

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

July 17, 2013

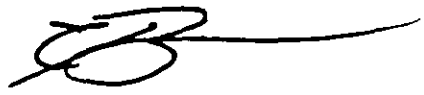
TO: William H. Brown, Commander-Detentions
Detentions Operations Area 1

FROM: Tony Giammarino, Lieutenant
Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2013-004.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. DO NOT FORWARD THROUGH THE CHAIN OF COMMAND. This will be done by the Internal Affairs Unit. If you have any questions, please call (858) 974-2065.

- I concur with the Internal Affairs conclusions. **No further formal action is recommended.**
- I concur with the Internal Affairs conclusions. **Discipline recommendation attached.**
- I disagree with the Internal Affairs findings. **See attached report.**
- A procedural change is being written and an approved copy will be sent to Internal Affairs.

Signed  Date 7/25/13

 7-25-13

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit



INTERNAL AFFAIRS CASE 2013-004.1

ACCUSED EMPLOYEE: Devera Scott – Detentions-Lieutenant

COMPLAINANT: San Diego Sheriff Department

INVESTIGATOR: Sergeant Herbert Taft

CONFIDENTIAL



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

CASE NUMBER: 2013-004.1

ACCUSED EMPLOYEE: Devera Scott, Detentions-Lieutenant

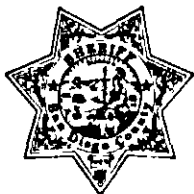
COMPLAINANT: San Diego County Sheriff's Department

INVESTIGATOR: H.M. Taft, Sergeant

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CONFIDENTIAL



**San Diego County Sheriff's Department
Post Office Box 939062
San Diego, California 92193-9062**



William D. Gore, Sheriff

COMPLAINT FORM

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME SDSO		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
LOCATION OF INCIDENT San Diego, CA		CITY	DATE AND TIME OF INCIDENT Unknown
NAME(S) OF SHERIFF'S PERSONNEL Devera Scott, #5088			
BRIEF NARRATIVE OF COMPLAINT I.A. received a Crime Stoppers tip alleging Scott misappropriated over \$100,000 from the New Hope Friendship Baptist Church. Scott allegedly admitted to taking these funds for which she was entrusted as the Financial Secretary.			
			CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>

118.6 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understand the above statement.

SIGNATURE OF COMPLAINANT: _____ DATE: 01-07-13

INTERNAL AFFAIRS USE ONLY		Sheriff's Internal Affairs JAN 04 2013
EMPLOYEE RECEIVING COMPLAINT: Internal Affairs	DATE & TIME:	
RECEIVED IN I.A. BY:		
<input type="checkbox"/> IN PERSON <input type="checkbox"/> U.S. MAIL <input type="checkbox"/> MESSENGER MAIL <input checked="" type="checkbox"/> OTHER:	NATURE OF COMPLAINT: Conf. to Law ASSIGN TO: IA - Sergeant Taft (East Mesa)	
		LA CASE # 2013-004.1

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

January 11, 2013
IA# 2013-004.1

Reassignment of Investigator

TO: Will Brown, Commander-Detentions

RE: **Lieutenant Devera Scott #5088**
East Mesa Detention Facility (S354)

The attached complaint has been assigned to Sergeant Taft of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you.


Tony Giammarino, Lieutenant
Internal Affairs Unit

TG:mpa

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

Date: January 11, 2013
Complainant: SDSO
Date of Incident: Unknown
Location of Incident: San Diego
Allegation: **Conformance to Law**
Case No: 2013-004.I

**TO: Lieutenant Devera Scott #5088
East Mesa Detention Facility (S354)**

This is to inform you that the Internal Affairs Unit has received a complaint regarding your conduct. The investigation of this complaint will be handled by SERGEANT TAFT OF THE INTERNAL AFFAIRS UNIT. The investigator will contact you to arrange an interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

The Department Policy and Procedure Manual also details your responsibilities during the investigation. Your attention is specifically directed to Sections 2.15 Insubordination; 2.38 Intervention; 2.41 Departmental Reports, and 2.46 Truthfulness.

You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at (858) 974-2065.

Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints.


Tony Giammarino, Lieutenant
Internal Affairs Unit

TG:mpa


THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

Enter Partial Names:

Last: First: [Group Photos](#) [Printer Friendly](#)
[Advanced Search](#)

GENERAL INFORMATION (To update this information, click on the employee name)	
Name: Scott, Devera	
Title: SHERIFF'S DETENTNS LIEUTENANT	
NT User ID: dscottsh	
ARJIS Number: SH5088	
Desk Phone: (619) 661-2840	
Cell Phone:	
Pager No.:	
Home Phone:	
Confidential	
Phone:	
Other:	
Radio Unit:	
Sheriff's Email: Devera.Scott@sdsheriff.org	
Other Email:	
Responsibility:	

LOCATION INFORMATION	
CURRENT WORK LOCATION	HR (PeopleSoft) ASSIGNED LOCATION
Dept. Name: East Mesa Det Facility	Dept. Name: East Mesa Det Facility
Mail Stop: S354 Show Driving	Mail Drop: S354
Directions	Location: East Mesa Detention Facility
Location: East Mesa Detention Facility	Address: 446 Alta Rd, Ste 5200
Address: 446 Alta Road Suite ,#5200	: San Diego CA 921580001
: San Diego CA 92158-0002	Telephone: 619/661-2732
Telephone: (619) 661-2669	
Fax: (619) -	

RELATED RECORDS

If the employee you are looking for is not in the results above, he/she may be listed in the approximate matches below.

Select an employee to view complete contact information.

Name	Desk Phone	Cell Phone	Pager	Title	Mail Stop	ARJIS
Scott, Georgia	() -	() -	() -	SR PATROL VOLUNTEER	N245	SHW915
Scott, Georgia	() -	() -	() -	SR PATROL VOLUNTEER	N245	SH8683

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2013-004.1

DATE: July 22, 2013

COMPLAINANT: SDSO

INVESTIGATOR: Sergeant H. Taft

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

Between 2008 and 2010, Detentions-Lieutenant Devera Scott was a member and appointed treasurer of the New Hope Friendship Baptist Church. During her appointment as treasurer, it was discovered that over \$100,000 was missing and unaccounted for. Devera Scott admitted to the Pastor and the church trustees that she had taken the money. The church membership voted not to pursue criminal charges because Devera agreed to repay the church back through monthly payments and a portion of her accumulated retirement money when she retired.

ANALYSIS AND CONCLUSIONS

It is alleged that while serving as Treasurer at New Hope Friendship Baptist Church between 2008 and 2010, Devera Scott stole over \$100,000.

It is not disputed that Devera Scott was a member of New Hope Friendship Baptist Church for nearly 40 years. It is also not disputed that she was appointed and held the position of church treasurer between 2008 and 2010. As treasurer, her duties primarily consisted of depositing weekly monetary collections of cash and checks into the bank.

This investigation proved to be difficult and challenging on several levels. Although there seemed to be several church members who could validate and confirm that Devera Scott admitted to stealing a large amount of money from the church, none of the church members would come forward as a witness to the admission from Devera. This was most evident because after my interview with [REDACTED], [REDACTED] announced in Sunday service that someone in the congregation sent an anonymous Crime Stoppers tip describing the theft and who was involved. Devera confirmed the announcement of the investigation by [REDACTED] and his displeasure with a church member for sending in the tip and putting out 'Church Business' without his approval. Devera said she received several phone calls from church members asking her about the investigation. Despite the

church membership knowing that the Sheriff's Department was investigating the theft and a small fraction of disgruntled church members who disapproved of the church not wanting to report this crime, no one during the entire investigation came forward to be interviewed. [REDACTED] and [REDACTED] were the only church members interviewed for this investigation. [REDACTED] made it very clear prior to his interview that he speaks for the church and there would be no other interviews. He reiterated that his cooperation in agreeing to be interviewed was to protect the church from negative media attention and hopefully reassure the Sheriff's Department that the church had handled this internally and no investigation would be needed.

Another significant issue which impacted the investigation was overcoming an engrained cultural philosophy that many African-American churches share, which is, the pastor of the church speaks for the church. My experience of growing up in a primarily African-American community and church was almost identical in procedural and behavioral aspects displayed by New Hope Friendship Baptist Church. The Pastor is involved in all church business both internal and external. In this investigation only [REDACTED] provided the bulk of the information and details. He spoke for the membership as is customary and expected. Decisions are made by the Pastor with input from the church board of trustees.

The final challenge or hurdle to overcome in this investigation was that the church membership voted not to pursue criminal charges against Devera Scott for stealing money from the church. [REDACTED] was hesitant to provide details at first or be interviewed because he did not want the Sheriff's Department involved in any aspect of this theft. [REDACTED] felt the matter had been resolved by Devera's admission and her willingness to pay back the money through restitution and committing a portion of her retirement. [REDACTED] made it clear that he and the membership wanted to protect Devera's career and not see her go to jail. He stated several times the church was in the business of forgiveness and they had forgiven Devera for what she had done, so for the church, the matter was resolved.

Knowing and acknowledging the difficulties in gathering the facts and finding reliable, credible and consistent witnesses to this alleged theft, I was able to gather enough information and interview the critical essential witnesses to validate the allegation. Throughout the investigation the primary witness, [REDACTED], provided statements that were consistent during each of his interviews. However, when I interviewed the accused, Devera Scott, she provided untruthful, misleading and conflicting statements.

Prior to the official San Diego Sheriff's Internal Affairs involvement in this investigation, the San Diego Police Department (SDPD) attempted to investigate the criminal aspects of the accusation because the alleged crime occurred in their jurisdiction. Sergeant Robert Lewis from the SDPD Financial Crimes Unit spoke to [REDACTED] on January 3, 2013. This interview has merit for several reasons. It was completed prior to the Sheriff's Department involvement. Statements made by [REDACTED] reflected the attitude of the Pastor and church membership that Devera was forgiven and the church was not interested in pursuing this criminally. Since this was the first interview regarding the allegation it is important to understand the relationship Devera Scott had with [REDACTED]. She admitted throughout my interview with her that she and [REDACTED] were friends. He was her confidant and they spoke to or saw each other almost

every day. Devera stated during her interview that she still maintained a friendship with [REDACTED] and either sees him or speaks to him almost every day. She verified in her interview that [REDACTED] was present, as well as [REDACTED], when she was accused and confronted about the missing money. Based on her continuous ongoing friendship with [REDACTED] one can conclude that Devera still trusts him and they have a friendly relationship. Therefore in assessing the credibility of the statements made during the interview of [REDACTED] by Sergeant Lewis, it is more likely that [REDACTED] is a reliable and trustworthy witness to the allegation and has no motive to be dishonest.

Below is part of my interview with Sergeant Lewis regarding what [REDACTED] said to him.

HT: *And um, who did you speak to?*

RL: *Um, I spoke with one of the um, one of the [REDACTED] um, and I'm sorry I did not write down his name.*

HT: *K, does it, do you remember if the [REDACTED] was [REDACTED]?*

RL: *Yes, Yes.*

HT: *Ok Ok....Do you remember the date of that conversation that you had with him?*

RL: *Um, it would have been and it was the first part of the year. It was right after the New Year I believe. Um, it wasn't that long ago, um, a little over a month ago, um, about January, um. It wouldn't have been the first cuz I was off then so around the third or the fourth. I believe it was January 3rd.*

HT: *Ok. And um, um, was it in the morning?*

RL: *Um it was um.....*

HT: *the afternoon....*

RL: *It was, it was midmorning. I don't think it was, um. If it was afternoon it wasn't that late in the afternoon. I don't remember the exact time but it was, it was. So I'd say probably between, um, 11 and, um, 11 and 1. Sometime in that time frame I believe was the was the call.*

HT: *Ok. And um you spoke to him over the phone or in person?*

RL: *Um over the phone.*

HT: *Ok. And can you just basically summarize the conversation that you had with him?*

RL: *Um, yeah basically I told him that I was in possession of a Crime Stoppers tip that was alleging that, um, they were the victim of a \$100,000 theft and ask him if he was aware of it. Um, which he replied yes. The church was aware of it.*

And at that point I asked him if he would like to make a crime report and then we would, you know, investigate it criminally and that was when he told me no. They weren't interested in, in making a crime report. They had spoken with the person who was responsible. Um they had met as a, as a board. The trustees had met as a board and decided not to file criminal charges against her.

Um, they had worked out a um, a payment plan so she could make restitution, um, for the loss. And basically he, he told me that um because they were a church and in the forgiving business that they were going to forgive her, for her, for her actions and allow her to make good with payments. And he said that he did not want, they did not want to see her get into,

- um, any more trouble or or necessarily or lose her job over the incident. And they were satisfied with the way things were progressing.*
- HT: *Do you remember if he mentioned a name?*
- RL: *Um....I...I know the name was mentioned but I don't know if I mentioned it to him as the suspect or if he told me her name. Um so.....*
- HT: *In, in the complaint, um, it listed ,um, Devera Scott.*
- RL: *Devera Scott, yes.*
- HT: *Was that the person that, um, he was talking about?*
- RL: *Yes.*
- HT: *Ok did he mention where she worked or that she was in..... ?*
- RL: *Um, He ment....he did mention that um you know she was um let me think. He said um. Did he mention she worked for the county or that he was, she was law enforcement. A...I want to say that,um, he mentioned that she was um in law enforcement cuz he didn't he didn't want this to mess with her career, ruin her career so we did get on that that topic somehow.*
- HT: *....and you do remember it was Devera Scott who was also the individual named in the complaint.*
- RL: *Yes*
- HT: *That was the name he mentioned?*
- RL: *Yes*
- HT: *Ok. Um and so after that conversation, um, so after that what happened.*
- RL: *Um, after that um you know I mentioned to him. I told him it was a Crime Stoppers complaint and um the individual that made the complaint you know was anonymous but it had been probably someone from his church and he said he was well aware of it. He told me that he knew that there were several church members who weren't happy with the decision they made not to file charges, um, he even told me that some of them had been very vocal about the fact that they weren't filing charges but he said that was their decision and they were gunna stand by it. And... Before we hung up I...I told him again, I said hey well you know if you want to....if you change your mind and you guys want to file charges. I believe I left him with my information and told him that we'd be more than happy to take the crime report and move forward with the um criminal investigation and he assured me that that was not the route they wanted to take so.....*

The next part of the investigation relied solely on the testimony of [REDACTED] He wanted reassurance that information provided to the Sheriff's Department would not be used to prosecute Devera. He was willing to be cooperative but the church had made a decision to forgive Devera and not jeopardize her career or job. Below is a summation of specific questions asked of [REDACTED] regarding the details about the missing money and Devera Scott's response to some of the same specific questions.

[REDACTED]

Question: Was Devera Scott your Financial Secretary from 2008-2011?

I asked [REDACTED] if Devera Scott was the Financial Secretary from 2008-2011. [REDACTED] stated, "Yes she was."

Question: Is it an appointed position or volunteer?

He stated that Devera Scott was actually church Financial Secretary prior to 2008 and that he had appointed her and the church congregation confirmed her appointment by a vote. [REDACTED] stated he trusted Devera as Financial Secretary primarily because she had been a member of the church (New Hope Friendship Baptist Church) for many years.

Question: What are the responsibilities of the Financial Secretary?

[REDACTED] stated that the Financial Secretary deposits all monies collected during Sunday service and deposits those monies collected in the bank. In addition to those duties, the Financial Secretary records any money spent by the church.

DEVERA SCOTT (response):

HT: *Were you the Financial Secretary for the church?*

DS: *No.*

HT: *You were never financial secretary?*

DS: *Never the financial secretary.*

HT: *What was your title?*

DS: *I was the Treasurer.*

This was the beginning of a series of deceptive and misleading answers given by Devera. [REDACTED] and the anonymous complainant on the Crime Stoppers Tip described Devera's duties as the Financial Secretary. Devera made no attempt to explain or clarify the Financial Secretary title but simply denied she held that position. According to the by-laws of the church (which was given to me by Devera), the duties of the Treasurer is someone who serves as the primary signer on all checks and countersigned by the Financial Assistant. The Treasurer shall present to the church an accurate record of all finances received. The Treasurer shall surrender all books and records for audit when notified. The Financial Assistant shall keep a written or computerized record of all monies contributed to the church. The duties of Financial Assistant and Treasurer are synonymous. There was never an appointed Financial Assistant or Financial Secretary because Devera performed the duties as Treasurer and Financial Assistant.

[REDACTED]

The process of collection starts on Sunday. The church trustees collect monetary donations then count the money collected. The trustees fill out a deposit slip for the amount collected and both the deposit slip and money is given to the Financial Secretary. On the Monday or Tuesday following Sunday collections, the Financial Secretary will take the deposit slip with the money and deposit the entire amount in to the church's bank account which is located at Union bank.

DEVERA SCOTT (response):

- HT: *What are the duties of the treasurer?*
DS: *Umm, I would help them um count the deposits.*
HT: *When you say them who are you speaking of?*
DS: *The board of Trustees.*
HT: *Board of Trustees, ok.*
DS: *Yes and I would take the money to the bank....and sign on all the checks although the official checks says that I was supposed to be the original signer counter signed by two other people. That's the discrepancy because checks were being written and not counter signed by me and that's the issue I have.*
HT: *So you...you would help count the money collected on Sunday.*
DS: *When I was there.*
HT: *When you were there....and then take the money to the bank.*
DS: *Me or [REDACTED] would take the money to the bank.*

(Investigation Cont.) Regarding when deposits where made.....

- HT: *When you made the deposits.....*
DS: *Monday or Tuesday.....*
HT: *You did them Monday or Tuesday?*
DS: *.....or Wednesday or Thursday.*
HT: *Okay so it varied during the week.*
DS: *Yes.*
HT: *And you would take the money collected on Sunday?*
DS: *Yes.*
HT: *...with the deposit slip?*
DS: *Yes.*
HT: *and then what?*
DS: *Deposit it to the bank?*
HT: *Union Bank?*
DS: *Yes.*

Devera admitted that her primary duties as Treasurer from 2008 till 2010, was taking the Sunday monetary collections and depositing that money in the bank. There was a process to audit the deposits but according to Devera and [REDACTED] no audit was ever done:

[REDACTED] stated that the church administrator, [REDACTED], was responsible for auditing the deposits and ensuring that the total amount of money collected on Sunday was the correct amount the Financial Secretary was depositing each week. Each month when the bank statement was mailed to the church, [REDACTED] was supposed to compare the weekly deposits to the deposit slips filled out by the church trustees. [REDACTED] stated that, "The administrator

was not balancing the books." [REDACTED] believed that the monthly audits that [REDACTED] was supposed to be doing had not occurred for several months but could not give a definitive answer as to the last time the monthly audit occurred.

