

ZACHARY MINOR and ANGELA MINOR

Plaintiffs in Pro Per

Telephone: [REDACTED]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

**ZACHARY MINOR AND ANGELA
MINOR,**
PLAINTIFFS,

V.

**CONTRACTORS STATE LICENSE
BOARD, A CALIFORNIA AGENCY;
DEPARTMENT OF CONSUMER
AFFAIRS, A CALIFORNIA AGENCY;**

AMANDA MARTINEZ, JESSIE FLORES
AND DOES 3–20, INCLUSIVE,
DEFENDANTS.,

Case No.: 25CV021164

**THIRD AMENDED COMPLAINT
FOR DAMAGES, DECLARATORY
AND INJUNCTIVE RELIEF;
DEMAND FOR JURY TRIAL**
1. NEGLIGENCE —
NONCOMMUNICATIVE RECORDS
HANDLING
2. FAILURE TO DISCHARGE MANDATORY
DUTY (GOV. CODE § 815.6)
3. INTENTIONAL MISREPRESENTATION
AND CONCEALMENT
4. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS
5. DECLARATORY AND INJUNCTIVE
RELIEF

INTRODUCTION AND LIMITED SCOPE OF ACTION

1. This action concerns alleged investigative, record-custody, disclosure, and post-referral misconduct by employees of the Contractors State License Board (“CSLB”) and the Department of Consumer Affairs (“DCA”). It does not seek review of the merits of the sole remaining criminal disposition.

1 2. The sole remaining criminal disposition concerned a temporary licensing lapse under
2 Business and Professions Code section 7028.16 arising during a brief lapse in workers'
3 compensation coverage. Plaintiffs do not dispute that misdemeanor disposition and do not ask
4 this Court to revisit, invalidate, or overturn it. No cause of action pleaded here requires a finding
5 that the licensing misdemeanor was invalid.
6

7 3. After the September 28, 2022 recording was forensically recovered and made
8 available for use in the criminal proceeding, the Sonoma County Superior Court permitted
9 Zachary Minor to withdraw his earlier felony plea. Before a preliminary hearing occurred, the
10 prosecution agreed to dismiss all remaining financial, theft, diversion, elder-abuse, and related
11 charges against Zachary Minor and to dismiss the entire criminal case against Angela Minor.
12
13

14 4. The executed misdemeanor plea form identifies only Count 1, Business and
15 Professions Code section 7028.16, as the offense to which Zachary Minor entered a no-contest
16 plea. Under the negotiated-disposition section, the form states that the charges to be dismissed
17 are: "All remaining and entire case against Angela Minor." Attachment 1 further states: "These
18 restitution amounts represent a stipulation by the parties, and are not an admission of guilt."
19 Plaintiffs will attach the court-accepted plea, minute order, or other final disposition record and
20 do not rely solely on an unsigned judicial-officer section of the plea form.
21
22

23 5. The recovery of the recording did not erase the period during which it was
24 unavailable, the alleged discrepancies between the recording and the referral materials, the
25 explanations given concerning its disappearance, or the alleged failure to preserve the original
26 CSLB computer and associated electronically stored information. Instead, the recovery
27 materially changed the criminal case and narrowed the civil controversy.
28

1 6. Plaintiffs do not allege a standalone tort of spoliation. Their claims are based on
2 affirmative representations, concealment of material facts, negligent or intentional handling of
3 official records, failure to perform specifically alleged records-management duties, post-referral
4 conduct, and resulting injuries that do not depend on invalidating the remaining licensing
5 misdemeanor.
6

7 **BINDING LIMITATIONS CONCERNING THE CRIMINAL DISPOSITION**
8

9 7. Plaintiffs judicially concede for purposes of this civil action that the final no-contest
10 misdemeanor disposition under Business and Professions Code section 7028.16 is valid and
11 remains undisturbed. Plaintiffs will not offer evidence or argument that Zachary Minor was
12 properly licensed, properly insured for workers' compensation, or otherwise innocent of the
13 temporary lapse constituting that misdemeanor.
14

15 8. Plaintiffs do not seek restitution reversal, expungement, plea withdrawal, damages for
16 the misdemeanor conviction, or a finding inconsistent with any factual basis necessary to that
17 misdemeanor. The stipulated restitution is not challenged, even though the written agreement
18 expressly states it is not an admission of guilt.
19

20 9. No pleaded cause of action requires proof that the licensing misdemeanor was invalid.
21 The allegedly omitted recording content concerns dismissed financial, theft, diversion, elder-
22 abuse, and property allegations, records custody, and later statements and preservation conduct—
23 not whether the temporary licensing lapse occurred.
24

25 10. Under Heck v. Humphrey (1994) 512 U.S. 477 and California severability principles,
26 the issue is whether success on a particular civil theory would necessarily negate the valid
27
28

1 misdemeanor. Plaintiffs plead only theories that can be true while the misdemeanor remains
2 valid.

