohibiting Employee Violence in the Workplace**

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

"Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee's official duties. Weapons include, but are not

limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

- **Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

**SFMTA Rail Rule Book:**

2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.

2.7.10 Employees shall not engage in any form of confrontation.

2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.

**Facts on which these charges are based:**

From January 20, 2021 through March 13, 2021, you sent numerous threatening, disrespectful, and inappropriate emails from your personal email, [REDACTED], to the Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees. You listed your personal email address as [REDACTED] in City records. In these emails, you made direct threats of violence against city commissioners and employees and you used derogatory, racist, and threatening language.

For example, you made specific threats of violence against the Fire Commission:

- On Tuesday, January 26, 2021 at approximately 3:52 pm, you stated in an email *"Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow..."*
- On Tuesday, January 26, 2021 at approximately 4:25 pm, you stated in an email



*"EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY'LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING"*

In January and February 2021, you addressed City employees in a threatening, disrespectful, and inappropriate manner in several emails:

- On Friday, January 29, 2021 at approximately 12:42 am you stated in an email directed to Fire Commission Secretary Maureen Conefrey

*"I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

- On Friday, January 29, 2021 at approximately 2:16 am, you stated in an email directed to Fire Commission Secretary Maureen Conefrey

*"Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE...."*

- On Friday, January 29, 2021 at approximately 12:42 am, you stated in an email to Fire Commission and Maureen Conefrey specifically,

*"Well aren't you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

- On Saturday, February 13, 2021 at approximately 5:13 pm, you stated in an email

*"Therefore, please prepare to support the legal engagement(s) underway, or... RUN & HIDE (behind the CAO)... YOU SISSY!!!! FYI, DON'T START A FIGHT THAT I WILL FINISH ..."*

Once you were contacted by San Francisco Police Department ("SFPD") due to the violent nature of these email, you sent multiple emails using derogatory and threatening language directed at members of the SFPD.

- On Friday, February 5, 2021 at approximately 2:55 pm, you stated in an email to Kelly Kruger

*"...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM..."*

- On Friday, February 5, 2021 at approximately 4:42 pm, you stated in an email to Kelly Kruger

"...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!! HERE I AM ..."
- On Saturday, February 6, 2021 at approximately 1:00 am, you stated in an email to Nathaniel Yuen

"...HERE I AM ..."
- On Saturday, February 6, 2021 1:17 at approximately am, you stated in an email directed to Nathaniel Yuen

"...YOU KNQW where I am. HERE I AM... WAITING..."
- On Saturday, February 6, 2021 at approximately 12:27 pm, you stated in an email

" ...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN – nothing more. HERE I AM... WAITING..."
- On Saturday, February 6, 2021 at approximately 3:13 pm, you stated in an email to Kelly Kruger and Nathaniel Yuen

"...HERE I AM... WAITING FOR YOU RARRIVAL..."
- On Saturday, February 6, 2021 at approximately 8:34 pm, you stated in an email

"FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS..."
- On Saturday, February 6, 2021 at approximately 11 :14 pm, you stated in an email

"... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po – whenever – I'll be there – then – rest assured – I can't wait – HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM."

After being served with the Notice of Intent to Terminate on March 13, 2021, you responded by email using derogatory, racist, and threatening language directed at members of the SFPD and SFMTA:

“TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me. Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too.  
Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen, now on NOTICE, too...  
I'll pin it down to the ground very soon, so either submit, o r e l s e . . . .”

Based on the violent and threatening nature of your emails to the Fire Commission, the San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, ordering you stay at least 100 yards away from all five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary. The TRO also ordered you not “harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person” any of the listed persons.

SFMTA will not tolerate threats of violence against City employees and Commissioners. SFMTA will also not tolerate derogatory and threatening behavior toward SFMTA employees or any other City employees and Commissioners. Based on the above facts as well as the totality of the emails sent by you, the SFMTA has concluded that you have violated the Policies stated above.

**Past Record:** N/A

**Materials Upon Which Charges are based:**


- Exhibit 1: Email correspondence from [REDACTED] dated January 20, 2021 through March 13, 2021
- Exhibit 2: CCSF official record with employee’s self-reported contact information
- Exhibit 3: CCSF Employee Handbook
  - Policy Prohibiting Employee Violence in the Workplace
  - Policy Regarding the Treatment of Co-Workers and Members of the Public
- Exhibit 4: SFMTA Rail Rule Book, Rules 2.7.3, 2.7.10 and 2.7.11
- Temporary Restraining Order

**Right of Response:**

You have the right to respond to this proposed recommended action. Your response may be written or oral. If you choose to respond in writing, your response should be directed to Christopher Spain, Acting Traction Power Group Manager at [Christopher.Spain@sfmta.com](mailto:Christopher.Spain@sfmta.com). Your response must be received no later than 5:00 pm on Wednesday, March 17, 2021. Should you elect to respond orally, a Skelly Hearing is virtually scheduled for **Thursday, March 25, 2021 at 2:00 pm via [Microsoft Teams meeting](#)** or call in (audio only) at (415) 915-0757, Phone Conference ID: 276 334 013#.

You are not entitled to a formal hearing with an examination of witnesses, or a court reporter, or a transcript of the process. However, you are entitled to bring a representative of your choosing with you to the hearing. Your Union Representative is Theresa Foglio-Ramirez, LiUNA!, Local 261, and she may be contacted at (415) 826-4550 or [laborers261@gmail.com](mailto:laborers261@gmail.com).

Sincerely,

  
Julie "JP" Zeigler  
Employee and Labor Relations Manager

Cc: E. Williams, SFMTA Transit Administration  
C. Cayabyab, SFMTA HR/ELR  
T. Foglio-Ramirez, LiUNA!, Local 261  
Employee File

# Exhibit 1

Email correspondence from [REDACTED]

[REDACTED] dated January 20, 2021 through  
February 13, 2021

# Emails to SFFD

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**From:** [REDACTED]  
**Sent:** Monday, February 1, 2021 2:52 PM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
**Subject:** Tone it done Dan ... Re: 2021-01-29 SO Hearing\_Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dan,

When you are refresh take a step back and objectively view how your comments might be construed. Sure you have reasons to be frustrated by the system, however, I feel that is not an adequate excuse to browbeat Maureen Conefrey. A reasonable person would not use such severe words and analogies, as well as, those numerous follow-up emails displaying your impatience. I would say there is a better than even chance Maureen Conefrey made a police report after reading your emails out of fear for her physical safety. Tone it down.

Pat

//

On Feb 1, 2021, at 08:01, Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)> wrote:

Mr. Boreen,

I am in receipt of your "Immediate Disclosure Request" where you are requesting the following:

**the written and unwritten, documents, media, & policies for the Fire Commission Evidentiary Hearing conducted on November 6, 2020, in & for the CITY AND COUNTY OF SAN FRANCISCO.**

In response, I am attaching the following:

1. The agenda for the 11/6/20 hearing;
2. 2018 Rules Governing Trials of Disciplinary Cases.

The remaining responsive documents from the 11/6/20 hearing are personnel records and are exempt from disclosure under Government Code Sections 6254(c), (k), and Cal. Const. Art. I, Sec. 1.

Maureen Conefrey  
Commission Secretary

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**From:** Hal Full [REDACTED]  
**Sent:** Friday, January 29, 2021 2:16 AM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Callahan, Dennis (MTA) <[Dennis.Callahan@sfmta.com](mailto:Dennis.Callahan@sfmta.com)>; [REDACTED]  
**Subject:** 2021-01-29 SO Hearing\_Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dear Madame Secretary Confit-rey,

Please find attached the IMMEDIATE DISCLOSURE REQUEST for the supporting any & all data on the hearing conducted in November 2020.

Furthermore, this command for the public records productions fully & by force of law equally applies to bumbling Rose my-Darling & the FC's latest minion, Brad Russi.

Step into the ring ... whomever wants to ...

Standing here...

Waiting for ANYONE....

Authentically,

Dan Boreen



---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, January 29, 2021 12:42 AM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; [dennis.callahan@sfmta.com](mailto:dennis.callahan@sfmta.com) <[dennis.callahan@sfmta.com](mailto:dennis.callahan@sfmta.com)>; [REDACTED]  
**Subject:** Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Madame Secretary Confit-rey,

Well aren't you a clever idiot who provides instructions AFTER the meeting; and who failed to provide instructions BEFOREHAND; WHEN the request was submitted to you on Tuesday, January 26, 2021, @ 16:51.

There's no protection from your failure to perform your public duties[ and it is obvious that you are engaged in "gamesmanship" -- as the term is referred to.

I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked.

Ask Tania Bauer.

Authentically,

Dan Boreen

---

**From:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
**Sent:** Thursday, January 28, 2021 9:09 AM  
**To:** Hal Full [REDACTED]; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>  
**Subject:** RE: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

The meeting was virtual and the agenda was posted last week with instructions.

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:51 PM  
To: [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]  
[REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
Subject: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Madame Secretary,

This is formal notice of my appearance at the meeting scheduled for tomorrow, January 27, 2021.

I need to know how the format works for making an appearance on the record.

Please reply ASAP, and thank you.

Authentically,

Dan Boreen

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:35 PM  
To: [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]; [FirePIO@sfgov.org](mailto:FirePIO@sfgov.org) <[FirePIO@sfgov.org](mailto:FirePIO@sfgov.org)>  
Subject: Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Johnathan,

Tell the WHOLE department, tell the media, tell, tell, tell... please tell everyone...

I'm appearing at the FC meeting tomorrow evening.

Authentically,

Dan Boreen

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:25 PM

**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND...

WHEN THEY AWAKE...

THEY'LL SEE MY SMILING FACE STANDING OVER THEM... AND... THEN...

THEY'LL HEAR MY WHISPER IN THEIR EAR...

"That was fun for me. Do you want to do it again?"

FIRE BREATHING....

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 4:10 PM  
**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

My apology TERILL...

YOU KNOW I DIDN'T FORGET TO INCLUDE YOU TOO; RATHER I JUST GOT TOO MOMENTARILY FOCUSED ON THE PREY.

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 4:01 PM  
**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

READ IT YOURSELF...

[California Supreme Court expands taxpayers' right to sue \(sfgate.com\)](https://www.sfgate.com)



With all those years of experience I bet that your advice to Nicol is spot on. In my humble opinion your reply to Nicol would have been more professional if the tone was not so harsh. Maybe such tone is just the way your and Nicol banter.

//

On Jan 26, 2021, at 07:28, Hal Full [REDACTED] wrote:

...because Mark Johnson's REASONABLE PERSON STANDARD matters in the ENTIRE discussion about the FD's agents operating under the COLOR OF LAW...

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 6:39 AM  
**To:** nicol juratovac [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [REDACTED]; <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>  
**Subject:** Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Rising above the clouds, it appears, and is foreseeable, that due to the FC's & CAO's maneuvering(s) & manipulation(s), you are going to be forced into a procedural challenge to the oppositions' engagement in administrative procedure "trickery & deceit" for triggering all of CCP 1094.6's requirements for a "final decision." If asked to do so, I will explain what has already been established in my own unpublished decision by the First District COA.

In the legal arena, the FC & CAO have put you in what's called a procedural minefield for a valid "final decision."

For example, how could any reasonable person, whether it's the victim, or the aggressor(s), know whether to legitimately pursue a purported "final decision" issued by the FC, without a finalized FINDINGS OF FACTS that complies with the TOPANGA RULE?

HOW?

HOW?

HOW?

There is no reasonable person that walks, crawls, or levitates on the planet EARTH, nor any attorney with a bar license, that could analyze and determine whether or not to pursue a Petition for Peremptory Writ of Administrative Mandamus without the FC's & CAO's "findings of fact(s)."

NEGATIVE!!!!



---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, January 23, 2021 4:22 PM  
**To:** nicol juratovac [REDACTED]  
**Subject:** INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

You are INCORRECT!!!!

First, have you composed your countering findings of facts for submission into the administrative record? I bet not.

Second, have you made a formal submission for the WHOLE, COMPLETE CERTIFIED ADMINISTRATIVE RECORD? I bet not.

Third, have you composed a Petition for Peremptory Writ of Administrative Mandamus for filing in superior court? I bet not, and it is a lot, lot, lot of work and takes time to achieve.

Fourth, the 90-day statute of limitations is ticking fast (33-days have already passed), leaving you with only 57-days remaining. You can bet they'll eat up every one of those days delaying & stalling.

Fifth, you MUST file an original Petition for Peremptory Writ of Administrative Mandamus, then, whenever the formal findings of fact are adopted by the Commission, and whenever you receive the WHOLE, COMPLETE CERTIFIED ADMINISTRATIVE RECORD, you will file a First Amended Petition with citations to the A/R.

Sixth, only then will you have to file a notice of motion & motion for the writ to set aside the Commission's decision.

Seventh, I have too many years of experience performing this task, so you should not overlook the fact that I know what I speak of. In fact, had I not passed by just to wish you a Happy New Year, you'd be in blissful ignorance of the necessity for a Petition for Peremptory Writ of Administrative Mandamus before you can pursue damages; the statutes and procedure(s) of which I cited to you right off the top of my head.

Eighth, I have the whole, complete CEB California Administrative Mandamus on CD to give to you (e.g., see attached Table of Contents). But if you don't want it, tell me.

Standing by...

Tick...

Tock...

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Saturday, January 23, 2021 3:38 PM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dan,

Thanks for the emails. I appreciate your helping me. I'm not able to swing by today unfortunately. At this juncture, there's really not much that can be done. I'm awaiting the findings of fact from the Fire Commission at which point, I'm planning to file. I'll keep you posted. Thank you again.

On Sat, Jan 23, 2021 at 12:00 Hal Full [REDACTED] wrote:

I'm at work all day: 1399 Marin St., across the pond from #25.

I invite you to hop in the buggy and visit me today: east on Cesar Chavez, right on Indiana, left on Marin; it's the big barn-like metal structure. The yard is open, and the door is open.

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, January 23, 2021 11:07 AM  
**To:** nicol juratovac [REDACTED]  
**Subject:** Or...The END?\_Re: The Beginning\_Re: ?

I authentically hope you are well, and learning to cope with the adversity imposed upon you.

I hope you know I mean well when I press to help resolve the trap you've been ensnared in by the corrupt machine.

I hope you know it's okay to express to me that you do not want me to help, and to leave you alone, because I will certainly honor your wishes.

Watch those like me in the attachment, as that is what I offer to you.



The opposition, however, who've harmed and injured you, will experience the converse -- man-eating ferocity.

Still standing by...

---

**From:** Hal Full [REDACTED]  
**Sent:** Thursday, January 21, 2021 8:04 AM  
**To:** nicol juratovac [REDACTED]  
**Subject:** The Beginning\_Re: ?

To accomplish your counter, we'll have to sit down, eye-to-eye, and talk some details through.

That said, attached is the rough-draft caption, intro, & opening paragraph.

Standing by...

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Wednesday, January 20, 2021 9:01 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: ?

Let's chat later this afternoon. I'm on duty today and in a Division meeting. What number is best to reach you at 6 pm?

On Wed, Jan 20, 2021 at 08:40 Hal Full [REDACTED] wrote:

I'll call in a few moments.

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Wednesday, January 20, 2021 6:54 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: ?

I tried calling you but some woman's voice came on a google vm.

On Tue, Jan 19, 2021 at 16:18 Hal Full [REDACTED] wrote:

?

<Agenda 11-16-20 evidentiary hearing (2020-02).pdf>

<2018 Rules Governing Trial of Disciplinary Cases.pdf>

# Emails to SFPD

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**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 11:14 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED] Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** Re: 2021-02-06 FAR & WIDE BROADCAST UPDATE\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

OH YEAH,

While the record is being made, IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Kenpo -- whenever -- I'll be there -- then - - rest assured -- I can't wait -- HURRY UP.

OF COURSE, no badge & gun allowed.

HERE I AM.

Authentically,

Dan Boreen

p.s. For whatever reason, this apparently delayed message did not send at the time it was composed. Now it is.

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 8:34 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED]; young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>; mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama [REDACTED]; [REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; [REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy <Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>; william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** 2021-02-06 FAR & WIDE BROADCAST UPDATE\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

FYI: The foregoing message about the IDIOT was specifically directed at Nathaniel.C.Yuen@sfgov.org.

He is an IDIOT with a badge & gun.

He is an IDIOT who has, on Kelly Kruger's record, has told me, in front SIX WITNESS, AT MY WORKSITE, that he is going to arrest me.

HERE I AM...

Get me...

YOU STUPID ASS...

Authentically,

Dan Boreen

---

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**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 3:13 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** TELL ME\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon Ms. Kruger & Mr. Yuen,

Friends and family have expressed the deepest concern for my well being that you've demonstrated your intent to arrest me, on basis of expression -- or whatever your reasonable suspicion &/or probable cause will be asserted -- which I WHOLLY OBJECT TO -- FOR THE RECORD.

HERE I AM...

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Authentically,

Dan Boreen

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**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 12:27 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>;  
william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Oh yeah, I forgot to mention, you are not good enough to be a DUMB-ASS, like me, because that is what I am.

YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN -- nothing more.

HERE

I

AM

.  
. .  
.

WAITING...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 1:17 AM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED]; [REDACTED]  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>;  
william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Morning Mr. Yuen,

Based upon your posturing, there are two paths to travel; which are left to your "discretion" to decide --  
WHAT TO DO?

YOU KNQW where I am.

HERE I AM...

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Authentically,

Dan Boreen



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**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 1:00 AM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Morning Mr. Yuen,

From the information gathered thus far, all roads point to you as the perpetrator of this scharade!

Is this correct?

Yes or NO?

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 8:19 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>;  
william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Night Chief Scott,

This message follows your subordinates' stalking me at my domicile, and then at my work place.

Question: Do, or did you , authorize them to do so; and if so, what was your ostensible reasonable suspicion or probable cause, if any, by them on your behalf; or was it a direct order to them by you to trespass at my home & work place?

The reason for the piercing inquiry is the undisputable fact that TWO CIT sergeants are stalking me at both my home, and work place.

Please reply now, and thank you.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 7:53 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>  
**Subject:** CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Night Mr. Molina,

As you depart for sleep, I must know whether or not you've officially authorized, in your supervisory capacity, or otherwise, an investigation &/or case build-up against me by subordinates Kruger & Yuen.

It's a Yes... or... No... issue.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 5:37 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>  
**Subject:** TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Evening Ms. Kruger,

Please TELL ME the WHOLE, COMPLETE contact information for the SFPD investigator assigned to investigate me.

Also, please TELL ME the ENTIRE CHAIN-OF-COMMAND, w/ ALL contact information, between you and William Scott, Chief of Department, inclusive.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 5:28 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED] Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL)  
**Subject:** CHAIN OF COMMAND\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Evening Ms. Kruger,

This is a demand for, not only the chain-of-command, but also the contact information for each & every public servant between here & there -- for prospective inclusion purposes.

Please reply & thank you.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 4:42 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Almir Zalihic; [REDACTED]  
**Subject:** Surveillancing\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon Ms. Kruger,

Neighborhood watchers have reported to me that there was vehicle(s) about my domicile, photographing, and whatever else.

TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!!

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 2:55 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>  
**Subject:** NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Hello Again Ms. Kelly,

Thank you for clarifying Mr. Yuen's e-mail address (w/ a ".c."). And to affirm your telephonic question this morning, Mr. Yuen either refused to produce his contact information, or neglected to produce his contact information, to me after I requested same.

As a Q52, such behavior and practice is not only very suspicious, but also highly suspect of a violation of SFPD rules & regulations -- worthy of neither the status, compensation, nor supervisor capacity to perform the duties, functions and responsibilities of the position.

Additionally, he has demonstrated an unforgivable stain on the martial arts community of San Francisco, especially the highest standards of expectation as a purported & dubious black belt -- WHICH I HEREAFTER DENOUNCE AS UNACCEPTABLE, AND FRAUDULENT!!!!

And for the record, his lack of skills has been verified by legitimate individuals of the highest ranks in SF, renowned and revered throughout the United States of America -- and I am certain beyond as well, but I don't believe it necessary to go international -- just yet.

So now that you & your DUMB ASS wanna-be black belt partner know where to find me at home or at work, when are the two of you intending to arrest me, as the two of you declared and memorialized yesterday?

What are you & the DUMB ASS waiting for?

HERE I AM...

Authentically,

Dan Boreen

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 1:16 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Nick L.  
[REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama  
[REDACTED]; Commission, Fire (FIR)  
<fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Steven Powers [REDACTED]  
**Subject:** Fw: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Afternoon Ms. Kruger,

As is evident below, Mr. Yuen's e-mail bounced.

Please reply with ALL of his contact information, and thank you in advance.

Authentically,

Dan Boreen

---

**From:** Microsoft Outlook <postmaster@outlook.com>  
**Sent:** Friday, February 5, 2021 1:22 AM  
**To:** nathaniel.yuen@sfgov.org <nathaniel.yuen@sfgov.org>  
**Subject:** Undeliverable: PING\_Fw: Silence Is Golden\_Re: A Trespass

**BL0GCC02FT015.mail.protection.outlook.com rejected your message to the following email addresses:**

[nathaniel.yuen@sfgov.org](mailto:nathaniel.yuen@sfgov.org) ([nathaniel.yuen@sfgov.org](mailto:nathaniel.yuen@sfgov.org))

Your message was rejected by the recipient's domain because the recipient's email address isn't listed in the domain's directory. It might be misspelled or it might not exist. Try to fix the problem by doing one or more of the following:

1. Send the message again - delete and retype the address before resending. If your email program automatically suggests an address to use, don't select it - type the complete email address.
2. Clear the recipient Auto-Complete List in your email program by following the steps in [this article](#). Then resend the message.

**For Email Administrators**

Directory based edge blocking is enabled for the recipient's organization and the recipient wasn't found in their directory. If the sender is using the correct address but continues to experience the problem, contact the recipient's email admin and tell them about the problem. To fix this they should resynchronize their on-premises and cloud directories.