DEVERA SCOTT (response)

HT: *I would like to know what you understand as the audit procedure for the church, not what's on the paper? What you understand as the audit procedure for the church.*

DS: *That every, we have.....every time a deposit was taken or the money was collected or any checks or anything. [REDACTED] the administrator would get the official check. The document showing what the depo...the deposits were. He would record the information and then he would be responsible for reconciling well actually the financial secretary reconciling the books. Handle all the paperwork and then they would put all the information into the system....and then he would do a business meeting quarterly to go over the church's finances which I don't have anything to do with that and he would actually do an annual financial meeting every September.*

HT: *He never approached you saying that he's conducting an audit?*

DS: [REDACTED]?

HT: *Yes.*

DS: *Never.*

HT: *OK.*

DS: *I don't think the books have ever been audited.*

At this point the foundation of the allegation has been established. Devera was the Treasurer from 2008 through 2010 at the New Hope Friendship Baptist Church. She had weekly access to money collected from the church and no audits were ever done while she was Treasurer. Her admission to the theft was established by statements from both witnesses, [REDACTED] and [REDACTED]. Devera also admitted to the theft but her testimony was purposely designed to add confusion, be misleading and minimize her responsibility for any missing money. [REDACTED], who has a close relationship with Devera, validated the admission and the agreed restitution by Devera. Below is the excerpt from the interview with [REDACTED] by SDDP Fraud Sergeant Robert Lewis.

[REDACTED]

RL: *Um, yeah basically I told him that I was in possession of a Crime Stoppers tip that was alleging that, um, they were the victim of a \$100,000 theft and ask him if he was aware of it. Um, which he replied yes. The church was aware of it. And at that point I asked him if he would like to make a crime report and then we would, you know, investigate it criminally and that was when he told me no. They weren't interested in.*

in making a crime report. They had spoken with the person who was responsible. Um they had met as a, as a board. The trustees had met as a board and decided not to file criminal charges against her.

Um, they had worked out a um, a payment plan so she could make restitution, um, for the loss. And basically he, he told me that um because they were a church and in the forgiving business that they were going to forgive her, for her, for her actions and allow her to make good with payments. And he said that he did not want, they did not want to see her get into, um, any more trouble or or necessarily or lose her job over the incident. And they were satisfied with the way things were progressing.

HT: *Do you remember if he mentioned a name?*

RL: *Um....I...I know the name was mentioned but I don't know if I mentioned it to him as the suspect or if he told me her name. Um so.....*

HT: *In, in the complaint, um, it listed, um, Devera Scott.*

RL: *Devera Scott, yes.*

HT: *Was that the person that, um, he was talking about?*

RL: *Yes.*

██████████ provided additional information regarding the admission and restitution agreement made by Devera Scott.

██████████
Question: The complaint alleges \$100,000 was not deposited between 2008 and 2011. Is this accurate?

██████████ stated that there was never an official audit done on the church financial books but that the money taken was, "around \$100,000." I asked for clarification of the amount he believed was taken. ██████████ was hesitant on the exact amount and repeated to me that no official audit was done but what he could say was that the amount total was, "Well over \$100, 000." ██████████ then proceeded to say that Devera admitted to him and ██████████ that she took the money.

He said Devera signed over a life insurance policy in the amount of \$300,000 and made the church the beneficiary. The policy was for her accidental death and he believes the policy was through the Sheriff's Department. In addition, Devera also committed a portion of her retirement to the church. Devera stated to ██████████ that when she retired, she could draw a lump sum of her retirement and give that money to the church (amount was not disclosed).

Question: What did Devera say when it was discovered that the money was missing?

██████████ stated that during the first meeting with Devera, she denied taking any funds. Devera said that she was being unfairly targeted and that he (██████████) was making this a personal vendetta against her.

After several days (unknown how many) and a closer look at the bank deposit inconsistencies, [REDACTED] and [REDACTED] called Devera back into the Pastor's office. [REDACTED] said to Devera, "Look I know you took the money. Either tell me the truth or I will go to the law." [REDACTED] stated that Devera began crying and admitted to him and [REDACTED] that she took the money.

Question: How did the church come to a resolution on handling the missing funds?

[REDACTED] stated that he made arrangements with Devera that the money would be paid back in several ways. Devera agreed to make monthly restitution payments to the church. Devera agreed to sign over her life insurance policy. The policy according to [REDACTED] is an accidental death policy and is valued at \$300,000. [REDACTED] and Devera contacted Nationwide Insurance by phone to make arrangements to have the New Hope Friendship Baptist Church designated as the beneficiary.

Devera agreed that upon her retirement from the Sheriff's Department, she would withdraw a lump sum payment and give a portion of that money to the church to offset her balance that she owes to the church.

[REDACTED] stated that he spoke with an attorney regarding the theft and admission from Devera, that she had taken the money and the arrangements for paying back the missing money. A written contract for repayment was drafted and signed by Devera Scott. [REDACTED] would not give me a copy of that signed agreement.

Question: Restitution and how much?

[REDACTED] stated that Devera was currently writing a check to the church on a monthly basis for \$500. He stated that the church is about to reevaluate that amount. According to [REDACTED] the agreement with Devera was that as she paid off her car and/or bills, the monthly payments to the church would increase. [REDACTED] stated that he believed she had finished payments on her car so he needed to discuss with Devera about increasing the monthly amount to the church.

DEVERA SCOTT (responses)

Devera originally claimed that the deposits were counted wrong each week even though the Church Trustees counted the money with several other trustees as witnesses and following the count a deposit slip was filled out.

HT: *So the deposit slip matched what was being deposited?*

DS: *Sometimes it didn't?*

HT: *And what did you do when it didn't?*

DS: *I called [REDACTED] on the phone because one of the things that what happened is I'm...they...I'm assuming that it is right. And I have chargers season tickets and I*

worked on Sundays sometimes so sometimes they would do all this stuff on Sundays. I would know what they had collected or what was done. I get to the bank and I go....the deposits wrong.

...and I'd call and hey, the deposits wrong. The slips are wrong. It was just a lot of a lot of stuff you know constantly and I would call him hey the deposits wrong. And I let him know.

HT: *Ok*

MB: *You said a lot of times? Did that happen the majority of the times you were making the deposits or just once in a while. I mean, what's a lot?*

DS: *Over a span of time...it.....yeah.*

MB: *Over a span of time?*

DS: *It could....variety of times yeah. It could be anywhere from a dollar to a Thousand Dollars, to a lot.*

HT: *And what what did you do when you...when the bank said this doesn't match the deposit slip. I'm assuming that's what the bank said.*

DS: *Yes.*

Lieutenant Scott said that when the deposits were wrong she would call [REDACTED]

HT: *Who would you call?*

DS: [REDACTED]

HT: *You called...*

CW: *Brother [REDACTED]*

HT: *Ok [REDACTED] What did he tell you when it was incorrect?*

DS: *Change it. I just initial it and change it and I go back and tell him. Or I, or I would if it was over, I would take the money and put it back in the envelope and I'd give it to him and they would put it in the next deposit....or I'd take it back. The whole thing back and say look, this is, you guys need to look at this.*

HT: *And you can't give an answer on how often this happened just that it happened a lot.*

DS: *It happened a lot.*

HT: *Would you say every other week? Would you say....*

DS: *I can say every other week.*

HT: *And how often did you initial?*

DS: *I can't remember how often I initialed.*

HT: *But you did?*

DS: *Yeah I initialed.*

HT: *If it was incorrect.*

DS: *....(muffled answer)*

HT: *So if we got copies of the bank deposits then we could see your initials on several of them, correct?*

DS: *...(long pause) It could have been initialed even in the room when everyone was there. If I was there. It could have been initialed by one of them.*

HT: *Well I'm I'm saying that could it be...*

DS: *You could....I don't know*

HT: *Would I see your initials on there?*
DS: *You could.*
HT: *How often would I see your initials? You said it happened a lot.*
DS: *Not my initials on it a lot. Um I don't know. I don't know you could find it. I don't know. I really don't. I really don't know. That's the truth. I don't really know.*

█ response to Devera's claim that the deposits were wrong:

"That never happened." █ said Devera never came back with any extra money or said that the collection was counted wrong. The church board of trustees counted the money each week, verified the amount and filled out a deposit slip.

Eventually Devera admitted to the theft.

HT: *Did you ever take any money without authorization from the church while you were treasurer....(muffled)*
DS: *I ad..I um agree...I um...I told them I took money. Yes. I sure did.*
HT: *K. Did you tell them an amount of money that you took? I'm asking these questions for a specific reason. I'm not trying to badger you or anything like that. I need a yes or no from you.*
DS: *No. I did not tell them a specific amount of money that I took. No. I did tell them a specific amount of money. I said you tell me what.*
HT: *And what did they tell you?*
DS: *They didn't know.*
HT: *Did they give you a rough estimate, a guess? A guesstimate of how much money...(muffled)*
DS: *I guess it was over \$100,000.*
HT: *Well I'm asking you. You had the conversation.*
DS: *He said..█ said the amount was over \$100,000 and he told them no. That's not the amount.*

Devera's admission that she is paying the church \$500 each month.

HT: *What agreement do you have with the church to pay back the money?*
DS: *The only thing I'm paying that church is my tithes. I pay them \$500 a month and I write it off as my tithes. That's the same amount of money I've been giving them which is ten percent of my take home pay. That is the agreement with them to give them my tithes.*
HT: *Ok. That's the agreement you have, \$500 a month to pay your tithes.....*
DS: *I give em my tithes.*
HT: *....even though you don't go to that church anymore and you haven't for three years.*
DS: *Yes.*
HT: *You still pay tithes to them*
DS: *I sure do because I don't belong to another church and I was with um █ who's deceased and he was my care watch until I joined another church. I give em the same amount of money. I give it to █ and I say, and that the exact same amount. I've never (mumbling) from that.*
HT: *So you're your telling me that it's tithes and not restitution for the for the money.*

missing money?

DS: *I give them tithes, \$500 tithes to that church.*

HT: *And how do you give that?*

DS: *In a check payable to New Hope. I don't have any agreement. Anything in writing saying I'm paying them anything. I don't have to give them but I give them my tithes every month.*

█ response to the above statement;

Does the church consider Devera's monthly \$500 checks as tithes or restitution?

"Checks are restitution not tithes."

Devera's admission that she signed an agreement.

HT: *You never signed any agreement with the church to pay back any money owed to them? Any agreement? Anything in writing or orally? You never signed anything?*

DS: *I signed checks. I...*

CW: *Listen to his question.*

DS: *(paused for 11 seconds before giving answer). Yes. I probably.....I don't know. Can I take a minute. Yes I'm gonna say yes.*

CW: *To what?*

DS: *That I have yes...I am. I'm saying yes.*

MB: *And you're saying yes that you have entered into an agreement with the church.*

DS: *If he remembers specifically and I Pastor....I believe █ I'll say yes.*

HT: *You did sign an agreement...*

DS: *If he says I have, I don't have any copies of anything.*

HT: *....agreeing to pay back monies owed to the church?*

DS: *If he says I have something which I don't have, I'll say yes.*

HT: *You may not have a copy of it.*

DS: *Okay, Yes.*

HT: *And that's your truthful answer?*

DS: *Yes.*

HT: *Ok do you remember when you signed that?*

DS: *Yeah.*

HT: *Was it two years ago was it three years ago?*

DS: *I don't. If there was a copy I guess it would have a date on it.*

HT: *But you don't remember signing it?*

DS: *I don't remember when but if he said I did I say yes. There was a lot going on.*

HT: *I need to know, it's not what he said.*

DS: *Yes....I don't know when.*

HT: *Do you remember anything at all in that document that you signed?*

DS: *(paused for 21 seconds before answering). Specifics...No I don't remember anything specifically in that document. I don't have a copy of that document.*

The following Sheriff's Department Policy and Procedures Section would be applicable to the above allegation:

2.4 Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

2.6 Conformance to Laws

Employees shall obey all laws of the United States, of this state, and of local jurisdictions. The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

Employees shall immediately inform their immediate supervisor of any and all circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency. The supervisor receiving such notification shall immediately notify Internal Affairs.

As it relates to:

PENAL CODE SECTION 484 (a), Definition of Theft:

Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or Fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft.

PENAL CODE SECTION 487 (a), Definition of Grand Theft:

Grand theft is theft committed in any of the following cases: (a) When the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950).

PENAL CODE SECTION 503 , Definition of Embezzlement:

Embezzlement is the fraudulent appropriation of property by a person to whom it has been entrusted.

The burden of proof for an administrative case is a *"preponderance of evidence"* which is defined as *"such evidence, when weighed with that opposed to it, has more convincing force and greater probability of truth."*

While Devera attempted to mislead, confuse and offer partial information during her interview, certain facts regarding the allegation are clear. The witnesses, [REDACTED] and [REDACTED], both claimed that Devera admitted to them that she stole money from the church. I found both witnesses credible because their statements were consistent but more importantly each of them remained very committed to protecting Devera from a criminal or administrative investigation. There were no indications of revenge, animosity or character assassination but more of an attitude of preservation and forgiveness.

In investigating this allegation I made certain assumptions based on statements and procedures. Each Sunday the money was collected and counted by several trustees. Once the money was counted a deposit slip was filled out and the money was placed in the safe. Devera's claim that the money was counted wrong each week seems highly unlikely since the count is verified by several church trustees. After counting the money, it is placed in the safe until removed by Devera for deposit. According to [REDACTED] the only people with access to the safe is himself, [REDACTED] and Devera. I found no logical or reasonable explanation that either [REDACTED] or [REDACTED] would take money from the safe knowing that several witnesses could verify the amount and the deposit slip would not match the amount deposited. Devera was the only person with access to the money, who knew there was no audit being done and she could just recreate her own deposit slip while at the bank. Devera claimed she initialed the deposit slips each week because the money was counted incorrectly, yet when I told her about getting copies of the deposit slip with her initials, she claimed that I might not see her initials on them.

Devera's admission that she was giving the church \$500 per month for tithes as well as providing up to 5 months of post-dated checks to the church, provided no logical reason why she needed to give post-dated checks and tithes to a church she claimed to not have attended for three years. Devera admitted in her interview she was unhappy with the New Hope Friendship Baptist Church and she was attending another church, yet she provided them monthly payments and post-dated checks. Devera saw or spoke with [REDACTED] almost every day and her family, including her mother, still attended the church. There was a clear way to pay tithes each month without having to leave several signed and dated checks with the Board of Trustees Chairman. [REDACTED] confirmed in his interview that the monthly checks were restitution and Devera admitted that she knew the church considered the monthly payments restitution.

Devera's claim that New Hope Friendship Baptist Church was always listed as her beneficiary is not true. During this investigation I spoke with San Diego County Deferred Compensation (Nationwide) Coordinator Phillip Blair. Blair stated that Devera Scott's Nationwide Deferred Compensation account did not have a beneficiary on file in 2009 or 2010. A new beneficiary was added in late 2011. Blair said the new beneficiary was an "entity" and not a person. Blair would not reveal who the beneficiary was except that it was an organization and not a person. This adds

credibility to [REDACTED] statement that he and Devera called Nationwide Insurance in November or December 2011 to add the church as a beneficiary.

[REDACTED] stated that he drafted a document for repayment and Devera signed the document. Devera admitted she signed the document but doesn't remember the details of the document or when she signed it. Her convenient lapse of memory regarding details of the document does not invalidate her knowledge and admission that she owes the church for money she took while she was Treasurer.

Based on credible and consistent witness statements as well as Devera Scott's admission of the crime and agreement to repay the church, the facts of the investigation support the allegation that Devera Scott misappropriated over \$100,000 from the New Hope Friendship Baptist Church.

It is alleged Lieutenant Devera Scott, while being interviewed for this investigation, was not truthful with Internal Affairs investigators.

Devera's responses to certain questions during her interview with Internal Affairs investigators indicated deception, untruthfulness and comments that were misleading. In the following paragraphs, I outline and comment on specific excerpts from the Internal Affairs interview that establish the intent to deceive and mislead.

When Devera was asked if she had any financial dealings with the church, she gave a vague and misleading answer then she attempted to avoid the question by asking for a break even though the interview had only been occurring for less than twenty minutes. She initially attempted to claim that she was not treasurer from 2008 till 2011.

HT: *How long were you treasurer?*

DS: *About 5 years. I been um, yeah bout 5 years.*

HT: *From when to when?*

DS: *um the actual treasurer, from about 2000 to 2005 when I was the official treasurer.*

HT: *2000 to 2005?*

DS: *When I was official but I stayed at the church there until 2010 when I left.*

HT: *Did you have any other duties after 2005?*

DS: *um I was in the choir. I worked with the youth. I worked with the church and also I wrote the business letters. I did a lot of stuff with the church. I still worked there. I was still there. I was working with the church and the Pastor and everybody else.*

HT: *So you weren't treasurer between 2008 and 2011? You had no dealings with any financial aspects of the church?*

DS: *As far as....I could....not really....but I could have. But I was not the official church Treasurer.*

HT: *No I understand that but I'm asking you. Did you have any financial.....*

DS: *Can I take a break?*

HT: *Well answer this question first.*

DS: *Yes (whispering).....*

HT: *Did you have any.....*

DS: *Yes (whispering).....*
HT: *financial dealings....*
DS: *Yes.*
HT: *....where you handled money between 2008 and 2011?*
DS: *Can I take a break?*
HT: *Can you answer the question first please.*
DS: *Yes....yes.*

Devera Scott claimed that each week when she deposited the weekly monetary collections, the amount was always different from what was listed on the deposit slip. She would initial the deposit slips to accurately reflect what was being deposited in the Union bank account. Devera originally stated that her initials were on the deposit slips but when I told her that I would get copies of the deposit slips, she immediately provided me a different answer contradicting herself. She claimed I might not see her initials on the deposit slips.

HT: *So the deposit slip matched what was being deposited?*
DS: *Sometimes it didn't?*
HT: *And what did you do when it didn't?*
DS: *I called [REDACTED] on the phone because one of the things that what happened is I'm...they...I'm assuming that it is right. And I have chargers season tickets and I worked on Sundays sometimes so sometimes they would do all this stuff on Sundays. I would know what they had collected or what was done. I get to the bank and I go....the deposits wrong.*

...and I'd call and hey, the deposits wrong. The slips are wrong. It was just a lot of a lot of stuff you know constantly and I would call him hey the deposits wrong. And I let him know.

