

DECLARATION OF AARON ETTINGER

I, Aaron Ettinger, declare as follows:

1. I am making this Declaration in support of the letter written by POA Counsel Gregg Adam to City Manager Ed Shikada on Wednesday, October 22, 2014 concerning allegations against POA President Jim Unland. I am familiar with the facts set forth in this Declaration. If called as a witness, I could and would testify competently to these facts.

2. I was a resident of the City of San Jose until I was approximately 19 years old. I then bought a condominium in Milpitas. I was then a resident of Milpitas until 18 months ago, when I moved back to San Jose. I have been a small business owner since 1999. My current business is in the communications industry and is based in San Jose.

3. I had a longstanding dream of becoming a full-time police officer for the San Jose Police Department. To further that dream, beginning in January 2008, I put myself through the Police Academy, bearing all costs directly. I was accepted as a Reserve Police Officer for the San Jose Police Department in May 2008 and worked in that capacity from approximately October 2008 until April 2014. I worked hundreds of hours of voluntary unpaid duty during that time period.

4. In order to become eligible to apply to become a full-time police officer, I also went back to college for one year, taking five and six classes per semester in order to get sufficient credits.

5. I graduated from the Academy, and effective April 13, 2014, I was selected as a Direct Entry Police Officer. I was a Tier 2 Police Officer under the City Charter.

6. As a Direct Entry Police Officer, I went through the Field Training Officer program beginning immediately. Once I received my first paycheck, I calculated that I was making approximately \$14 per hour, once all pension contributions, taxes and deductions were applied. I was also concerned about the lack of guarantees in the pension I would receive and the lack of disability protections. I had serious doubts about whether I should continue to be a full-time police officer.

7. Before taking any further action, I reached out to the San Jose Police Officers' Association. I spoke directly with Sergeant Jim Unland, its president. I recall that we had two conversations (one lengthy, perhaps 30 minutes; the other brief) trying to fully understand Tier 2 benefits and Measure B. During those conversations, Mr. Unland presented the issue of Tier 2 benefits and Measure B factually. He never told me to stay or to "quit" or any other words to that effect. He basically educated me and empathized that I was facing a very difficult decision for me and my family.

8. Soon thereafter, I concluded that I could not continue to work full-time for the San Jose Police Department. Therefore, on or about May 5, 2014, I submitted my resignation.

9. On Friday, October 17, 2014, I received an email from my mother at approximately 7:33 p.m. It stated the following:

From: [REDACTED] >
Date: October 17, 2014 at 7:33:49 PM PDT
To: aaron Ettinger <[REDACTED]>
Subject: SJMN article in tomorrows paper.

Aaron,

Victor called and told us about this article that will appear in tomorrow's paper. He said and I quote, "If his head (yours) is in the right place, have him call me and I will give him information to perhaps get back on SJP.D."

Victor's cell is (408) 230-6640

http://www.mercurynews.com/opinion/ci_26747497/san-jose-police-recruit-union-told-class-quit

Mommy

(A true and correct copy of the email message is attached hereto as Exhibit 1. I have redacted both my mother's personal email address and my own in order to protect our privacy. I will produce a non-redacted version of the email if you request it.)

10. The "Victor" referenced in the email above is Victor Ajlouny. By way of background, my family has known Mr. Ajlouny as a neighbor since my childhood.

11. On Saturday, October 18, 2014, at 10:24 a.m., after first reading the article in the link above, I called Mr. Ajlouny at (408) 230-6640. I left a message indicating who I was and that my mother had asked me to call him.

12. Mr. Ajlouny called back at approximately 12:31 p.m. that same day and, in between two dropped calls, we spoke for approximately 17 minutes. (A true and correct copy of my cell phone call history is attached hereto as Exhibit 2.) I preface the remarks below by noting that Mr. Ajlouny speaks in a very rapid-fire manner. The statements below are not intended to capture the entirety of the conversation but the main parts of it that I recollect.

13. During our conversation, Mr. Ajlouny started by asking "Do you know what I am doing?" I advised him that I did not and he told me words to the

effect that he ran political campaigns, including for San Jose Mayor Chuck Reed. Mr. Ajlouny then asked: "Do you want your job back?" I took him to be meaning my former full-time San Jose police officer job, and I responded that of course I wanted the job but because of Measure B, I did not want it back full-time because there is no guaranteed pension or medical disability retirement. Instead, I advised Mr. Ajlouny that I wanted my unpaid Reserve Officer position back.