**BL0GCC02FT015.mail.protection.outlook.com gave this error:**  
**Recipient address rejected: Access denied. AS(201806281) [BL0GCC02FT015.eop-gcc02.prod.protection.outlook.com]**

**Diagnostic information for administrators:**

Generating server: CO1NAM11HT199.mail.protection.outlook.com

nathaniel.yuen@sfgov.org

BLOGCC02FT015.mail.protection.outlook.com

Remote Server returned '550 5.4.1 Recipient address rejected: Access denied. AS(201806281) [BLOGCC02FT015.eop-gcc02.prod.protection.outlook.com]'

**Original message headers:**

ARC-Seal: i=1; a=rsa-sha256; s=arcselector9901; d=microsoft.com; cv=none;

b=bxQM8qRGwQlqcAsrtxmg96ijz/Ro1Bk+yFP/+Tb8UPyCK1/26UGN9UdEO7caHaH8RpVYhMMdFpgH/JG3kqQR975Ttrx+yavTxcYCWZApgl4E+yoaDaKavkuGgXq8pesABDiwF8HPV9L+xymGAdnNzHGbdHyMlVft9jIVPniTv5o1ofYRI531UCuVL120NGRctJuKMWAaIxvwxBQy/vEXNwWybLUGoV5uYTMpu0aG+TYyvSjyl32UAfgi4/bphpNWKFPmWbNA/E7qUJ8zdSSb0c9SXE6nV1WE+5DTgDfvmGIBHbMFvQ6M+BYCvWF8Wvz/u+0jzpZBrva/8zE3OiIZkw==

ARC-Message-Signature: i=1; a=rsa-sha256; c=relaxed/relaxed; d=microsoft.com; s=arcselector9901;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck; bh=twCmKNew+hybLAMGY2mwB+ADNcE5OyexrSPU1gV9nO0=;

b=WnvgarTO6FVMelM82rh2WFOqIbgQcdm5kOUopsvoaT5F+1PQ4XRCpDUDJPinAlhWHA5/t2vIar1hVQoDqwUXo/u gf6d8SDvb0Hg/N8v5ZkvN8/haZr27jWpWl15LaVZRFOkrOh+L5BLRV4zA2CDIyR3yKouou8J5Xk78Rh8yCq9zDIvW XlQEKiJS+XrxjGqE8NxolhGQwMTpl5boSo9zOfLa4mqsnwZWSkiKRasZc/lKFPbKcrzE+nWiGaz+HO/6kk2V1nflv Rt66xBlxtCBxnANuadgVOoeJlKn0xf6tGuUyHzLMUKUUY4fxFh53yLY+35+9ICM/p02OTP7rYx4ig==

ARC-Authentication-Results: i=1; mx.microsoft.com 1; spf=none; dmarc=none;

dkim=none; arc=none

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=outlook.com;

s=selector1;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;

bh=twCmKNew+hybLAMGY2mwB+ADNcE5OyexrSPU1gV9nO0=;

b=bj0Qy0TcREcegmAzFRUJ5zF0NndC4q3AR9TKkg8FJjyuLD90jEa4hcAaPzfMffmPhoukIXrrk2/A/M38ByhcRz QhO6kTNmBupnQe7dTS4iasOyHah5QjzB01+eUf6qp0Tl+kHkyCswHKKNkdyZiZGZ9YgmxFf4s0/Kxh3Lt8xC0AY8K bWefjeQgBkzAMxstlgHaSEkkm3AhtUfVcLU3dJD+7o4oXWo0sO6lnwcOnm+aB3310V2x1QIoXBZjq6cxSQkArwZ+ jpp9sT52k5AxP3Ux2FVvESwGzL0hUNVBBv8/HRkLAIeGPMg/gOI6I3W3m8U54cqjHrVxy8jaoxDw==

Received: from CO1NAM11FT046.eop-nam11.prod.protection.outlook.com

(2a01:111:e400:3861::49) by

CO1NAM11HT199.eop-nam11.prod.protection.outlook.com (2a01:111:e400:3861::368)

with Microsoft SMTP Server (version=TLS1\_2,

cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_GCM\_SHA384) id 15.20.3784.12; Fri, 5 Feb

2021 09:22:12 +0000

Received: from BY5PR01MB5795.prod.exchangelabs.com (2a01:111:e400:3861::46) by

CO1NAM11FT046.mail.protection.outlook.com (2a01:111:e400:3861::203) with

Microsoft SMTP Server (version=TLS1\_2,

cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_GCM\_SHA384) id 15.20.3784.12 via Frontend

Transport; Fri, 5 Feb 2021 09:22:12 +0000

Received: from BY5PR01MB5795.prod.exchangelabs.com

([fe80::38ce:84b0:a25b:355a]) by BY5PR01MB5795.prod.exchangelabs.com

([fe80::38ce:84b0:a25b:355a%7]) with mapi id 15.20.3805.032; Fri, 5 Feb 2021

09:22:12 +0000

From: Hal Full [REDACTED]

To: "nathaniel.yuen@sfgov.org" <nathaniel.yuen@sfgov.org>

Subject: PING\_Fw: Silence Is Golden\_Re: A Trespass

Thread-Topic: PING\_Fw: Silence Is Golden\_Re: A Trespass

Thread-Index: AQHW+kWDaG1tLjTLlksIAHFrqJCA7KpH2dq6gAFQft6AACGUKg==

Date: Fri, 5 Feb 2021 09:22:12 +0000

Message-ID: <BY5PR01MB5795BDBC88C5F55486F18938A6B29@BY5PR01MB5795.prod.exchangelabs.com>

References:

<BY5PR01MB5795BD836EFB4D19F84BBAFAA6B49@BY5PR01MB5795.prod.exchangelabs.com>, <BY5PR01MB57



95913EE706ECC153A42167A6B39@BY5PR01MB5795.prod.exchangelabs.com>, <DM6PR09MB53049C3156A8173CB1FD5FA480B29@DM6PR09MB5304.namprd09.prod.outlook.com>  
In-Reply-To:  
<DM6PR09MB53049C3156A8173CB1FD5FA480B29@DM6PR09MB5304.namprd09.prod.outlook.com>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-incomingtopheadermarker:  
OriginalChecksum:04045770309E8F8FA65198C0DD4C22A2108AD292333D607B8BFA964820D3B8A3;UpperCa  
sedChecksum:13C488F5BF925E21B435645FABE72AC89EE738A947C3F0C6E8978762DE87EFFF;SizeAsReceiv  
ed:7213;Count:44  
x-ms-exchange-messagesentrepresentingtype: 1  
x-tmn: [iTUgvEtB/i3Zc5du5pUcn/uKMKXnqnuXupeyR3V2GTex5urx6XmtfM5FnVzCRHuO]  
x-ms-publictraffictype: Email  
x-incomingheadercount: 44  
x-eopattributedmessage: 0  
x-ms-office365-filtering-correlation-id: 5abfa627-cafc-4b16-201d-08d8c9b78515  
x-ms-trafficdiagnostic: CO1NAM11HT199:  
x-microsoft-antispam: BCL:0;  
x-microsoft-antispam-message-info:  
aqV3h1y0nqp+3TC16CDm7Vq0jgAxOgK0UTc4FLxS9O3xtTnd9U7an62zz203PZrfK+YJpnXQX8g3tFJCewoA3QDzd  
aINzlKaAZordnhJ104MrrTKoZ+vihHphrEyeXlNhzM75rqlevprKyCFVdIpZQev5SwfMbMpqfgIKS2wkJe/pEUbkP  
KY3/R5JwXbC9iYa5x3W7Vqcn/JsBwl1bsh26sQgu93PM85VTor3QHCVcXTrrGfZ8pdpfiGVgmHCw96FWNcfz5Pi0W  
G2Vn9LM6VuOCYJ6Cv3HSG9cQRih3J9zTITruAjWC79fWq+4qSJTjwhxXYQaVJQure/u7Mq+aq/1U0RWsH81qdAlmj  
HSPvtmaDzWSvPtUQDw+aK9EtzWCyB3xZCXq79zT9Os3ZL7P9Wg==  
x-ms-exchange-antispam-messagedata:  
0fji2xz08nh8QKA0vXMPPXusvr2dd9Jnd+Vu2stLCdmLhnJMTuLUZZuEQgxeFneClXElaabM9KQe/0RvUVMzEJAJc  
t0oShE/b6o0k28GPvpyCsNHbgrkd2hQ2ZsoL/gc/4wxwzTN9Xx85XAUUnWGYR8S5ef0AHx14561YulgbcCeKZ044WD  
UpOwC290OdtFLxaVs8XaEvDYL39/Zzk4S8xQ==  
x-ms-exchange-transport-forked: True  
Content-Type: multipart/related;  
    boundary="\_004\_BY5PR01MB5795BDBC88C5F55486F18938A6B29BY5PR01MB5795prod\_";  
    type="multipart/alternative"  
MIME-Version: 1.0  
X-OriginatorOrg: outlook.com  
X-MS-Exchange-CrossTenant-AuthAs: Anonymous  
X-MS-Exchange-CrossTenant-AuthSource: CO1NAM11FT046.eop-nam11.prod.protection.outlook.com  
X-MS-Exchange-CrossTenant-RMS-PersistedConsumerOrg: 00000000-0000-0000-0000-000000000000  
X-MS-Exchange-CrossTenant-Network-Message-Id: 5abfa627-cafc-4b16-201d-08d8c9b78515  
X-MS-Exchange-CrossTenant-originalarrivaltime: 05 Feb 2021 09:22:12.0478  
(UTC)  
X-MS-Exchange-CrossTenant-fromentityheader: Internet  
X-MS-Exchange-CrossTenant-id: 84df9e7f-e9f6-40af-b435-aaaaaaaaaaaa  
X-MS-Exchange-CrossTenant-rms-persistedconsumerorg: 00000000-0000-0000-0000-000000000000  
X-MS-Exchange-Transport-CrossTenantHeadersStamped: CO1NAM11HT199

## Additional Emails to SFPD

---

**From:** Hal Full [REDACTED]  
**Sent:** Monday, February 8, 2021 11:33 AM  
**To:** Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>; Scott, William (POL) <[william.scott@sfgov.org](mailto:william.scott@sfgov.org)>; Molina, Mario (POL) <[Mario.Molina@sfgov.org](mailto:Mario.Molina@sfgov.org)>; Teri Rosales [REDACTED]; Nicol Juratovac [REDACTED]; [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Callahan, Dennis (MTA) <[Dennis.Callahan@sfmta.com](mailto:Dennis.Callahan@sfmta.com)>; Drane, Charles (MTA) <[Charles.Drane@sfmta.com](mailto:Charles.Drane@sfmta.com)>; Rodriguez, Rich (MTA) <[Rich.Rodriguez@sfmta.com](mailto:Rich.Rodriguez@sfmta.com)>; Valerie Follner [REDACTED]; Mohammad Awadalla [REDACTED] Moe Lama [REDACTED]; leila rishmawi [REDACTED]  
**Subject:** Re: CAPACITY\_Re: politeness

JIBBERISH!!!!

MERCILESS!!

...and yes, TERILL, these MOTHER FLOWERS compel me to lower myself to their level...

...thus, I MUST DO -- same-same...

HERE WE GO...

---

**From:** Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>  
**Sent:** Monday, February 8, 2021 10:16 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: CAPACITY\_Re: politeness

Mr. Boreen,

I am reaching out to you to let you know that there is NOT an open/active criminal investigation on you.

I repeat, I am currently NOT investigating you for any criminal activity and I am NOT looking to arrest you. As explained to you last Thursday, Sgt Kruger and I wanted to contact you to advise you that the emails you were sending to the Fire Commission were concerning and that they were bordering criminal behavior. I wanted to speak in person then to let you know that we were NOT looking to arrest you and wanted to advise you monitor your language in the emails so that we would NOT have to start a criminal investigation. Please feel free to call me if you have any further questions on need further explanation.

Sgt Nathaniel Yuen #458  
San Francisco Police Department  
Special Investigations Division  
850 Bryant St Rm #558, San Francisco, CA 94103  
415-553-1133 office, 415-553-7911 desk  
fax 415-553-1136  
[nathaniel.c.yuen@sfgov.org](mailto:nathaniel.c.yuen@sfgov.org)

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 9:23 PM  
**To:** [REDACTED]; Nicol Juratovac [REDACTED]; Teri Rosales [REDACTED]; Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>; Nicol Juratovac [REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama [REDACTED]; Steven Powers [REDACTED]  
**Subject:** CAPACITY\_Re: politeness

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

WELCOME to the inner circle Mr. Yuen,

WHEN do you want to engage?

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 9:03 PM  
**To:** [REDACTED]; Nicol Juratovac [REDACTED]; Teri Rosales [REDACTED]

**Subject:** Re: politeness

Other than you, an outlier, everyone else has agreed that the "gloves are off", and I cannot turn a blind eye to what I KNOW is occurring against NICOL.

Of course, despite her resistance, I AM ONWARD!!!!!!!!!!!!!!!!!!!!!!!!!!!!

FYI, THIS IS THE INNER CIRCLE.

IF NJ WANT's OUT, SAY SO.

IT's NOW, OR NEVER.

Authentically,

Dan Boreen

---

**From:** [REDACTED]  
**Sent:** Saturday, February 6, 2021 8:46 PM  
**To:** Hal Full [REDACTED]  
**Subject:** politeness

Thanks for your call Dan. Generally speaking I believe that confrontational emails to professionals will be perceived as unprofessional and counterproductive. If government employees are not living up to the standards that you believe is required of them, go ahead and factually memorialize it, then go through the proper procedures to correct their shortcomings. It's obvious that you believe that the tone in your emails is appropriate. I disagree. It would not be my style. I hope you're right and something of quality will come of it.

//

On Feb 6, 2021, at 18:10, Hal Full [REDACTED] wrote:

Despite your refusal to divulge, the IDIOT-wannbe-black-belt's partner has already spilled, so there is no need to hide.

5150....

Well, that would be a very interesting vacation; but the AFTERMATH, assuming arguendo,



# Additional Emails

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 13, 2021 5:13 PM  
**To:** [REDACTED]; [REDACTED]  
**Cc:** Teri Rosales [REDACTED]; Moe Lama [REDACTED]; Laolagi, Young (MTA) <Young.Laolagi@sfmta.com>; Nicol Juratovac [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; leidacm@aol.com; Kruger, Kelly (POL) <kelly.kruger@sfgov.org>; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Sean Hanlon [REDACTED]; Callahan, Dennis (MTA) <Dennis.Callahan@sfmta.com>; Steven Powers [REDACTED]; Valladeres, Jimmy (MTA) <Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Carrasco, Mike (MTA) <Mike.Carrasco@sfmta.com>; Therese Y. Cannata <tcannata@cofalaw.com>  
**Subject:** 2021-02-13 Whereabouts, et. ALL

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

MA & KC:

First, thank you for providing a safe night, again, of too much needed rest, as it's EXTREMELY TRAUMATIZING being stalked at home & work by agents of the darkside.

Second, when I returned to SF this morning at about 9:30-ish, apparently MA had already departed? Nonetheless, about the front door I delivered fresh Arizmendi's rolls, biscuits, muffins, focaccia, etc. -- whatever seemed worthy for the both of you, & the little rascals.

Third, the replacement (practically new) furnace is still at the SFMTA yard, located at 1399 Marin St.; but when I arrived there this morning, for the first time in many years, the entry gate, along with all other means of access, was closed & locked. Obviously, despite the easy application of my firefighter skill-set(s) to do so, I'm not going to forcibly enter.

So, because of the suddenly escalating aggression being overtly demonstrated by various public servant shot-callers at my former workplace, whom are collaborating, colluding, & dictating my exclusion & un-access to the public property that I, as a taxpayer of/to CCSF, am PAYING for, as well as WHO THEY WORK FOR; and, because I am not as stupid as those shot-callers PROJECT & PERCEIVE; and because I will NEVER be stupid enough to provide valid



causation for their own PROJECTIONS & PERCEPTIONS <--- THEIRS'; and because they've, including & especially STUPID Charles Drane, condone(d) by direct order my suspension from work & work premises, effective Friday afternoon, February 12, 2021; and because I must reserve ALL of my RIGHTS, which I do not WAIVE, I do hereby reserve... NOTICE.

Therefore, please prepare to support the legal engagement(s) underway, or...

RUN & HIDE (behind the CAO)... YOU SISSY!!!!

FYI, DON'T START A FIGHT THAT I WILL FINISH <--- even when shot-callers are depriving me of continued employment.

Accordingly, the public interrogations will commence, forthwith, regardless of taking away a key & badge.

ALL LOVE for MA & KC, especially the little rascals, for WHO YOU ARE.

ADVERSARIES BE FORWARDED -- HERE I AM.

TRY, again (sigh), TO "5150" ME.

I DARE YOU TO DO SO!!!!

WAITING... w/

WORDS.

Authentically,

Dan Boreen

# Additional Emails

**From:** [Hal Full](#)  
**To:** [Cayabyab, Christine](#); [Laolagi, Young](#); [STOUGHTON, JENNIFER \(CAT\)](#); [Drane, Charles](#); [Kruger, Kelly \(POL\)](#); [Yuen, Nathaniel \(POL\)](#); [Tumlin, Jeffrey](#)  
**Cc:** [Williams, Emily](#); [Theresa Foglio](#); [Spain, Christopher](#)  
**Subject:** ALL BUSINESS: CAO\_Re: Notice of Proposed Disciplinary Action Daniel Boreen  
**Date:** Friday, March 12, 2021 4:34:53 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

EXT

Good Afternoon Ms. Cayabyab,

TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me.

Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too.

Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen, now on NOTICE, too. Additionally, immediately produce the body cam recording Ms. KKruger was wearing when her & her partner invaded my home & workplace.

I'll pin it down to the ground very soon, so either submit, or else . . . .

...you'll be in violation of not only the CCSF's Sunshine Ordinance, but also the California Public Records Act, as well as other statutes that MANDATE DISCOVERY!!!!

THIS IS AN IMMEDIATE DISCLOSURE REQUEST!

WAITING...

Authentically,

Dan Boreen

---

**From:** Cayabyab, Christine <Christine.Cayabyab@sfmta.com>  
**Sent:** Friday, March 12, 2021 11:01 AM  
**To:** [REDACTED]  
**Cc:** Williams, Emily <Emily.Williams@sfmta.com>; Theresa Foglio <laborers261@gmail.com>; Spain, Christopher <Christopher.Spain@sfmta.com>  
**Subject:** Notice of Proposed Disciplinary Action Daniel Boreen

Hello Mr. Boreen,

Attached please find a copy of a Notice of Proposed Disciplinary Action.

Christine Cayabyab  
Employee and Labor Relations



Office: (415) 646-2058

San Francisco Municipal Transportation Agency  
1 South Van Ness, 6<sup>th</sup> Floor  
San Francisco, CA 94103



This message is from outside of the SFMTA email system. Please review the email carefully before responding, clicking links, or opening attachments.

# Exhibit 2

CCSF official record with employee's self-reported  
contact information

Biographical Details

Contact Information

Regional

Daniel J Boreen

Empl ID [REDACTED]

Current Addresses

Address Type	As Of Date	Status	Address			
Home	07/02/2016	A	[REDACTED]	<a href="#">View Address Detail</a>	+	-

Phone Information

*Phone Type	Telephone	Extension	Preferred		
Business	415/401-3184		<input type="checkbox"/>	+	-
Home	[REDACTED]		<input checked="" type="checkbox"/>	+	-

Email Addresses

*Email Type	*Email Address	Preferred		
Other	[REDACTED]	<input checked="" type="checkbox"/>	+	-

Instant Message IDs

*IM Protocol	*IM Domain	*Network ID	Preferred		
			<input type="checkbox"/>	+	-

Save

Return to Search

Notify

Refresh

Add

Update/Display

Include History

Biographical Details | Contact Information | Regional

Response List to Division - TS  
 7540 Track Maintenance Worker (3)  
 HR Liaison: Sammy Ye, Cindy Rivas

Recruitment No: CBT-7540-M00138

Certification Rule: Rule of Ten Scores, ranks **1 - 12** are reachable, ranks **13 - 18** are alternates

Cert # and Cert Date: 13637 - 11/07/2017

Referral Due Date: 01/06/2018

No.	Interview Yes/No	Comments	Rank	Last Name	First Name	Home Phone	Alt Phone	Work Phone	Email	Address	City	State	Zip
1			1										
2			2										
3			3	BOREEN	DANIEL	415-308-3639			glass-half-full@outlook.com	1932 IRVING STREET #13	SAN FRANCISCO	CA	94122
4			3										
5			3										
6			4										
7			4										
8			4										
9			4										
10			4										
11			4										
12			4										
13			4										
14			5										
15			6										
16			7										
17			7										
18			8										
19			9										
20			10										
21			10										
22			10										
23			11										

# Exhibit 3

CCSF Employee Handbook



## WORKPLACE VIOLENCE PROHIBITED

### **Policy Prohibiting Employee Violence in the Workplace**

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property.

Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

### **Reporting and Responding to Workplace Violence**

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

or privileged information obtained by virtue of your office or employment for non-business purposes, and you may not use that information to advance the financial or other private interest of yourself or others.

- For a period of one (1) year after you leave City employment, you may not contact your former department on behalf of any person for the purpose of influencing a governmental decision. You also may not work for or receive compensation from any party to a City contract if, within the previous twelve (12) months, you were personally and substantially involved in the City's award of that contract. For other post-employment restrictions, please visit [www.sfethics.org](http://www.sfethics.org).
- Depending on your level of decision-making authority, you may be required to file a statement of economic interests. For a list of those employees who are required to file these statements, and instructions on how to do so, contact your supervisor.

The San Francisco Ethics Commission investigates violations of these rules and other improper government activities. If you are aware of any such violations or activities, or if you have any questions concerning the ethics rules for City employees, contact the Ethics Commission at (415) 252-3100. All complaints will be kept confidential to the extent permitted by law.

### **Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

### **Smoke-Free Workplace**

Smoking is not permitted in City offices, or within 20 feet of entrances, exits, or operable windows of public buildings.

### **Drug-Free Workplace**

You may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol or illegal drugs in workplace. This prohibition includes prescription drugs used improperly (e.g., those not prescribed for the user). Any violation of this policy may be grounds for discipline up to and including dismissal.