3
4 11. If any allegation, requested remedy, or category of damages could be construed to
5 contradict the misdemeanor disposition, Plaintiffs expressly disclaim that construction and seek
6 adjudication only of the severable theory and damages that leave the misdemeanor intact.
7

8 **PARTIES, JURISDICTION, AND GOVERNMENT-CLAIM COMPLIANCE**

9
10 12. Plaintiffs Zachary Minor and Angela Minor are natural persons residing in
11 California.

12
13 13. Defendant CSLB is a California state agency within DCA and is responsible for
14 contractor licensing, enforcement investigations, criminal referrals, agency records, and the
15 conduct of its employees acting within the course and scope of employment.

16
17 14. Defendant DCA is a California state agency with oversight responsibilities
18 concerning CSLB, its employees, information systems, records-management practices, and
19 agency-issued equipment.

20
21 15. Defendant Amanda Martinez was at all relevant times a CSLB investigator and
22 peace-officer employee acting under color of state law and within the course and scope of her
23 employment.

24
25 16. Defendant Jessie Flores was at all relevant times a CSLB supervisor or Deputy Chief
26 of Enforcement acting under color of state law and within the course and scope of his
27 employment.
28

1 17. Plaintiffs are ignorant of the true names and capacities of DOES 3 through 20 and
2 therefore sue those defendants by fictitious names. Plaintiffs will amend when their identities and
3 roles are learned.
4

5 18. Under Government Code section 815.2, CSLB and DCA are alleged to be
6 vicariously liable only for actionable employee torts for which the employee is not immune.
7 Plaintiffs do not seek to impose vicarious liability on CSLB or DCA for misrepresentation
8 because Government Code section 818.8 independently immunizes public entities from liability
9 for injuries caused by employee misrepresentations.
10

11 19. This Court has jurisdiction because Plaintiffs seek damages exceeding \$25,000 and
12 declaratory relief. Venue is alleged to be proper in Sacramento County because the agency
13 defendants maintain principal offices and records-management operations there and because
14 material acts and omissions occurred there.
15

16 20. Plaintiffs satisfied the Government Claims Act presentation requirements before
17 commencing this action. Plaintiffs presented an original Government Claim on July 11, 2025
18 concerning the underlying investigation, loss and handling of the September 28, 2022 recording,
19 alleged misrepresentations concerning its custody and disappearance, and related injuries. As
20 alleged in the original Complaint filed September 8, 2025, that claim was deemed rejected by
21 operation of law on August 25, 2025 pursuant to Government Code section 912.4. This Third
22 Amended Complaint arises from the same fundamental factual circumstances described in that
23 Government Claim, as further particularized by evidence discovered during the pendency of this
24 action.
25
26
27

28 **WHY THIS THIRD AMENDED COMPLAINT IS NECESSARY**

1 21. The earlier pleadings were based on the information reasonably available before
2 completion of the later public-records productions, forensic recovery, device-related discovery,
3 and final criminal disposition.
4

5 22. At the time of the earlier pleading, Plaintiffs did not possess the recovered recording,
6 the forensic-recovery report, the Dropbox deletion report, the complete April and July 2025
7 email chains, the verified discovery responses, or the records concerning replacement of
8 Martinez's original CSLB laptop.
9

10 23. The original theory that the recording remained permanently unavailable became
11 obsolete when Napa County recovered the deleted audio from the original recorder in August
12 2025.
13

14 24. The recovery did not eliminate the alleged injury from the recording's prior
15 unavailability, but it required Plaintiffs to correct the pleading and distinguish temporary loss of
16 access from permanent destruction.
17

18 25. The recovered recording permitted a direct comparison between the recorded
19 interview and the written referral summary for the first time.
20

21 26. Later-produced Dropbox records identified Robert Yeager's user account and a
22 February 9, 2023 deletion event associated with the audio file.
23