HT: *Ok*
MB: *You said a lot of times? Did that happen the majority of the times you were making the deposits or just once in a while. I mean, what's a lot?*
DS: *Over a span of time...it.....yeah.*
MB: *Over a span of time?*
DS: *It could....variety of times yeah. It could be anywhere from a dollar to a Thousand Dollars, to a lot.*
HT: *And what what did you do when you...when the bank said this doesn't match the deposit slip. I'm assuming that's what the bank said.*
DS: *Yes.*

Lieutenant Scott said that when the deposits were wrong she would call [REDACTED].

HT: *Who would you call?*
DS: [REDACTED]
HT: *You called...*
CW: [REDACTED]

HT: *Ok [REDACTED]. What did he tell you when it was incorrect?*
DS: *Change it. I just initial it and change it and I go back and tell him. Or I, or I would if it was over, I would take the money and put it back in the envelope and I'd give it to him and they would put it in the next deposit....or I'd take it back. The whole thing back and say look, this is, you guys need to look at this.*
HT: *And you can't give an answer on how often this happened just that it happened a lot.*
DS: *It happened a lot.*
HT: *Would you say every other week? Would you say....*
DS: *I can say every other week.*

Lieutenant Scott was asked about initialing deposit slips that required corrections.

HT: *And how often did you initial?*
DS: *I can't remember how often I initialed.*
HT: *But you did?*
DS: *Yeah I initialed.*
HT: *If it was incorrect.*
DS: *....(muffled answer)*
HT: *So if we got copies of the bank deposits then we could see your initials on several of them, correct?*
DS: *...(long pause) It could have been initialed even in the room when everyone was there. If I was there. It could have been initialed by one of them.*
HT: *Well I'm I'm saying that could it be...*
DS: *You could....I don't know*
HT: *Would I see your initials on there?*
DS: *You could.*
HT: *How often would I see your initials? You said it happened a lot.*
DS: *Not my initials on it a lot. Um I don't know. I don't know you could find it. I don't know. I really don't. I really don't know. That's the truth. I don't really know.*

Devera attempted to explain why she post-dated and signed up to six months of checks payable to the church. Her claim that it was tithes was unexplainable since she is friends with and sees on a regular basis, [REDACTED]. Her mother and family attend church each week and she still had numerous friends in the church that she speaks with on a regular basis. There was no rational or reasonable explanation as to why she post-dated six months of checks except to downplay an agreed upon monthly restitution which had been confirmed by [REDACTED] and [REDACTED]. Devera was purposely misleading and deceitful when asked about restitution.

HT: *What agreement do you have with the church to pay back the money?*
DS: *The only thing I'm paying that church is my tithes. I pay them \$500 a month and I write it off as my tithes. That's the same amount of money I've been giving them which is ten percent of my take home pay. That is the agreement with them to give them my tithes.*
HT: *Ok. That's the agreement you have, \$500 a month to pay your tithes.....*
DS: *I give em my tithes.*
HT: *....even though you don't go to that church anymore and you haven't for three years.*

DS: *Yes.*

HT: *You still pay tithes to them.*

DS: *I sure do because I don't belong to another church and I was with um [REDACTED], who's deceased and he was my care watch until I joined another church. I give em the same amount of money. I give it to [REDACTED] and I say, and that the exact same amount. I've never (mumbling) from that.*

HT: *So you're your telling me that it's tithes and not restitution for the for the money, missing money?*

DS: *I give them tithes, \$500 tithes to that church.*

HT: *And how do you give that?*

DS: *In a check payable to New Hope. I don't have any agreement. Anything in writing saying I'm paying them anything. I don't have to give them but I give them my tithes every month.*

HT: *Ok um so you go to the church every month and you write them a check....*

DS: *I do not.*

HT: *....or do you mail it to them? How do you get that to them?*

DS: *I...give it to [REDACTED]. He's this close to me I say hear is my checks.*

HT: *That's what I'm ask...that's why I'm asking you.*

DS: *I don't go to the church. I give em to [REDACTED]*

HT: *How often do you see him?*

DS: *Whenever I..if I give em all my tithes. I give it to him once... I see him about once a month. He lives around the school.*

HT: *So you hand him the checks and he gives it to the church.*

DS: *the church...*

HT: *Ok...do you ever postdate any checks?*

DS: *Yes...if I'm...Yes*

HT: *And, and, how many do you postdate?*

DS: *Maybe three.*

HT: *Just three checks so you postdate three checks.*

DS: *As my tithes. It's the same amount.*

HT: *But you just said you give em a check once a month.*

DS: *No I postdate em and I ...No, No No. I give them a check to cash once a month but I give [REDACTED] all my money three times a month. Three times, four times, whenever I see him. There is no set time or now. But I give him a check.*

HT: *You give him a check or you give him checks?*

DS: *I give him checks to deposit once a month.*

HT: *That are postdated. And when I say postdated I mean say that you've given him \$500 check for January. You will give him 2 or 3 more checks at the same time?*

DS: *If I know that my my tithes....unless I say I'm not going to give you this and then I give it to him because sometimes I want to give my tithes ten percent off the top which is \$5000, ten percent. And yes I do give it to em but I'm not going to do that anymore cuz that looks bad.*

MB: *Why do you think it looks bad?*

DS: *Because it looks like I'm making a payment to them when I'm giving em my tithes. I'm gunna now give one check a month. But I always give em the same ten percent right off the top.*

Devera was untruthful when she stated that the New Hope Friendship Baptist church has always been listed as a beneficiary for her death benefit and Nationwide deferred compensation account. The only changes made were percentage amounts. Evidence provided by the county benefits manager confirmed that Devera listed two individuals, [REDACTED] and [REDACTED] as the only beneficiaries for her department life and accidental death/dismemberment insurance. In regards to the Nationwide deferred compensation account, no beneficiary was listed in 2009 and 2010. There was a change to the beneficiary status in late 2011 which added an entity (business). [REDACTED] stated that he and Devera called Nationwide in late 2011 to add the church as a beneficiary. Devera's claim that the church has always been listed as a beneficiary is untrue.

HT: *K...Who is the beneficiary of your of accidental death life insurance policy?*

DS: *New Hope. The church.*

HT: *The Church is. When was that change made?*

DS: *They been on my beneficiary since I was a trustee. They been on there at least ten plus years but I just made a recent change to half...half of them and my [REDACTED]*

HT: *When was that change made?*

DS: *I don't remember the day.*

HT: *Was it a month ago, was it six months ago, was it a year ago?*

DS: *No....no...no years ago.*

HT: *What do you mean years? Two years, three years....*

DS: *I could go get it and I could pull it...I don't know the exact date.*

HT: *No i'm not asking for the exact years.*

DS: *Years.*

HT: *Would you say it's more than 5 years less than 5 years?*

DS: *That I made a change less than 5 years.*

HT: *That you made a change where you added the church and....*

DS: *Right...the church has always been on.*

HT: *K the church has always been on for ten years you say.*

(answer continued).....

HT: *Did you commit a portion of your retirement after you retire from sheriff's department?*

DS: *The church has always been a beneficiary because I'm a single person and I have no children whatever so they've always been a beneficiary of something of mine...but I need to change that but I was too scared to change it because I don't want you guys....*

HT: *That's not the question I'm asking.*

DS: *Yes.*

HT: *So you did commit a portion of your...*

DS: *Yes.*

HT: *How much did you commit?*

DS: *I don't know. I don't know what's in it off hand.*

Devera was untruthful when she denied signing an agreement but later admitted to it. She claimed that although she signed an agreement she could not remember what she signed or specifics of the agreement.

DS: *I give them tithes, \$500 tithes to that church.*

HT: *And how do you give that?*

DS: *In a check payable to New Hope. I don't have any agreement. Anything in writing saying I'm paying them anything. I don't have to give them but I give them my tithes every month.*

(Interview continued).....

MB: *Have you entered into any agreement whether it be oral or written....*

DS: *With...*

MB: *...with the members of the church, board of trustees whoever. You said you accepted responsibility....*

DS: *I did.*

MB: *...for the missing money as the treasurer.*

DS: *Yes.*

MB: *As part of that acceptance of the responsibility are you paying them back money...(muffled)*

DS: *I'm giving them tithes, Yes.*

(interview continued).....

HT: *You never signed any agreement with the church to pay back any money owed to them? Any agreement? Anything in writing or orally? You never signed anything?*

DS: *I signed checks, I...*

CW: *Listen to his question.*

DS: *(paused for 11 seconds before giving answer). Yes. I probably.....I don't know. Can I take a minute. Yes I'm gonna say yes.*

CW: *To what?*

DS: *That I have yes...I am. I'm saying yes.*

MB: *And you're saying yes that you have entered into an agreement with the church.*

DS: *If he remembers specifically and I [REDACTED]....I believe [REDACTED] I'll say yes.*

HT: *You did sign an agreement...*

DS: *If he says I have, I don't have any copies of anything.*

HT: *....agreeing to pay back monies owed to the church?*

DS: *If he says I have something which I don't have, I'll say yes.*

HT: *You may not have a copy of it.*

DS: *Okay, Yes.*

HT: *And that's your truthful answer?*
DS: *Yes.*
HT: *Ok do you remember when you signed that?*
DS: *Yeah.*
HT: *Was it two years ago was it three years ago?*
DS: *I don't. If there was a copy I guess it would have a date on it.*
HT: *But you don't remember signing it?*
DS: *I don't remember when but if he said I did I say yes. There was a lot going on.*
HT: *I need to know, it's not what he said.*
DS: *Yes....I don't know when.*
HT: *Do you remember anything at all in that document that you signed?*
DS: *(paused for 21 seconds before answering). Specifics...No I don't remember anything specifically in that document. I don't have a copy of that document.*

The following Department policy is applicable to the allegation above:

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete. (Reviewed 1-27-2011)

Devera continued to provide untruthful and misleading statements throughout the interview. Her lack of accountability and intentional effort to distort, confuse and misdirect during the interview was apparent. The inconsistent and contradictory statements prove that Devera was untruthful. Her denial of handling church finances then admitting being involved in church financial business, the claim that she initialed incorrect deposit slips then claimed a review of those same deposit slips may not have her initials on them and finally denying signing a document that listed her restitution requirements but later admitting she signed a document agreeing to pay back the church the missing money. Devera conveniently can't recall what was in the documents. Contradictory, misleading, evasive and random statements validate Devera's attempt to be untruthful during this interview.

It is alleged that Lieutenant Devera Scott disclosed information from this case to several church members after being given a lawful order not to disclose information regarding the investigation.

It is not disputed that Devera Scott acknowledged she received and read on February 8, 2013, the notification letter from Internal Affairs regarding her conformance to law allegation and the order not to disclose anything regarding this investigation with anyone other than her employee representative or legal counsel. The excerpt below reveals that Devera Scott violated this order.

HT: *So just for clarification on the dates up there. Umm your'e not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel. Have*

- you had a conversation with anyone regarding any aspect of this case after receiving the letter?
Any aspect of this case after receiving the letter.*
- DS: *Yes.*
- HT: *Ok. Have you... Which individual did you discuss it with?*
- DS: *I talked to umm the [REDACTED] and I talked to [REDACTED]*
- MB: *Have you talked with anybody else? You said that there had been a bunch of people...(muffled)*
- DS: *I talked to [REDACTED] because [REDACTED] and I...I've talked to..*
- HT: *Who [REDACTED]?*
- DS: *[REDACTED]*
- HT: *Oh ok I'm sorry [REDACTED]*
- DS: *I've talked to him cuz I asked him to give me a statement. My contribution statement. He has not.
I asked um [REDACTED] um florene just just...*
- CW: *Did you did you discuss aspects of the investigation?*
- DS: *No no no not the aspects cuz I didn't know what the alleg...what the aspects of the investigation
was. I just knew what he had said and what was going on and that there was some letter. I
didn't know any of this so specifics I didn't know cuz...*
- MB: *That was Sergeant Taft's question to you though. Since the 11th when you read the letter and
talked to him on the phone, have you talked with anybody else about the circumstances of this
case and you said yes. The [REDACTED] yes, [REDACTED] yes, [REDACTED] and then the
other two or three people you named.*
- CW: *Sgt didn't you call her a follow-up call to clarify what..after she received this letter. I think you
said you called her.*
- HT: *Well I.. I called her on the...on the on the 11th and that's when I set up the interview and then I
called you one more time just to make sure everything was set for today.*
- DS: *Then you sent me two emails.*
- HT: *And I sent you a couple emails.*
- DS: *But as far as the specifics of this...*
- CW: *There was a month between the time this letter...*
- DS: *I think that your...we are getting confused on something. Regarding the specifics of this case no.
Regarding things going on and people because everybody was yes people were calling me.*
- HT: *Well I asked you any any aspect of the case. You don't have to necessarily say specifics.
Any aspect of the case.*
- DS: *Yes because people were calling.*
- HT: *You said yes you did.*
- DS: *And I said I'm not I'm not going to have a conversation with you.*
- HT: *So now your'e changing your answer?*
- DS: *Well I'm...as specific details, yes. They talked to....they called me and I said yes I know. Yes this
is going on. I don't...I'm not gunna...you know. Called to say stuff like that. Yes so yeah.*
- HT: *Any aspect of the case?*
- DS: *Yeah.*
- MB: *Ok that's what he was asking.*
- HT: *That's what I'm asking.*
- DS: *Yeah. Yeah I did....because. Yeah that's true because I even told um um Captain Duke.*

The following San Diego Sheriff's Department Policy sections would be applicable to the allegation listed above:

2.15 Insubordination

Insubordination is the willful refusal to obey a reasonable and lawful order given and understood. A reasonable and lawful order given to a subordinate shall be followed regardless of the method of conveyance. The willful failure to obey orders constitutes grounds for discipline (including termination). (Reviewed 12-19-2010)

Devera Scott acknowledged that she read and understood the letter dated January 11, 2013, which informed her she was being investigated for the allegation of conformance to law and not to disclose anything regarding the investigation except to her employee representative or legal counsel. Devera Scott was insubordinate in that she knowingly violated the order not to disclose information concerning this case by speaking with and discussing aspects of the case with several members of her church.

FINDINGS

This complaint against Lieutenant Devera Scott, as to the allegation that while serving as Treasurer at the New Hope Friendship Baptist Church between 2008 and 2010, she stole over \$100,000, as it relates to Sheriff's Policy and Procedures, Sections:

- 2.4 Unbecoming Conduct
- 2.6 Conformance To Laws (As it relates to: PC §484 (a) Theft, PC §487(a), Grand Theft and PC §503 Embezzlement)

is **SUSTAINED**.

This complaint against Lieutenant Devera Scott as to the allegation that she was not truthful during her interview with Internal Affairs Investigators, as it relates to Sheriff's Policy and Procedures, Section:

- 2.46 Truthfulness

is **SUSTAINED**.

This complaint against Lieutenant Devera Scott as to the allegation that she disclosed information from Internal Affairs Case #2013-004.1 to members of the New Hope Friendship Baptist Church after being given a lawful order not to disclose information regarding the investigation, as it relates to Sheriff's Policy and Procedures, Section:

- 2.15 Insubordination

is **SUSTAINED**.

Submitted by: Herbert Taft 7/24/13
Herbert Taft, Sergeant Date

Approved by: A. Giammarino, Lt 072413
Anthony Giammarino, Lieutenant Date

WITNESS LIST

INTERNAL AFFAIRS CASE #2013-004.1

NAME

ADDRESS

TELEPHONE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sergeant Robert Lewis
SDPD Fraud Unit

1401 Broadway
San Diego, CA 92101

(619) 446-1036 Work

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2013-004.1

DATE: July 22, 2013

COMPLAINANT: SDSD

INVESTIGATOR: Sergeant H. Taft

INVESTIGATION

On January 16, 2013, I was assigned Internal Affairs case 2013-004.1 for investigation by Lieutenant Giammarino. I reviewed the complaint form which originated through an anonymous Crime Stoppers tip. The complaint alleges that Detentions-Lieutenant Devera Scott misappropriated over \$100,000 from the New Hope Friendship Baptist Church while she was assigned as the church Financial Secretary.

The allegation of misconduct was forwarded to Internal Affairs Lieutenant Giammarino on December 26, 2012 from the San Diego County Crime Stoppers TipSoft law enforcement alert. Lieutenant Giammarino contacted the San Diego Police Department and requested they contact the church about completing a criminal investigation into the alleged fraud. Sergeant Robert Lewis of the San Diego Police Department's Fraud Unit called Lieutenant Giammarino on January 3, 2013, and advised that the church does not desire prosecution; thus, no criminal investigation was initiated.

The anonymous complaint lists an act of Fraud/Forgery occurring at the New Hope Friendship Baptist Church which is located at [REDACTED] in the City of San Diego.

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The Crime Stoppers complaint states,

'Deputy Devera Scott served as the Financial Secretary for the New Hope Friendship Baptist church. It was discovered a sum of \$100,000 plus was missing from the deposits over a three year period. Deputy Scott admitted she took said funds to the pastor, [REDACTED]. The crime was not reported by the [REDACTED] nor the Chairman of the Church Trustees, [REDACTED], or the church Administrator, [REDACTED]. The crime took place between 2008 to 2011. Pastor and trustees should know the dates.'

After receiving the complaint and reviewing any associated documents, I attempted to contact the witnesses listed in the original Crime Stoppers tip. On January 30, 2013, and again on January 31, 2013, I drove to the New Hope Friendship Baptist Church. On both occasions no contact was made with any of the witnesses or any member associated with the church. I called the number listed for the church several times but was unable to leave a message.

On February 3, 2013, I drove to the New Hope Friendship Baptist Church and arrived around 0700 hours. Prior to entering the church, I contacted the church administrator, [REDACTED], who was arriving at the church at the same time. I introduced myself and explained to [REDACTED] that I needed to speak with [REDACTED] regarding one of the members of the church. [REDACTED] indicated that he believed [REDACTED] was there at the church but he was preparing for Sunday church services. I gave my business card to [REDACTED] and asked him to relay my request for a meeting with [REDACTED]. At 1415 hours that same day, [REDACTED] called me and we arranged to meet at the church on February 4 at 1100 hours.

STATEMENTS:

All of the interviews in this investigation were digitally recorded EXCEPT the interview with [REDACTED]. [REDACTED] consented to the interview but did not want to be digitally recorded. Some of the following statements are synopsis from the original recorded interviews. All verbatim wording within the narratives is italicized and either quoted, or prefaced with capitalized initials of the interview participants. A labeled compact disc of the digitally recorded interviews is attached to this investigation.

STATEMENT OF WITNESS - [REDACTED]

On February 4, 2013, at approximately 1055 hours, I met with [REDACTED] at the New Hope Friendship Baptist Church which is located at 2205 Harrison Avenue in the City of San Diego. [REDACTED] is the pastor of the church and responsible for all church business

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and activities. The following interview with [REDACTED] was not digitally recorded but his statements were immediately transcribed and documented into this investigation.