If you perform activities in your job that are funded by a federal grant, you must notify your department head of any drug convictions for violation of drug laws that took place in the workplace within five days of any such conviction. Employees in certain safety-sensitive positions, or in positions where testing is required by federal law, may be required to submit to periodic drug tests. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

# Exhibit 4

SFMTA Rail Rule Book

**2.3 Duties**

2.3.1 Employees shall not allow anyone, unless properly authorized, to perform any part of their assigned duties.

**2.4 Compliance with Traffic Laws**

2.4.1 Employees shall comply with all applicable traffic laws while operating on city streets.

**2.5 Record of Employees**

2.5.1 Employees shall immediately notify their Immediate Supervisor of any change in their Driver's License status.

**2.6 Personal Appearance**

2.6.1 Current Rail Operator ID Number (Cap Number) shall remain in designated place on the uniform, properly displayed in plain view, at all times while on duty.

2.6.2 Employees shall only wear SFMTA issued or approved articles of clothing, headgear and PPE while on duty.

**2.7 Conduct**

2.7.1 Employees shall not be careless or indifferent to their own safety or the safety of others.

2.7.2 Employees shall not be indifferent or inattentive in performance of their duties.

2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.

2.7.4 Employees shall perform their duties competently in accordance with SFMTA standards, training, rules, and procedures.

## SFMTA RAIL RULE BOOK

- 2.7.5 Employees shall not be dishonest in performing their duties.
- 2.7.6 Employees shall not provide any information regarding SFMTA operations or personnel, except what is required by the riding public or as part of normal operations.
- Requests for confidential information, interviews, records or requests of similar nature shall be referred to their immediate supervisor.
- 2.7.7 Employees shall not consume intoxicants while on duty or off duty while in SFMTA issued uniform.
- 2.7.8 Employees shall not be insubordinate to their SFMTA supervisory or managerial personnel.
- 2.7.9 Employees shall not willfully damage or deface SFMTA property or commit acts of vandalism
- 2.7.10 Employees shall not engage in any form of confrontation.
- 2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.
- 2.7.12 Employees shall not disregard known or common risks to human life and safety in the performance of their duties.
- 2.7.13 Employees shall not interfere with any vehicle in revenue service or willfully disrupt or delay service.
- 2.7.14 Employees shall not use profane or vulgar language while on duty, or on SFMTA property and/or vehicles.
- 2.7.15 Employees shall properly handle fares and transfers.

# Temporary Restraining Order

Clerk stamps date here when form is filed.

ENDORSED FILED San Francisco County Superior Court FEB 19 2021 CLERK OF THE COURT BY: NEYL WEBB Deputy Clerk

1 Petitioner (Employer)

a. Name: City & County of San Francisco Lawyer for Petitioner (if any, for this case): Name: Natassia Kwan State Bar No. Firm Name: San Francisco City Attorney's Office b. Your Address (If you have a lawyer, give your lawyer's information.): Address: 1390 Market Street, 7th Floor City: San Francisco State: CA Zip: 94102 Telephone: 415-554-4272 Fax: 415-554-3837 E-Mail Address: natassia.kwan@sfcityatty.org

Fill in court name and street address:

Superior Court of California, County of San Francisco 400 McAllister Street, Room 103 San Francisco, CA 94102 Civic Center Courthouse

2 Employee (Protected Person)

Full Name: SF Fire Commissioner President

3 Respondent (Restrained Person)

Full Name: Daniel Jess Boreen

Description:

Sex: [X] M [ ] F Height: Weight: Date of Birth: Hair Color: Eye Color: Age: Race: Home Address (if known): (as of July 2020) City: State: CA Zip: Relationship to Employee: SFMTA employee (pending termination)

Court fills in case number when form is filed.

Case Number:

4 [X] Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Table with columns: Full Name, Sex, Age, Household Member?, Relation to Employee. Includes checkboxes for Yes/No for Household Member.

[X] Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/09/21 Time: 8:45 [X] a.m. [ ] p.m.

This is a Court Order.

**To the Respondent:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You are ordered ~~not~~ do the following things to the employee

and to the other protected persons listed in **(4)**:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5)  Enter the workplace of the person.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (specify):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You **must** stay at least 100 yards away from (check all that apply):

- (1)  The employee
- (2)  Each other protected person listed in **(4)**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (specify):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**



8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
b. You must:
(1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored.
c. The court has received information that you own or possess a firearm.

9 Other Orders

- Not Requested Denied Until the Hearing Granted as Follows (specify):

Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
c. By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on a credible threat of violence or stalking.
b. The petitioner is entitled to a fee waiver.

This is a Court Order.

⑫ Number of pages attached to this Order, if any: 1

Date: 2/14/2021

*[Signature]*  
Judicial Officer

### Warnings and Notices to the Restrained Person in ②

#### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

**This is a Court Order.**



**Instructions for Law Enforcement**

**Enforcing the Restraining Order**

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**Start Date and End Date of Orders**

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)  
**—Clerk's Certificate—**



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: **FEB 19 2021** Clerk, by \_\_\_\_\_ **Clerk of the Court** \_\_\_\_\_, Deputy

**This is a Court Order.**

**ATTACHMENT 4**  
**To Form WV-110 Temporary Restraining Order**

Full Name	Sex	Age	Household Member?	Relation to Employee
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Co-worker, SF Fire Commission Executive Secretary
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				[REDACTED]



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

March 12, 2021

Daniel Boreen  
[REDACTED]  
[REDACTED]

Email:

**Re: Notice of Proposed Disciplinary Action - Dismissal**

Dear Mr. Boreen,

This is to advise you that I am recommending that you be dismissed from your position of 7540 Track Maintenance Worker for sending threatening and disrespectful emails to City Employees and Commissioners. Your conduct violates the Policy Prohibiting Employee Violence in the Workplace and Policy Regarding the Treatment of Co-Workers and Members of the Public from the City and County of San Francisco’s (CCSF) Employee Handbook and Rule 2.7.3, 2.7.10 and 2.7.11 from the San Francisco Municipal Transportation Agency (SFMTA) Rail Rule Book.

**My recommendation for this disciplinary action is based on the following violations:**

**City and County of San Francisco Employee Handbook:**

- **Policy Prohibiting Employee Violence in the Workplace**  
The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

"Violence" includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends,



associates, or property. Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee's official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

- **Policy Regarding the Treatment of Co-Workers and Members of the Public**  
City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

#### **SFMTA Rail Rule Book:**

- 2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.
- 2.7.10 Employees shall not engage in any form of confrontation.
- 2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.

#### **Facts on which these charges are based:**

From January 20, 2021 through February 13, 2021, you sent several threatening, disrespectful, and inappropriate emails from your personal email, [REDACTED], to the Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees. You listed your personal email address as [REDACTED] in City records. In these emails, you made direct threats of violence against city commissioners and employees.

For example, you made specific threats of violence against the Fire Commission:

- On Tuesday, January 26, 2020 at approximately 3:52 pm, you stated in an email  
*“Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow...”*



- On Tuesday, January 26, 2020 at approximately 4:25 pm, you stated in an email  
*“EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY’LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING”*

You also addressed City employees in a threatening, disrespectful, and inappropriate manner in several emails:

- On Friday, January 29, 2021 at approximately 12:42 am you stated in an email directed to Fire Commission Secretary Maureen Conefrey

*“I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked.”*

- On Friday, January 29, 2021 at approximately 2:16 am, you stated in an email directed to Fire Commission Secretary Maureen Conefrey

*“Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE....”*

- On Friday, January 29, 2021 at approximately 12:42 am, you stated in an email to Fire Commission and Maureen Conefrey specifically,

*“Well aren’t you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked.”*

- On Saturday, February 13, 2021 at approximately 5:13 pm, you stated in an email

*“Therefore, please prepare to support the legal engagement(s) underway, or... RUN & HIDE (behind the CAO)... YOU SISSY!!!!  
FYI, DON’T START A FIGHT THAT I WILL FINISH ...”*



Once you were contacted by San Francisco Police Department (“SFPD”) due to the violent nature of these email, you sent multiple emails using derogatory and threatening language directed at members of the SFPD.

- On Friday, February 5, 2021 at approximately 2:55 pm, you stated in an email to Kelly Kruger  
  
“...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM...”
- On Friday, February 5, 2021 at approximately 4:42 pm, you stated in an email to Kelly Kruger  
  
“...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!! HERE I AM ...”
- On Saturday, February 6, 2021 at approximately 1:00 am, you stated in an email to Nathaniel Yuen  
  
“...HERE I AM ...”
- On Saturday, February 6, 2021 1:17 at approximately am, you stated in an email directed to Nathaniel Yuen  
  
“...YOU KNQW where I am. HERE I AM... WAITING...”
- On Saturday, February 6, 2021 at approximately 12:27 pm, you stated in an email  
  
” ...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN -- nothing more. HERE I AM... WAITING...”
- On Saturday, February 6, 2021 at approximately 3:13 pm, you stated in an email to Kelly Kruger and Nathaniel Yuen





“...HERE I AM... WAITING FOR YOU RARRIVAL...”

- On Saturday, February 6, 2021 at approximately 8:34 pm, you stated in an email

“FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS...”

- On Saturday, February 6, 2021 at approximately 11 :14 pm, you stated in an email

“... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po -- whenever -- I'll be there -- then -- rest assured -- I can't wait -- HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM.”

Based on the violent and threatening nature of your emails to the Fire Commission, the San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, ordering you stay at least 100 yards away from all five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary. The TRO also ordered you not “harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person” any of the listed persons.

SFMTA will not tolerate threats of violence against City employees and Commissioners. Based on the above facts, the SFMTA has concluded that you have violated the Policies stated above.

**Past Record:** N/A

**Materials Upon Which Charges are based:**

- Exhibit 1: Email correspondence from [REDACTED] dated January 20, 2021 through February 13, 2021



- Exhibit 2: CCSF official record with employee's self-reported contact information
- Exhibit 3: CCSF Employee Handbook
  - Policy Prohibiting Employee Violence in the Workplace
  - Policy Regarding the Treatment of Co-Workers and Members of the Public
- Exhibit 4: SFMTA Rail Rule Book, Rules 2.7.3, 2.7.10 and 2.7.11
- Temporary Restraining Order

**Right of Response:**

You have the right to respond to this proposed recommended action. Your response may be written or oral. If you choose to respond in writing, your response should be directed to Christopher Spain, Acting Traction Power Group Manager at [Christopher.Spain@sfmta.com](mailto:Christopher.Spain@sfmta.com). Your response must be received no later than 5:00 pm on Wednesday, March 17, 2021. Should you elect to respond orally, a Skelly Hearing is virtually scheduled for **Thursday, March 18, 2021 at 2:00 pm via [Microsoft Teams meeting](#)** or call in (audio only) at (415) 915-0757, Phone Conference ID: 276 334 013#.

You are not entitled to a formal hearing with an examination of witnesses, or a court reporter, or a transcript of the process. However, you are entitled to bring a representative of your choosing with you to the hearing. Your Union Representative is Theresa Foglio-Ramirez, LiUNA!, Local 261, and she may be contacted at (415) 826-4550 or [laborers261@gmail.com](mailto:laborers261@gmail.com).

Sincerely,

A handwritten signature in cursive script that reads "JP Zeigler".

Julie "JP" Zeigler  
Employee and Labor Relations Manager

Cc: E. Williams, SFMTA Transit Administration  
C. Cayabyab, SFMTA HR/ELR  
T. Foglio-Ramirez, LiUNA!, Local 261  
Employee File

# Exhibit 1

Email correspondence from [REDACTED]

[REDACTED] dated January 20, 2021 through

February 13, 2021

# Emails to SFFD

---

**From:** [REDACTED]  
**Sent:** Monday, February 1, 2021 2:52 PM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
**Subject:** Tone it done Dan ... Re: 2021-01-29 SO Hearing\_Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dan,

When you are refresh take a step back and objectively view how your comments might be construed. Sure you have reasons to be frustrated by the system, however, I feel that is not an adequate excuse to browbeat Maureen Conefrey. A reasonable person would not use such severe words and analogies, as well as, those numerous follow-up emails displaying your impatience. I would say there is a better than even chance Maureen Conefrey made a police report after reading your emails out of fear for her physical safety. Tone it down.

Pat

//

On Feb 1, 2021, at 08:01, Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)> wrote:

Mr. Boreen,

I am in receipt of your "Immediate Disclosure Request" where you are requesting the following:

**the written and unwritten, documents, media, & policies for the Fire Commission Evidentiary Hearing conducted on November 6, 2020, in & for the CITY AND COUNTY OF SAN FRANCISCO.**

In response, I am attaching the following:

1. The agenda for the 11/6/20 hearing;
2. 2018 Rules Governing Trials of Disciplinary Cases.

The remaining responsive documents from the 11/6/20 hearing are personnel records and are exempt from disclosure under Government Code Sections 6254(c), (k), and Cal. Const. Art. I, Sec. 1.

Maureen Conefrey  
Commission Secretary

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, January 29, 2021 2:16 AM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Callahan, Dennis (MTA) <[Dennis.Callahan@sfmta.com](mailto:Dennis.Callahan@sfmta.com)>; [REDACTED]  
**Subject:** 2021-01-29 SO Hearing\_Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dear Madame Secretary Confit-rey,

Please find attached the IMMEDIATE DISCLOSURE REQUEST for the supporting any & all data on the hearing conducted in November 2020.

Furthermore, this command for the public records productions fully & by force of law equally applies to bumbling Rose my-Darling & the FC's latest minion, Brad Russi.

Step into the ring ... whomever wants to ...

Standing here...

Waiting for ANYONE....

Authentically,

Dan Boreen

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**From:** Hal Full [REDACTED]  
**Sent:** Friday, January 29, 2021 12:42 AM  
**To:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; [dennis.callahan@sfmta.com](mailto:dennis.callahan@sfmta.com) <[dennis.callahan@sfmta.com](mailto:dennis.callahan@sfmta.com)>; [REDACTED]  
**Subject:** Re: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Madame Secretary Confit-rey,

Well aren't you a clever idiot who provides instructions AFTER the meeting; and who failed to provide instructions BEFOREHAND; WHEN the request was submitted to you on Tuesday, January 26, 2021, @ 16:51.

There's no protection from your failure to perform your public duties[ and it is obvious that you are engaged in "gamesmanship" -- as the term is referred to.

I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked.

Ask Tania Bauer.

Authentically,

Dan Boreen

---

**From:** Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
**Sent:** Thursday, January 28, 2021 9:09 AM  
**To:** Hal Full [REDACTED]; [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>  
**Subject:** RE: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

The meeting was virtual and the agenda was posted last week with instructions.

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:51 PM  
To: [REDACTED]; nicol juratovac [REDACTED]; [REDACTED]  
[REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Teri Rosales [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>  
Subject: NOTICE\_Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Madame Secretary,

This is formal notice of my appearance at the meeting scheduled for tomorrow, January 27, 2021.

I need to know how the format works for making an appearance on the record.

Please reply ASAP, and thank you.

Authentically,

Dan Boreen

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:35 PM  
To: [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]; [FirePIO@sfgov.org](mailto:FirePIO@sfgov.org) <[FirePIO@sfgov.org](mailto:FirePIO@sfgov.org)>  
Subject: Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Johnathan,

Tell the WHOLE department, tell the media, tell, tell, tell... please tell everyone...

I'm appearing at the FC meeting tomorrow evening.

Authentically,

Dan Boreen

---

From: Hal Full [REDACTED]  
Sent: Tuesday, January 26, 2021 4:25 PM



**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND...

WHEN THEY AWAKE...

THEY'LL SEE MY SMILING FACE STANDING OVER THEM... AND... THEN...

THEY'LL HEAR MY WHISPER IN THEIR EAR...

"That was fun for me. Do you want to do it again?"

FIRE BREATHING....

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 4:10 PM  
**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>; Teri Rosales [REDACTED]  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

My apology TERILL...

YOU KNOW I DIDN'T FORGET TO INCLUDE YOU TOO; RATHER I JUST GOT TOO MOMENTARILY FOCUSED ON THE PREY.

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 4:01 PM  
**To:** [REDACTED]; nicol juratovac [REDACTED]; mark johnson fire chief [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com) <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>  
**Subject:** Re: MJ TOO\_Re: Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

READ IT YOURSELF...

[California Supreme Court expands taxpayers' right to sue \(sfgate.com\)](https://www.sfgate.com)



With all those years of experience I bet that your advice to Nicol is spot on. In my humble opinion your reply to Nicol would have been more professional if the tone was not so harsh. Maybe such tone is just the way your and Nicol banter.

//

On Jan 26, 2021, at 07:28, Hal Full [REDACTED] wrote:

...because Mark Johnson's REASONABLE PERSON STANDARD matters in the ENTIRE discussion about the FD's agents operating under the COLOR OF LAW...

---

**From:** Hal Full [REDACTED]  
**Sent:** Tuesday, January 26, 2021 6:39 AM  
**To:** nicol juratovac [REDACTED]; Therese Y. Cannata <[tcannata@cofalaw.com](mailto:tcannata@cofalaw.com)>; [REDACTED]; <[young.laolagi@sfmta.com](mailto:young.laolagi@sfmta.com)>  
**Subject:** Reasonable Person Standard????\_Re: INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Rising above the clouds, it appears, and is foreseeable, that due to the FC's & CAO's maneuvering(s) & manipulation(s), you are going to be forced into a procedural challenge to the oppositions' engagement in administrative procedure "trickery & deceit" for triggering all of CCP 1094.6's requirements for a "final decision." If asked to do so, I will explain what has already been established in my own unpublished decision by the First District COA.

In the legal arena, the FC & CAO have put you in what's called a procedural minefield for a valid "final decision."

For example, how could any reasonable person, whether it's the victim, or the aggressor(s), know whether to legitimately pursue a purported "final decision" issued by the FC, without a finalized FINDINGS OF FACTS that complies with the TOPANGA RULE?

HOW?

HOW?

HOW?

There is no reasonable person that walks, crawls, or levitates on the planet EARTH, nor any attorney with a bar license, that could analyze and determine whether or not to pursue a Petition for Peremptory Writ of Administrative Mandamus without the FC's & CAO's "findings of fact(s)."

NEGATIVE!!!!

How can a local agency legitimately believe it can trigger CCP 1094.6's & 1094.5's  
extremely shortened statute of limitations without issuing a "final decision"  
MANDATED TO BE OFFICIALLY ADOPTED AT A PUBLIC HEARING PURSUANT TO  
THE BROWN  
ACT...??  
?????????????????????????

HOW?

HOW?

HOW?

Isn't it apparent to any reasonable person, and common sense dictates, that the  
FC's & CAO's purported "final decision" is  
illegitimate??

SHOW ME...

SHOW ME...

SHOW ME...

PLEASE...

SOMEBODY...

ANYBODY...

ANYONE...

ON THE PLANET EARTH...

JUST, SIMPLY...

SHOW ME where, and at what PUBLIC MEETING MANDATED BY THE BROWN  
ACT, the FC's & CAO's purported "final decision" has been PUBLICLY ADOPTED...?

WAITING...

...

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, January 23, 2021 4:22 PM  
**To:** nicol juratovac [REDACTED]  
**Subject:** INCORRECT!!!!\_Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

You are INCORRECT!!!!

First, have you composed your countering findings of facts for submission into the administrative record? I bet not.

Second, have you made a formal submission for the WHOLE, COMPLETE CERTIFIED ADMINISTRATIVE RECORD? I bet not.

Third, have you composed a Petition for Peremptory Writ of Administrative Mandamus for filing in superior court? I bet not, and it is a lot, lot, lot of work and takes time to achieve.

Fourth, the 90-day statute of limitations is ticking fast (33-days have already passed), leaving you with only 57-days remaining. You can bet they'll eat up every one of those days delaying & stalling.

Fifth, you MUST file an original Petition for Peremptory Writ of Administrative Mandamus, then, whenever the formal findings of fact are adopted by the Commission, and whenever you receive the WHOLE, COMPLETE CERTIFIED ADMINISTRATIVE RECORD, you will file a First Amended Petition with citations to the A/R.

Sixth, only then will you have to file a notice of motion & motion for the writ to set aside the Commission's decision.

Seventh, I have too many years of experience performing this task, so you should not overlook the fact that I know what I speak of. In fact, had I not passed by just to wish you a Happy New Year, you'd be in blissful ignorance of the necessity for a Petition for Peremptory Writ of Administrative Mandamus before you can pursue damages; the statutes and procedure(s) of which I cited to you right off the top of my head.

Eighth, I have the whole, complete CEB California Administrative Mandamus on CD to give to you (e.g., see attached Table of Contents). But if you don't want it, tell me.

Standing by...

Tick...

Tock...

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Saturday, January 23, 2021 3:38 PM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: 2021-01-23 Invitation\_Re: Or...The END?\_Re: The Beginning\_Re: ?

Dan,

Thanks for the emails. I appreciate your helping me. I'm not able to swing by today unfortunately. At this juncture, there's really not much that can be done. I'm awaiting the findings of fact from the Fire Commission at which point, I'm planning to file. I'll keep you posted. Thank you again.

On Sat, Jan 23, 2021 at 12:00 Hal Full [REDACTED] wrote:

I'm at work all day: 1399 Marin St., across the pond from #25.

I invite you to hop in the buggy and visit me today: east on Cesar Chavez, right on Indiana, left on Marin; it's the big barn-like metal structure. The yard is open, and the door is open.

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, January 23, 2021 11:07 AM  
**To:** nicol juratovac [REDACTED]  
**Subject:** Or...The END?\_Re: The Beginning\_Re: ?

I authentically hope you are well, and learning to cope with the adversity imposed upon you.

I hope you know I mean well when I press to help resolve the trap you've been ensnared in by the corrupt machine.

I hope you know it's okay to express to me that you do not want me to help, and to leave you alone, because I will certainly honor your wishes.

Watch those like me in the attachment, as that is what I offer to you.

The opposition, however, who've harmed and injured you, will experience the converse -- man-eating ferocity.

Still standing by...

---

**From:** Hal Full [REDACTED]  
**Sent:** Thursday, January 21, 2021 8:04 AM  
**To:** nicol juratovac [REDACTED]  
**Subject:** The Beginning\_Re: ?

To accomplish your counter, we'll have to sit down, eye-to-eye, and talk some details through.

That said, attached is the rough-draft caption, intro, & opening paragraph.

Standing by...