24 27. Later-produced emails confirmed that Martinez initially accessed the recording and
25 that Flores approved a report incorporating information from the September 28, 2022 meeting.
26
27
28

1 28. Later discovery disclosed that Martinez’s original CSLB-issued laptop was replaced
2 approximately seven weeks after Flores approved the referral and approximately six weeks after
3 the Dropbox deletion event.
4

5 29. Later verified discovery and the August 28, 2026 production established not only that
6 the original laptop was replaced on March 27, 2023, but that CSLB cannot locate the device and
7 represents that no disposition, imaging, sanitization, transfer, or chain-of-custody record for it
8 has ever existed. Defendants have also taken the position that Yeager’s confirmation of receipt or
9 download is hearsay, while the machine that would independently resolve that question is the
10 missing device.
11

12 30. The criminal proceedings also materially changed after recovery of the recording: the
13 prior felony plea was withdrawn, the felony and financial charges were dismissed before
14 preliminary hearing, Angela Minor’s entire case was dismissed, and Zachary Minor accepted
15 only the temporary licensing-lapse misdemeanor that is expressly not challenged here.
16
17

18 31. Plaintiffs also learned that former Government Code sections cited in an earlier
19 pleading had been repealed and therefore removed those citations rather than continuing to
20 advocate an outdated statutory theory.
21

22 32. This Third Amended Complaint is filed to conform the pleading to the evidence and
23 final disposition now known, narrow the claims and damages, remove superseded allegations,
24 and identify with precision the conduct alleged to be independent of the remaining misdemeanor
25 and the prosecutorial decision to file charges.
26
27
28

1 33. The amendment is corrective and narrowing: it does not revive the withdrawn plea,
2 challenge the misdemeanor, seek malicious-prosecution damages, or allege that the recording
3 remains unavailable.
4

5 **FACTUAL ALLEGATIONS**

6 ***A. The September 28, 2022 Recorded Interview***

7
8 34. On September 28, 2022, Martinez interviewed Plaintiffs at the Napa County District
9 Attorney's Office in connection with CSLB's investigation. Napa County Investigator Robert
10 Yeager recorded the interview on a digital recorder.
11

12 35. At the conclusion of the interview, Martinez asked Yeager to provide her with the
13 audio. Because the file was too large for ordinary email, Yeager uploaded file
14 "220723_0161.MP3" to Dropbox and emailed a link directly to Martinez at approximately 12:44
15 p.m.
16

17 36. Yeager later stated that he spoke with Martinez by telephone and confirmed that she
18 received the link and interview. He further stated that he understood the recording had been
19 collected or retained by CSLB before he deleted copies within Napa County's control.
20

21 37. Martinez later admitted that she initially accessed the recording and that the February
22 2023 report approved by Flores included information from the September 28, 2022 meeting.
23

24 38. Martinez's official duty statement describes her responsibilities as including
25 gathering statements and evidence, reviewing documents and evidence, preparing detailed
26 reports on a laptop computer, coordinating with prosecutors, making criminal referrals, and
27 testifying as a lead witness.
28

1 39. Section F of the same duty statement, titled “Actions and Consequences,” states:
2 “Failure to properly conduct investigations according to Board procedures and the Contractors
3 License Law could result in miscarriage of justice, harm to the consumer, the public, as well as
4 the contractor. The liability to CSLB is great, as the functions of the person in this position
5 include investigations that often result in a notice to appear in court, criminal prosecution, and
6 arrest.”
7

8 40. Plaintiffs allege that “Board procedures” in Section F include the procedures
9 governing collection, use, preservation, and accounting of investigative recordings and the
10 agency devices on which those recordings and related ESI are stored, including the Secretary of
11 State–approved retention schedule and the statutory loss-notification process. Plaintiffs do not
12 allege that Section F creates a standalone private right of action. They allege it as the agency’s
13 own statement of the duty, the class of persons protected (including the contractor), the
14 foreseeability of harm from procedural failure, and the known connection between this position
15 and criminal referrals.
16
17

18 41. Plaintiffs do not ask this Court to adjudicate a “miscarriage of justice” as a criminal-
19 law conclusion, to invalidate the remaining licensing misdemeanor, or to award damages caused
20 by the institution or prosecution of charges. They allege that Section F made the risk of harm to
21 the investigated contractor from failures of investigative procedure known to Martinez and to
22 Flores when he signed the statement, and that the later failure to preserve or account for the
23 recording and original laptop was a failure of those procedures.
24
25

26 42. Yeager later wrote: “Once the interview was completed, I uploaded the interview to
27 Dropbox and sent a link to Investigator Martinez.”
28

1 43. Yeager further wrote: “I spoke to her on the telephone and confirmed she received
2 the link/interview.”