The interview, in regards to the complaint, began at 1146 hours on February 4.

Question: Could you please state your name?

[REDACTED] stated that his complete name was [REDACTED]. He had a [REDACTED] who was a [REDACTED] and wanted to clarify and distinguish in the interview that I was talking to [REDACTED]

Question: Was Devera Scott your Financial Secretary from 2008-2011?

I asked [REDACTED] if Devera Scott was the Financial Secretary from 2008-2011. [REDACTED] stated, "Yes she was."

Question: Is it an appointed position or volunteer?

He stated that Devera Scott was actually church Financial Secretary prior to 2008 and that he had appointed her and the church congregation confirmed her appointment by a vote. [REDACTED] stated he trusted Devera as Financial Secretary primarily because she had been a member of the church (New Hope Friendship Baptist Church) for many years.

Question: What are the responsibilities of the Financial Secretary?

[REDACTED] stated that the Financial Secretary deposits all monies collected during Sunday service and deposits those monies collected in the bank. In addition to those duties, the Financial Secretary records any money spent by the church.

Question: Is it a position that one person handles all the duties associated with Financial Secretary or do others assist?

The process of collection starts on Sunday. The church trustees collect monetary donations then count the money collected. The trustees fill out a deposit slip for the amount collected and both the deposit slip and money is given to the financial secretary. On the Monday or Tuesday following Sunday collections, the Financial Secretary will take the deposit slip with the money and deposit the entire amount into the church's bank account which is located at Union bank.

[REDACTED] stated that the church administrator, [REDACTED], was responsible for auditing the deposits and ensuring that the total amount of money collected on Sunday was the correct amount the financial secretary was depositing each week. Each month when the bank statement was mailed to the church, [REDACTED] was supposed to compare the weekly deposits to the deposit slips filled out by the church trustees. [REDACTED] stated that, "The

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administrator was not balancing the books." [REDACTED] believed that the monthly audits that [REDACTED] was supposed to be doing had not occurred for several months but could not give a definitive answer as to the last time the monthly audit occurred.

Question: What were the details that led to the discovery of the missing deposits?

[REDACTED] stated that the [REDACTED], found several unopened Union bank statements in one of the church offices. [REDACTED] brought the unopened bank statements to [REDACTED]. They both reviewed the statements and noticed inconsistencies when they compared the bank deposits to the deposit slip filled out by the church trustees. The dollar amounts collected, counted and verified on Sunday was not the same amount being deposited by Devera, the Financial Secretary, on Monday or Tuesday. [REDACTED] realized that the unopened bank statements meant that [REDACTED] was not auditing and balancing the books on a monthly basis.

Question: The complaint alleges \$100,000 was not deposited between 2008 and 2011. Is this accurate?

[REDACTED] stated that there was never an official audit done on the church financial books but that the money taken was, "around \$100,000." I asked for clarification of the amount he believed was taken. [REDACTED] was hesitant on the exact amount and repeated to me that no official audit was done but what he could say was that the amount total was, "Well over \$100, 000." [REDACTED] then proceeded to say that Devera admitted to him and [REDACTED] that she took the money.

He said Devera signed over a life insurance policy in the amount of \$300,000 and made the church the beneficiary. The policy was for her accidental death and he believes the policy was through the Sheriff's Department. In addition, Devera also committed a portion of her retirement to the church. Devera stated to [REDACTED] that when she retired, she could draw a lump sum of her retirement and give that money to the church (amount was not disclosed).

Question: If the money was not being deposited in the church's account, where was the money being deposited and who was the recipient of the deposits?

[REDACTED] stated that Devera would not state what she did with the money. He asked several times but she refused to answer. [REDACTED] said he knew Devera was having some financial problems and thought she might have a gambling addiction and/or gave some money to her family.

Question: Did Devera Scott tell you, the Chairman of the Church Trustees or Church Administrator that she was not depositing the funds into the church's approved account?

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"No she didn't. We went to her."

Question: Did she have permission to handle and use church funds without permission from the church?

"No"

Question: What did Devera say when it was discovered that the money was missing?

██████████ stated that during the first meeting with Devera, she denied taking any funds. Devera said that she was being unfairly targeted and that he (██████████) was making this a personal vendetta against her.

After several days (unknown how many) and a closer look at the bank deposit inconsistencies, ██████████ and ██████████ called Devera back into the ██████████. ██████████ said to Devera, *"Look I know you took the money. Either tell me the truth or I will go to the law."* ██████████ stated that Devera began crying and admitted to him and ██████████ that she took the money.

Question: How did the church come to a resolution on handling the missing funds?

██████████ stated that he made arrangements with Devera that the money would be paid back in several ways. Devera agreed to make monthly restitution payments to the church.

Devera agreed to sign over her life insurance policy. The policy according to ██████████ is an accidental death policy and is valued at \$300,000. ██████████ and Devera contacted Nationwide Insurance by phone around November or December 2011 to make arrangements to have the New Hope Friendship Baptist Church designated as the beneficiary.

Devera agreed that upon her retirement from the Sheriff's Department, she would withdraw a lump sum payment and give a portion of that money to the church to offset her balance that she owes to the church.

██████████ stated that he spoke with an attorney regarding the theft and admission from Devera and that she had taken the money and the arrangements for paying back the missing money. **A written contract for repayment was drafted and signed by Devera Scott.** ██████████ would not give me a copy of that signed agreement.

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Question: Restitution and how much?

██████████ stated that Devera was currently writing a check to the church on a monthly basis for \$500. He stated that the church is about to reevaluate that amount. According to ██████████ the agreement with Devera was that as she paid off her car and/or bills, the monthly payments to the church would increase. ██████████ stated that he believed she had finished payments on her car so he needed to discuss with Devera about increasing the monthly amount to the church.

Question: Is Devera still the Financial Secretary?

"No"

Question: What is her role in the church?

██████████ stated that Devera is still a member of the New Hope Friendship Baptist Church but only attends church services occasionally. Devera told ██████████ that she is embarrassed about what she did so she now attends another church. He believes that the church she now attends is called Faith Tabernacle.

Question: Any additional information you would like to add?

██████████ wanted to reiterate to me that the church has forgiven Devera for what she did and that they (church membership) did not want to ruin Devera's career or send her to prison. After praying on this for several days and discussing it with the ██████████ ██████████) and ██████████ decided to let the church membership vote on whether they should forgive Devera or report this crime to law enforcement. ██████████ said that he told the church members about the missing money, amount, who took the money, and the repayment. The church members voted and the majority agreed on forgiving Devera, accepting the repayment and not contacting law enforcement. ██████████ said that a small amount of members were not happy about the decision to keep this incident internal but the majority of the church members voted for forgiveness (at least 51 percent).

I ended the interview at 1305 hours and asked ██████████ not to disclose what we had talked about to anyone. He stated that he would not disclose our conversation to anyone.

On February 24, 2013, I went to the New Hope Friendship Baptist Church and spoke with ██████████. At 0730 hours we met in his office. ██████████ stated that he recently received a call from Devera. She was upset because someone in the church told her he went to her department (Sheriff's) and told them about the missing money. ██████████ stated to Devera that I (Sgt. Taft) approached him about the accusation. ██████████ also mentioned

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that Devera wanted back her six post-dated checks of \$500 each. She gave no reason as to why she wanted the checks. [REDACTED] would not return the checks because he felt that Devera might not continue paying restitution to the church if he returned the checks. [REDACTED] never mentioned post-dated checks during my first interview with him, so I asked him to clarify why Devera was giving the church post-dated checks. [REDACTED] stated for convenience in paying back the restitution, Devera would sign and post-date up to six months of personal checks. The church would then deposit one check a month into a separate account. This procedure guaranteed the church would receive regular payments each month as well as keep an accurate record of how much restitution had been paid.

I asked [REDACTED] about the document that Devera signed where she admitted to stealing the money and the details of her restitution. [REDACTED] stated that he personally drafted the document and had her sign it. He gave the document to [REDACTED] for safekeeping and that he [REDACTED] would provide me a copy. I ended the interview with [REDACTED] at 0815 hours.

I made an additional call to [REDACTED] several days later to obtain the signed agreement he had with Devera. [REDACTED] stated that after consulting the Attorney representing the church, he was advised not to give me a copy of the document. [REDACTED] main concern was that it could be used for criminal prosecution.

STATEMENT OF WITNESS – SERGEANT ROBERT LEWIS (SDPD)

On February 12, 2013, at approximately 0920 hours, I interviewed Sergeant Robert Lewis of the San Diego Police Department by telephone. Sergeant Lewis has been a police officer for approximately twenty-eight years. He is currently assigned to the Financial Crimes Unit. Prior to the recorded telephone interview, I informed Sergeant Lewis that this interview was in regard to the Crime Stoppers tip that involved possible fraud at the New Hope Friendship Baptist church.

HT: *Do you remember the Crime Stoppers tip alleging fraud at the New Hope Friendship Baptist church?*

RL: *Um, Yes In fact I received a copy of it from, um, a Lieutenant on your department actually, um, and I'm trying to find his name. It was Lieutenant Gee...*

HT: *Would that be Lieutenant, Lieutenant Giammarino?*

RL: *Yes. That's correct.*

HT: *Alright, and um, once you got it what what did you do.*

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RL: *Um, once it was brought to my attention, um, I...I got a copy of it. I read it over and then I called the, the church to see if they wanted to, New Hope Church, New Hope Friendship Church, I believe it is to see if they wanted to actually make a crime report regarding the loss.*

HT: *And, um, who did you speak to?*

RL: *Um, I spoke with one of the um, one of the deacons, um, and I'm sorry I did not write down his name.*

HT: *K, does it, do you remember if the Deacon was [REDACTED]?*

RL: *Yes. Yes.*

HT: *Ok, Ok....Do you remember the date of that conversation that you had with him?*

RL: *Um, it would have been and it was the first part of the year. It was right after the New Year I believe. Um, it wasn't that long ago, um, a little over a month ago, um, about January, um. It wouldn't have been the first cuz I was off then so around the third or the fourth. I believe it was January 3rd.*

HT: *Ok. And um,um, was it in the morning?*

RL: *Um, it was um.....*

HT: *the afternoon....*

RL: *It was, it was midmorning. I don't think it was, um. If it was afternoon it wasn't that late in the afternoon. I don't remember the exact time but it was, it was. So I'd say probably between, um, 11 and, um, 11 and 1. Sometime in that time frame I believe was the was the call.*

HT: *Ok. And u,m you spoke to him over the phone or in person?*

RL: *Um, over the phone.*

HT: *Ok. And can you just basically summarize the conversation that you had with him?*

RL: *Um, yeah basically I told him that I was in possession of a Crime Stoppers tip that was alleging that, um, they were the victim of a \$100,000 theft and ask him if he was aware of it. Um, which he replied yes. The church was aware of it.*

And at that point I asked him if he would like to make a crime report and then we would, you know, investigate it criminally and that was when he told me no. They weren't

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interested in, in making a crime report. They had spoken with the person who was responsible. Um they had met as a, as a board. The trustees had met as a board and decided not to file criminal charges against her.

Um, they had worked out a um, a payment plan so she could make restitution, um, for the loss. And basically he, he told me that um because they were a church and in the forgiving business that they were going to forgive her, for her, for her actions and allow her to make good with payments. And he said that he did not want, they did not want to see her get into, um, any more trouble or or necessarily or lose her job over the incident. And they were satisfied with the way things were progressing.

HT: *Do you remember if he mentioned a name?*

RL: *Um....I...I know the name was mentioned but I don't know if I mentioned it to him as the suspect or if he told me her name. Um so.....*

HT: *In, in the complaint, um, it listed ,um, Devera Scott.*

RL: *Devera Scott, yes.*

HT: *Was that the person that, um, he was talking about?*

RL: *Yes.*

HT: *Ok did he mention where she worked or that she was in..... ?*

RL: *Um, He ment....he did mention that um you know she was um let me think. He said um. Did he mention she worked for the county or that he was, she was law enforcement. A...I want to say that,um, he mentioned that she was um in law enforcement cuz he didn't he didn't want this to mess with her career, ruin her career so we did get on that that topic somehow.*

HT: *...and you do remember it was Devera Scott who was also the individual named in the complaint.*

RL: *Yes.*

HT: *That was the name he mentioned?*

RL: *Yes.*

HT: *Ok. U,m and so after that conversation, um, so after that what happened.*

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RL: *Um, after that um you know I mentioned to him. I told him it was a Crime Stoppers complaint and, um, the individual that made the complaint you know was anonymous but it had been probably someone from his church and he said he was well aware of it.*

He told me that he knew that there were several church members who weren't happy with the decision they made not to file charges, um, he even told me that some of them had been very vocal about the fact that they weren't filing charges but he said that was their decision and they were gunna stand by it. And...

Before we hung up I...I told him again, I said, hey, well you know if you want to....if you change your mind and you guys want to file charges. I believe I left him with my information and told him that we'd be more than happy to take the crime report and move forward with the um criminal investigation and he assured me that that was not the route they wanted to take so.....

HT: *Ok....and, um, did anyone else contact you after that or did you have any contact with anyone with anyone from the church after that conversation?*

RL: *No...not at all.*

I ended the interview with a request not to disclose at approximately 0926 hours.

STATEMENT OF ACCUSED – DETENTIONS-LIEUTENANT DEVERA SCOTT

On February 27, 2013, at approximately 0807 hours, I interviewed Detentions-Lieutenant Devera Scott (titled as Lieutenant hereafter in this report) at the John F. Duffy Administrative Building, in a private conference room, located in the Internal Affairs Office. Present at the interview was Attorney Charles B. Walker (Lieutenant Scott's Representative) and Internal Affairs Sergeant Michael Blevins. The interview was digitally recorded. A synopsis of the interview is below. For exact and complete details, please refer to the recording.

Prior to the interview Lieutenant Scott had an opportunity to review the complaint and the San Diego County Sheriff's Department Rules of Conduct as they pertain to Insubordination (2.15), Intervention (2.38), Departmental Reports (2.41), and Truthfulness (2.46). Lieutenant Scott understood each rule and her obligation to adhere to them.

I read Lieutenant Scott the "Miranda Warning" from the standard printed form. Lieutenant Scott answered, "Yes" to understanding her rights, and "No" under her willingness to speak with me. I then admonished Lieutenant Scott under the "Garrity Warning." I asked Lieutenant Scott if she

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had any questions concerning the "Garrity Warning." Lieutenant Scott answered, "No." I then ordered Lieutenant Scott, as an agent of the Sheriff, to answer my questions.

Throughout this interview the following initials will represent the following individuals:

HT: Herbert Taft (Primary Investigator)
MB: Michael Blevins (Investigator)
DS: Devera Scott (Accused)
CW: Charles Walker (Employee Attorney Representative)

Lieutenant Scott has been employed by the Sheriff's Department for approximately twenty-five years. She is currently assigned as the Administrative Lieutenant at the East Mesa Detention Facility.

Lieutenant Scott was asked about her membership with the New Hope Baptist Church. She indicated that she is currently not a member.

HT: *Are you a member of New Hope Friendship Baptist Church?*

DS: *No*

HT: *Where you ever a member?*

DS: *Yes.*

HT: *How long where you a member of New Hope Friendship Baptist Church?*

DS: *Almost, almost 40 years. I grew up in the church.*

Lieutenant Scott stated that she was currently attending two churches, City of Hope International and Christian Heritage. She has not officially joined either church but has been searching for a new church home for approximately 3 years.

HT: *Who is the Pastor of New Hope Friendship Baptist Church?*

DS: [REDACTED]

HT: *...and what are his duties as the Pastor of the church?*

Lieutenant Scott stated that [REDACTED] duties include ministering to the members of the church, head of Church Corporation and signs official state documents for the church.

HT: *Who is the Chairman of the New Hope Friendship Baptist Church board of trustees?*

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DS: [REDACTED]

HT: *...and what are his duties?*

DS: *He is to oversee the financial and administrative functions of the church. I have...its written in our by-laws.*

Lieutenant Scott stated that if [REDACTED] was not available to perform his duties then the second in charge would be the Chairman of the Deacon Board. [REDACTED] was the Chairman and now he is the Church Administrator. [REDACTED] duties as Administrator include financial duties, keeps all the records, prepared documents, quarterly business reports and handles all the financial aspects of the church.

Lieutenant Scott was asked whether she felt [REDACTED] and [REDACTED] are honest and truthful individuals. She stated that overall they care a lot about the people in the church, however, she did not feel that [REDACTED], [REDACTED] or [REDACTED] were honest or truthful. Lieutenant Scott's based her opinion on the fact that sometimes decisions were made in the church which were not in accordance with church rules or church by-laws. Lieutenant Scott also explained that none of their actions were criminal.

HT: *Were you the Financial Secretary for the church?*

DS: *No.*

HT: *You were never Financial Secretary?*

DS: *Never the Financial Secretary.*

HT: *What was your title?*

DS: *I was the Treasurer.*

Lieutenant Scott handed me a copy of church by-laws and a resignation letter dated August 13, 2005. The resignation letter was written from Lieutenant Scott to [REDACTED] stating that she was resigning from the Board of Trustees due to the church associating with a business which was not operating within the law. In addition, Lieutenant Scott pointed out in the church by-laws the duties and responsibilities within the church.

HT: *How long were you treasurer?*

DS: *About 5 years. I been um, yeah bout 5 years.*

HT: *From when to when?*

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DS: *um the actual Treasurer, from about 2000 to 2005 when I was the official Treasurer.*

HT: *2000 to 2005?*

DS: *When I was official, but I stayed at the church there until 2010 when I left.*

HT: *Did you have any other duties after 2005?*

DS: *Um, I was in the choir. I worked with the youth. I worked with the church and, also, I wrote the business letters. I did a lot of stuff with the church. I still worked there. I was still there. I was working with the church and the Pastor and everybody else.*

HT: *So you weren't treasurer between 2008 and 2011? You had no dealings with any financial aspects of the church?*

DS: *As far as....I could....not really....but I could have. But I was not the official church Treasurer.*

HT: *No I understand that but I'm asking you. Did you have any financial.....*

DS: *Can I take a break?*

HT: *Well answer this question first.*

DS: *Yes (whispering).....*

HT: *Did you have any.....*

DS: *Yes (whispering).....*

HT: *financial dealings....*

DS: *Yes.*

HT: *....where you handled money between 2008 and 2011?*

DS: *Can I take a break?*

HT: *Can you answer the question first please.*

DS: *Yes....yes.*

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Lieutenant Scott requested and was granted a break at 0828 hours. The interview resumed at 0831 hours.

After the break Lieutenant Scott wanted to clarify even though she resigned as treasurer in 2005, she still worked for the church until 2010 and handled money. She answered, "No" in her original answer because of official state documents and church records that the official church treasurer must sign.