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Wednesday, January 20, 2021 9:01 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: ?

Let's chat later this afternoon. I'm on duty today and in a Division meeting. What number is best to reach you at 6 pm?

On Wed, Jan 20, 2021 at 08:40 Hal Full [REDACTED] wrote:

I'll call in a few moments.

---

**From:** nicol juratovac [REDACTED]  
**Sent:** Wednesday, January 20, 2021 6:54 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: ?

I tried calling you but some woman's voice came on a google vm.

On Tue, Jan 19, 2021 at 16:18 Hal Full [REDACTED] wrote:

?

<Agenda 11-16-20 evidentiary hearing (2020-02).pdf>  
<2018 Rules Governing Trial of Disciplinary Cases.pdf>

# Emails to SFPD



---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 1:00 AM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Morning Mr. Yuen,

From the information gathered thus far, all roads point to you as the perpetrator of this charade!

Is this correct?

Yes or NO?

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 3:13 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** TELL ME\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon Ms. Kruger & Mr. Yuen,

Friends and family have expressed the deepest concern for my well being that you've demonstrated your intent to arrest me, on basis of expression -- or whatever your reasonable suspicion &/or probable cause will be asserted -- which I WHOLLY OBJECT TO -- FOR THE RECORD.

HERE I AM...

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Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 11:14 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED] Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Molina, Mario (POL); Scott, William (POL)  
**Subject:** Re: 2021-02-06 FAR & WIDE BROADCAST UPDATE\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

OH YEAH,

While the record is being made, IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Kenpo -- whenever -- I'll be there -- then - - rest assured -- I can't wait -- HURRY UP.

OF COURSE, no badge & gun allowed.

HERE I AM.

Authentically,

Dan Boreen

p.s. For whatever reason, this apparently delayed message did not send at the time it was composed. Now it is.

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 8:34 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED]; [REDACTED]; young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>; mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama [REDACTED]; [REDACTED]; [REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; [REDACTED]; [REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy <Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>; william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** 2021-02-06 FAR & WIDE BROADCAST UPDATE\_Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

FYI: The foregoing message about the IDIOT was specifically directed at Nathaniel.C.Yuen@sfgov.org.

He is an IDIOT with a badge & gun.

He is an IDIOT who has, on Kelly Kruger's record, has told me, in front SIX WITNESS, AT MY WORKSITE, that he is going to arrest me.

HERE I AM...

Get me...

YOU STUPID ASS...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 12:27 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED]; young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>; mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama [REDACTED]; [REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; [REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy <Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>; william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Oh yeah, I forgot to mention, you are not good enough to be a DUMB-ASS, like me, because that is what I am.

YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN -- nothing more.

HERE

I

AM

.  
. .  
. .

WAITING...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 1:17 AM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED]; [REDACTED]  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>;  
william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Morning Mr. Yuen,

Based upon your posturing, there are two paths to travel; which are left to your "discretion" to decide --  
WHAT TO DO?

YOU KNQW where I am.

HERE I AM...

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.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 8:19 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>;  
william.scott@sfgov.org <william.scott@sfgov.org>  
**Subject:** Re: CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Night Chief Scott,

This message follows your subordinates' stalking me at my domicile, and then at my work place.

Question: Do, or did you , authorize them to do so; and if so, what was your ostensible reasonable suspicion or probable cause, if any, by them on your behalf; or was it a direct order to them by you to trespass at my home & work place?

The reason for the piercing inquiry is the undisputable fact that TWO CIT sergeants are stalking me at both my home, and work place.

Please reply now, and thank you.

Authentically,

Dan Boreen

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 7:53 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; mario.molina@sfgov.org <mario.molina@sfgov.org>  
**Subject:** CHAIN OF COMMAND\_Re: TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Night Mr. Molina,

As you depart for sleep, I must know whether or not you've officially authorized, in your supervisory capacity, or otherwise, an investigation &/or case build-up against me by subordinates Kruger & Yuen.

It's a Yes... or... No... issue.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 5:37 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>  
**Subject:** TELL ME\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Evening Ms. Kruger,

Please TELL ME the WHOLE, COMPLETE contact information for the SFPD investigator assigned to investigate me.

Also, please TELL ME the ENTIRE CHAIN-OF-COMMAND, w/ ALL contact information, between you and William Scott, Chief of Department, inclusive.

Authentically,

Dan Boreen



---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 5:28 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED] Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL)  
**Subject:** CHAIN OF COMMAND\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Evening Ms. Kruger,

This is a demand for, not only the chain-of-command, but also the contact information for each & every public servant between here & there -- for prospective inclusion purposes.

Please reply & thank you.

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 4:42 PM  
**To:** Kruger, Kelly (POL); [REDACTED]; Laolagi, Young; Callahan, Dennis; [REDACTED]; Teri Rosales; Mohammad Awadalla; Moe Lama; [REDACTED]; Commission, Fire (FIR); FirePIO, FIR (FIR); Steven Powers; Yuen, Nathaniel (POL); [REDACTED]; Rodriguez, Rich; Valladares, Jimmy; Lauti, Kirk; Valerie Follner; Yuen, Nathaniel (POL); Almir Zalihic; [REDACTED]  
**Subject:** Surveillancing\_Re: NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good Afternoon Ms. Kruger,

Neighborhood watchers have reported to me that there was vehicle(s) about my domicile, photographing, and whatever else.

TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!!

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 2:55 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Mohammad  
Awadalla [REDACTED]; Moe Lama [REDACTED];  
[REDACTED]; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR)  
<firepio@sfgov.org>; Steven Powers [REDACTED]; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>;  
[REDACTED]; Rodriguez, Rich <Rich.Rodriguez@sfmta.com>; Valladares, Jimmy  
<Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Valerie Follner [REDACTED];  
Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>  
**Subject:** NOTICE\_Re: PING\_Fw: Silence Is Golden\_Re: A Trespass

Hello Again Ms. Kelly,

Thank you for clarifying Mr. Yuen's e-mail address (w/ a ".c."). And to affirm your telephonic question this morning, Mr. Yuen either refused to produce his contact information, or neglected to produce his contact information, to me after I requested same.

As a Q52, such behavior and practice is not only very suspicious, but also highly suspect of a violation of SFPD rules & regulations -- worthy of neither the status, compensation, nor supervisor capacity to perform the duties, functions and responsibilities of the position.

Additionally, he has demonstrated an unforgivable stain on the martial arts community of San Francisco, especially the highest standards of expectation as a purported & dubious black belt -- WHICH I HEREAFTER DENOUNCE AS UNACCEPTABLE, AND FRAUDULENT!!!!

And for the record, his lack of skills has been verified by legitimate individuals of the highest ranks in SF, renowned and revered throughout the United States of America -- and I am certain beyond as well, but I don't believe it necessary to go international -- just yet.

So now that you & your DUMB ASS wanna-be black belt partner know where to find me at home or at work, when are the two of you intending to arrest me, as the two of you declared and memorialized yesterday?

What are you & the DUMB ASS waiting for?

HERE I AM...

Authentically,

Dan Boreen

**From:** Hal Full [REDACTED]  
**Sent:** Friday, February 5, 2021 1:16 PM  
**To:** kelly.kruger@sfgov.org <kelly.kruger@sfgov.org>; [REDACTED];  
young.laolagi@sfmta.com <young.laolagi@sfmta.com>; dennis.callahan@sfmta.com <dennis.callahan@sfmta.com>;  
mark johnson fire chief [REDACTED]; Teri Rosales [REDACTED]; Nick L.  
[REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama  
[REDACTED]; Commission, Fire (FIR)  
<fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Steven Powers [REDACTED]  
**Subject:** Fw: PING\_Fw: Silence Is Golden\_Re: A Trespass

Good Afternoon Ms. Kruger,

As is evident below, Mr. Yuen's e-mail bounced.

Please reply with ALL of his contact information, and thank you in advance.

Authentically,

Dan Boreen

---

**From:** Microsoft Outlook <postmaster@outlook.com>  
**Sent:** Friday, February 5, 2021 1:22 AM  
**To:** nathaniel.yuen@sfgov.org <nathaniel.yuen@sfgov.org>  
**Subject:** Undeliverable: PING\_Fw: Silence Is Golden\_Re: A Trespass

**BL0GCC02FT015.mail.protection.outlook.com rejected your message to the following email addresses:**

[nathaniel.yuen@sfgov.org](mailto:nathaniel.yuen@sfgov.org) ([nathaniel.yuen@sfgov.org](mailto:nathaniel.yuen@sfgov.org))

Your message was rejected by the recipient's domain because the recipient's email address isn't listed in the domain's directory. It might be misspelled or it might not exist. Try to fix the problem by doing one or more of the following:

1. Send the message again - delete and retype the address before resending. If your email program automatically suggests an address to use, don't select it - type the complete email address.
2. Clear the recipient Auto-Complete List in your email program by following the steps in [this article](#). Then resend the message.

**For Email Administrators**

Directory based edge blocking is enabled for the recipient's organization and the recipient wasn't found in their directory. If the sender is using the correct address but continues to experience the problem, contact the recipient's email admin and tell them about the problem. To fix this they should resynchronize their on-premises and cloud directories.

**BL0GCC02FT015.mail.protection.outlook.com gave this error:**  
**Recipient address rejected: Access denied. AS(201806281) [BL0GCC02FT015.eop-gcc02.prod.protection.outlook.com]**

**Diagnostic information for administrators:**

Generating server: CO1NAM11HT199.mail.protection.outlook.com

nathaniel.yuen@sfgov.org

BLOGCC02FT015.mail.protection.outlook.com

Remote Server returned '550 5.4.1 Recipient address rejected: Access denied. AS(201806281) [BLOGCC02FT015.eop-gcc02.prod.protection.outlook.com]'

**Original message headers:**

ARC-Seal: i=1; a=rsa-sha256; s=arcselector9901; d=microsoft.com; cv=none;

b=bxQM8qRGwQlqcAsrtxmg96ijz/Ro1Bk+yFP/+Tb8UPyCK1/26UGN9UdEO7caHaH8RpVYhMMdFpgH/JG3kqQR975Ttrx+yavTxcYCWZApgl4E+yoaDaKavkuGgXq8pesABDiwF8HPV9L+xymGAdnNzHGbdHyMlVft9jIVPniTv5o1ofYRI531UCuVL120NGRctJuKMWAaIxvwxBQy/vEXNwWybLUGoV5uYTMpu0aG+TYyvSjyl32UAfgi4/bphpNWKFPmWbNA/E7qUJ8zdSSb0c9SXE6nV1WE+5DTgDfvmGIBHbMFvQ6M+BYCvWF8Wvz/u+0jzpZBrva/8zE3OiIZkw==

ARC-Message-Signature: i=1; a=rsa-sha256; c=relaxed/relaxed; d=microsoft.com; s=arcselector9901;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck; bh=twCmKNew+hybLAMGY2mwB+ADNcE5OyexrSPU1gV9nO0=;

b=WnvgarTO6FVMelM82rh2WFOqIbgQcdm5kOUopsvoaT5F+1PQ4XRCpDUDJPinAlhWHA5/t2vIar1hVQoDqwUXo/u gf6d8SDvb0Hg/N8v5ZkvN8/haZr27jWpWl15LaVZRFOkrOh+L5BLRV4zA2CDIyR3yKouou8J5Xk78Rh8yCq9zDIvW XlQEKiJS+XrxjGqE8NxolhGQwMTp15boSo9zOfLa4mqsnwZWSkiKRasZc/lKFPbKcrzE+nWiGaz+HO/6kk2V1nflv Rt66xBlxtCBxnANuadgVOoeJlKn0xf6tGuUyHzLMUKUUY4fxFh53yLY+35+9ICM/p02OTP7rYx4ig==

ARC-Authentication-Results: i=1; mx.microsoft.com 1; spf=none; dmarc=none;

dkim=none; arc=none

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=outlook.com;

s=selector1;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;

bh=twCmKNew+hybLAMGY2mwB+ADNcE5OyexrSPU1gV9nO0=;

b=bj0Qy0TcREcegjmaZFRUJ5zF0NndC4q3AR9TKkg8FJjyuLD90jEa4hcAaPzfMffmPhoukIXrrk2/A/M38ByhcRz QhO6kTNmBupnQe7dTS4iasOyHah5QjzB01+eUf6qp0Tl+kHkyCswHKKNkdyZiZGZ9YgmxFf4s0/Kxh3Lt8xC0AY8K bWefjeQgBkzAMxstlgHaSEkkm3AhtUfVcLU3dJD+7o4oXWo0sO6lnwcOnm+aB3310V2x1QIoXBZjq6cxSQkArwZ+ jpp9sT52k5AxP3Ux2FVvESwGzL0hUNVBBv8/HRkLAIeGPMg/gOI6I3W3m8U54cqjHrVxy8jaoxDw==

Received: from CO1NAM11FT046.eop-nam11.prod.protection.outlook.com

(2a01:111:e400:3861::49) by

CO1NAM11HT199.eop-nam11.prod.protection.outlook.com (2a01:111:e400:3861::368)

with Microsoft SMTP Server (version=TLS1\_2,

cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_GCM\_SHA384) id 15.20.3784.12; Fri, 5 Feb

2021 09:22:12 +0000

Received: from BY5PR01MB5795.prod.exchangelabs.com (2a01:111:e400:3861::46) by

CO1NAM11FT046.mail.protection.outlook.com (2a01:111:e400:3861::203) with

Microsoft SMTP Server (version=TLS1\_2,

cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_GCM\_SHA384) id 15.20.3784.12 via Frontend

Transport; Fri, 5 Feb 2021 09:22:12 +0000

Received: from BY5PR01MB5795.prod.exchangelabs.com

([fe80::38ce:84b0:a25b:355a]) by BY5PR01MB5795.prod.exchangelabs.com

([fe80::38ce:84b0:a25b:355a%7]) with mapi id 15.20.3805.032; Fri, 5 Feb 2021

09:22:12 +0000

From: Hal Full [REDACTED]

To: "nathaniel.yuen@sfgov.org" <nathaniel.yuen@sfgov.org>

Subject: PING\_Fw: Silence Is Golden\_Re: A Trespass

Thread-Topic: PING\_Fw: Silence Is Golden\_Re: A Trespass

Thread-Index: AQHW+kWDaG1tLjTLlksIAHFrqJCA7KpH2dq6gAFQft6AACGUKg==

Date: Fri, 5 Feb 2021 09:22:12 +0000

Message-ID: <BY5PR01MB5795BDBC88C5F55486F18938A6B29@BY5PR01MB5795.prod.exchangelabs.com>

References:

<BY5PR01MB5795BD836EFB4D19F84BBAFAA6B49@BY5PR01MB5795.prod.exchangelabs.com>, <BY5PR01MB57

95913EE706ECC153A42167A6B39@BY5PR01MB5795.prod.exchangelabs.com>, <DM6PR09MB53049C3156A8173CB1FD5FA480B29@DM6PR09MB5304.namprd09.prod.outlook.com>  
In-Reply-To:  
<DM6PR09MB53049C3156A8173CB1FD5FA480B29@DM6PR09MB5304.namprd09.prod.outlook.com>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-incomingtopheadermarker:  
OriginalChecksum:04045770309E8F8FA65198C0DD4C22A2108AD292333D607B8BFA964820D3B8A3;UpperCa  
sedChecksum:13C488F5BF925E21B435645FABE72AC89EE738A947C3F0C6E8978762DE87EFFF;SizeAsReceiv  
ed:7213;Count:44  
x-ms-exchange-messagesentrepresentingtype: 1  
x-tmn: [iTUgvEtB/i3Zc5du5pUcn/uKMKXnqnuXupeyR3V2GTex5urx6XmtfM5FnVzCRHuO]  
x-ms-publictraffictype: Email  
x-incomingheadercount: 44  
x-eopattributedmessage: 0  
x-ms-office365-filtering-correlation-id: 5abfa627-cafc-4b16-201d-08d8c9b78515  
x-ms-traffictypediagnostic: CO1NAM11HT199:  
x-microsoft-antispam: BCL:0;  
x-microsoft-antispam-message-info:  
aqV3h1y0nqp+3TCl6CDm7Vq0jgAxOgK0UTc4FLxS9O3xtTnd9U7an62zz203PZrfK+YJpnXQX8g3tFJCewoA3QDzd  
aINzlKaAZordnhJ104MrrTKoZ+vihHphrEyeXlNhzM75rqlevprKyCFVdIpZQev5SwfMbMpqfgIKS2wkJe/pEUbkP  
KY3/R5JwXbC9iYa5x3W7Vqcn/JsBwl1bsh26sQgu93PM85VTor3QHCVcXTrrGfZ8pdpfiGVgmHCw96FWNcfz5Pi0W  
G2Vn9LM6VuOCYJ6Cv3HSG9cQRih3J9zTITruAjWC79fWq+4qSJTjwhxXYQaVJQure/u7Mq+aq/1U0RWsH81qdAlmj  
HSPvtmaDzWSvPtUQDw+aK9EtzWCyB3xZCXq79zT9Os3ZL7P9Wg==  
x-ms-exchange-antispam-messagedata:  
0fji2xz08nh8QKA0vXMPPXusvr2dd9Jnd+Vu2stLCdmLhnJMTuLUZZuEQgxeFneClXElaabM9KQe/0RvUVMzEJAJc  
t0oShE/b6o0k28GPvpyCsNHbgrkd2hQ2ZsoL/gc/4wxwzTN9Xx85XAUUnWGYR8S5ef0AHx14561YulgbcCeKZ044WD  
UpOwC290OdtFLxaVs8XaEvDYL39/Zzk4S8xQ==  
x-ms-exchange-transport-forked: True  
Content-Type: multipart/related;  
    boundary="\_004\_BY5PR01MB5795BDBC88C5F55486F18938A6B29BY5PR01MB5795prod\_";  
    type="multipart/alternative"  
MIME-Version: 1.0  
X-OriginatorOrg: outlook.com  
X-MS-Exchange-CrossTenant-AuthAs: Anonymous  
X-MS-Exchange-CrossTenant-AuthSource: CO1NAM11FT046.eop-nam11.prod.protection.outlook.com  
X-MS-Exchange-CrossTenant-RMS-PersistedConsumerOrg: 00000000-0000-0000-0000-000000000000  
X-MS-Exchange-CrossTenant-Network-Message-Id: 5abfa627-cafc-4b16-201d-08d8c9b78515  
X-MS-Exchange-CrossTenant-originalarrivaltime: 05 Feb 2021 09:22:12.0478  
(UTC)  
X-MS-Exchange-CrossTenant-fromentityheader: Internet  
X-MS-Exchange-CrossTenant-id: 84df9e7f-e9f6-40af-b435-aaaaaaaaaaaa  
X-MS-Exchange-CrossTenant-rms-persistedconsumerorg: 00000000-0000-0000-0000-000000000000  
X-MS-Exchange-Transport-CrossTenantHeadersStamped: CO1NAM11HT199

## Additional Emails to SFPD

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**From:** Hal Full [REDACTED]  
**Sent:** Monday, February 8, 2021 11:33 AM  
**To:** Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>; Scott, William (POL) <[william.scott@sfgov.org](mailto:william.scott@sfgov.org)>; Molina, Mario (POL) <[Mario.Molina@sfgov.org](mailto:Mario.Molina@sfgov.org)>; Teri Rosales [REDACTED]; Nicol Juratovac [REDACTED]; [REDACTED]; FirePIO, FIR (FIR) <[firepio@sfgov.org](mailto:firepio@sfgov.org)>; Commission, Fire (FIR) <[fire.commission@sfgov.org](mailto:fire.commission@sfgov.org)>; Laolagi, Young (MTA) <[Young.Laolagi@sfmta.com](mailto:Young.Laolagi@sfmta.com)>; Callahan, Dennis (MTA) <[Dennis.Callahan@sfmta.com](mailto:Dennis.Callahan@sfmta.com)>; Drane, Charles (MTA) <[Charles.Drane@sfmta.com](mailto:Charles.Drane@sfmta.com)>; Rodriguez, Rich (MTA) <[Rich.Rodriguez@sfmta.com](mailto:Rich.Rodriguez@sfmta.com)>; Valerie Follner [REDACTED]; Mohammad Awadalla [REDACTED] Moe Lama [REDACTED]; leila rishmawi [REDACTED]  
**Subject:** Re: CAPACITY\_Re: politeness

JIBBERISH!!!!

MERCILESS!!

...and yes, TERILL, these MOTHER FLOWERS compel me to lower myself to their level...

...thus, I MUST DO -- same-same...

HERE WE GO...

---

**From:** Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>  
**Sent:** Monday, February 8, 2021 10:16 AM  
**To:** Hal Full [REDACTED]  
**Subject:** Re: CAPACITY\_Re: politeness

Mr. Boreen,

I am reaching out to you to let you know that there is NOT an open/active criminal investigation on you.



I repeat, I am currently NOT investigating you for any criminal activity and I am NOT looking to arrest you. As explained to you last Thursday, Sgt Kruger and I wanted to contact you to advise you that the emails you were sending to the Fire Commission were concerning and that they were bordering criminal behavior. I wanted to speak in person then to let you know that we were NOT looking to arrest you and wanted to advise you monitor your language in the emails so that we would NOT have to start a criminal investigation. Please feel free to call me if you have any further questions on need further explanation.

Sgt Nathaniel Yuen #458  
San Francisco Police Department  
Special Investigations Division  
850 Bryant St Rm #558, San Francisco, CA 94103  
415-553-1133 office, 415-553-7911 desk  
fax 415-553-1136  
[nathaniel.c.yuen@sfgov.org](mailto:nathaniel.c.yuen@sfgov.org)

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 9:23 PM  
**To:** [REDACTED]; Nicol Juratovac [REDACTED]; Teri Rosales [REDACTED]; Yuen, Nathaniel (POL) <[Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org)>; Nicol Juratovac [REDACTED]; Mohammad Awadalla [REDACTED]; Moe Lama [REDACTED]; Steven Powers [REDACTED]  
**Subject:** CAPACITY\_Re: politeness

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

WELCOME to the inner circle Mr. Yuen,

WHEN do you want to engage?

HERE I AM...