14. Mr. Ajlouny then advised me that there would be an article published about a female recruit being told by Sergeant Unland to quit. He advised me that he wanted me to collaborate with him and the female recruit; specifically about the Police Officers' Association and Mr. Unland trying to get officers to quit. He indicated that "they" were tired of "Unland lying to people." He then told me: "I'm trying to get Jim Unland's ass fired." Ajlouny said that "Jim has lied to you, Aaron." I disagreed with him about Jim Unland lying to me, and told him that Jim had told me that pension and disability benefits could get worse before they get better and that the pension was not guaranteed. Mr. Ajlouny argued with me about whether the second tier pension was guaranteed or was subject to change. He mentioned it would have to go back to the voters to be altered.

15. I told Mr. Ajlouny that Mr. Unland did not tell me to quit.

16. Ajlouny then told me that I needed to go to the Police Department to "tell them you want your job back" or words to that effect. He said that I should "not be nice about it." He said that I should start by going on Monday morning to Deputy Chief Dave Knopf, and that if Knopf would not agree to give me my job back I should go to Chief Esquivel and tell him that I wanted my job back.

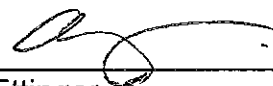
Mr. Ajlouny told me to not say anything about getting a lawyer involved or the chiefs would "clam-up" and not talk to me. If the Chief would not give me my job back, then Mr. Ajlouny told me that I should call him (Ajlouny) if I was prepared to meet with him, Mayor Reed and an attorney. He mentioned that the discussion with the Mayor would concern some type of legal action to be filed against the POA. He asked me if I "wanted to make some money." I took this to mean that I would be paid or receive money for being part of some type of legal action against the POA. At that moment, I told Mr. Ajlouny that I was not looking to be paid.

17. I told Mr. Ajlouny that I would think over the weekend about whether I would go to see the Department to ask for my job back. I thought about the subject over the weekend and decided not to pursue any action.

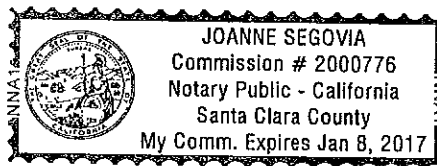
I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of October, 2014 at San Jose, California.





Aaron Ettinger



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Santa Clara

On Oct 29, 2014 before me, Joanne Segovia Notary Public

Date

Here Insert Name and Title of the Officer

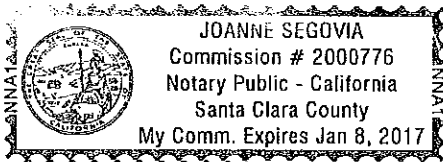
personally appeared Aaron Ettinger

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



JOANNE SEGOVIA
Commission # 2000776
Notary Public - California
Santa Clara County
My Comm. Expires Jan 8, 2017

Signature: Joanne Segovia

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Declaration of 10-22-14

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Aaron Ettinger

Signer's Name: _____

Corporate Officer -- Title(s): _____

Corporate Officer -- Title(s): _____

Individual

Individual

Partner -- Limited General

Partner -- Limited General

Attorney in Fact

Attorney in Fact

Trustee

Trustee

Guardian or Conservator

Guardian or Conservator

Other: _____

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

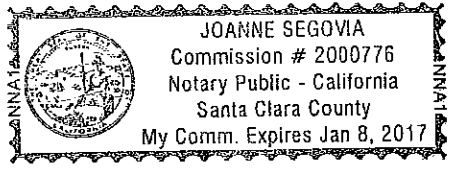
5 _____

6 _____

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California
 County of Santa Clara

Subscribed and sworn to (or affirmed) before me
 on this 22 day of Oct, 2014,
Date Month Year
 by
 (1) Aaron Ettinger
Name of Signer



proved to me on the basis of satisfactory evidence
 to be the person who appeared before me (.) (,)
 (and
 (2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
 to be the person who appeared before me.)

Signature Joanne Segovia
Signature of Notary Public

Place Notary Seal Above


OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Declaration of 10-22-14
 Document Date: 10-22-14 Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1	RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here 	Top of thumb here

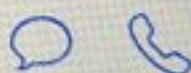
Victor Ajlouny

October 18, 2014

12:48 PM	Incoming Call	3 minutes
12:43 PM	Incoming Call	4 minutes
12:43 PM	Outgoing Call	5 seconds
12:31 PM	Incoming Call	11 minutes
10:24 AM	Outgoing Call	52 seconds

mobile

(408) 230-6640



Email

victora86@aol.com

Notes

Send Message



Favorites



Recents



Contacts



Keypad



Voicemail