HT: *Okay so you still continued to perform duties associated with, um, treasurer?*

DS: *Yeah ok. I'll say yes.*

HT: *Until two thousand and....*

DS: *Ten. When I left.*

HT: *Right....but you were unofficially not the treasurer.*

DS: *Right...as of 2005.*

Lieutenant Scott was asked about the duties of the treasurer.

HT: *What are the duties of the treasurer?*

DS: *Umm. I would help them um count the deposits.*

HT: *When you say them who are you speaking of?*

DS: *The board of Trustees.*

HT: *Board of Trustees, ok.*

DS: *Yes and I would take the money to the bank....and sign on all the checks although the official checks says that I was supposed to be the original signer counter signed by two other people. That's the discrepancy because checks were being written and not counter signed by me and that's the issue I have.*

HT: *So you...you would help count the money collected on Sunday.*

DS: *When I was there.*

HT: *When you were there....and then take the money to the bank.*

DS: *Me or [REDACTED] would take the money to the bank.*

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HT: *Any other duties as the Treasurer both official and unofficial?*

DS: *No....that's basically all I did is sign checks but then I did other work in the church to so. I didn't write their financial reports, I didn't handle their books, I didn't do any of that. That's all done by [REDACTED]*

Lieutenant Scott was asked about the audit procedure as she understood it.

HT: *I would like to know what you understand as the audit procedure for the church, not what's on the paper? What you understand as the audit procedure for the church.*

DS: *That every, we have.....every time a deposit was taken or the money was collected or any checks or anything. [REDACTED] the administrator would get the official check. The document showing what the depo...the deposits were. He would record the information and then he would be responsible for reconciling well actually the financial secretary reconciling the books. Handle all the paperwork and then they would put all the information into the system....and then he would do a business meeting quarterly to go over the church's finances, which, I don't have anything to do with that and he would actually do an annual financial meeting every September.*

Lieutenant Scott stated that she did not know how often an audit was supposed to be done but believed an audit should be done all the time.

HT: *He never approached you saying that he's conducting an audit?*

DS: [REDACTED]?

HT: *Yes.*

DS: *Never.*

HT: *OK.*

DS: *I don't think the books have ever been audited.*

Lieutenant Scott stated that when [REDACTED] assumed the duties as Church Administrator, the books were supposed to be audited but she believes that no audit was done when [REDACTED] took over as administrator. Lieutenant Scott stated that the church received a bank statement each month but that she never saw the statement.

HT: *Did you say that you were never audited?*

DS: *The church was never audited.*

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Lieutenant Scott explained why she officially resigned in 2005 but continued to perform the duties as treasurer until 2010.

HT: *One more time why you resigned as the official treasure church treasurer.*

DS: *Because they were writing checks behind my back. They were cashing checks in replace of funds collected. The deposits were always wrong when I was going to the bank and I didn't want to be responsibleand the fact that they were dealing with people that weren't validated within the State.*

Lieutenant Scott continued with an explanation why she continued to perform duties as the treasurer.

HT: *Well if they were doing things that you were uncomfortable with. You still continued to do the duties of treasurer whether officially or unofficially, even though you knew they were doing things that weren't right, even though you knew they were doing things that made you uncomfortable, even though you knew they were doing things which were against the by-laws. You still were part of that whole process.*

DS: *Not really.*

HT: *Why would you do that?*

DS: *I think it's kind of complicated. I'm trying to make it clear. Um, there were things I would do and things I wouldn't do.*

Lieutenant Scott said that she felt obligated to help because her family still attended the church but when things started to get really weird she left.

DS: *....and I have not stepped near that church*

HT: *...and that was 2010?*

DS: *In three years and I know for a fact.*

Lieutenant Scott explained the collection and deposit process. She stated that the 5 member trustee board counted the money to make sure the count was accurate. Any member of the board could have filled out the deposit slip (including herself). The money is kept in the safe prior to the deposit and she and the trustee board has access to the safe. Union Bank was the location of the weekly deposits. The money could have been deposited any time that week by her or [REDACTED]

HT: *When you made the deposits.....*

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DS: *Monday or Tuesday.....*

HT: *You did them Monday or Tuesday?*

DS: *.....or Wednesday or Thursday.*

HT: *Okay so it varied during the week.*

DS: *Yes.*

HT: *And you would take the money collected on Sunday?*

DS: *Yes.*

HT: *...with the deposit slip?*

DS: *Yes.*

HT: *and then what?*

DS: *Deposit it to the bank?*

HT: *Union Bank?*

DS: *Yes.*

The money was kept in the safe prior to depositing and that all church trustees had the combination to the safe. Lieutenant Scott would take the money and deposit slip to the bank. She would enter the bank and have the bank teller count the money.

HT: *So the deposit slip matched what was being deposited?*

DS: *Sometimes it didn't?*

HT: *And what did you do when it didn't?*

DS: *I called [REDACTED] on the phone because one of the things that what happened is I'm...they...I'm assuming that it is right. And I have Chargers season tickets and I worked on Sundays sometimes, so sometimes they would do all this stuff on Sundays. I would know what they had collected or what was done. I get to the bank and I go....the deposits wrong.*

...and I'd call and hey, the deposits wrong. The slips are wrong. It was just a lot of a lot

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of stuff you know constantly and I would call him hey the deposits wrong. And I let him know.

HT: *Ok.*

MB: *You said a lot of times? Did that happen the majority of the times you were making the deposits or just once in a while. I mean, what's a lot?*

DS: *Over a span of time...it.....yeah.*

MB: *Over a span of time?*

DS: *It could....variety of times yeah. It could be anywhere from a dollar to a thousand dollars, to a lot.*

HT: *And what what did you do when you...when the bank said this doesn't match the deposit slip. I'm assuming that's what the bank said.*

DS: *Yes.*

Lieutenant Scott said that when the deposits were wrong she would call [REDACTED]

HT: *Who would you call?*

DS: [REDACTED].

HT: *You called...*

CW: [REDACTED]

HT: *Ok [REDACTED] What did he tell you when it was incorrect?*

DS: *Change it. I just initial it and change it and I go back and tell him. Or I, or I would if it was over, I would take the money and put it back in the envelope and I'd give it to him and they would put it in the next deposit....or I'd take it back. The whole thing back and say look, this is, you guys need to look at this.*

HT: *And you can't give an answer on how often this happened just that it happened a lot.*

DS: *It happened a lot.*

HT: *Would you say every other week? Would you say....*

DS: *I can say every other week.*

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Lieutenant Scott was asked about initialing deposit slips that required corrections.

HT: *And how often did you initial?*

DS: *I can't remember how often I initialed.*

HT: *But you did?*

DS: *Yeah I initialed.*

HT: *If it was incorrect.*

DS: *....(muffled answer)*

HT: *So if we got copies of the bank deposits then we could see your initials on several of them, correct?*

DS: *...(long pause) It could have been initialed even in the room when everyone was there. If I was there. It could have been initialed by one of them.*

HT: *Well I'm I'm saying that could it be...*

DS: *You could....I don't know*

HT: *Would I see your initials on there?*

DS: *You could.*

HT: *How often would I see your initials? You said it happened a lot.*

DS: *Not my initials on it a lot. Um I don't know. I don't know you could find it. I don't know. I really don't. I really don't know. That's the truth. I don't really know.*

Lieutenant Scott said she had a discussion with [REDACTED] and the church trustees regarding Sunday collections and that the deposits were wrong. She told them that as church treasurer she was responsible for the deposits and the church needed to get the amounts right. She had more discussions about wrong deposits with [REDACTED] and the church trustees than with [REDACTED]

HT: *Did [REDACTED] ever accuse you of taking money from the church without approval from the church board of trustees?*

DS: *Pastor.....*

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HT: [REDACTED] ...Did he bring you into the office and accuse you of taking money?

DS: [REDACTED] did not bring me into the office. [REDACTED] and [REDACTED], there was one specific deposit and I remember specifically, um, it was a \$5000 deposit. And they said the deposit slip is missing, all five copies are missing and the money is missing. And they asked did you take the deposit and I said no. And they go well where is it? I go I don't know. I wasn't even here. I was at the Charger game, yes.

MB: When was that?

DS: When they accused me of taking the \$5000 deposit?

DS: Yes when?

DS: I don't remember when exactly.

MB: Was it a year ago, two years ago, five years ago?

DS: It could have been, it was prior to, it was a while ago prior to me leaving that church.

HT: So it was 2010 prior to that.

DS: prior to 2010 prior...

HT: And that was the only time that they ever accused you of taking....

DS: Specifically accusing me of taking the money, yes. And it was \$5000.

HT: No other time did you have a conversation with them about....

DS: [REDACTED]?

HT:discrepancies in deposits. [REDACTED]; [REDACTED]; [REDACTED]? Either either of them.

DS: Yes

MB: All in the one time?

DS: No I talked to [REDACTED] about it all the time.

CW: About?

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DS: *Discrepancies in deposits. All the time. Constantly. And the issues that I had was a lot of the times the money and stuff was counted on Sundays and I wasn't there but then I'm responsible for taking it to the bank on Mondays but everybody had access to the safe and that is one of the issues is that when all this came out as the allegation. As the treasurer, I'm like you know ultimately. I'm responsible for this money if these come up missing. So they said there was some money missing. I said how much? Did you do an audit? Did you check? They don't know. How much money is missing from the church? We don't know. Give me a dollar amount. We don't know. Over what period of time? We don't know. Well you got an administrator who handles your day, weekday whatever. You have a Financial Secretary who reconciles your bank statements. You have quarterly business meetings which you give financial reports and you have annual financial. What amount of money? What period of time? What are you talking about? Ultimately I'm the treasurer of this as these things are going on but my role strictly is to come in here, take a deposit or sign a check and go to the bank. And that's all I really did.*

HT: *So the only conversation you had was the \$5000.*

DS: *Specifically with the trustees and the pastor was there and I don't know (muffled)*

HT: *And that was the only time that you were...of taking money from.....*

DS: *specific.....amount.*

HT: *The question is did you take money without churches authorization...*

DS: *Did I take money without church...now?. No.*

HT: *...at any time while you were a member of the church?*

DS: *No.*

HT: *Never?*

DS: *Never. Did I take responsibility for money missing. Yes. To the pastor, yes.*

HT: *So you never admitted to taking any money from the church.*

DS: *I never admitted to taking money from the church. What I admitted to was there's money missing. I'm ultimately responsible. You guys haven't audit your books. So as the treasurer and the by-laws, I take responsibility and I quit. So yes, I admitted to being responsible for the money and the discrepancies and yes, being handled the way it was handled because I was the treasurer of the church.*

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Lieutenant Scott stated in all her conversations regarding missing money she never had a discussion with anyone regarding how much money was missing. She claims that the only reason [REDACTED] and [REDACTED] accused her of taking money was because there were discrepancies and she took responsibility as treasurer. Lieutenant Scott continued to accuse both [REDACTED] and [REDACTED] of violating church rules yet she continued with her duties as treasurer despite the rule violations.

A break taken at 0902 hours and the interview resumed at 0907 hours.

Lieutenant Scott stated that [REDACTED] called her twice after he spoke with me (Sgt. Taft). She stated that [REDACTED] told her everything that was asked of him and that he wanted her (Scott) to say the same thing that he ([REDACTED]) told the Sheriff's Department because [REDACTED] wanted to leave the church out of it. [REDACTED] told her that the church handled it.

HT: *What agreement do you have with the church to pay back the money?*

DS: *The only thing I'm paying that church is my tithes. I pay them \$500 a month and I write it off as my tithes. That's the same amount of money I've been giving them which is ten percent of my take home pay. That is the agreement with them to give them my tithes.*

HT: *Ok. That's the agreement you have, \$500 a month to pay your tithes.....*

DS: *I give em my tithes.*

HT: *....even though you don't go to that church anymore and you haven't for three years.*

DS: *Yes.*

HT: *You still pay tithes to them.*

DS: *I sure do because I don't belong to another church and I was with, um, [REDACTED] [REDACTED] who's deceased and he was my care watch until I joined another church. I give em the same amount of money. I give it to [REDACTED] and I say, and that the exact same amount. I've never (mumbling) from that.*

HT: *So you're your telling me that it's tithes and not restitution for the for the money, missing money?*

DS: *I give them tithes, \$500 tithes to that church.*

HT: *And how do you give that?*

DS: *In a check payable to New Hope. I don't have any agreement. Anything in writing saying*

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I'm paying them anything. I don't have to give them but I give them my tithes every month.

HT: *Ok, um, so you go to the church every month and you write them a check....*

DS: *I do not.*

HT: *....or do you mail it to them? How do you get that to them?*

DS: *I...give it to [REDACTED]. He's this close to me. I say here is my checks.*

HT: *That's what I'm ask...that's why I'm asking you.*

DS: *I don't go to the church. I give em to [REDACTED]*

HT: *How often do you see him?*

DS: *Whenever I..if I give em all my tithes. I give it to him once... I see him about once a month. He lives [REDACTED]*

HT: *So you hand him the checks and he gives it to the church.*

DS: *the church...*

HT: *Ok...do you ever post-date any checks?*

DS: *Yes...if I'm...Yes*

HT: *And, and, how many do you postdate?*

DS: *Maybe three.*

HT: *Just three checks so you post-date three checks.*

DS: *As my tithes. It's the same amount.*

HT: *But you just said you give em a check once a month.*

DS: *No I post-date em and I ...No, No No. I give them a check to cash once a month, but I give [REDACTED] all my money three times a month. Three times, four times, whenever I see him. There is no set time or now. But I give him a check.*

HT: *You give him a check or you give him checks?*

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DS: *I give him checks to deposit once a month.*

HT: *That are post-dated. And when I say post-dated I mean say that you've given him \$500 check for January. You will give him 2 or 3 more checks at the same time?*

DS: *If I know that my my tithes....unless I say I'm not going to give you this and then I give it to him because sometimes I want to give my tithes ten percent off the top which is \$5000, ten percent. And yes, I do give it to em but I'm not going to do that anymore cuz that looks bad.*

MB: *Why do you think it looks bad?*

DS: *Because it looks like I'm making a payment to them when I'm giving em my tithes. I'm gunna now give one check a month. But I always give em the same ten percent right off the top.*

Lieutenant Scott says she only gives them post-dated checks to make sure that they get the money. She feels that if her finances aren't right that month then she can call up [REDACTED] and tell him not to cash the check. She also stated that she told them (the church) that she would continue to give tithes as long as she deems necessary. Lieutenant Scott went on to clarify the paying of tithes.

MB: *Have you entered into any agreement whether it be oral or written....*

DS: *With...*

MB: *...with the members of the church, board of trustees whoever. You said you accepted responsibility....*

DS: *I did.*

MB: *...for the missing money as the treasurer.*

DS: *Yes.*

MB: *As part of that acceptance of the responsibility are you paying them back money...(muffled)*

DS: *I'm giving them tithes, Yes.*

Sgt Blevins continued to ask follow-up questions regarding any agreements to pay back money owed to the church.

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MB: *Do you have an agreement with anybody in the church either oral or written to payback money? You said you accepted responsibility as the treasurer for all this missing money. Do you have an agreement with the church or somebody in the church that you were gonna pay back the money that's missing?*

DS: *There's a couple things in your question so it's kind of like a yes and no answer. Um, I'm giving the same amount of money to them that I've been giving for as long as I can remember as my tithes. I know for a fact they they consider it restitution. I don't... I'm giving the...before all this...before this I'm giving them the same amount. I'm not giving them a payment. I don't know what restitution there...I know that there telling....they told the church she's paying back and again I think this all stems from other things that are going on that are not associated with me. So yes I am giving them money every month. I've been there 40 years. I am not an official member of another church and um I feel it's my..I think that my Christian duty to tithe. Give money. I don't know if that answered your question.*

Sgt Blevins continued to ask questions regarding restitution and payments. Lieutenant Scott stated she made no oral or written agreement to pay back money even though she tithes the church \$500 per month. She considers it tithes, however, she knows that the church considers it restitution. She stated [REDACTED] informed the church that she was making restitution payments back to the church.

Lieutenant Scott stated that she was aware that an investigation was going on regarding her and missing money because [REDACTED] made an announcement in church that following Sunday after I (Sgt. Taft) interviewed him. She stated that several members in the church started calling her asking what was going on and talking about the visit and investigation.

HT: *Have you ever given six months' worth of postdated checks?*

DS: *Five months.*

HT: *Five months' worth of postdated checks. So you write a check and give five months of postdated checks?*

DS: *And if I...and then I say here in case I don't see you. And then I say if I call you and say don't deposit it because other things don't deposit it. And [REDACTED] is like ok. Between me and [REDACTED]*

HT: *But you see him all the time.*

DS: *I talk to him all the time.*

HT: *But you feel the need to give him postdated checks even though you talk to him all the time?*

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DS: *If I don't I talk to him.*

HT: *And he lives [REDACTED] you said.*

DS: *uh huh...I do give him...*

HT: *So you've given up to 5 months of postdated checks.*

DS: *uh huh.*

HT: *K...Who is the beneficiary of your of accidental death life insurance policy?*

DS: *New Hope. The church.*

HT: *The Church is. When was that change made?*

DS: *They been on my beneficiary since I was a trustee. They been on there at least ten plus years but I just made a recent change to half...half of them and my [REDACTED]*

HT: *When was that change made?*

DS: *I don't remember the day.*

HT: *Was it a month ago, was it six months ago, was it a year ago?*

DS: *No....no...no years ago.*

HT: *What do you mean years? Two years, three years....*

DS: *I could go get it and I could pull it...I don't know the exact date.*

HT: *No I'm not asking for the exact years.*

DS: *Years.*

HT: *Would you say it's more than 5 years less than 5 years?*

DS: *That I made a change less than 5 years.*

HT: *That you made a change where you added the church and....*

DS: *Right...the church has always been on.*

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HT: *K the church has always been on for ten years you say.*

Lieutenant Scott stated she made some changes possibly over two years adding her [REDACTED] and making him the primary. She believes her life insurance policy is worth around \$300,000.

HT: *Did you commit a portion of your retirement after you retire from Sheriff's Department?*

DS: *The church has always been a beneficiary because I'm a single person and I have no children whatever so they've always been a beneficiary of something of mine...but I need to change that but I was too scared to change it because I don't want you guys....*

HT: *That's not the question I'm asking.*

DS: *Yes.*

HT: *So you did commit a portion of your...*

DS: *Yes.*

HT: *How much did you commit?*

DS: *I don't know. I don't know what's in it off hand.*

Lieutenant Scott says that the church has always been a beneficiary and that she does not know how much she has committed of her retirement to the church.