Authentically,

Dan Boreen

---

**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 6, 2021 9:03 PM  
**To:** [REDACTED]; Nicol Juratovac [REDACTED]; Teri Rosales [REDACTED]

**Subject:** Re: politeness

Other than you, an outlier, everyone else has agreed that the "gloves are off", and I cannot turn a blind eye to what I KNOW is occurring against NICOL.

Of course, despite her resistance, I AM ONWARD!!!!!!!!!!!!!!!!!!!!!!!!!!!!

FYI, THIS IS THE INNER CIRCLE.

IF NJ WANT's OUT, SAY SO.

IT's NOW, OR NEVER.

Authentically,

Dan Boreen

---

**From:** [REDACTED]  
**Sent:** Saturday, February 6, 2021 8:46 PM  
**To:** Hal Full [REDACTED]  
**Subject:** politeness

Thanks for your call Dan. Generally speaking I believe that confrontational emails to professionals will be perceived as unprofessional and counterproductive. If government employees are not living up to the standards that you believe is required of them, go ahead and factually memorialize it, then go through the proper procedures to correct their shortcomings. It's obvious that you believe that the tone in your emails is appropriate. I disagree. It would not be my style. I hope you're right and something of quality will come of it.

//

On Feb 6, 2021, at 18:10, Hal Full [REDACTED] wrote:

Despite your refusal to divulge, the IDIOT-wannbe-black-belt's partner has already spilled, so there is no need to hide.

5150....

Well, that would be a very interesting vacation; but the AFTERMATH, assuming arguendo,



# Additional Emails

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**From:** Hal Full [REDACTED]  
**Sent:** Saturday, February 13, 2021 5:13 PM  
**To:** [REDACTED]; [REDACTED]  
**Cc:** Teri Rosales [REDACTED]; Moe Lama [REDACTED]; Laolagi, Young (MTA) <Young.Laolagi@sfmta.com>; Nicol Juratovac [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Kruger, Kelly (POL) <kelly.kruger@sfgov.org>; Yuen, Nathaniel (POL) <Nathaniel.C.Yuen@sfgov.org>; Commission, Fire (FIR) <fire.commission@sfgov.org>; FirePIO, FIR (FIR) <firepio@sfgov.org>; Sean Hanlon [REDACTED]; Callahan, Dennis (MTA) <Dennis.Callahan@sfmta.com>; Steven Powers [REDACTED]; Valladeres, Jimmy (MTA) <Jimmy.Valladares@sfmta.com>; Lauti, Kirk <Kirk.Lauti@sfmta.com>; Carrasco, Mike (MTA) <Mike.Carrasco@sfmta.com>; Therese Y. Cannata <tcannata@cofalaw.com>  
**Subject:** 2021-02-13 Whereabouts, et. ALL

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

MA & KC:

First, thank you for providing a safe night, again, of too much needed rest, as it's EXTREMELY TRAUMATIZING being stalked at home & work by agents of the darkside.

Second, when I returned to SF this morning at about 9:30-ish, apparently MA had already departed? Nonetheless, about the front door I delivered fresh Arizmendi's rolls, biscuits, muffins, focaccia, etc. -- whatever seemed worthy for the both of you, & the little rascals.

Third, the replacement (practically new) furnace is still at the SFMTA yard, located at 1399 Marin St.; but when I arrived there this morning, for the first time in many years, the entry gate, along with all other means of access, was closed & locked. Obviously, despite the easy application of my firefighter skill-set(s) to do so, I'm not going to forcibly enter.

So, because of the suddenly escalating aggression being overtly demonstrated by various public servant shot-callers at my former workplace, whom are collaborating, colluding, & dictating my exclusion & un-access to the public property that I, as a taxpayer of/to CCSF, am PAYING for, as well as WHO THEY WORK FOR; and, because I am not as stupid as those shot-callers PROJECT & PERCEIVE; and because I will NEVER be stupid enough to provide valid

causation for their own PROJECTIONS & PERCEPTIONS <--- THEIRS'; and because they've, including & especially STUPID Charles Drane, condone(d) by direct order my suspension from work & work premises, effective Friday afternoon, February 12, 2021; and because I must reserve ALL of my RIGHTS, which I do not WAIVE, I do hereby reserve... NOTICE.

Therefore, please prepare to support the legal engagement(s) underway, or...

RUN & HIDE (behind the CAO)... YOU SISSY!!!!

FYI, DON'T START A FIGHT THAT I WILL FINISH <--- even when shot-callers are depriving me of continued employment.

Accordingly, the public interrogations will commence, forthwith, regardless of taking away a key & badge.

ALL LOVE for MA & KC, especially the little rascals, for WHO YOU ARE.

ADVERSARIES BE FORWARDED -- HERE I AM.

TRY, again (sigh), TO "5150" ME.

I DARE YOU TO DO SO!!!!

WAITING... w/

WORDS.

Authentically,

Dan Boreen

# Exhibit 2

CCSF official record with employee's self-reported  
contact information

- Biographical Details
- Contact Information
- Regional

Daniel J Boreen

Empl ID [REDACTED]

**Current Addresses**

Address Type	As Of Date	Status	Address			
Home	07/02/2016	A	<span style="background-color: black; color: black;">[REDACTED]</span>	<a href="#">View Address Detail</a>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="+"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="-"/>

**Phone Information**

*Phone Type	Telephone	Extension	Preferred		
Business	415/401-3184	<input type="text"/>	<input type="checkbox"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="+"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="-"/>
Home	<span style="background-color: black; color: black;">[REDACTED]</span>	<input type="text"/>	<input checked="" type="checkbox"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="+"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="-"/>

**Email Addresses**

*Email Type	*Email Address	Preferred		
Other	<span style="background-color: black; color: black;">[REDACTED]</span>	<input checked="" type="checkbox"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="+"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="-"/>

**Instant Message IDs** ?

*IM Protocol	*IM Domain	*Network ID	Preferred		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="+"/>	<input style="width: 30px; height: 30px; border: 1px solid #ccc;" type="button" value="-"/>

- Save
- Return to Search
- Notify
- Refresh
- Add
- Update/Display
- Include History

[Biographical Details](#) | 
 [Contact Information](#) | 
 [Regional](#)



Response List to Division - TS  
 7540 Track Maintenance Worker (3)  
 HR Liaison: Sammy Ye, Cindy Rivas

Recruitment No: CBT-7540-M00138

Certification Rule: Rule of Ten Scores, ranks **1 - 12** are reachable, ranks **13 - 18** are alternates

Cert # and Cert Date: 13637 - 11/07/2017

Referral Due Date: 01/06/2018

No.	Interview Yes/No	Comments	Rank	Last Name	First Name	Home Phone	Alt Phone	Work Phone	Email	Address	City	State	Zip
1			1										
2			2										
3			3	BOREEN	DANIEL	415-308-3639			glass-half-full@outlook.com	1932 IRVING STREET #13	SAN FRANCISCO	CA	94122
4			3										
5			3										
6			4										
7			4										
8			4										
9			4										
10			4										
11			4										
12			4										
13			4										
14			5										
15			6										
16			7										
17			7										
18			8										
19			9										
20			10										
21			10										
22			10										
23			11										

# Exhibit 3

CCSF Employee Handbook

## WORKPLACE VIOLENCE PROHIBITED

### **Policy Prohibiting Employee Violence in the Workplace**

The City is committed to maintaining a workplace free from violence and threats of violence, and will not tolerate any acts or threats of violence in the workplace. Any act or threat of violence in the workplace is strictly prohibited and should be reported immediately.

“Violence” includes both acts and threats of violence. For example, violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property.

Employees are also prohibited from possessing, storing or having control of any weapon on the job, except when required by the City department in the performance of the employee’s official duties. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

Failure to comply with these policies may result in employee discipline up to and including termination as well as criminal prosecution.

### **Reporting and Responding to Workplace Violence**

All employees are responsible for reporting any acts of intimidation, threats of violence or acts of violence to their supervisor, manager or departmental personnel officer. Supervisors and managers are responsible for documenting and reporting all observed or reported incidents of workplace violence.

or privileged information obtained by virtue of your office or employment for non-business purposes, and you may not use that information to advance the financial or other private interest of yourself or others.

- For a period of one (1) year after you leave City employment, you may not contact your former department on behalf of any person for the purpose of influencing a governmental decision. You also may not work for or receive compensation from any party to a City contract if, within the previous twelve (12) months, you were personally and substantially involved in the City's award of that contract. For other post-employment restrictions, please visit [www.sfethics.org](http://www.sfethics.org).
- Depending on your level of decision-making authority, you may be required to file a statement of economic interests. For a list of those employees who are required to file these statements, and instructions on how to do so, contact your supervisor.

The San Francisco Ethics Commission investigates violations of these rules and other improper government activities. If you are aware of any such violations or activities, or if you have any questions concerning the ethics rules for City employees, contact the Ethics Commission at (415) 252-3100. All complaints will be kept confidential to the extent permitted by law.

### **Policy Regarding the Treatment of Co-Workers and Members of the Public**

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

### **Smoke-Free Workplace**

Smoking is not permitted in City offices, or within 20 feet of entrances, exits, or operable windows of public buildings.

### **Drug-Free Workplace**

You may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol or illegal drugs in workplace. This prohibition includes prescription drugs used improperly (e.g., those not prescribed for the user). Any violation of this policy may be grounds for discipline up to and including dismissal.

If you perform activities in your job that are funded by a federal grant, you must notify your department head of any drug convictions for violation of drug laws that took place in the workplace within five days of any such conviction. Employees in certain safety-sensitive positions, or in positions where testing is required by federal law, may be required to submit to periodic drug tests. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

# Exhibit 4

SFMTA Rail Rule Book

## **2.3 Duties**

2.3.1 Employees shall not allow anyone, unless properly authorized, to perform any part of their assigned duties.

## **2.4 Compliance with Traffic Laws**

2.4.1 Employees shall comply with all applicable traffic laws while operating on city streets.

## **2.5 Record of Employees**

2.5.1 Employees shall immediately notify their Immediate Supervisor of any change in their Driver's License status.

## **2.6 Personal Appearance**

2.6.1 Current Rail Operator ID Number (Cap Number) shall remain in designated place on the uniform, properly displayed in plain view, at all times while on duty.

2.6.2 Employees shall only wear SFMTA issued or approved articles of clothing, headgear and PPE while on duty.

## **2.7 Conduct**

2.7.1 Employees shall not be careless or indifferent to their own safety or the safety of others.

2.7.2 Employees shall not be indifferent or inattentive in performance of their duties.

2.7.3 Employees shall not be discourteous to the public or other SFMTA employees.

2.7.4 Employees shall perform their duties competently in accordance with SFMTA standards, training, rules, and procedures.

## SFMTA RAIL RULE BOOK

- 2.7.5 Employees shall not be dishonest in performing their duties.
- 2.7.6 Employees shall not provide any information regarding SFMTA operations or personnel, except what is required by the riding public or as part of normal operations.  
Requests for confidential information, interviews, records or requests of similar nature shall be referred to their immediate supervisor.
- 2.7.7 Employees shall not consume intoxicants while on duty or off duty while in SFMTA issued uniform.
- 2.7.8 Employees shall not be insubordinate to their SFMTA supervisory or managerial personnel.
- 2.7.9 Employees shall not willfully damage or deface SFMTA property or commit acts of vandalism
- 2.7.10 Employees shall not engage in any form of confrontation.
- 2.7.11 Employees shall not engage in misconduct, as defined by SFMTA policy and the Employee Handbook.
- 2.7.12 Employees shall not disregard known or common risks to human life and safety in the performance of their duties.
- 2.7.13 Employees shall not interfere with any vehicle in revenue service or willfully disrupt or delay service.
- 2.7.14 Employees shall not use profane or vulgar language while on duty, or on SFMTA property and/or vehicles.
- 2.7.15 Employees shall properly handle fares and transfers.

# Temporary Restraining Order



Clerk stamps date here when form is filed.

ENDORSED FILED San Francisco County Superior Court FEB 19 2021 CLERK OF THE COURT BY: NEYL WEBB Deputy Clerk

1 Petitioner (Employer)

a. Name: City & County of San Francisco Lawyer for Petitioner (if any, for this case): Name: Natassia Kwan State Bar No. Firm Name: San Francisco City Attorney's Office b. Your Address (If you have a lawyer, give your lawyer's information.): Address: 1390 Market Street, 7th Floor City: San Francisco State: CA Zip: 94102 Telephone: 415-554-4272 Fax: 415-554-3837 E-Mail Address: natassia.kwan@sfcityatty.org

Fill in court name and street address:

Superior Court of California, County of San Francisco 400 McAllister Street, Room 103 San Francisco, CA 94102 Civic Center Courthouse

2 Employee (Protected Person)

Full Name: SF Fire Commissioner President

3 Respondent (Restrained Person)

Full Name: Daniel Jess Boreen

Description:

Sex: [X] M [ ] F Height: Weight: Date of Birth: Hair Color: Eye Color: Age: Race: Home Address (if known): (as of July 2020) City: State: CA Zip: Relationship to Employee: SFMTA employee (pending termination)

Court fills in case number when form is filed.

4 [X] Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Table with columns: Full Name, Sex, Age, Household Member?, Relation to Employee. Includes Yes/No checkboxes for Household Member.

[X] Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 4/09/21 Time: 8:45 [X] a.m. [ ] p.m.

This is a Court Order.

**To the Respondent:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You are ordered ~~not~~ do the following things to the employee

and to the other protected persons listed in **(4)**:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5)  Enter the workplace of the person.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (specify):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     **Granted as Follows:**

a. You **must** stay at least 100 yards away from (check all that apply):

- (1)  The employee
- (2)  Each other protected person listed in **(4)**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (specify):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
b. You must:
(1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored.
c. The court has received information that you own or possess a firearm.

9 Other Orders

- Not Requested Denied Until the Hearing Granted as Follows (specify):

Additional orders are attached at the end of this Order on Attachment 9.

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
c. By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on a credible threat of violence or stalking.
b. The petitioner is entitled to a fee waiver.

This is a Court Order.

⑫ Number of pages attached to this Order, if any: 1

Date: 2/14/2021

*[Signature]*  
Judicial Officer

### Warnings and Notices to the Restrained Person in ②

#### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

**This is a Court Order.**



**Instructions for Law Enforcement**

**Enforcing the Restraining Order**

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**Start Date and End Date of Orders**

This order starts on the date next to the judge's signature on page 4. The order ends on the expiration date in item 5 on page 1.

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)  
—Clerk's Certificate—



I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: **FEB 19 2021** Clerk, by **Clerk of the Court**, Deputy

**This is a Court Order.**

**ATTACHMENT 4**  
**To Form WV-110 Temporary Restraining Order**

Full Name	Sex	Age	Household Member?	Relation to Employee
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Co-worker, SF Fire Commission Executive Secretary
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				Co-worker, SF Fire Commissioner
				[REDACTED]

# **EXHIBIT K**



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

April 16, 2021

Mr. Daniel Boreen  
7540 Track Maintenance Worker



Re: Skelly Decision – Proposed Dismissal

A Letter of Proposed Disciplinary Action dated March 12th, 2021 and amended on March 15th, 2021 recommend that you be **dismissed** from your position as a 7540 Track Maintenance Worker for violation of the San Francisco Municipal Railway Rule Book, Language Diversity Policy, Violence in the Workplace Policy. This proposed discipline was based on the charges that you violated City policy by sending threatening and disrespectful emails to members of the San Francisco Fire Commission and the San Francisco Fire Department.

I received and reviewed all documents that were included in the Letter of Proposed Disciplinary Action and reviewed the written statement you provided in response per your right to respond to disciplinary actions.

A Skelly Meeting was held on March 25, 2021 via Microsoft Teams online conference call. In attendance on the conference call was Christine Cayabyab and Elysabeth Ndu from Employee Labor Relations, yourself, Daniel Boreen and myself, Christopher Spain sitting in as the Skelly Hearing Officer.

At the meeting you stated that you did not intend the language in your email to be taken literally, that you were acting in a private capacity when you sent those emails, and that the emails did not affect your work or those in your workplace.

After careful consideration of the relevant documentation and statements, I believe that there are reasonable grounds to believe the charges are true and that your actions were in serious violation of City policy. You are responsible for your words regardless of your stated intent both on and off duty. However, the lack of prior discipline on this matter leads me to conclude that dismissal is not justified for a first offense, even a serious one. Therefore, I am recommending reducing the proposed discipline from dismissal to a thirty (30) day suspension.

Sincerely,

*Christopher Spain*  
Christopher Spain  
Acting Manager  
Traction Power Group



IDIOMS: "STOP THE PRESSES!" & "THE PEN IS MIGHTIER THAN THE SWORD."

FOR THE RECORD, I, Dan Boreen, submit this written response to the SLAPP lawsuit, and manifestly retaliatory adverse employment action, filed to chill my private capacity<sup>1</sup> exercise of protected First Amendment rights, *i.e.*, free speech, petitioning a governmental body for redress of grievances, and pursuing legal remedies in a court of law. (See *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 C4th 1106, 1109 fn. 1 (*Briggs*).) Clearly, the lawsuit and the employment action(s) have a primary aim of "preventing citizens from exercising their political rights or punishing those who have done so" (*Church of Scientology v. Wollersheim* (1996) 42 CA4th 628, 642 (*Wollersheim*)); precisely at issue here: illegal reprisal(s) for private capacity protected conduct.

However, every person "may freely speak, write and publish his or her sentiments on all subjects"; laws "may not restrain or abridge liberty of speech or press." Cal. Const., article I, §2. "Sentiments" are protected from any prepublication sanctions (prior restraints). *Pines v. Tomson* (1984) 160 CA3d 370, 393; any prohibited words or conduct must disrupt, disturb, or otherwise impede the orderly conduct of the public meeting. *Acosta v. City of Costa Mesa* (9th Cir 2013) 718 F3d 800, 816 (city ordinance was unconstitutionally overbroad because it swept in a substantial amount of nondisruptive protected speech or expressive conduct.) The rules must apply to the conduct and not to the content of the speech. See *Richard v. City of Pasadena* (CD Cal 1995) 889 F Supp 384, 392 (emphasizing need for awareness of First Amendment issues and clarity of rules.) Further, such rules may not "prohibit public criticism of the policies, procedures, programs or services of the [public entity] or of the acts or omissions of the legislative body." Cal. Govt. Code §54954.3(c).

A city council or other legislative body may not prohibit public criticism of the policies, procedures, programs, or services of an agency or its acts or omissions. This includes public criticism of the performance of individual employees. *Leventhal v. Vista Unified Sch. Dist.* (SD Cal 1997) 973 F Supp 951, 959; *Baca v. Moreno Valley Unified Sch. Dist.* (CD 1996) 936 F Supp 719, 730 (rule prohibiting criticism of school district employees by name during open board meeting violates First Amendment). When a speaker is given the right to speak at a city council meeting, his or her speech is considered political speech. See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n* (1983) 460 US 37, 60. Therefore, a speaker may not be stopped from speaking because the moderator disagrees with the viewpoint he or she is expressing. *Perry Educ. Ass'n*, 460 US 37. See also *Acosta v. City of Costa Mesa* (9th Cir 2013) 718 F3d 800, 806 (rules of decorum that prohibited "insolent" behavior violated First Amendment). Limitations on speech must be reasonable and viewpoint neutral.

Both the Free Speech Clause and the Petition Clause protect speech on matters of public concern. (*Borough of Duryea v. Guarnieri* (2011) 564 U.S. 379.)

Here, the First Amendment activity at issue arises from a matter of statewide concern: private capacity whistleblowing on public corruption at the hands of San Francisco Fire Department administrators, as well as the Fire Commission(ers).

And even in the separately public service capacity, public employees enjoy the full protection of the First Amendment. (*Keyishian v. Board of Regents* (1967) 385 U.S. 589); see also *Board of County Comm'rs v. Umbehr* (1996) 518 U.S. 668, 675 ("First Amendment's guarantee of freedom of speech protects government employee from termination because of their speech on matters of public concern."); *Chico Police Officers' Ass'n v. City of Chico* (1991) 232 CA3d 635 (police officer association president's speech critical of department management protected by First Amendment because speech involved matter of public concern (employment relations and safety); *Lane v. Franks* (2014) 573 U.S. 228 (public employee's sworn testimony in judicial proceeding concerning public corruption learned during employment protected by First Amendment because such testimony was quintessential example of citizen speech and on matter of public concern). Even a public employer's implied power cannot diminish or otherwise vitiate a Federal or California State Constitutional provision or right.

<sup>1</sup> "This concept assumes a logical, rational and legally self-evident premise. An individual can act in two or more different, distinct capacities, either simultaneously or sequentially, giving rise in law to separate and distinct sets of obligations. There is no fictional character, no need to create any 'Doppelgänger' to support the rule as long applied in California; only a recognition of a simple fact — **one person can have separate and distinct legal personalities**" *Hendy v. Losse* (1991) 54 Cal.3d 723, 732

Moreover, in the separate public service capacity there exists the affirmative duty as a public employee "to report any incidents of improper or illegal activity involving your department or another City department." (See City and County of San Francisco Department of Human Resources' Employee Handbook, rev. 01/2012, at p. 47.)

Hence, pursuant to Code of Civil Procedure §425.16 a special anti-SLAPP motion to strike will be filed in superior court in response to such "a meritless suit filed primarily to chill [the] exercise of First Amendment rights." (*Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 CA4th 777, 783 (*Dove Audio*).

"Section 425.16 sets out a mere rule of procedure, but it is founded on constitutional doctrine. Those who petition the government are generally immune from ... liability. This principle is referred to as the 'Noerr-Pennington' doctrine[.]" (*Ludwig v. Superior Court* (1995) 37 CA4th 8, 21.) Developed in the context of federal anti-trust cases, the *Noerr-Pennington* doctrine generally holds that no liability will attach under the Sherman Act for a party's efforts to influence a governmental body. Those activities are protected by the First Amendment right to petition for redress of grievances, even though the motive behind such activity is anti-competitive. (See generally *Eastern R. Conference v. Noerr Motors* (1961) 365 U.S. 117, and *United Mine Workers v. Pennington* (1965) 381 U.S. 657, 699.)

Later precedent extended *Noerr-Pennington* to judicial, as well as administrative and legislative, proceedings; and it has been consistently applied by California courts. (*Hi-Top Steel Corp. v. Leberer* (1994) 24 CA4th 570, 574 (*Hi-Top Steel*).

The "absolute litigation privilege" is codified by Civil Code §47(b), which bars tort claims against parties, their lawyers and other participants arising out of communications made during the course of judicial or official proceedings. The absolute privilege is unconditional and unqualified -- all that must be demonstrated is that there is a logical relationship to an official proceeding: "Just as communications preparatory to or in anticipation of the bringing of an action or other official proceeding are within the protection of the litigation privilege of Civil Code [§47(b)], ... such statements are equally entitled to the benefits of section 425.16." (*Dove Audio*, supra, 47 CA4th at p. 784, citing *Rubin v. Green* (1993) 4 CA4th 1187, 1194-1194 (*Rubin*).

In this instance, the protected First Amendment political statement(s) or activity arise from conduct that will affect the public concern of a large number of people beyond the direct participants concerning their financial interests or right to representation. (*Damon v. Ocean Hills Journalism Club* (2000) 85 CA4th 468, 479-480.)

Now, employers may not make, adopt, or enforce any policy that tends to control or direct the political activities or affiliations of employees, nor may they coerce, influence, or attempt to coerce or influence employees' political activities by threatening a loss of employment. Cal. Labor Code §§1101-1102. The provisions of Cal. Govt. Code §§3201-3209 limit a public agency's authority to prescribe employee political activity. See also *Rutan v. Republican Party of Illinois* (1990) 497 U.S. 62. STRIKE ONE!

Also, employers or persons acting on behalf of employers may not retaliate against an employee for disclosing violations of state or federal statutes or local, state, or federal rules and regulations, including a report made by the public employee to his or her employer or to a government or law enforcement agency. Cal. Labor Code §1102.5; Govt. Code §53296. An employee does not have to exhaust administrative remedies before filing an action. Labor Code §244; (*Reynolds v. City & County of San Francisco* (9th Cir. 2014) 576 Fed. Appx. 698.) STRIKE TWO!

And, contrary to the law, job requirements are being impermissibly used as a subterfuge for discrimination or retaliation for irrefutably protected conduct. Thus, they must be [but are not being]:

- 1) Uniformly applied for all similarly situated individuals; and
- 2) Defensible as sufficiently job-related to an essential function of the job. (See *Roth v. Rhodes* (1994) 25 CA4th 530, 538.)

There is zero evidence nor any legitimate claim of a failure to perform the any of the essential duties, functions and responsibilities at San Francisco Municipal Transportation, and no co-worker has claimed so; so, NOT SO! STRIKE THREE!

Litigation is a highly adversarial violent battle, with bloody warfare, and one way or another it's a knock-down drag-out pugilistic fight to submission. In this instance, the protected activity arose from nothing more than publicly noticing the imminent litigation with succinct martial arts idioms, acronyms, vernacular, parlance, etc. But, there is zero evidence that any of the martial arts idioms written could be a legitimate cause for a claim of imminent physical violence, and this is an absolute denial of any violence other than the legal equivalent in a court of law. Any suggestion otherwise is NOT SO!

Although full responsibility is affirmed as to the protected prose, it is the deliberately arbitrary & capricious violent action of self-serving selection(s) of protected speech as the pretext for retaliation that is repugnant and objected to as nothing but opinion, conjecture, innuendo, speculation & interpretation by knowing and intentional misrepresentation, misconstruing, and lacking context; while simultaneously omitting the repeated vindicating references to the totality of litigation underlying the context of the protected expression(s) at issue.

Accordingly, the right is reserved to supplement the record of adverse administrative action.

Finally, because of the foregoing violations of law(s) and deprivation(s) of Constitutional rights, take note: prepare to initially be SLAPP'd back!

Authentically,



Dan Boreen

# **EXHIBIT L**



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

Certified mail # [REDACTED]  
Return receipt request, U. S. mail,  
& via e-mail [REDACTED]

April 28, 2021

Daniel Boreen  
[REDACTED]  
[REDACTED]

Re: NOTICE OF DISMISSAL  
Track Maintenance Worker, Job Code 7540

Dear Mr. Boreen:

After reviewing the Notice of Intent to Dismiss, the Skelly decision, and supporting documentation, as well as affording your response careful consideration, the SFMTA has concluded that the 30-day suspension is inadequate and inappropriate due to the severity of the charges made.

The reasoning used by Christopher Spain in his April 15, 2021 Skelly decision misapplied the Agency's use of progressive discipline, relying on your lack of prior discipline as the first step of discipline for this case. Spain's decision fails to recognize that progressive discipline does not apply to cases of serious offenses, such as the workplace violence evident in this case.

My conclusion after thoroughly reviewing all the facts and supporting documentation is that you have violated the SFMTA's policies that govern workplace conduct.

For example, the SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the workplace. Undeniably, your emails were of a threatening nature, suggestive of workplace violence against City commissioners and fellow employees.

In addition, the SFMTA requires employees to treat co-workers with courtesy and respect. Undeniably, your emails were disrespectful and inappropriate, as they had a



threatening tone and used derogatory, racist, and threatening language towards City commissioners and fellow employees.

The actions you have taken against City commissioners and fellow employees, in the form of emails, are of great concern and cannot be taken lightly. Clearly, progressive discipline is not applicable in this case.

For the reasons mentioned herein, it is my decision to modify the 30-day suspension to a dismissal as initially recommended in the letter dated March 12, 2021. Accordingly, the SFMTA is sustaining the charges and dismissing you from your permanent position.

This letter is to notify you that you are being dismissed from your permanent civil service appointment as a Track Maintenance Worker, Job Code 7540, with the San Francisco Municipal Transportation Agency (SFMTA), effective April 28, 2021. See the attached Separation Report.

The SFMTA is recommending to the Civil Service Commission that your future employment be restricted as follows:

- Cancel Current Examinations & Eligibility Status
- No future employment with SFMTA and the City and County of San Francisco.

Should you have any questions regarding this matter, please contact Julie “JP” Zeigler at 415.265.0221.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffery Tumlin', is located below the 'Sincerely,' text.

Jeffery Tumlin  
Director of Transportation

Attachments: Notice of Separation from Employment  
Separation Report  
Future Employment Restrictions  
Skelly Decision  
Amended Notice of Proposed Disciplinary Action



Daniel Boreen  
Notice of Dismissal  
April 28, 2021  
Page 3 of 3

Cc: K. Ackerman, SFMTA Human Resources  
E. Williams, SFMTA Transit Administration  
T. Foglio-Ramirez, LiUNA!, Local 261  
Personnel File



SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

1. Document internal departmental processes. Please do not send to DHR.
2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
3. To process a layoff. Please send to the DHR layoff coordinator.
4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER\_RZA)\*

Date of Request: 04/28/21

Department Contact: Julie Zeigler Email: jp.zeigler@sfmta.com Phone: (415) 265-0221

**SECTION I: PERSONAL AND JOB INFORMATION**

Name (Last, First, M.I.): Boreen, Daniel J Employee I.D.: [REDACTED]

Job Code: 7540 Job Title: Track Maintenance Worker

Position Number: 01059109 Hourly Rate: [REDACTED] Step: [REDACTED] Effective Date: 04/28/21

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation?  Yes  No

Is this a complete separation from City and County Service?  Yes  No

If no, continuing in:

Department Code: (Select One) Status: \_\_\_\_\_ Job Code: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Is employee granted leave pursuant to Civil Service Rule 120.31?  Yes  No

If no, is employee a transfer?  No  Yes, type of Transfer: (Select One)

**SECTION II: SEPARATION INFORMATION**

**Resignation**

Satisfactory Services (TER\_RSS)

Unsatisfactory Services (TER\_RUS)  
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

**Lay-off**

Involuntary Leave (PCS\_LIL)  Elective Involuntary Leave (PCS\_EIL)

Involuntary Lay-off (PCS\_LIO)  Voluntary Lay-off (PCS\_LVO)

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_



DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER RZA)  
 \*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment:

Release from probation:

Dismissal:

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): \_\_\_\_\_

Retirement:

DEPARTMENT CERTIFICATION

*The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.*



415-701-5050

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Jeffery Tumlin / Director of Transportation

Department Number: 68 Department Name: Municipal Transportation Agency

Personnel File Forwarded?  Yes  No

Forwarded to:

Department: \_\_\_\_\_ Contact: \_\_\_\_\_

DHR USE ONLY

Action Pending?  Yes  No

Analyst Name

Telephone

SR Ref Number: \_\_\_\_\_

Holdover Canvass: \_\_\_\_\_

Reference Number used for layoff actions: \_\_\_\_\_



## NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Daniel J Boreen  
 Employee Name

████████████████████  
 Street Address

██████████ CA ██████████  
 City State Zip

April 28, 2021  
 Mailing Date

SFMTA / Transit MOW  
 Department/Division

PCS  
 Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 7540 Title Track Maint Wkr, effective 04/28/21, for the reasons outlined in the attached document(s).

The items checked below are the restrictions made by the department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/> No Restrictions on Employment  <input checked="" type="checkbox"/> Permanent Restriction  <input type="checkbox"/> Conditional Restriction	<input checked="" type="checkbox"/> Citywide <input type="checkbox"/> Department(s): _____  <input type="checkbox"/> DOT/SAPP <input type="checkbox"/> Job Code(s): _____  <input checked="" type="checkbox"/> Cancel Current Examination & Eligibility Status
---	--

**Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:**


Requirement Type	Description:	Level of Measurement:	Measurement Value:
CER: Certification			
EXP: Work Experience			
LIC: Licensure			
SAP: Substance Abuse Program			
Other:			

**In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:**

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
001: Vehicle/Heavy Machinery			
002: Vulnerable Populations			
003: Face to Face Contact w/Public			
004: Contact w/Animals			
005: Signing/Approving City Docs			
006: Financial Instruments			
007: Confidential/Privileged Information			
008: IT Infrastructure			
009: Means of Entry to Living Spaces			
010: Pharmaceutical/Drug Inventory			
011: CDC Defined Toxins			
012: Weapons/Explosives			
013: City Property Valued > \$100			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 05/18/21. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6. (SEE BELOW)

<b>List #:</b> <u>M00138</u>	<b>Rank #:</b> <u>3</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	<b>Status of Action</b>
<b>DSW:</b> <u>[REDACTED]</u>				
<b>Emp Organization:</b> <u>LiUNAI, Local 261</u>		_____ <b>SIGNATURE</b>		
<b>METHOD OF SERVICE:</b>		Jeffery Tumlin		
<input type="checkbox"/> Hand Delivered		<b>NAME</b>		
<input checked="" type="checkbox"/> Certified Mail <u>[REDACTED]</u>		Director of Transportation		
		_____ <b>TITLE</b>		

**INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION**

1. This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee’s representative by the date specified on this notice, or within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
  - a. Representation by an attorney or authorized representative of the employee's own choice.
  - b. Notification of date, time, and place of hearing at a reasonable time in advance.
  - c. Inspection by the employee’s attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

**CITY AND COUNTY OF SAN FRANCISCO  
NOTICE OF SEPARATION FROM EMPLOYMENT**

**Via Certified Mail**

Daniel J Boreen  
NAME OF EMPLOYEE

April 28, 2021  
MAILING DATE

[REDACTED]  
ADDRESS

SFMTA  
DEPARTMENT/DIVISION

[REDACTED]      CA      9  
CITY                      STATE                      ZIP CODE

PCS  
TYPE OF APPOINTMENT

Dismissal  
TYPE OF SEPARATION  
**(Do not use for release from probation.)**

This notice is to inform you that you are separated from your employment in Class: 7540, Title: Track Maintenance Worker, effective April 26, 2021. For the reasons outlined in the attached document(s).

You may request a hearing before the Civil Service Commission on your future employability with the civil service system of the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to terminate your employment.

You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by May 18, 2021. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.


The items checked below are the recommendations made by the department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	Accept the resignation as certified.	<input type="checkbox"/>	No future employment with this Department.
<input type="checkbox"/>	Dismiss from City and County service.	<input type="checkbox"/>	Return name to the eligible list from which appointed to this position.
<input type="checkbox"/>	Approve the separation.	<input checked="" type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Other (specify):		

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6.

SEE REVERSE SIDE

---

MUST BE COMPLETED BY DEPARTMENT:		
Rank: <u>3</u>	List # <u>M00138</u>	SIGNATURE OF APPOINTING OFFICER
EmplID: <u>[REDACTED]</u>	Employee Organization <u>LiUNA!, Local 261</u>	NAME <u>Jeffery Tumlin</u>
METHOD OF SERVICE:		TITLE <u>Director of Human Transportation</u>
Certified Mail <u>X</u>	Hand Delivered	
Certified Mail # <u>[REDACTED]</u>		
Attachment(s)	Notice of Dismissal, Separation Report, Notice of Future Employment Restrictions	

## INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as official notice of the separation to the former employee, the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any recommended restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
  - a. Representation by an attorney or authorized representative of her/his own choice.
  - b. Notification of date, time, and place of hearing at a reasonable time in advance.
  - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the separation.
5. Any interested party may request that the hearing be continued (postponed).
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

# **EXHIBIT K**

DANIEL BOREEN

**STEP 2 DISCIPLINARY GRIEVANCE**

*Via Electronic Transmission*

May 13, 2021

Mr. Jeffrey Tumlin, Director of Transportation  
San Francisco Municipal Transportation Agency (SFMTA)  
One South Van Ness Avenue, San Francisco, California 94103

Ramon Hernandez, Business Manager  
Laborers' International Union of North America, Local 261, AFL-CIO (LIUNA 261)  
3271 18th Street, San Francisco, California 94110

Re: 2021-05-13: Step 2 Disciplinary Grievance re 7540 Track Maintenance Worker @ SFMTA, MOW

Dear Mr. Tumlin and Mr. Hernandez,

This is a meritorious STEP 2 Disciplinary Grievance (DG) timely filed "for the orderly and efficient disposition" herein ¶17 pursuant to LIUNA 261's MOU ¶¶ 1, 2, 10, 11, 17, 18, 19, 24, & 65, inclusive, but not exclusive; following the SFMTA's purported April 28, 2021 "mailing date of the final written notice imposing discipline." (¶¶19(a) & (b), 24, 65)

The DG disputes the SFMTA's ultimate punitive action, wrongful discharge, as manifestly arbitrary, capricious, unlawful, and is wholly and completely contested as an adverse employment action without proper cause under any reasonable standard including, but not limited to, "Just Cause: The Seven Tests", the "Topanga rule," &/or the MOU (¶¶11, 19(a) & (b), 24, 65).

Also, the DG asserts LIUNA 261's MOU ¶17 affirmatively establishes the "procedure" ... "for the orderly and efficient disposition of grievances and is the sole and exclusive procedure for resolving grievances"; and as such SFMTA's imposition of discipline, dated April 28, 2021, affirmatively violated ¶65 which plainly establishes a narrow time-limit to impose disciplinary action as "thirty days from the date the employer knows of the conduct and has completed a diligent and timely investigation."

As a matter of law, the absolute failure to conduct a fair, thorough, adequate, "diligent and timely investigation" is a fundamental fatal flaw in SFMTA's purported April 28 imposition of wrongful discharge -- as is the NINETY-ONE (91) DAYS after SFMTA knew of the off-duty, away from work premises, activities at issue.

Accordingly, the DG establishes SFMTA's untimely imposition of wrongful discharge is VOID for violation of the aforementioned LIUNA 261's MOU paragraphs, and thus grievant must be fully reinstated with back-pay, front-pay, and all other remedies available by law.

Lastly, grievant provides notice, and reserves the right, to file an amended DG under ¶19, as well as reserving the right for LIUNA 261 to reasonably request an extension of time to file the DG pursuant to ¶20.

Best regards,



/s/ Dan Boreen



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

May 28, 2021,

Mr. Dan Boreen, Grievant

[Redacted address]

Ramon Hernandez, Business Manager  
Laborers’ International Union of North America, Local 261, AFL-CIO (LIUNA 261)  
3271 18<sup>th</sup> Street  
San Francisco, California 94110

Re: 2021-05-13 Step 2 Disciplinary Grievance (Boreen, D. “Grievant”)

Dear Mr. Boreen,

This will serve to acknowledge receipt of your letter, dated May 13, 2021, to Mr. Jeffrey Tumlin, Director of Transportation for the SFMTA, and Ramon Hernandez, Business Manager for Laborers’ International Union of North America, Local 261, AFL-CIO (LIUNA 261), formally grieving the dismissal of the above-referenced Grievant.

Article I. Representation, Paragraph 1, clearly defines “Union” as “the designated representative acting on behalf of the Board of Supervisors and the Laborers International Union, Local No. 261.”

Article I.A. Recognition, Paragraph 2, clearly lists 7540 Track Maintenance Worker, Grievant’s former position, as a classification for which the Union is “certified by the Civil Service Commission as the **recognized employee representative**, pursuant to the provisions as set forth in the City’s Employee Relations Ordinance.” (Emphasis added).

The sole and exclusive procedure for resolving this grievance is defined under Article I.G. Grievance Procedure, Paragraph 17, which states: “The following procedure is adopted by the Parties to provide for the orderly and efficient disposition of grievances and **is the sole and exclusive procedure for resolving grievances** as defined herein.” (Emphasis added).

The above-mentioned letter that grieves the dismissal of the above-referenced Grievant appears to have come from the Grievant, not the Grievant’s Union. Article I.G. Grievance Procedure, Paragraph 24 states: “Grievances regarding disciplinary actions shall be initiated at Step 2 of the Grievance Procedure within fifteen (15) days of the mailing date of the final written notice imposing discipline. **Only the Union** shall have the right to file such grievances regarding disciplinary actions. The grievance shall set forth the basis of the appeal. As used herein “disciplinary action” shall be defined as discharge, suspensions and disciplinary demotion.” (Emphasis added).





Notwithstanding the above procedural arguments, the SFMTA cites Article I.D. Management Rights, Paragraph 11, which clearly provides the SFMTA the right to suspend or terminate for proper cause. It states:

*“The City and its departments retain all rights as set forth in the provisions in the Charter, existing ordinances and civil service rules establishing and regulating the civil service system; provided, however, that amendments to said existing ordinances may be proposed through the meeting and conferring process. These rights include, but are not limited to, the power, duty and right to hire, promote, transfer, assign and retain employees; **to suspend or terminate for proper cause**; to relieve employees of duties because of lack of work or lack of funds; to establish performance standards and evaluate employees; to determine and implement the methods, means, assignments, classifications, and personnel by which operations are to be conducted; and to initiate, prepare, modify and administer its budget. In no event shall the exercise of any of these rights conflict with any applicable Statute, Charter Provision, Civil Service Rule or any other pertinent provision of law.” (Emphasis added).*

After thoroughly reviewing all the facts and supporting documentation, it can only be concluded that the SFMTA had proper cause to terminate Grievant.

Grievant violated the SFMTA’s policies that govern workplace conduct. For example, the SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the workplace. Undeniably, Grievant’s emails were of a threatening nature, suggestive of workplace violence against City commissioners and fellow employees.

In addition, the SFMTA requires employees to treat co-workers with courtesy and respect. Undeniably, Grievant’s emails were disrespectful and inappropriate, as they had a threatening tone and used derogatory, racist, and threatening language towards City commissioners and fellow employees.

The actions Grievant had taken against City commissioners and fellow employees, in the form of emails, are of great concern and cannot be taken lightly. Clearly, progressive discipline is not applicable in this case.



**Facts on which charges were based:**

From January 20, 2021 through March 13, 2021, Grievant sent numerous threatening, disrespectful, and inappropriate emails from his personal email, [REDACTED], to the Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees. Grievant listed his personal email address as [REDACTED] in City records. In these emails, Grievant made direct threats of violence against city commissioners and employees and he used derogatory, racist, and threatening language.

On Tuesday, January 26, 2021 at approximately 3:52 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow..."*

On Tuesday, January 26, 2021 at approximately 4:25 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY'LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING"*

On Friday, January 29, 2021 at approximately 12:42 am Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

On Friday, January 29, 2021 at approximately 2:16 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE...."*

On Friday, January 29, 2021 at approximately 12:42 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email to Fire Commission and Maureen Conefrey:



*"Well aren't you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

On Saturday, February 13, 2021 at approximately 5:13 pm, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email:

*"Therefore, please prepare to support the legal engagement(s) underway, or...  
RUN & HIDE (behind the CAO)... YOU SISSY!!!!  
FYI, DON'T START A FIGHT THAT I WILL FINISH ..."*

Despite Grievant being contacted by San Francisco Police Department ("SFPD") due to the violent nature of these email, Grievant continued.

On Friday, February 5, 2021 at approximately 2:55 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD.

*"...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM..."*

On Friday, February 5, 2021 at approximately 4:42 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD:

*"...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are  
"DOING" TO ME!!!! HERE I AM ..."*

On Saturday, February 6, 2021 at approximately 1:00 am, Grievant stated with derogatory and threatening language in an email to Nathaniel Yuen, a member of the SFPD:

*"...HERE I AM ..."*

On Saturday, February 6, 2021 1:17 at approximately am, Grievant stated with derogatory and threatening language in an email directed to Nathaniel Yuen, a member of the SFPD:

*"...YOU KNQW where I am. HERE I AM... WAITING..."*

On Saturday, February 6, 2021 at approximately 12:27 pm, Grievant stated with derogatory and threatening language in an email:

*" ...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A  
COMMON IDIOT W/ a BADGE & GUN – nothing more. HERE I AM... WAITING..."*



On Saturday, February 6, 2021 at approximately 3:13 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger and Nathaniel Yuen, both members of the SFPD:

"...HERE I AM... WAITING FOR YOU RARRIVAL..."

On Saturday, February 6, 2021 at approximately 8:34 pm, Grievant stated with derogatory and threatening language in an email:

"FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS..."

On Saturday, February 6, 2021 at approximately 11 :14 pm, Grievant stated with derogatory and threatening language in an email:

"... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po – whenever – I'll be there – then – rest assured – I can't wait – HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM."

After being served with the Notice of Intent to Terminate on March 13, 2021, Grievant responded by email using derogatory, racist, and threatening language directed at members of the SFPD and SFMTA:

"TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me. Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too. Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen, now on NOTICE, too...I'll pin it down to the ground very soon, so either submit, o r e l s e . . . ."