HT: *Why are you why are you giving them a part of your retirement? If you left the church knowing that they are doing things which are not right. Which you don't agree with. Which you refuse to be a part of....*

DS: *I absolutely do.*

HT: *.....yet you are gunna give them a portion of your retirement when you retire. Why is that?*

DS: *Until I join another church. I was too scared right now to go back and changed the stuff because I didn't.....forgot that they were my beneficiaries. I'm no longer there so I really want to go back and change it now.*

HT: *Do you remember what you told the church you would commit to them after you retired?*

DS: *uh uh. I do not. Who told you that? No I don't.*

HT: *No you don't what?*

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DS: *Remember what I told....told them.*

Lieutenant Scott said that New Hope Friendship Baptist Church has always been a beneficiary of her death benefit but she is unsure and had to look at her beneficiary status to know if the church is the beneficiary of her retirement benefit. She says that the only thing the church can get is what she gives them and she doesn't remember if she is giving them a portion of her retirement. She was asked specifically about whether she made an agreement with the church to give them part of her retirement.

MB: *Ok on your retirement, did you enter into an agreement with them.....*

DS: *I've always been in agreement with them.*

MB: *...to give them a portion of your retirement?*

DS: *██████████ To give them part of my...No. I don't know.*

MB: *That's what where asking.*

DS: *I have to go look to be honest. I really do. And I don't know. I really need to look to see what exactly I have them on because they have been on and off my stuff for as long as I have been a...an adult at that church.*

MB: *On and off. Why would you put em on then take em off?*

DS: *I make changes. The percentage amount have.....the percentage amounts have always changed because I have...I'm a still a single person. I always want the church to get something if something happens to me but my ██████████ was under eighteen at the time I put him on. My mother was sick and elderly so if she dies I would change it again so always changed the people but I have always had the church on in some capacity to receive something.*

MB: *Ok as the beneficiary of your life insurance. Ok and your retirement?*

DS: *I have to see that.*

MB: *Have you always designated them to receive a portion of your retirement?*

DS: *I have to look. I really do. I know the beneficiary for sure. They've always been known that they were going to get a portion of my retire.....if something happens to me.*

MB: *Since you got the policy whenever you got hired on with the county?*

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DS: *I don't know exactly. As long as I can remember they know that the church was going to get something. Especially when I was a trustee because all trustees give money. I don't know. I can look and tell you.*

Lieutenant Scott said she would provide more information regarding her beneficiaries after her interview. She just needed to go look. Lieutenant Scott was asked about a conversation she had with [REDACTED] and a phone call they both made to Nationwide Insurance.

HT: *Have you ever made changes with [REDACTED] present in your...your life insurance with Nationwide? Have you ever ever....Have the two of you ever sat down and had a conversation and the two of you called Nationwide Insurance?*

DS: *(paused with no answer for 33 seconds). I don't remember that.*

HT: *You don't remember?*

DS: *I..I don't know. [REDACTED] and I have known each other since I was sixteen. We have had some...*

HT: *This would have been recent. Within the last three years.*

DS: *I don't recall that. Well let me look at it. I I don't know. Let me call. I can have a look. I don't know. [REDACTED] and I have had a lot of conversations. A lot.*

HT: *You don't remember if you and [REDACTED] made a phone call to Nationwide Insurance designating the church as the beneficiary?*

DS: *I don't remember a specific phone call. I don't. We could....I can't say yes or no. I really can't.*

HT: *You can't remember when you made the change. You can't remember when you added your [REDACTED] on and you can't.....*

DS: *I said I've changed things so many times and we have the church has been on. They could be on they could be off. I can look. I can tell..I can look. I wanna look.*

HT: *You wanna look at what?*

DS: *My records then I can tell you specifics.*

HT: *If you and [REDACTED] made a phone call to Nationwide Insurance...*

DS: *When I changed it.*

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HT: *..when you changed it. Why would you need him there for that?*

CW: *If you recall.*

DS: *We could have been in the office at the church talking [REDACTED] and I. We talked so much.*

HT: *Right but why would you need to make that phone call in the office.*

DS: *I don't remember making phone call unless I was at the church and we talked about it. I called...I was at the church a lot at some points of my....so I have to ask him. I have to go back and em cuz I don't know what he's what he's talking about.*

Lieutenant Scott was reminded about asked Department Policy 2.46 Truthfulness and was asked to clarify some of her previous answers.

HT: *You never signed any agreement with the church to pay back any money owed to them? Any agreement? Anything in writing or orally? You never signed anything?*

DS: *I signed checks. I...*

CW: *Listen to his question.*

DS: *(paused for 11 seconds before giving answer). Yes. I probably.....I don't know. Can I take a minute. Yes I'm gunna say yes.*

CW: *To what?*

DS: *That I have yes...I am. I'm saying yes.*

MB: *And you're saying yes that you have entered into an agreement with the church.*

DS: *If he remembers specifically and I Pastor....I believe [REDACTED] I'll say yes.*

HT: *You did sign an agreement...*

DS: *If he says I have, I don't have any copies of anything.*

HT: *....agreeing to pay back monies owed to the church?*

DS: *If he says I have something which I don't have, I'll say yes.*

HT: *You may not have a copy of it.*

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DS: *Okay, Yes.*

HT: *And that's your truthful answer?*

DS: *Yes.*

HT: *Ok do you remember when you signed that?*

DS: *Yeah.*

HT: *Was it two years ago was it three years ago?*

DS: *I don't. If there was a copy I guess it would have a date on it.*

HT: *But you don't remember signing it?*

DS: *I don't remember when but if he said I did I say yes. There was a lot going on.*

HT: *I need to know, it's not what he said.*

DS: *Yes....I don't know when.*

HT: *Do you remember anything at all in that document that you signed?*

DS: *(paused for 21 seconds before answering). Specifics...No I don't remember anything specifically in that document. I don't have a copy of that document.*

Lieutenant Scott stated that she did not remember anything specific or general in the document. In addition, she did not remember the purpose of the document. She said she signed lots of documents with the Pastor over the years. Lieutenant Scott did say she signed a document with the Pastor taking responsibility for money missing and that she would give him anything he wanted because she loves the church and the people.

A break taken from 0952 hours to 0958 hours.

After the break Lieutenant Scott said she told the church that if there was money missing she would take responsibility for it since she was treasurer. She signed the document with [REDACTED] but can't remember any general or specific information that was in the document including the amount. She just told the Pastor that she would take responsibility for everything.

HT: *So you took responsibility to pay back money....*

DS: *Because I was the treasurer.*

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HT: *....that I mean you believe that you don't owe?*

DS: *Yeah.*

HT: *You committed a part of your retirement savings to the church.*

DS: *I have to look and see.*

Lieutenant Scott says that [REDACTED] and [REDACTED] "prepped" her on what they told me (Sgt. Taft). She confronted them about what they told me and she feels because she was treasurer that she would take responsibility for missing money. Lieutenant Scott says she was aware of missing money, missing deposits, checks being written without her knowledge but that she was the only person to step forward and accept the responsibility for missing money.

HT: *So you deny taking any money, yes or no...*

DS: *Yes.*

HT: *...at any time while you were treasurer? At any time while you were treasurer? You deny taking any money at any time while you were treasurer?*

DS: *(paused for 6 seconds) Well if the deposit was wrong I would take the over. I would take the money back and I would take it to the bank, give it to em. So the money....*

HT: *I need you to answer the question.*

DS: *At what..wait.*

HT: *Do you deny at any time while you were treasurer.....*

DS: *Yes.*

HT: *...did you take money?*

Lieutenant Scott continued to deny taking any money from the church but was asked if she admitted to anyone that she took money from the church.

HT: *Did you ever take any money without authorization from the church while you were treasurer....(muffled)*

DS: *I ad..I, um, agree...I, um,...I told them I took money. Yes. I sure did.*

Internal Affairs Case #2013-004.1
Investigation
July 22, 2013

HT: *K. Did you tell them an amount of money that you took? I'm asking these questions for a specific reason. I'm not trying to badger you or anything like that. I need a yes or no from you.*

DS: *No. I did not tell them a specific amount of money that I took. No. I did tell them a specific amount of money. I said you tell me what.*

HT: *And what did they tell you?*

DS: *They didn't know.*

HT: *Did they give you a rough estimate, a guess? A guesstimate of how much money...(muffled)*

DS: *I guess it was over \$100,000.*

HT: *Well I'm asking you. You had the conversation.*

DS: *He [REDACTED] said the amount was over \$100,000 and he told them no. That's not the amount.*

Lieutenant Scott was again asked about taking money from the church.

HT: *Did you take money from the church while you were treasurer, officially or unofficially without authorization?*

DS: *My answer is no but I'm going to say yes.*

MB: *Okay why are you saying no but then saying yes?*

DS: *Because I didn't but I know that that's what he told em so I'm saying yes. Yes.*

MB: *Yes you did take money from the church that you belonged to.*

DS: *Yes, yeah because it looks like I'm lying and I don't want to be a liar.*

HT: *I'm not accusing you of being a liar.*

DS: *But that's what it looks like so yes. I will say yes.*

HT: *Did you commit to paying the church back the money that you are saying yes to taking? Did you commit to the church to pay them back by giving them \$500/month, giving them post-dated checks, changing your life insurance policy and committing a portion of your retirement savings....*

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DS: *This looks bad.*

HT: *when you retired?*

DS: *I don't know about no retirement. That I do not know. They have always. I do not know that. I...*

Lieutenant Scott reiterated that no official audit was done, however, it was clear that an Unofficial audit was completed.

A break was taken and the interview resumed at 1030 hours.

Lieutenant Scott wanted to emphasize that she never took money from the church but took responsibility for missing money. She says she spoke to [REDACTED] and [REDACTED] [REDACTED] about everything I (Sgt. Taft) asked them. She doesn't recall signing any documents or what specifics in the document. As far as her funds being allocated she has always done that. The church never did an official audit. She had several conversations with [REDACTED] regarding the allegation and people from the church calling her. She also had conversations with [REDACTED] regarding the investigation.

HT: *When was last conversation with [REDACTED]?*

DS: *Within a two week period of time?*

HT: *Ok what was that conversation about?*

DS: *I don't...I don't recall.*

HT: *You don't recall?*

DS: *No but I know we talked. I go do you. He said I told em. He go...I go what are you guys talking about me for. Why you guys got my business all out there. I talked to [REDACTED] [REDACTED] and he said I told them that's it's handled and....and that*

HT: *[REDACTED] but you don't remember any specifics of the conversation that you had with [REDACTED] and [REDACTED]?*

DS: *Together, collectively to....the pastor for sure.*

HT: *Over the last.....over the last just two weeks. Say over...Say over the last week.*

DS: *The Pastor I specifically remember his conversation.*

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HT: *Okay over the last week you specifically remember what you talked about with the pastor but you don't remember what you talked about with [REDACTED] a week ago?*

DS: *He said....because there was there was so many people calling me after this he said this at the church.*

HT: *How about just a few days ago do you remember a conversation with either [REDACTED] or [REDACTED] regarding this whole incident?*

DS: *I wanna know what you guys told me cuz I'm gunna say that whatever you....you...what..what are you guys telling me to say. What...are we saying the same thing. There saying were telling them this because we don't want the church involved. They want me to continue to say the same thing that they said.*

HT: *Did you have that conversation with [REDACTED] or....*

DS: *Yes*

HT: *...with [REDACTED]*

DS: *With [REDACTED]*

MB: *Did you also have it with [REDACTED]?*

DS: *No. I mean we probably talked. I said I don't I don't know who is talking to who. I talked to [REDACTED]. I talked to [REDACTED]. I talked to [REDACTED]. There is about twenty (muffled) that have been calling me all since the pastor made this statement over the pulpit at the 8 o'clock and 11 o'clock service because of then...just crazy.*

Lieutenant Scott continued to explain that she would have conversations with [REDACTED] about her post-dated checks and cashing them. If she didn't want the check cashed for that month then she could call up [REDACTED] and say, don't cash that check. Lieutenant Scott mentioned a conversation she had with [REDACTED]

DS: *I asked him how much money do I owe? That you say I owe. That you said I owe.*

HT: *What was his answer?*

DS: *I said I didn't know. That's what he told me. I asked him how much are you guys saying that I was allegedly owing this church since you both said that I owed you this money...and he said I told em I don't know. I said well you had to tell them something.*

Lieutenant Scott was asked about why the church had a separate account labeled Devera Scott's restitution payments and that the church wanted to keep track of payments received from her.

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Investigation
July 22, 2013

She denied knowing about the separate account and insisted that the \$500 monthly checks were tithes not restitution.

HT: *Did you know that they are keeping track of the money you're paying back?*

DS: *Yes....I know that they are keeping track of my tithes.*

Lieutenant Scott acknowledged that she may have received and read on February 8, 2013, the notification letter from Internal Affairs regarding her conformance to law allegation. She also stated that when she spoke with me (Sgt. Taft) on February 11, 2013, regarding her receipt of the notification letter, she was already familiar with what she was being investigated for.

HT: *So just for clarification on the dates up there. Umm, your not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel. Have you had a conversation with anyone regarding any aspect of this case after receiving the letter? Any aspect of this case after receiving the letter.*

DS: *Yes.*

HT: *Ok. Have you... Which individual did you discuss it with?*

DS: *I talked to umm the pastor and I talked to [REDACTED]*

MB: *Have you talked with anybody else? You said that there had been a bunch of people...(muffled)*

DS: *I talked to [REDACTED] because [REDACTED] and I...I've talked to..*

HT: *Who [REDACTED]?*

DS: *[REDACTED]*

HT: *Oh ok I'm sorry [REDACTED]*

DS: *I've talked to him cuz I asked him to give me a statement. My contribution statement. He has not. I asked um [REDACTED] um [REDACTED] just just...*

CW: *Did you did you discuss aspects of the investigation?*

DS: *No no no not the aspects cuz I didn't know what the alleg...what the aspects of the investigation was. I just knew what he had said and what was going on and that there was some letter. I didn't know any of this so specifics I didn't know cuz...*

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July 22, 2013

- MB: *That was Sergeant Taft's question to you though. Since the 11th when you read the letter and talked to him on the phone, have you talked with anybody else about the circumstances of this case and you said yes. The pastor yes, [REDACTED] yes, [REDACTED] and then the other two or three people you named.*
- CW: *Sgt didn't you call her a follow-up call to clarify what..after she received this letter. I think you said you called her.*
- HT: *Well I.. I called her on the...on the on the 11th and that's when I set up the interview and then I called you one more time just to make sure everything was set for today.*
- DS: *Then you sent me two emails.*
- HT: *And I sent you a couple emails.*
- DS: *But as far as the specifics of this...*
- CW: *There was a month between the time this letter...*
- DS: *I think that your...we are getting confused on something. Regarding the specifics of this case no. Regarding things going on and people because everybody was yes people were calling me.*
- HT: *Well I asked you any any aspect of the case. You don't have to necessarily say specifics. Any aspect of the case.*
- DS: *Yes because people were calling.*
- HT: *You said yes you did.*
- DS: *And I said I'm not I'm not going to have a conversation with you.*
- HT: *So now you're changing your answer?*
- DS: *Well I'm...as specific details, yes. They talked to....they called me and I said yes I know. Yes this is going on. I don't...I'm not gunna...you know. Called to say stuff like that. Yes so yeah.*
- HT: *Any aspect of the case?*
- DS: *Yeah.*
- MB: *Ok, that's what he was asking.*

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July 22, 2013

HT: *That's what I'm asking.*

DS: *Yeah. Yeah I did....because. Yeah that's true because I even told um um Captain Duke.*

Lieutenant Scott says she knows this all looks bad because she took responsibility for all the missing money. She thought she was doing the right thing even though other things were going on at the church. She claimed that she didn't know the books were not being audited or that the financial statements had not been reconciled.

Lieutenant Scott admitted that she went to [REDACTED] after she found out she was being investigated and told him not to cash her checks. Her reason for this request was too possibly have to pay for an attorney.

Lieutenant Scott was asked if her actions while she was treasurer at the New Hope Friendship Baptist Church brought discredit to the Sheriff's department.

HT: *Do you think this has brought discredit on the sheriff's department? Whether in hind sight or not, it's yes or no.*

DS: *(paused for 16 seconds before answering) I know the answer because I do...you know what I mean but the answer makes it look bad that it could be jeopardizing to my job. You know what I mean? And I'm not trying...you know what so...*

HT: *So you you gotta answer the question. Either yes you do or no you don't.*

DS: *Yes...I do in hind sight I do believe that I should have never...yes.*

Lieutenant Scott concluded the interview saying that everything she said was the truth. She accepted responsibility for missing money and continued to assist the church although she disagreed with some of the discrepancies the church was doing. She thought she was doing the right thing by accepting responsibility. She said it all makes her look bad and she should not have taken responsibility.

Lieutenant Scott's interview concluded at 1134 hours with an order not to disclose.

STATEMENT OF WITNESS - [REDACTED] (Follow-Up Interview)

On March 5, 2013 at 0925 hours, I conducted a follow-up interview with [REDACTED] to clarify statements and accusations made by Lieutenant Scott during her interview on February 27, 2013. I met him at the New Hope Friendship Baptist Church and conducted the interview in his office. [REDACTED] did not want the interview recorded.

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Investigation
July 22, 2013

Question: Was Devera the Financial Secretary or Treasurer?

"Treasurer"

Question: Did she resign in 2005 as treasurer?

"I wasn't here but she was treasurer on record when I came back in 2008." [REDACTED] stated that as treasurer, Devera was still signing deposits.

Question: Was she the primary person making deposits?

"Yes most of the time." [REDACTED] occasionally made a deposit but Devera did the majority of the weekly deposits.

Question: Did you ever have a discussion regarding \$5000 missing and/or unaccounted for?

[REDACTED] stated that the very first discussion he had with Devera was regarding a discrepancy of \$5000. After [REDACTED] discovered the unopened bank statements and started comparing weekly deposit slips to the actual weekly bank deposits, the first discrepancy noticed was \$5000 missing. The church had collected \$7000 during the week. The total amount was a combination of approximately \$2000 in checks and \$5000 in cash. The amount Devera deposited was only the \$2000. The \$5000 was unaccounted for and Devera denied knowing what happened to the rest of the deposit.

When did Devera stop attending New Hope?

[REDACTED] stated that Devera admitted to taking money from the church in November or December of 2011. She stopped attending New Hope Friendship Church about a month later (January 2012) after her confession and now attends another church.

Does the church consider Devera's monthly \$500 checks as tithes or restitution?

"Checks are restitution not tithes."

Who was present when she admitted to stealing the money?

[REDACTED] stated that Devera first admitted the theft to him and [REDACTED]. She, also, later admitted taking the money to the church board of trustees.