Based on the violent and threatening nature of Grievant's emails to the Fire Commission, the San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, ordering Grievant to stay at least 100 yards away from all five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary.

The TRO also ordered Grievant to not "harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person" any of the listed persons.



The SFMTA will not tolerate threats of violence against City employees and Commissioners. The SFMTA will also not tolerate derogatory and threatening behavior toward employees of the SFMTA or any other City employees and Commissioners.

The following materials from which the charges are based have already been provided and can be provided again upon Grievant's request:

- Exhibit 1: Email correspondence from [REDACTED] dated January 20, 2021 through March 13, 2021
- Exhibit 2: CCSF official record with employee's self-reported contact information
- Exhibit 3: CCSF Employee Handbook
  - Policy Prohibiting Employee Violence in the Workplace
  - Policy Regarding the Treatment of Co-Workers and Members of the Public
- Exhibit 4: SFMTA Rail Rule Book, Rules 2.7.3, 2.7.10 and 2.7.11
- Temporary Restraining Order

For the reasons mentioned herein, Jeffrey Tumlin made the decision to modify the 30-day suspension to a dismissal as initially recommended in the letter dated March 12, 2021.

Due to the severity of the charges, the SFMTA sustained the charges and dismissed Grievant from his permanent position. Grievant was notified that he had been dismissed from his permanent civil service appointment as a Track Maintenance Worker, Job Code 7540, with the San Francisco Municipal Transportation Agency (SFMTA), effective April 28, 2021. The SFMTA continues to stand by that decision.

In addition, the SFMTA recommended to the Civil Service Commission that Grievant's future employment be restricted as follows: 1) Cancel Current Examinations & Eligibility Status; and 2) No future employment with SFMTA and the City and County of San Francisco. The SFMTA continues to stand by that decision.

**Decision:** Grievance is denied.

Sincerely,

JP Zeigler  
Manager, Employee & Labor Relations  
SFMTA

# **EXHIBIT L**

DANIEL BOREEN  
**STEP 3 DISCIPLINARY GRIEVANCE**

*Via Electronic Transmission*

June 14, 2021

Mr. Jeffrey Tumlin, Director of Transportation  
San Francisco Municipal Transportation Agency (SFMTA)  
One South Van Ness Avenue, San Francisco, California 94103

Ramon Hernandez, Business Manager  
Laborers' International Union of North America, Local 261, AFL-CIO (LIUNA 261)  
3271 18th Street, San Francisco, California 94110

Re: 2021-06-14: Step 3 Disciplinary Grievance re 7540 Track Maintenance Worker @ SFMTA, MOW

Dear Mr. Tumlin and Mr. Hernandez,

This is a meritorious Step 3 Disciplinary Grievance (DG3) timely filed "for the orderly and efficient disposition" herein (¶17) pursuant to LIUNA 261's MOU ¶¶ 1, 2, 10, 11, 17, 18, 19, 20, 21, 24, & 65 inclusive, but not exclusive; following the SFMTA's denial of the Step 2 DG on May 28, 2021.

The DG3 reasserts LIUNA 261's MOU ¶17 affirmatively establishes the "procedure" ... "for the orderly and efficient disposition of grievances and is the sole and exclusive procedure" to "ensure the swift resolution of all grievances" within the "agreed" time limits "binding" on SFMTA. (¶20.) "It is critical to the process that each step is followed within the applicable timelines." (¶20.)

Pursuant to ¶24, SFMTA's "notice imposing discipline" is dated April 28, 2021, which affirmatively violates the narrow time-limit to impose disciplinary action as "thirty days from the date the employer knows of the conduct and has completed a diligent and timely investigation." (¶65.) Here, SFMTA's denial of the Step 2 DG clearly references and shows the existence of knowledge of off-duty protected conduct as early as January 26, 2021: a NINETY-TWO (92) DAY distinction; SIXTY-TWO DAYS beyond the "agreed" & binding" time limit.

Moreover, SFMTA's denial of the Step 2 DG illustrates as a matter of law its absolute and total failure to conduct a fair, thorough, adequate, "diligent and timely investigation" at all, let alone within the binding time limits.

Accordingly, because SFMTA's denial of the Step 2 DG failed to address its failure to comply with the binding time limits, it waived any defense thereto.

Additionally, the DG3 disputes SFMTA's ultimate punitive action, a wrongful discharge, as manifestly arbitrary, capricious, unlawful, and is wholly and completely contested as an adverse employment action without proper cause under any reasonable standard including, but not limited to, "Just Cause: The Seven Tests", the "Topanga" standard, &/or the MOU (¶¶11, 19(a) & (b), 24, 65).

SFMTA's denial of the Step 2 DG demonstrates the undisputed fact that the adverse employment action is predicated upon off-duty protected First Amendment activities, away from work premises, and fails to show any nexus to the duly performed duties, functions, & responsibilities of public service beyond the satisfaction of direct supervisors.

As the attached declaration details at length, SFMTA's improper cause for adverse employment action violates multiple provisions of the MOU including ¶11's prohibition, "In no event shall the exercise of these rights conflict with any applicable Statute, Charter Provision, Civil Service Rule or any other pertinent provision of law." (¶11.)

Thus, as did the Step 2 DG, the DG3 reestablishes SFMTA's untimely imposition of wrongful discharge without cause as VOID for violation of the aforementioned LIUNA 261's MOU paragraphs, and thus grievant must be fully reinstated with back-pay, front-pay, and all other remedies available by law.

Lastly, grievant provides notice, and reserves the right, to file an amended DG3 under ¶19, as well as reserving the right for LIUNA 261 to reasonably request an extension of time to file the DG3 pursuant to ¶20.

Best regards,



/s/ Dan Boreen



IDIOMS: "STOP THE PRESSES!" & "THE PEN IS MIGHTIER THAN THE SWORD."

FOR THE RECORD, I, Dan Boreen, declare and submit this written response to the SLAPP lawsuit, and manifestly retaliatory adverse employment action, filed to chill my private capacity<sup>1</sup> exercise of protected First Amendment rights, *i.e.*, free speech, petitioning a governmental body for redress of grievances, and pursuing legal remedies in a court of law. (See *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 C4th 1106, 1109 fn. 1 (*Briggs*)). Clearly, the lawsuit and the employment action(s) have a primary aim of "preventing citizens from exercising their political rights or punishing those who have done so" (*Church of Scientology v. Wollersheim* (1996) 42 CA4th 628, 642 (*Wollersheim*)); precisely at issue here: illegal reprisal(s) for private capacity protected conduct.

However, every person "may freely speak, write and publish his or her sentiments on all subjects"; laws "may not restrain or abridge liberty of speech or press." Cal. Const., article I, §2. "Sentiments" are protected from any prepublication sanctions (prior restraints). *Pines v. Tomson* (1984) 160 CA3d 370, 393; any prohibited words or conduct must disrupt, disturb, or otherwise impede the orderly conduct of the public meeting. *Acosta v. City of Costa Mesa* (9th Cir 2013) 718 F3d 800, 816 (city ordinance was unconstitutionally overbroad because it swept in a substantial amount of nondisruptive protected speech or expressive conduct.) The rules must apply to the conduct and not to the content of the speech. See *Richard v. City of Pasadena* (CD Cal 1995) 889 F Supp 384, 392 (emphasizing need for awareness of First Amendment issues and clarity of rules.) Further, such rules may not "prohibit public criticism of the policies, procedures, programs or services of the [public entity] or of the acts or omissions of the legislative body." Cal. Govt. Code §54954.3(c).

A city council or other legislative body may not prohibit public criticism of the policies, procedures, programs, or services of an agency or its acts or omissions. This includes public criticism of the performance of individual employees. *Leventhal v. Vista Unified Sch. Dist.* (SD Cal 1997) 973 F Supp 951, 959; *Baca v. Moreno Valley Unified Sch. Dist.* (CD 1996) 936 F Supp 719, 730 (rule prohibiting criticism of school district employees by name during open board meeting violates First Amendment). When a speaker is given the right to speak at a city council meeting, his or her speech is considered political speech. See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n* (1983) 460 US 37, 60. Therefore, a speaker may not be stopped from speaking because the moderator disagrees with the viewpoint he or she is expressing. *Perry Educ. Ass'n*, 460 US 37. See also *Acosta v. City of Costa Mesa* (9th Cir 2013) 718 F3d 800, 806 (rules of decorum that prohibited "insolent" behavior violated First Amendment). Limitations on speech must be reasonable and viewpoint neutral.

Both the Free Speech Clause and the Petition Clause protect speech on matters of public concern. (*Borough of Duryea v. Guarnieri* (2011) 564 U.S. 379.)

Here, the First Amendment activity at issue arises from a matter of statewide concern: private capacity whistleblowing on public corruption at the hands of San Francisco Fire Department administrators, as well as the Fire Commission(ers).

And even in the separately public service capacity, public employees enjoy the full protection of the First Amendment. (*Keyishian v. Board of Regents* (1967) 385 U.S. 589); see also *Board of County Comm'rs v. Umbehr* (1996) 518 U.S. 668, 675 ("First Amendment's guarantee of freedom of speech protects government employee from termination because of their speech on matters of public concern."); *Chico Police Officers' Ass'n v. City of Chico* (1991) 232 CA3d 635 (police officer association president's speech critical of department management protected by First Amendment because speech involved matter of public concern (employment relations and safety); *Lane v. Franks* (2014) 573 U.S. 228 (public employee's sworn testimony in judicial proceeding concerning public corruption learned during employment protected by First Amendment because such testimony was quintessential example of citizen speech and on matter of public concern). Even a public employer's implied power cannot diminish or otherwise vitiate a Federal or California State Constitutional provision or right.

<sup>1</sup> "This concept assumes a logical, rational and legally self-evident premise. An individual can act in two or more different, distinct capacities, either simultaneously or sequentially, giving rise in law to separate and distinct sets of obligations. There is no fictional character, no need to create any 'Doppelganger' to support the rule as long applied in California; only a recognition of a simple fact — **one person can have separate and distinct legal personalities**" *Hendy v. Losse* (1991) 54 Cal.3d 723, 732

Moreover, in the separate public service capacity there exists the affirmative duty as a public employee "to report any incidents of improper or illegal activity involving your department or another City department." (See City and County of San Francisco Department of Human Resources' Employee Handbook, rev. 01/2012, at p. 47.)

Hence, pursuant to Code of Civil Procedure §425.16 a special anti-SLAPP motion to strike will be filed in superior court in response to such "a meritless suit filed primarily to chill [the] exercise of First Amendment rights." (*Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 CA4th 777, 783 (*Dove Audio*).)

"Section 425.16 sets out a mere rule of procedure, but it is founded on constitutional doctrine. Those who petition the government are generally immune from ... liability. This principle is referred to as the 'Noerr-Pennington' doctrine[.]" (*Ludwig v. Superior Court* (1995) 37 CA4th 8, 21.) Developed in the context of federal anti-trust cases, the *Noerr-Pennington* doctrine generally holds that no liability will attach under the Sherman Act for a party's efforts to influence a governmental body. Those activities are protected by the First Amendment right to petition for redress of grievances, even though the motive behind such activity is anti-competitive. (See generally *Eastern R. Conference v. Noerr Motors* (1961) 365 U.S. 117, and *United Mine Workers v. Pennington* (1965) 381 U.S. 657, 699.)

Later precedent extended *Noerr-Pennington* to judicial, as well as administrative and legislative, proceedings; and it has been consistently applied by California courts. (*Hi-Top Steel Corp. v. Leberer* (1994) 24 CA4th 570, 574 (*Hi-Top Steel*).)

The "absolute litigation privilege" is codified by Civil Code §47(b), which bars tort claims against parties, their lawyers and other participants arising out of communications made during the course of judicial or official proceedings. The absolute privilege is unconditional and unqualified -- all that must be demonstrated is that there is a logical relationship to an official proceeding: "Just as communications preparatory to or in anticipation of the bringing of an action or other official proceeding are within the protection of the litigation privilege of Civil Code [§47(b)], ... such statements are equally entitled to the benefits of section 425.16." (*Dove Audio*, supra, 47 CA4th at p. 784, citing *Rubin v. Green* (1993) 4 CA4th 1187, 1194-1194 (*Rubin*).)

In this instance, the protected First Amendment political statement(s) or activity arise from conduct that will affect the public concern of a large number of people beyond the direct participants concerning their financial interests or right to representation. (*Damon v. Ocean Hills Journalism Club* (2000) 85 CA4th 468, 479-480.)

Now, employers may not make, adopt, or enforce any policy that tends to control or direct the political activities or affiliations of employees, nor may they coerce, influence, or attempt to coerce or influence employees' political activities by threatening a loss of employment. Cal. Labor Code §§1101-1102. The provisions of Cal. Govt. Code §§3201-3209 limit a public agency's authority to prescribe employee political activity. See also *Rutan v. Republican Party of Illinois* (1990) 497 U.S. 62. STRIKE ONE!

Also, employers or persons acting on behalf of employers may not retaliate against an employee for disclosing violations of state or federal statutes or local, state, or federal rules and regulations, including a report made by the public employee to his or her employer or to a government or law enforcement agency. Cal. Labor Code §1102.5; Govt. Code §53296. An employee does not have to exhaust administrative remedies before filing an action. Labor Code §244; (*Reynolds v. City & County of San Francisco* (9th Cir. 2014) 576 Fed. Appx. 698.) STRIKE TWO!

And, contrary to the law, job requirements are being impermissibly used as a subterfuge for discrimination or retaliation for irrefutably protected conduct. Thus, they must be [but are not being]:

- 1) Uniformly applied for all similarly situated individuals; and
- 2) Defensible as sufficiently job-related to an essential function of the job. (See *Roth v. Rhodes* (1994) 25 CA4th 530, 538.)

There is zero evidence nor any legitimate claim of a failure to perform the any of the essential duties, functions and responsibilities at San Francisco Municipal Transportation Agency, and no co-worker has claimed so; so, NOT SO! STRIKE THREE!

Litigation is a highly adversarial violent battle, with bloody warfare, and one way or another it's a knock-down drag-out pugilistic fight to submission. In this instance, the protected activity arose from nothing more than publicly noticing the imminent litigation with succinct martial arts idioms, acronyms, vernacular, parlance, etc. But, there is zero evidence that any of the martial arts idioms written could be a legitimate cause for a claim of imminent physical violence, and this is an absolute denial of any violence other than the legal equivalent in a court of law. Any suggestion otherwise is NOT SO!

Although full responsibility is affirmed as to the protected prose, it is the deliberately arbitrary & capricious violent action of self-serving selection(s) of protected speech as the pretext for retaliation that is repugnant and objected to as nothing but opinion, conjecture, innuendo, speculation & interpretation by knowing and intentional misrepresentation, misconstruing, and lacking context; while simultaneously omitting the repeated vindicating references to the totality of litigation underlying the context of the protected expression(s) at issue.

Accordingly, the right is reserved to supplement the record of adverse administrative action.

Finally, because of the foregoing violations of law(s) and deprivation(s) of Constitutional rights, take note: prepare to initially be SLAPP'd back!

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

Executed this 14th day of June, 2021, in San Francisco, California



Dan Boreen



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

July 19, 2021,

Mr. Dan Boreen, Grievant

[Redacted address]

Ramon Hernandez, Business Manager  
Laborers’ International Union of North America, Local 261, AFL-CIO (LIUNA 261)  
3271 18<sup>th</sup> Street  
San Francisco, California 94110

Re: 2021-06-14 Step 3 Disciplinary Grievance (Boreen, D. “Grievant”)

Dear Mr. Boreen,

This will serve to acknowledge receipt of your letter, dated June 14, 2021, to Mr. Jeffrey Tumlin, Director of Transportation for the SFMTA, and Ramon Hernandez, Business Manager for Laborers’ International Union of North America, Local 261, AFL-CIO (LIUNA 261), reaffirming the grievance for the dismissal of the above-referenced Grievant.

In response to the above-referenced letter, the SFMTA reaffirms its position.

Article I. Representation, Paragraph 1, clearly defines “Union” as “the designated representative acting on behalf of the Board of Supervisors and the Laborers International Union, Local No. 261.”

Article I.A. Recognition, Paragraph 2, clearly lists 7540 Track Maintenance Worker, Grievant’s former position, as a classification for which the Union is “certified by the Civil Service Commission as the recognized employee representative, pursuant to the provisions as set forth in the City’s Employee Relations Ordinance.” (Emphasis added).

The sole and exclusive procedure for resolving this grievance is defined under Article I.G. Grievance Procedure, Paragraph 17, which states: “The following procedure is adopted by the Parties to provide for the orderly and efficient disposition of grievances and is the sole and exclusive procedure for resolving grievances as defined herein.” (Emphasis added).

Paragraph 27, under Article I.G. Grievance Procedure, defining Step 3, specifically states:



*"Step 3: A grievant dissatisfied with the Appointing Officer's response at Step 2 may appeal to the Employee Relations Director, in writing, within twenty (20) days of receipt of the Step 2 answer. The Step III grievance shall contain a specific description of the basis for the grievance, the resolution desired, and specific reason or reasons for rejecting the lower step response and advancing the grievance to the next step. The Employee Relations Director or designee shall make a good faith effort to discuss the grievance with the Union prior to responding to the appeal in writing. The Employee Relations Director or designee shall respond to the appeal in writing within fifteen (15) days of receipt of the Step 3 grievance."* (Emphasis added).

While Grievant has expressed dissatisfaction with the Appointing Officer's response at Step 2, it should be noted the SFMTA responded to the Step 2 grievance improperly filed by Grievant and has yet to respond to a Step 2 grievance from the Union. That would require the Union to have filed a Step 2 grievance on behalf of the Grievant, which it has not.

As previously mentioned, it appears the Grievant grieved his own dismissal in the 2<sup>nd</sup> Step, rather than having his Union file the grievance. At this time, the SFMTA reaffirms its position that this grievance has been improperly filed, as only the Union may do so. Article I.G. Grievance Procedure, Paragraph 24 clearly states:

*"Grievances regarding disciplinary actions shall be initiated at Step 2 of the Grievance Procedure within fifteen (15) days of the mailing date of the final written notice imposing discipline. Only the Union shall have the right to file such grievances regarding disciplinary actions. The grievance shall set forth the basis of the appeal. As used herein "disciplinary action" shall be defined as discharge, suspensions and disciplinary demotion."* (Emphasis added).

The Union has failed to file anything on behalf of Grievant. Accordingly, the SFMTA is not obligated to provide a 2<sup>nd</sup> Step grievance response or proceed to Step 3 of the Grievance Procedure.

Notwithstanding the above procedural arguments, the SFMTA cites Article I.D. Management Rights, Paragraph 11, which clearly provides the SFMTA the right to suspend or terminate for proper cause. It states:



*"The City and its departments retain all rights as set forth in the provisions in the Charter, existing ordinances and civil service rules establishing and regulating the civil service system; provided, however, that amendments to said existing ordinances may be proposed through the meeting and conferring process. These rights include, but are not limited to, the power, duty and right to hire, promote, transfer, assign and retain employees; to suspend or terminate for proper cause; to relieve employees of duties because of lack of work or lack of funds; to establish performance standards and evaluate employees; to determine and implement the methods, means, assignments, classifications, and personnel by which operations are to be conducted; and to initiate, prepare, modify and administer its budget. In no event shall the exercise of any of these rights conflict with any applicable Statute, Charter Provision, Civil Service Rule or any other pertinent provision of law." (Emphasis added).*

After thoroughly reviewing all the facts and supporting documentation, it can only be concluded that the SFMTA had proper cause to terminate Grievant.

Grievant violated the SFMTA's policies that govern workplace conduct. For example, the SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the workplace. Undeniably, Grievant's emails were of a threatening nature, suggestive of workplace violence against City commissioners and fellow employees.

In addition, the SFMTA requires employees to treat co-workers with courtesy and respect. Undeniably, Grievant's emails were disrespectful and inappropriate, as they had a threatening tone and used derogatory, racist, and threatening language towards City commissioners and fellow employees.

The actions Grievant had taken against City commissioners and fellow employees, in the form of emails, are of great concern and cannot be taken lightly. Clearly, progressive discipline is not applicable in this case.

Facts on which charges were based:

From January 20, 2021 through March 13, 2021, Grievant sent numerous threatening, disrespectful, and inappropriate emails from his personal email, [REDACTED]



to the Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees. Grievant listed his personal email address as [REDACTED] in City records. In these emails, Grievant made direct threats of violence against city commissioners and employees and he used derogatory, racist, and threatening language.

On Tuesday, January 26, 2021 at approximately 3:52 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow..."*

On Tuesday, January 26, 2021 at approximately 4:25 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY'LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING"*

On Friday, January 29, 2021 at approximately 12:42 am Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

On Friday, January 29, 2021 at approximately 2:16 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE..."*

On Friday, January 29, 2021 at approximately 12:42 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email to Fire Commission and Maureen Conefrey:



*"Well aren't you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

On Saturday, February 13, 2021 at approximately 5:13 pm, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email:

"Therefore, please prepare to support the legal engagement(s) underway, or...  
RUN & HIDE (behind the CAO)... YOU SISSY!!!!  
FYI, DON'T START A FIGHT THAT I WILL FINISH ..."

Despite Grievant being contacted by San Francisco Police Department ("SFPD") due to the violent nature of these email, Grievant continued.

On Friday, February 5, 2021 at approximately 2:55 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD.

"...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM..."

On Friday, February 5, 2021 at approximately 4:42 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD:

"...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!! HERE I AM ..."

On Saturday, February 6, 2021 at approximately 1:00 am, Grievant stated with derogatory and threatening language in an email to Nathaniel Yuen, a member of the SFPD:

"...HERE I AM ..."

On Saturday, February 6, 2021 1:17 at approximately am, Grievant stated with derogatory and threatening language in an email directed to Nathaniel Yuen, a member of the SFPD:

"...YOU KNQW where I am. HERE I AM... WAITING..."

On Saturday, February 6, 2021 at approximately 12:27 pm, Grievant stated with derogatory and threatening language in an email:





"...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN -- nothing more. HERE I AM... WAITING..."