Did she ever say how she stole the money? (Took cash, checks or changed the deposit slip)

"She was only taking the cash."

Internal Affairs Case #2013-004.1
Investigation
July 22, 2013

Did she ever discuss with you that most of the time when she deposited the Sunday collection it was wrong and that she could either change the deposit slip or bring the excess money back to the church?

"That never happened." [REDACTED] said Devera never came back with any extra money or said that the collection was counted wrong. The church board of trustees counted the money each week, verified the amount and filled out a deposit slip.

Any additional information to you would like to say or add?


[REDACTED] stated that he only looked at deposits from 2008-2010. Over that 3 year period, he estimated that approximately \$150,000 was taken from the church. All of the missing money was in cash.

Also during his investigation, [REDACTED] said that several deposits slips were missing from the church safe. There are three weekly copies of the deposit slips. One goes to the bank, one in the church safe and he keeps one locked up in his desk drawer. The only deposit slips missing from the church safe were the ones with the cash deposit discrepancies. Fortunately he kept all the deposit slips in his drawer so he was able to recreate the weekly deposits. Besides himself, only Devera and [REDACTED] had access to the safe.

I ended the interview with [REDACTED] at 1040 hours.

On March 6, 2013, I spoke with San Diego County Deferred Compensation (Nationwide) Coordinator [REDACTED]. [REDACTED] stated that Devera Scott's Nationwide Deferred Compensation account did not have a beneficiary on file in 2009 or 2010. A new beneficiary was added in late 2011. [REDACTED] said the new beneficiary was an "entity" and not a person. [REDACTED] would not reveal who the beneficiary was except that it was an organization and not a person. On March 22, 2013, Lieutenant Devera Scott retired from the San Diego County Sheriff Department.

Submitted by:


H. M. Taft, Sergeant

7/24/13
Date

Approved by:


Anthony Giammarino, Lieutenant

072413
Date

HMT:hmt



SAN DIEGO COUNTY CRIME STOPPERS

1401 Broadway, MS 799, San Diego, CA 92101
Phone: 1-619-531-1500 Fax: 1-619-531-2637
** CONFIDENTIAL ** - DO NOT INCLUDE IN CASE FILE
TipSoft Generated Fact Sheet for Law Enforcement Use Only

REPORT #: 12-12071
ALT ID: W409-4587

RECEIVED: 12/25/2012
DUE DATE: 01/24/2013

TAKEN BY: Web Tipster
OFFENSE TYPE: FINANCIAL CRIME (FRAUD/FORGERY)
LOCATION: 2205 HARRISON AVE., SAN DIEGO, CA. 92113 [Show on Map](#)
DELIVERED TO:

TIME TAKEN: 07:58 PM

[Click here to let the sending agency know that you have received this tip.](#)
Once this tip has been resolved, please submit the disposition information online at www.tipsoft.com/dispo
using TipSoft Agency ID 409 and Disposition Code 13139. Click on the link above to login automatically.

WEB TIP CRIME NOTES

Offense Location: 2205 Harrison Ave., San Diego, CA. 92113

Type of Offense: FINANCIAL CRIME (FRAUD/FORGERY)

Notes: Deputy Sheriff DeVera Scott served as the Financial Secretary for the New Hope Friendship Baptist Church. It was discovered a sum of \$100,000.00 Plus was missing from deposits over a three year period. Deputy Scott admitted she took said funds to the [REDACTED]. The crime was not reported by the [REDACTED], nor the Chairman of the Church Trustees, [REDACTED], or the Church Administrator, [REDACTED].

The crime took place between 2008 to 2011. Pastor and Trustees should know the dates.

How aware of Agency: Other

SUSPECT

Name: DeVera Scott

Sex: Female Race: Black Height: 5ft 6in Weight: 220 lbs

Suspect's Clothing: County Sheriff's Uniform

Weapons: Carries Weapon, part of job.

Other Suspect Notes: Embezzled over \$100,000.00 from New Hope Friendship Church, admitted to it, but was never charged.

Suspect Employment Information: San Diego County Sheriff Dept.

Suspect Employment Address: Women's Detention Center, Santee, CA.

Suspect Last Seen At: New Hope Friendship Baptist Church, 2205 Harrison Ave. San Diego, CA. 92113

VEHICLE



SAN DIEGO COUNTY CRIME STOPPERS
 1401 Broadway, MS
 San Diego, CA 92101
 Phone: 1-619-531-1500
 Fax: 1-619-531-2637

DISPOSITION RETURN SHEET
 Report # 12-12071
 ALT ID W409-4587
 Tip Date 12/25/2012
 Due Date 01/24/2013

PLEASE COMPLETE AND RETURN BY THE DUE DATE

Arrests	Cases	Date	Offense
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Drug Types	G/M	I	P	Value	Vehicles	Qty	Value
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Suspects Arrested	Address	DOB	Charged
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Tip information is concluded? YES NO Outcome: OPEN UI CBA CO IO UF UV AK OTHER
 UI - Under Investigation, CBA - Cleared by arrest, CO - Cleared Other, IO - Information Only, UF - Unfounded, UV - Unable to verify, AK - Already Known

We need until approximately _____ to complete this investigation.
 Please update your due date and check back with us then, or we will respond when completed.
 YOU MUST SUBMIT A COPY OF THE ARREST FORM ALONG WITH THIS DISPOSITION SHEET (if CBA).

Other Notes

Investigating Agency _____
 Contact Name _____
 Investigating Officer _____ Signature _____
 Agency File Number _____
 Crime Stoppers Rep _____ Date _____



SAN DIEGO COUNTY CRIME STOPPERS

1401 Broadway, MS 799

San Diego, CA 92101

Phone: 1-619-531-1500

Fax: 1-619-531-2637

Report # 12-12071

ALT ID W409-4587

Tip Date 12/25/2012

Due Date 01/24/2013

DISPOSITION RETURN SHEET

Tip Outcome * Tip concluded? Will you need addition time to complete this investigation? If so, how long?
Closed/Not a Crime Unknown

Suspects/Arrested

Suspect #1

Name (Alias) Offense Case No DOB Charged

Suspect Notes

Suspect Address

Drugs

Drug #1

Drug Type Quantity Value Grow/Manufacture Trafficking Possession

Notes

Vehicles (Quantity and Value)

Weapons (Quantity and Value)

Cash Recovered

Other Property (Quantity and Value)

Other Notes

This case was initially assigned to the San Diego Police Department (SDPD) and is being transferred to the San Diego County Crime Stoppers for investigation and resolution. The San Diego Police Department is responsible for the investigation and resolution of this case.

Investigating Agency

Agency File Number

Investigating Officer *

Supervisor's Name

Investigating Officer's Email Address and/or Phone Number *

Crime Stoppers Representative

Taft, Herbert (Marshall)

Subject: DHR / Beneficiary Information

Location: Conference Call / [REDACTED]

Start: Tue 3/5/2013 11:00 AM

End: Tue 3/5/2013 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Pitpit, Elaine

When: Tuesday, March 05, 2013 11:00 AM-11:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Conference Call / 1-888-285-3524

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hi Herbert,

Are you available to join a conference call to discuss your recent inquiry to [REDACTED] about obtaining beneficiary information for a Sherriff's employee? Dennis and I are both available at 11:00 on 3/5. Please use Passcode [REDACTED] to enter the conference call.

Thanks!

Elaine

BY-LAWS AND CONSTITUTION

**New Hope Friendship Missionary Baptist Church, Incorporated
Submitted by the By-Laws Committee
Reviewed and Amended by the Membership, February 21, 2005**

ARTICLE I - INCORPORATION and NAME

SECTION 1. The name of this corporation shall be the "NEW HOPE FRIENDSHIP MISSIONARY BAPTIST CHURCH, INCORPORATED." (Originally incorporated as Friendship Baptist Church of San Diego, Incorporated" on September 17, 1957). These by-laws are pursuant to the Articles of Incorporation of the New Hope Friendship Baptist Church of San Diego, California.

SECTION 2. This Church shall be incorporated in the State of California and registered as a non-profit corporation under the provisions of the Internal Revenue Service code as a 501(c)(3) corporation. The Corporate Officers of this Church shall be defined as the Pastor, Records Manager/Financial Assistant, Chairman of the Deacon Ministry, and Chairman of the Ministry of Trustees.

SECTION 3. This Church is not subject to the control of any ecclesiastical body. The members of the congregation constitute the source of the Government which operates it. As a Corporation, the members of the Church constitute the Corporation.

SECTION 4. This Church may have, as determined by the Church body upon recommendation from the Board of Directors, sub-corporations and may operate Community Development Corporations, and subsidiary Non-Profit Corporations. Each sub-corporation shall provide an annual plan of action and financial statement yearly at the church fiscal business meeting.

SECTION 5. No board, ministry or venture operating on behalf of or in the interest of this Church shall incorporate without a specific vote by the congregation upon recommendation of the Pastor. No Ministry, Board or other entity of this Church shall open any checking or savings account in the name of, or in behalf of New Hope Friendship Missionary Baptist Church without authorization of the Board of Directors.

ARTICLE II - PURPOSE

SECTION 1. The purpose of this corporation shall be to maintain a place of worship. By the aide of the Holy Spirit to walk together in Christian love. To strive for the advancement of this Church in knowledge, holiness and comfort; to promote its prosperity and spirituality; to sustain its worship, ordinances, discipline and doctrines, to contribute cheerfully and regularly to the support of the ministry, to the expenses of the Church,

the relief of the poor, and the spread of the gospel through all nations (Matt 28: 18-20).

SECTION 2. The New Hope Friendship Missionary Baptist Church is committed to these Bible principles, being led by the Holy Spirit:

- a. Preaching
- b. Pastoral/Lay Leadership and Fellowship
- c. Teaching and Training
- d. Reaching and Evangelism
- e. Sainly peace in a nurturing atmosphere
- f. Worship and Fellowship
- g. Stewardship and Accountability

ARTICLE III - DOCTRINAL POSITION/COOPERATIVE BODIES

SECTION 1. This Church adopts the following for the purpose of establishing doctrine:

- a. The Holy Bible (King James Version)
- b. The Baptist Church Covenant (the orthodox version widely used)
- c. The Southern Baptist Faith and Message Statement

SECTION 2. This Church shall at all times be governed by the Holy Bible, (King James Version) and shall submit to the leading of the Holy Spirit.

SECTION 3. This Church exists as a sovereign body, accountable only unto itself and the laws of the land and these by-laws, when not in contradiction with the Scriptures. There is no outside convention or body that shall determine internal matters.

SECTION 4. This Church shall work in cooperation, and shall be an active and supporting member of the Progressive Baptist District Association, California Missionary Baptist State Convention, National Missionary Baptist Convention of America and the Southern Baptist Convention.

ARTICLE IV - MEMBERSHIP

The membership of the church shall consist of baptized believers who have confessed their faith in our Lord and Savior Jesus Christ and their desire to join this congregation. (Romans 10:8 - 12, John 3:16).

SECTION 1. A person becomes a member of this Church by presenting themselves for membership with the Pastor (or his designee) present with at least two (2) deacons at any worship service or gathering of the church, either within or without the premises of the church.

SECTION 2. A person must unite by one of the following:

- a. Candidate for Baptism.
- b. By Letter from a previous church (if applicable).
- c. By Christian Experience (if previously a member in good standing of another orthodox Baptist Church).
- d. By Watch Care if temporarily stationed here through employment or education.

SECTION 3. It shall be the duty of every member of this Church to abide by the doctrines of the Scriptures and the rules expressed within these by-laws, to obey the rules and regulations of the church, to be loyal in supporting the ministries and activities of the church, to give to it's financial support through tithes and offering (II Cor. 9:7, Mal. 3:8-10) to be regular in attendance of church services and gatherings.

SECTION 4. Discipline of Members: It shall be the duty of the Pastor and the Deacon Ministry to serve as the judicial disciplinary agent of this Church as follows, in accordance with the teachings of Jesus Christ in Matt. 18: 14-17.

- a) Determine to their satisfaction the validity of the existence of a private or public offense on the part of a member of this Church, and that said offense warrants further disciplinary action.
- b) If it is determined that the congregation would best be served by the exclusion of the member from the church body, a written letter delivered by certified U.S. mail shall be sent to the last known mailing address appearing on the church roll or by personal delivery by the Pastor and two (2) Deacons, ordering such person to show cause why their membership should not be excluded for reasons outlined within these By-Laws. The Pastor and Deacon Ministry will meet, within ten (10) days of the reception of said letter. (Date and time to be determined by the Pastor),
- c) If at that time, a determination is made to recommend the member's expulsion, the member shall be notified in writing of the recommendation and the date when said recommendation shall be read to the membership and acted upon. The member shall have an opportunity to make a presentation at the said meeting, (amount of time to be determined by the Pastor) and a vote of the members present shall be held. Any determination shall be followed up with a certified letter signed by the Pastor, Chairman of Deacons and Records Manager/Financial Assistant explaining the action taken. Expulsion shall be effective immediately upon vote of the church.

SECTION 5. Members will be also be removed from the church roll by the following:

- a. Death.
- b. Request for a Church Letter (for the purpose of relocation).
- c. Lack of Support (failure to either attend Church Services, or make any type of contact with the Church, to financially support the church for period of three (3) months. Prior to removal, the Church will try to make reasonable contact).
- d. Request of Erasure (member request that membership be withdrawn from the church).

SECTION 6. Member is defined as:

- a. Eighteen (18) years of age or older.
- b. Financially support the Church.
- c. Actively involved in the ministry of the church and attendance in either Church School or Bible Study.

Members are eligible to participate in Church Business Meetings.

SECTION 7. For the purpose of voting on church matters, at no time will voting by proxy be allowed.

SECTION 8. All new members are entitled to receive a copy of the By-Laws. All new members shall receive a copy of the by-laws after completion of New Member Orientation.

ARTICLE V - PASTORAL MINISTRY

SECTION 1

- a) The tenure of the call to the Pastorate shall be indefinite. The Pastor shall be the overseer of the congregation. He shall preach and teach sound biblical doctrine and promote spirituality in accordance to Titus 1 and 2. He shall administer the ordinances of the Church, Baptism and Communion and visit the sick and shut in.
- b) The Pastor shall serve as the Moderator of all general church and Board of Directors meetings. In his absence, the Chairman of the Deacons Ministry shall serve. He shall be an ex-officio member of all boards and ministries of the Church. He shall serve as the President of the Corporation. He shall give direction to all worship services and have knowledge of all activities associated with New Hope Friendship Missionary Baptist Church.
- c) He shall appoint all Ministerial Staff and determine their duties. As the Pastor, he shall determine the seating and accessibility of the pulpit to all ministers, whether the

ministers are of the congregation or visiting. The Pastor shall approve all speakers who preach or teach at the Church.

d) He shall keep daily office hours as designated in his Pastoral contract. The time can be at the church, ministering to members of this congregation or handling official church business.

e) The Pastor shall evaluate the activities and ministries of the church, and shall present to the Board of Directors any recommendations for changes and further actions.

f) The Pastor shall be evaluated annually by the Deacons Ministry and their findings shall be presented to the Board of Directors in accordance with the guidelines established in his pastoral contract and Titus 1 and 2. The Board of Directors shall present their findings to the church during the Annual Business Meeting, if necessary.

g) The Pastor shall have the authority to evaluate, recommend selection and dismissal all musicians, subject to the review of the Board of Directors and Ministry of Trustees.

SECTION 2

a) The salary of the Pastor may be changed at any time by a vote of the general church upon the recommendation from the Board of Directors.

b) The Pastor shall be entitled to one (1) week of vacation with pay after six (6) months of continuous service. The Pastor shall be entitled to three (3) weeks vacation after his first (1st) year of continuous service. The time for the Pastor's vacation is to be agreed upon by the Pastor and the Board of Directors. Vacations shall not be cumulative, and must be taken within the fiscal year.

c) The Pastor shall be sent as the Official Representative of the Church to the District, State and National Convention in accordance to Article III Section 4 of these by-laws. Compensation will include transportation, lodging, meals and representation fees.

ARTICLE VI - VACANCY OF THE PULPIT

When conditions arise that there is a vacancy in the pulpit, the Chairman of the Deacon Ministry shall preside at all business meetings. The Deacon Ministry shall work cooperatively in securing adequate ministers for the pulpit until a Pastor is selected.

SECTION 1. When because of death, removal or resignation of the Pastor, the pulpit shall be declared vacant. The Church shall select a representative pulpit committee which shall be composed of seven (7) members. The committee shall consist of two (2)

Deacons and two (2) Trustees, selected by those respective ministries and three (3) other persons selected from the Church, *at large*, by the membership. This committee shall be organized at a meeting called for this purpose by the Chairman of the Deacon Ministry within thirty (30) days after the pulpit becomes vacant.

It shall be the duty of the pulpit committee to take necessary steps to secure a prospective Pastor to be presented to the Church for consideration. The committee shall establish written guidelines for screening prospective candidates for the position of Pastor. The pulpit committee shall fully investigate the merits of the top three prospective men under consideration. They shall give consideration to his moral character, call to the gospel ministry, his teaching and preaching ability of sound biblical doctrine in determining his fitness to serve as Pastor.

In accordance to the findings of the pulpit committee, the top prospective candidate shall be presented to the Board of Directors. The Board of Directors shall review the information submitted and ask any questions or refer unclear information back to the committee for clarification. Once all questions have been clarified, the Board of Directors shall approve or disapprove of the recommendation from the pulpit committee. The pulpit committee can recommend the prospective candidate to the church for approval or defer back to the committee.

SECTION 2. The calling of a Pastor shall be presented before the Church at a business meeting called by the Chairman of the Deacon Ministry. This meeting shall be announced by the Chairman of the Deacon Ministry or his designee during Morning Worship Services to the Church on at least two consecutive Sundays prior to the actual meeting date.

The notice shall give: date, time, place, and purpose of the meeting. At said meeting, the first order of business shall be the reading of the recommendation by the pulpit committee. At this meeting, only one candidate shall be considered, which shall be the prospective candidate recommended by the pulpit committee. The vote of the majority of the members present, in accordance to Article IV of these by-laws, shall elect the Pastor. In the event that the majority of the members present and voting vote to reject the recommendation, the Chairman of the Deacon Ministry shall refer the matter back to the pulpit committee to present another candidate for Pastor. After three (3) occasions upon which the pulpit committee has presented the name of a candidate who does not receive the majority vote, the pulpit committee shall automatically be dissolved. A new pulpit committee shall be assembled using the criteria stated in Article VI, Section 1. The new committee shall not be composed of the same persons that served on the prior pulpit committee, with the exception of the Chairman of the Deacon Ministry.

SECTION 3. The service of the Pastor may be terminated upon thirty (30) days written notice by the Pastor or the Church. In the event the Church may wish to remove

the Pastor, the procedures must be within the spirit of Matthew 18: 15-18 and enacted upon by the provision contained within these by-laws.

SECTION 4. In the event the Pastor desires to resign from service, he must present a written resignation to the Chairman of the Deacon Ministry. The Deacon Ministry shall consult with the Pastor, and if after full prayerful consideration of all the facts and circumstances surrounding the tender of resignation, the Deacons Ministry shall present the Pastor's resignation to the Board of Directors and the Church.

SECTION 5. In the event that the Church may wish to remove the Pastor from service, the following procedures shall be followed:

a) The removal of the Pastor may be initiated as a last resort, when there is a valid grievance(s) has been presented against the Pastor. Grievances concerning his Doctrinal Position, in accordance to Article III Section 1, moral character, personal integrity and reputation. At that time, the Deacons Ministry will investigate the charges against the Pastor and shall determine the validity of the charges, and seek a peaceful reconciliation regarding the matter. If it is determined by Deacon's Ministry that the matter cannot be settled in a Christ-like manner, the matter shall be referred to the Board of Directors for further action. At that time, the Board of Directors may elect to call a meeting of the Church for the purpose of considering a resolution from the Deacons Ministry to declare the pulpit vacant. This meeting shall be announced at least two (2) consecutive Sundays prior to the actual meeting date. The notice shall give: date, time, place, and purpose of the meeting.

b) At that meeting, the Chairman of the Deacons Ministry shall chair the meeting. The recommendation from the Board of Directors shall be read and the Pastor or his representative shall be given the opportunity for rebuttal. A vote of the eligible members of the church shall be held regarding the recommendation of the Board of Directors. If the number is attained, the Records Manager/Financial Assistant shall prepare a Notice of Termination of Service, to take effect immediately. The written notice of termination shall be delivered via U.S. registered mail.

SECTION 6. Severance pay shall be in accordance to the established Pastoral compensation package as determined by the Trustees and approved by the Board of Directors and the General Church.

ARTICLE VII MINISTRIES

This church recognizes the two Scriptural Officers: The Pastor and the Deacons. This church shall also have other officers as deemed necessary for the smooth operation of

the ministry.

All persons elected to serve as officers within this church body shall serve for a period of one (1) year (with the exception of Deacons) and are subject to annual review and recommendation by the Pastor and the Board of Directors. All officers should:

- a. Regularly attend Church School.
- b. Regularly attend Sunday Worship and Prayer Meeting.
- c. Regularly attend the ministry meetings for which they are assigned and church business meetings.
- d. To give to its financial support through tithes and offering. (II Cor. 9:7, Mal. 3:8-10)
- e. Keep holy harmony within the church body.
- f. Obey the by-laws of the Corporation.

SECTION 1. This church shall have the following Ministries and Boards:

1. The Ministry of Deacons.
2. The Ministry of Deaconesses.
3. The Ministry of Trustees.
4. The Board of Directors.

SECTION 2. Duties of the Ministry of Deacons

- a) Deacons are men appointed indefinitely (I Tim 3:8-13) unless recalled by the majority of the Board of Directors and the Church membership at a business meeting of the church. The Chairman of the Deacons Ministry shall serve as the Moderator of the General Church and the Board of Directors meetings in the absence of the Pastor.
- b) New Deacons may be appointed by the Pastor with the approval of the Board of Directors and Church.
- c) The Deacons shall cooperate with the Pastor in providing for the support of a faithful and evangelical ministry among us in the absence of a Pastor. They shall assist in the supply of the pulpit, leadership in prayer services and devotions, visiting the sick, ministering to the needy and distressed. The Ministry of Deacons shall promote the fellowship of the church. They shall assist the Pastor in administering the ordinances of the church. The Deacons shall maintain holy harmony within the church.
- d) The Deacons Ministry shall evaluate the Pastor annually. Their findings shall be presented to the Board of Directors in accordance with the guidelines established in his pastoral contact and Titus 1 and 2. The Board of Directors shall present their findings to the church during the Annual Business Meeting, if necessary.

e) The Deacons shall manage the Benevolent Fund of the Church. (In accordance to biblical principals established in Acts 6:3).

SECTION 3. Duties of the Ministry of Deaconesses

a) Deaconesses are appointed indefinitely unless recalled by the majority of the Board of Directors and the Church membership at a business meeting of the church. The Ministry of Deaconesses shall be composed of women that are recommended by the Pastor and Board of Directors and approved by the Church Body. Primary consideration shall be given to women whose husbands are Deacons, but it is not mandatory for appointment(I Tim. 3:8-13, Titus 3:5).

b) The Deaconesses shall assist the Pastor by ministering to the sick , needy and distressed.

c) The Deaconesses shall assist the Pastor and Deacons with the ordinances of Baptism and Communion, and shall serve as needed.

SECTION 4. Duties of the Ministry of Trustees

a) The Ministry of Trustees shall be composed of men and women that are recommended by the Pastor and Board of Directors and approved by the Church Body. The size of the Ministry shall be at least seven (7) members, with at least three (3) of the seven being active Deacons. The Chairman of the Ministry of Trustees shall be a Deacon. This position can not be held by the Chairman of the Deacons Ministry.

b) The Trustees shall hold in trust all property belonging to the church and shall take all necessary measures for its protection, management and upkeep. This Ministry shall have no power or authority to buy, sell, mortgage lease or transfer any property without specific vote of the church body. The Trustees shall serve as the purchasing agent of the church, and shall act on behalf of the church in regards to church owned rental property.

c) The Trustees shall study the financial status of the church to see if salary increases are feasible for all paid employees. Its recommendations shall be made to the Board of Directors for approval or disapproval. The financial status study shall be completed by September 1 of the year in order to be acted upon by September 30.

d) The Trustees shall call a meeting for the specific purpose of establishing a pastoral compensation package. The recommendation shall be presented to the Board of Directors and the General Church for approval prior to the call of a pastor. The salary of the

Pastor shall be paid at regular intervals during the year as set forth by the Trustees after consultation with the Pastor.

e) The Trustees shall manage workers in the maintenance and repairs of all physical properties; establishing and implementing painting, cleaning, and renovating schedules while operating within an approved budget. The Trustees shall have the authority to evaluate, select and dismiss all office workers, all musicians, and maintenance employees subject to the review of the Pastor and Board of Directors.

f) The Trustees shall designate the bank where the funds and holdings of the church shall be deposited and shall direct the Treasurer to deposit the same within one banking day. The Trustees shall be responsible for directing payments to all vendors in the form of checks drawn on the Church account only.

g) The checking account will require three (3) signatures: that of the Chairman of the Ministry of Trustees, the Treasurer of the Church and the Records Manager/Financial Assistant, to sign all checks for the purpose of disbursing the funds of the church. The Chairman of the Ministry of Deacons shall serve as an alternate.

h) The Ministry of Trustees shall appoint from its ranks a Counting Committee to count all church funds. The Pastor shall be given a weekly report of finance and shall be given regular reports as to the financial activity of the church. The Ministry of Trustees shall appoint a Transportation Chairman.

i) At all times there will be two (2) copies of all official papers and corporate documents maintained by the Trustees. One copy shall be placed in the Church Office and one copy shall be placed in a safety deposit box, at a bank to be determined. The Ministry of Trustees shall regularly review material and upgrade as deemed necessary as directed by the Board of Directors. The Safety Deposit Box will be accessible to and opened by the Chairman of Deacons Ministry and the Chairman of the Trustees together, however the Pastor shall be given the location of where said box exists.

SECTION 5. The Duties of the Board of Directors

a) The Board of Directors shall be composed of the Ministry of Deacons, Ministry of Trustees, Deaconess President, Senior Usher President, President of Women's Ministry (WMU), President of Junior Women, Brotherhood President, President of the Ministry of Christian Education, General Supervisor of Youth Ministry, General Supervisor of Children Ministry and the Minister of Music. If the Ministry Head can not attend the Board of Directors meeting, the Vice or a representative must be in attendance.

b) This Board shall have the authority to recommend to the Church any basic changes

which may, from to time to time, be desirable. It shall act on behalf of the church in all emergency situations where there is no Church meeting. Its decision shall be binding unless otherwise determined by the Church at a called business meeting. The Board does not have any power to buy, sell, mortgage, lease or transfer any property without specific vote of the Church membership. It may call a special meeting for the purpose of the same or any other meeting deemed necessary.

c) The Board shall work cooperatively with the Pastor in implementing and developing ministries within the church body. The Board shall review the annual budget presented by the Church Administrator and the Ministry of Trustees.

d) This Board shall have the final authority to dismiss all paid employees of the church, except the Pastor. Any dismissed paid employee shall have the right to appeal the decision, of the Board, to the general Church at the next scheduled business meeting.

e) The Board shall receive, from the Ministry of Trustees a detailed financial report. This report shall include a breakdown of all salaries and miscellaneous expenses.

f) This Board shall receive a detailed report of the church audited, annually or whenever it deems appropriate.

ARTICLE VIII CORPORATE OFFICERS

SECTION I. Duties of the Church Treasurer

The Treasurer shall serve as a primary signer on all checks used to disburse the funds of the Church, to be countersigned by the Records Manager/Financial Assistant and the Chairman of the Ministry of Trustees. The Treasurer shall present to the Church an accurate record of all finances received. The Treasurer shall surrender all books and records for audit when notified immediately, and shall deliver to his or her successor all books and records pertaining to this position.

a) The Treasurer shall automatically serve on the Ministry of Trustees.

b) The Treasurer shall be bonded and be the custodian of all monies contributed to the Church, and shall bank said funds at banking institutions approved by the Ministry of Trustees. The Church is obligated to pay for bonding. The amount of bonding shall be determined by the Ministry of Trustees.

SECTION 2. The Records Manager/Financial Assistant

The duties of the Records Manager/Financial Assistant as stated in the current By-laws may be performed by one person. This position shall be evaluated annually by the Business Administrator. This position shall also spend a designated amount of time, each week, at the church maintaining church records and reports. This time will be determined by the Ministry of Trustees.

The duties of the Records Manager/Financial Assistant are as follows:

Shall keep a written (or computerized) record of all monies contributed to the Church.

- b) Shall countersign on all checks issued for the purpose of disbursement of Church funds along with the Chairman of the Ministry of Trustees and the Treasurer.
- c) Shall present an accurate report of receipts and disbursements, of the church and ministries funds.
- d) Shall present an accurate report showing the actual financial condition of the church.
- e) Shall present an accurate accounting of the giving of the congregation through the envelope system.
- f) Shall annually provide individualize report to each member of their giving no later than January 30th of each year.
- g) Shall keep accurate minutes of all business meetings of the Church, Ministry of Trustees and Board of Directors.
- h) Shall maintain a complete roll of the Church members and their vital statistics.
- i) Shall compose letters of dismissal and letters of Christian standing as authorized by the Pastor and Church.
- j) Shall preserve and properly file all records and materials pertaining to this office.
- k) Shall be a member of the Ministry of Trustees
- l) Shall surrender immediately all records, for audit, when requested.

ARTICLE IX- ELECTION OF OFFICERS

The Church shall have ministries as led by the Holy Spirit. Any leader of ministries shall work in cooperation with the Pastor and the Board of Directors. The ministry leaders shall submit a spiritual and financial report of their ministry to the Pastor and Board of Directors quarterly.

SECTION 1. The membership of the Church, at its annual business meeting, shall elect the following officers of the Church:

- a. Chairman of the Ministry of Deacons.
- b. Chairman of the Ministry of Trustees.
- c. Chairwoman of the Ministry of Deaconess.

- d. Church Treasurer.
- e. Records Manager/Financial Assistant.
- f. Ministry of Christian Education.
- g. Superintendents of Church School.
- h. Director of the Baptist Training Union.
- i. Presidents of each Missionary Ministry.
- j. Presidents of each Usher Ministry and Nurses Unit.
- k. Minister of Music.
- l. Members of the Ministry of Trustees.
- m. Other ministries can be designated by the Pastor and Board of Directors, as needed. Such as: Scholarship, Mother Ministry, Intercessory, Youth and Children Supervisors, etc.

SECTION 2. Election of officers shall be held in the month of September Annual Business Meeting. Ministry recommendations shall be presented to the Pastor and Board of Directors at least (1) one month prior to the end of the fiscal year business meeting. The Board of Directors shall present the list of approved names to the church for approval.

SECTION 3. Each Board and Ministry shall elect whatever officers it requires.

SECTION 4. The Annual Business Meeting shall take place on the Monday after the third Sunday in the month of September, to be followed up with a mandatory orientation of officers to be held on the Monday after the fourth Sunday of September. Those elected shall assume office beginning on the first (1st) day of October and shall serve until the last day of September in the following year.

SECTION 5. At the time of the election of officers, each name shall be considered one at a time unless otherwise decided by the Church at the time of election. It shall be the privilege of any qualified member, at the time of the election, to make such additional nominations from the floor, following the report of each Ministry and department, and at the time when consideration of the nominees for that office is taking place. The Chair shall set at his discretion a time limit for the debate for each office under discussion. Voting for office shall be by voice vote, but when it is impossible to determine results from a voice vote, the chair or the members shall call for motion by a standing vote.

SECTION 6. The Pastor shall chair or appoint the Chairman of the Ministry of Deacons to chair any meeting of the membership.

SECTION 7. Twenty-five (25) members in good standing shall constitute a quorum for all matters concerning the Church. Of those members ten (10) of them must be members of the Board of Directors. If a quorum is not met, the meeting will be cancelled and any

urgent matters, pertaining to the Church will be referred to the Board of Directors for a resolution.

SECTION 8. The term of office for all officers of the Church, with the exception of the Pastor and the Board of Deacons, shall be for one (1) fiscal year, and may be recalled at any time upon recommendation of the Pastor, the Board of Directors and vote of the church.

ARTICLE X - CHURCH EMPLOYEES

These employees shall report directly to the Business Administrator of the Church. The Business Administrator reports directly to the Ministry of Trustees.

1. Administrative Assistant.
2. Custodial Technician.
3. Landscape Technician.
4. Other employees as needed.

SECTION 1. Business Administrator

The Church Business Administrator shall be recommended by the Ministry of Trustees and the Pastor. The Business Administrator must be confirmed by the Board of Directors and then approved by the Church. The Business Administrator reports to the Ministry of Trustees, in administering the business affairs of the church. The duties of the Business Administrator are as follows:

- a) Establish and operate an efficient plan of financial record keeping and reporting; develop bookkeeping procedures.
- b) Prepares financial information for the Ministry of Trustees and treasurer.
- c) Serve as a resource person regarding legal and business matters of the church; study annually the insurance programs and make recommendations, if any, to the Ministry of Trustees.
- d) Establish and maintain records of the equipment and facilities. Process approved requisitions and purchase orders from the Ministry of Trustees.
- e) Administer church adopted policies and procedures concerning the use of all church properties and facilities.
- f) Assist Ministry of Trustees in its relationships with architects, contractors, and others in building, remodeling, and equipping church buildings.
- g) Supervise workers in the maintenance and repair of all physical properties; establish and implementing cleaning, painting, renovating schedules.
- h) Shall evaluate all assigned employees (except musicians) every six months. Shall interview potential employees and make recommendations for hire or dismissals to the

Ministry of Trustees.

- i) Develop and maintain job descriptions for employees and volunteers.
- j) Maintain continuous programs for staff training.
- k) Monitor all financial activity to include assist in setting up and maintaining budgets for the church and each ministry. Shall submit recommendations to the Ministry of Trustees.
- l) Supervise accounting, personnel and computer operation.

The Business Administrator shall attend monthly staff and trustee meetings and must also attend staff training and orientation sessions.

SECTION 2. Administrative Assistant.

The Administrative Assistant may perform a variety of administrative functions, in addition to the following:

- a) Oversee the church calendar, maintenance and clerical services, scheduling of church appointments as directed by the Pastor, Business Administrator and Chairman of the Trustees.
- b) Provide program information, as related to converting data i.e. charts, graphs, spreadsheets and statistical/narrative reports into presentable products using Microsoft Office, Excel, Power Point and Adobe Acrobat, etc.
- c) Prepare correspondence reports, meeting minutes and statistical information, processes incoming and outgoing materials, both written and electronically.
- d) Handles internal and external phone calls and directs said calls.
- e) Compose and edit letters, reviews correspondences for accuracy and completeness and replies to inquires.
- f) Coordinates and prepares church related requests as directed by the Pastor, Business Administrator and Chairman of the Trustees.
- g) Maintains all meeting and statistical files.

ARTICLE XI - CHURCH BUSINESS MEETINGS AND ANNUAL DAYS

SECTION 1. The Church shall have three (3) quarterly business meetings each year, to be held on the Monday following the fourth Sunday in the months of January, April, and July. The fiscal business meeting shall take place on the Monday after the third Sunday in the month of September.

SECTION 2. The Pastor and/or the Board of Directors may call a meeting of the membership at any time it deems necessary.

SECTION 3. The Board of Directors and ministries shall meet at least once a month,

unless otherwise determined by the Board of Directors or Ministries.

SECTION 4. The Pastor and the Board of Directors shall work together to plan the annual church calendar. Specific annual days will be pre-determined.

ARTICLE XII - ENACTMENT OF BY-LAWS

SECTION 1. These by-laws shall become effective immediately upon approval of the Church. The Pastor and all members of the Corporation will abide by these by-laws.

SECTION 2. The Holy Bible, King James Version, shall be the main governing authority of the Church and the Bible shall be the final authority in all matters. Business meetings will be conducted in conjunction with Robert's Rules of Order.

ARTICLE XIII - DISSOLUTION OF THE CORPORATION

In case of the dissolution of the corporation, the Church retains the rights to distribute any real property to any other Congregation or cause of like-faith and practice, following a recommendation of the Board of Directors and ratification by 3/4 majority of the membership.

ARTICLE XIV - AMENDMENT OF BY-LAWS

In order to amend these by-laws, any member can make a written recommendation to be presented to the Pastor and/or the Board of Directors. The Pastor and Board of Directors will review the recommendation and proposed amendment; they will bring said recommendation to the Church for a final vote.

ACCEPTANCE

At a duly called meeting the membership of New Hope Friendship Missionary Baptist Church of San Diego, California, held on September 16, 1996, the above by-laws were received and shall be considered as the legal and binding by-laws of the corporation and church, superseding any existing by-laws. I(we) certify and declare under the penalty of perjury, in the State of California, that the above by-laws were adopted on the 16th and 17th days of September in the year of our Lord 1996.

These By-Laws were amended by a vote of the congregation on Monday, February 21, 2005.