On Saturday, February 6, 2021 at approximately 3:13 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger and Nathaniel Yuen, both members of the SFPD:

"...HERE I AM... WAITING FOR YOU RARRIVAL..."

On Saturday, February 6, 2021 at approximately 8:34 pm, Grievant stated with derogatory and threatening language in an email:

"FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS..."

On Saturday, February 6, 2021 at approximately 11 :14 pm, Grievant stated with derogatory and threatening language in an email:

"... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po -- whenever -- I'll be there -- then -- rest assured -- I can't wait -- HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM."

After being served with the Notice of Intent to Terminate on March 13, 2021, Grievant responded by email using derogatory, racist, and threatening language directed at members of the SFPD and SFMTA:

"TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me. Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too. Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen,



now on NOTICE, too...I'll pin it down to the ground very soon, so either submit, or else...."

Based on the violent and threatening nature of Grievant's emails to the Fire Commission, the San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, ordering Grievant to stay at least 100 yards away from all five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary.

The TRO also ordered Grievant to not "harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person" any of the listed persons.

The SFMTA will not tolerate threats of violence against City employees and Commissioners. The SFMTA will also not tolerate derogatory and threatening behavior toward employees of the SFMTA or any other City employees and Commissioners.

The following materials from which the charges are based have already been provided and can be provided again upon Grievant's request:

- Exhibit 1: Email correspondence from [REDACTED] dated January 20, 2021 through March 13, 2021
- Exhibit 2: CCSF official record with employee's self-reported contact information
- Exhibit 3: CCSF Employee Handbook
  - Policy Prohibiting Employee Violence in the Workplace
  - Policy Regarding the Treatment of Co-Workers and Members of the Public
- Exhibit 4: SFMTA Rail Rule Book, Rules 2.7.3, 2.7.10 and 2.7.11
- Temporary Restraining Order

For the reasons mentioned herein, Jeffrey Tumlin made the decision to modify the 30-day suspension to a dismissal as initially recommended in the letter dated March 12, 2021.

Due to the severity of the charges, the SFMTA sustained the charges and dismissed Grievant from his permanent position. Grievant was notified that he had been dismissed from his permanent civil service appointment as a Track Maintenance Worker, Job Code 7540, with the San Francisco Municipal Transportation Agency (SFMTA), effective April 28, 2021. The SFMTA continues to stand by that decision.



In addition, the SFMTA recommended to the Civil Service Commission that Grievant's future employment be restricted as follows: 1) Cancel Current Examinations & Eligibility Status; and 2) No future employment with SFMTA and the City and County of San Francisco. The SFMTA continues to stand by that decision.

That all being said, the SFMTA has received no indication from the Union that it wishes to proceed with this matter. If upon notice from the Union, the SFMTA is advised that the Union wishes to proceed with this grievance, the undersigned shall make a good faith effort to discuss the grievance with the Union prior to responding to the appeal in writing within fifteen (15 days of receipt of the Union's Step 3 grievance.

Absent a response from the Union, we will assume this matter has not been and will not be grieved.

Sincerely,

A handwritten signature in black ink that reads "JP Zeigler".

July 19, 2021

JP Zeigler  
Manager, Employee & Labor Relations  
SFMTA

# **EXHIBIT M**

DANIEL BOREEN

**ARBITRATION**

*Via Electronic Transmission*

July 27, 2021

Mr. Jeffrey Tumlin, Director of Transportation  
San Francisco Municipal Transportation Agency (SFMTA)  
One South Van Ness Avenue, San Francisco, California 94103

Ramon Hernandez, Business Manager  
Laborers' International Union of North America, Local 261, AFL-CIO (LIUNA 261)  
3271 18th Street, San Francisco, California 94110

Re: Arbitration re 7540 Track Maintenance Worker @ SFMTA, MOW

Dear Mr. Tumlin and Mr. Hernandez,

Pursuant to ¶28 et seq of LIUNA 261's MOU, this is the initiation of expedited arbitration through you to whomever is delegated as the "Employee Relations Director" (ERD).

The initiation of this expedited arbitration follows the failure of SFMTA to timely respond to the Step 3 Disciplinary Grievance (DG3) of June 14, 2021a.

Best regards,



/s/ Dan Boreen



London Breed, Mayor

Gwyneth Borden, Chair  
Amanda Eaken, Vice Chair  
Cheryl Brinkman, Director  
Steve Heminger, Director

Fiona Hinze, Director  
Sharon Lai, Director  
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

August 9, 2021,

Mr. Dan Boreen, Grievant

[Redacted address]

Re: Response to Request for Arbitration (Boreen, D. "Grievant")

Dear Grievant,

In response to Grievant’s request for arbitration, the SFMTA reaffirms its position that the Union (LIUNA 261) has not filed a grievance in this matter. Only the Union (LIUNA 261) has the right to file grievances regarding disciplinary actions (i.e. discharge). Any such grievance filed by the Grievant on behalf of himself is deemed improperly filed. Accordingly, the SFMTA has no obligation to proceed with arbitration.

**To reiterate:**

Grievant portrayed himself as a member of LIUNA 261.

- Grievant addressed his Step 2 and Step 3 grievances and arbitration letter to both Jeffrey Tumlin, Director of Transportation, and Ramon Hernandez, Business Manager for Laborers’ International Union of North America, Local 261, AFL-CIO (LIUNA 261).
- Grievant stated in several responses that “grievant provides notice, and reserves the right, to file an amended DG under ¶19, as well as reserving the right for LIUNA 261 to reasonably request an extension of time to file the DG pursuant to ¶20.”

On July 28, 2021, Theresa Foglio, Business Manager for LIUNA 261, advised the SFMTA of the following:

- Grievant is not a member of LIUNA 261.
- Grievant has not requested union representation in this matter.
- Further communication in this matter should not include any union representative of LIUNA 261.

Article I. Representation, Paragraph 1, clearly defines “Union” as “the designated representative acting on behalf of the Board of Supervisors and the Laborers International Union, Local No. 261.”

Article I.A. Recognition, Paragraph 2, clearly lists 7540 Track Maintenance Worker, Grievant’s former position, as a classification for which the Union is “certified by the Civil Service Commission as the **recognized employee representative**, pursuant to the provisions as set forth in the City’s Employee Relations Ordinance.” (Emphasis added).



The sole and exclusive procedure for resolving this grievance is defined under Article I.G. Grievance Procedure, Paragraph 17, which states: *“The following procedure is adopted by the Parties to provide for the orderly and efficient disposition of grievances and **is the sole and exclusive procedure for resolving grievances** as defined herein.”* (Emphasis added).

Article I.G. Grievance Procedure, Paragraph 24 clearly states:

*“Grievances regarding disciplinary actions shall be initiated at Step 2 of the Grievance Procedure within fifteen (15) days of the mailing date of the final written notice imposing discipline. **Only the Union** shall have the right to file such grievances regarding disciplinary actions. The grievance shall set forth the basis of the appeal. As used herein “disciplinary action” shall be defined as discharge, suspensions and disciplinary demotion.”* (Emphasis added).

Notwithstanding the above procedural arguments, the SFMTA cites Article I.D. Management Rights, Paragraph 11, which clearly provides the SFMTA the right to suspend or terminate for proper cause. It states:

*“The City and its departments retain all rights as set forth in the provisions in the Charter, existing ordinances and civil service rules establishing and regulating the civil service system; provided, however, that amendments to said existing ordinances may be proposed through the meeting and conferring process. These rights include, but are not limited to, the power, duty and right to hire, promote, transfer, assign and retain employees; **to suspend or terminate for proper cause**; to relieve employees of duties because of lack of work or lack of funds; to establish performance standards and evaluate employees; to determine and implement the methods, means, assignments, classifications, and personnel by which operations are to be conducted; and to initiate, prepare, modify and administer its budget. In no event shall the exercise of any of these rights conflict with any applicable Statute, Charter Provision, Civil Service Rule or any other pertinent provision of law.”* (Emphasis added).

After thoroughly reviewing all the facts and supporting documentation, it can only be concluded that the SFMTA had proper cause to terminate Grievant.

Grievant violated the SFMTA’s policies that govern workplace conduct. For example, the SFMTA is committed to maintaining a workplace free from violence and threats of violence. Its zero-tolerance policy strictly prohibits any act or threat of violence towards employees or in the



workplace. Undeniably, Grievant's emails were of a threatening nature, suggestive of workplace violence against City commissioners and fellow employees.

In addition, the SFMTA requires employees to treat co-workers with courtesy and respect. Undeniably, Grievant's emails were disrespectful and inappropriate, as they had a threatening tone and used derogatory, racist, and threatening language towards City commissioners and fellow employees.

The actions Grievant had taken against City commissioners and fellow employees, in the form of emails, are of great concern and cannot be taken lightly. Clearly, progressive discipline is not applicable in this case.

**Facts on which charges were based:**

From January 20, 2021 through March 13, 2021, Grievant sent numerous threatening, disrespectful, and inappropriate emails from his personal email, [REDACTED], to the Fire Commission, SFMTA Maintenance of Way division employees, as well as other City employees. Grievant listed his personal email address as [REDACTED] in City records. In these emails, Grievant made direct threats of violence against city commissioners and employees and he used derogatory, racist, and threatening language.

On Tuesday, January 26, 2021 at approximately 3:52 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"Look at who's the commissioners... WATCH ME MAKE A RECORD of their ARSONRY tomorrow... YOU ALREADY KNOW the ELEGANT MALEVOLENCE & BEAUTIFUL VIOLENCE that I will inflict tomorrow..."*

On Tuesday, January 26, 2021 at approximately 4:25 pm, Grievant made specific threats of violence against the Fire Commission in an email:

*"EACH AND EVERY ONE OF THE COMMISSIONERS IS GOING TO BE SUBMITTED, PUT TO SLEEP... AND... WHEN THEY AWAKE... THEY'LL SEE MY SMILING FACE STANDING OVER THEM ... FIRE BREATHING"*

On Friday, January 29, 2021 at approximately 12:42 am Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*





On Friday, January 29, 2021 at approximately 2:16 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email directed to Fire Commission Secretary Maureen Conefrey:

*"Step into the ring ... whomever wants to ... Standing here... Waiting for ANYONE..."*

On Friday, January 29, 2021 at approximately 12:42 am, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email to Fire Commission and Maureen Conefrey:

*"Well aren't you a clever idiot... I will be pinning you down and holding you on your obligations of office, rest assured; your duck is cooked."*

On Saturday, February 13, 2021 at approximately 5:13 pm, Grievant stated in a threatening, disrespectful, and inappropriate manner in an email:

*"Therefore, please prepare to support the legal engagement(s) underway, or... RUN & HIDE (behind the CAO)... YOU SISSY!!!! FYI, DON'T START A FIGHT THAT I WILL FINISH ..."*

Despite Grievant being contacted by San Francisco Police Department ("SFPD") due to the violent nature of these email, Grievant continued.

On Friday, February 5, 2021 at approximately 2:55 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD.

*"...your DUMB ASS wanna-be black belt partner... What are you & the DUMB ASS waiting for? HERE I AM..."*

On Friday, February 5, 2021 at approximately 4:42 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger, a member of the SFPD:

*"...TELL ME, RIGHT NOW, WHAT YOU & THE DUMB-ASS wanna-be black belt are "DOING" TO ME!!!! HERE I AM ..."*

On Saturday, February 6, 2021 at approximately 1:00 am, Grievant stated with derogatory and threatening language in an email to Nathaniel Yuen, a member of the SFPD:

*"...HERE I AM ..."*



On Saturday, February 6, 2021 1:17 at approximately am, Grievant stated with derogatory and threatening language in an email directed to Nathaniel Yuen, a member of the SFPD:

"...YOU KNQW where I am. HERE I AM... WAITING..."

On Saturday, February 6, 2021 at approximately 12:27 pm, Grievant stated with derogatory and threatening language in an email:

" ...you are not good enough to be a DUMB-ASS, like me... YOU'RE JUST A COMMON IDIOT W/ a BADGE & GUN – nothing more. HERE I AM... WAITING..."

On Saturday, February 6, 2021 at approximately 3:13 pm, Grievant stated with derogatory and threatening language in an email to Kelly Kruger and Nathaniel Yuen, both members of the SFPD:

"...HERE I AM... WAITING FOR YOU RARRIVAL..."

On Saturday, February 6, 2021 at approximately 8:34 pm, Grievant stated with derogatory and threatening language in an email:

"FYI: The foregoing message about the IDIOT was specifically directed at [Nathaniel.C.Yuen@sfgov.org](mailto:Nathaniel.C.Yuen@sfgov.org). He is an IDIOT with a badge & gun. He is an IDIOT who has, on Kelly Kruger's record... HERE I AM... Get me... YOU STUPID ASS..."

On Saturday, February 6, 2021 at approximately 11 :14 pm, Grievant stated with derogatory and threatening language in an email:

"... IDIOT, I forgot to mention, this a FORMAL INVITATION for you to travel across the way to Bernal Heights, to schedule your appearance with Lama's Ken po – whenever – I'll be there – then – rest assured – I can't wait – HURRY UP. OF COURSE, no badge & gun allowed. HERE I AM."

After being served with the Notice of Intent to Terminate on March 13, 2021, Grievant responded by email using derogatory, racist, and threatening language directed at members of the SFPD and SFMTA:

"TELL ME WHO else from/at the CAO is involved & directing your violent attack, INTENDING TO CONTINUE to crystal clearly & objectively harm and injure me. Included in this public records request from the City Attorney's Office is DCA JStoughton, now on NOTICE, too. Also Included in this public records request from the SFPD is KKruger, and the wanna-be black belt NYuen, now on NOTICE, too...I'll pin it down to the ground very soon, so either submit, o r e l s e . . . ."



Based on the violent and threatening nature of Grievant's emails to the Fire Commission, the San Francisco Superior Court issued a Temporary Restraining Order (TRO) on February 19, 2021, ordering Grievant to stay at least 100 yards away from all five Fire Commissioners, a child of a Fire Commissioner, as well as the Fire Commission Executive Secretary.

The TRO also ordered Grievant to not "harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person" any of the listed persons.

The SFMTA will not tolerate threats of violence against City employees and Commissioners. The SFMTA will also not tolerate derogatory and threatening behavior toward employees of the SFMTA or any other City employees and Commissioners.

The following materials from which the charges are based have already been provided and can be provided again upon Grievant's request:

- Exhibit 1: Email correspondence from [REDACTED] dated January 20, 2021 through March 13, 2021
- Exhibit 2: CCSF official record with employee's self-reported contact information
- Exhibit 3: CCSF Employee Handbook
  - Policy Prohibiting Employee Violence in the Workplace
  - Policy Regarding the Treatment of Co-Workers and Members of the Public
- Exhibit 4: SFMTA Rail Rule Book, Rules 2.7.3, 2.7.10 and 2.7.11
- Temporary Restraining Order

For the reasons mentioned herein, Jeffrey Tumlin made the decision to modify the 30-day suspension to a dismissal as initially recommended in the letter dated March 12, 2021.

Due to the severity of the charges, the SFMTA sustained the charges and dismissed Grievant from his permanent position. Grievant was notified that he had been dismissed from his permanent civil service appointment as a Track Maintenance Worker, Job Code 7540, with the San Francisco Municipal Transportation Agency (SFMTA), effective April 28, 2021. The SFMTA continues to stand by that decision.

In addition, the SFMTA recommended to the Civil Service Commission that Grievant's future employment be restricted as follows: 1) Cancel Current Examinations & Eligibility Status; and 2) No future employment with SFMTA and the City and County of San Francisco. The SFMTA continues to stand by that decision.



Sincerely,

*JP Zeigler*

JP Zeigler  
Manager, Employee & Labor Relations  
SFMTA

# **EXHIBIT N**



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## NOTICE OF RECEIPT OF APPEAL

DATE: May 24, 2021  
REGISTER NO.: 0078-21-7  
APPELLANT: DANIEL BOREEN

Jeffrey Tumlin  
Director of Transportation  
Municipal Transportation Agency  
1 South Van Ness Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Mr. Tumlin:

The Civil Service Commission has received the attached letter from Daniel Boreen, requesting a hearing on his future employability with the City and County of San Francisco. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. CSC Form 13 is available on the Civil Service Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService) under "Forms."

In the event that Daniel Boreen's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on July 22, 2021** so that it may be heard by the Civil Service Commission at its meeting on August 2, 2021. If you will be unable to transmit the staff report by the July 22<sup>nd</sup> deadline, or if required departmental representatives will not be available to attend the August 2<sup>nd</sup> meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (628) 652-1100 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency  
William Miles, Municipal Transportation Agency  
Julie "JP" Zeigler, Municipal Transportation Agency



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

*Sent via Email*

May 24, 2021

Daniel Boreen  
[REDACTED]

**Subject: Register No. 0078-21-7: Request for Hearing on Future Employment Restrictions with the City and County of San Francisco.**

Dear Daniel Boreen:

This is in response to your appeal submitted to the Civil Service Commission on May 13, 2021 requesting a hearing on your future employment restrictions with the City and County of San Francisco. Separations and claims of unfair labor practice are not appealable matters to the Civil Service Commission.

### **Civil Service Commission Rule 422 Employee Separation Procedures**

Applicability: Rule 422 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 422 may be superseded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

Please follow-up with your union, Laborers, Local 261, regarding separation matters. Your appeal has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to [civilservice@sfgov.org](mailto:civilservice@sfgov.org). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.



You may contact me by email [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService).

Sincerely,

CIVIL SERVICE COMMISSION

/s/


SANDRA ENG  
Executive Officer

## 2021-05-13: Premature Appeal &/or Request for Hearing

Pierced\_From [REDACTED]

Thu 5/13/2021 3:06 PM

To: CivilService, Civil (CSC) <civilservice@sfgov.org>

 1 attachments (70 KB)

2021-05-13 SFMTA CSC-12\_Appeal\_5-11-2021 FILED.pdf;

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

Please find attached the electronically filed appeal &/or request for hearing.

More to follow.

Authentically,

Dan Boreen

Sent with [ProtonMail](#) Secure Email.



**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Executive Officer  
 (628) 652-1100

CSC Register No.  
 \_\_\_\_\_  
 To: \_\_\_\_\_  
 CC: \_\_\_\_\_

**APPEAL TO THE CIVIL SERVICE COMMISSION**

<p><b>INSTRUCTIONS:</b>          Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above <b>within the designated number of days</b> following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. <b>(E-mail is not accepted.)</b> It is recommended that you include all relevant information and documentation in support of your appeal.</p>	<p><b>TYPE OF APPEAL:</b> (Check One)  <input type="checkbox"/> Examination Matters <b>(by close of business on 5<sup>th</sup> working day)</b>  <input type="checkbox"/> Employee Compensation Matters <b>(by close of business on 7<sup>th</sup> working day) - Limited application</b>  <input type="checkbox"/> Personal Service Contracts <b>(Posting Period)</b>  <input checked="" type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) <b>(30 Calendar days)</b>  <input checked="" type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
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**“During the Shelter Order dated March 17, 2020, we are accepting appeals by email at [civilservice@sfgov.org](mailto:civilservice@sfgov.org)”**


Daniel Boreen 1399 Marin Street, San Francisco, California		94124	(415) 970-1297	
Full Name of Appellant		Work Address		Work Telephone
7540 Track Maintenance Worker SFMTA				
Job Code	Title	Department		
Residence Address		City	State	Zip Home Telephone
n/a				
Full Name of Authorized Representative (if any)		Telephone Number of Representative (including Area Code)		

**NOTE:** If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

**Email:** [above\\_your\\_clouds@protonmail.com](mailto:above_your_clouds@protonmail.com)

**COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE.** (Use additional page(s) if necessary)

<p>Does the basis of this appeal include <b>new</b> information not previously presented in the appeal to the Human Resources Director? If so, please specify.</p>	<p>Check One:  <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>
--	---

 Original Signature of Appellant or Authorized Representative	2021-05-13 Date
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CSC-12 (5/2021)      Date Received by Civil Service Commission: \_\_\_\_\_




## 2021-05-18: Amended Appeal &/or Request for Hearing Re: 2021-05-13: Premature Appeal &/or Request for Hearing

Pierced\_From <above\_your\_clouds@protonmail.com>

Tue 5/18/2021 3:28 PM

To: CivilService, Civil (CSC) <civilservice@sfgov.org>; Laolagi, Young (MTA) <Young.Laolagi@sfmta.com>; jeffery.tumlin@sfmta.com <jeffery.tumlin@sfmta.com>; Zeigler, Julie (MTA) <JP.Zeigler@sfmta.com>; laborers261@gmail.com <laborers261@gmail.com>

 1 attachments (68 KB)

2021-05-18 SFMTA CSC-12\_Amended Appeal FILED.pdf;

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom It May Concern:

Please find attached the electronically filed amended appeal dated May 18, 2021.

Please acknowledge receipt.

Authentically,

Dan Boreen

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Thursday, May 13, 2021 3:04 PM, Pierced\_From  wrote:

To Whom It May Concern:

Please find attached the electronically filed appeal &/or request for hearing.

More to follow.

Authentically,

Dan Boreen

Sent with [ProtonMail](#) Secure Email.





**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Executive Officer  
 (628) 652-1100

CSC Register No.  
 \_\_\_\_\_  
 To: \_\_\_\_\_  
 CC: \_\_\_\_\_

**APPEAL TO THE CIVIL SERVICE COMMISSION**

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Daniel Boreen	1399 Marin Street, San Francisco, California	94124	(415) 970-1297
Full Name of Appellant	Work Address	Work Telephone	
7540 Track Maintenance Worker	SFMTA		
Job Code	Title	Department	
Residence Address	City	State	Zip Home Telephone
n/a			
Full Name of Authorized Representative (if any)	Telephone Number of Representative (including Area Code)		

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**Email:** [above\\_your\\_clouds@protonmail.com](mailto:above_your_clouds@protonmail.com)

**COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE.** (Use additional page(s) if necessary)

<p>Does the basis of this appeal include <b>new</b> information not previously presented in the appeal to the Human Resources Director? If so, please specify.</p>	<p>Check One:  <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>
--	---

 Original Signature of Appellant or Authorized Representative	2021-05-18 Date
---	--------------------

CSC-12 (5/2021)      Date Received by Civil Service Commission: \_\_\_\_\_