3
4 44. Yeager further wrote that, “[o]nce I confirmed the recording was collected/retained
5 by the CSLB,” he deleted the recording from Dropbox and from the recorder because the matter
6 was not within Napa County’s jurisdiction.

7
8 45. In a later investigative report, Yeager again stated that Martinez asked him to email
9 the audio, that he used Dropbox because the file was too large, and that he “confirmed with
10 Investigator Martinez that she had received the audio recording of the interview.”

11
12 46. Martinez later wrote to Yeager: “I was able to access the recording initially.”

13
14 47. Martinez separately wrote to Zachary Minor: “The report Jessie signed included the
15 information from our September 28, 2022 meeting in Napa.”

16 48. These statements support the factual allegation that CSLB did not merely know a
17 recording existed; its investigator requested it, received access to it, used information from it in
18 an official report, and submitted that report for Flores’s approval.

19
20 ***B. Referral Materials and Alleged Material Discrepancies***

21
22 49. Martinez prepared a criminal referral and arraignment package approved by Flores in
23 February 2023. Martinez signed the referral on or about February 6, 2023.

24
25 50. The referral materials summarized portions of the September 28, 2022 interview but
26 did not include the original recording.

1 51. After recovery of the recording, Plaintiffs compared it with Martinez's written
2 summary and identified alleged differences that they contend were material to the financial
3 charges, including omitted context concerning control of company finances, documents and
4 information Plaintiffs supplied, the nature of owner-equity draws, payments and pickup
5 communications concerning scaffolding, and Martinez's statements regarding the completeness
6 and timing of the referral.
7

8 52. Plaintiffs allege the recording contained information favorable to them and useful for
9 evaluating or impeaching the referral narrative. Martinez denied in verified discovery responses
10 that there were material omissions or exculpatory information in the recording.
11

12 53. Plaintiffs do not ask this Court to decide the validity of the remaining licensing
13 misdemeanor. The alleged discrepancies concern the dismissed financial and property-based
14 accusations and the truthfulness and completeness of official investigative communications.
15

16
17 **MATERIALITY OF THE SEPTEMBER 28, 2022 RECORDING**

18 54. The recording was material because it preserved the complete words, context,
19 sequence, questions, answers, qualifications, and documents discussed during the interview
20 rather than only the investigator's later summary.
21

22 55. The recording captured Martinez stating that her responsibility included information
23 favorable to Plaintiffs and that information aiding their defense was information she was
24 obligated to include.
25

26 56. The written referral summary did not reproduce that statement concerning favorable
27 or defense-aiding information.
28

1 57. The recording captured discussion concerning who controlled NorCal Fire Repair's
2 finances after a power-of-attorney arrangement and the limits on Plaintiffs' access to company
3 financial information.
4

5 58. Martinez's April 21, 2025 email acknowledged that the report signed by Flores
6 incorporated information from the meeting, while her later discovery position denied any
7 material omission concerning that subject.
8

9 59. The recording captured Plaintiffs' explanation of owner-equity draws and Martinez's
10 acknowledgement that the terminology being used was not itself an identified statutory offense.
11

12 60. The recording captured discussion of the Marshall Scaffolding account, including
13 Plaintiffs' contention that payments had been made and that Marshall had been told to retrieve
14 the equipment.
15

16 61. Martinez's verified responses later denied that the recording contained an omitted
17 Marshall discussion and stated that "the recording speaks for itself."
18

19 62. The recording captured discussion of the Montgomery contract amount, payments,
20 homeowner-selected upgrades, direct homeowner purchases, and expenses that Plaintiffs
21 contended were outside the original rebuild scope.
22

23 63. Martinez's verified responses acknowledged that the Montgomery contract was
24 "poorly worded and unclear," while maintaining that it was sufficient for the referral and
25 recommendation.
26

27 64. The recording captured discussion of a \$291,000 loan deposit and cost-and-expense
28 materials that Plaintiffs contend demonstrated legitimate sources and uses of company funds.

1 65. Martinez's verified response stated that she "did not exclude the cost and expense
2 sheet," while the location and inclusion of the identified materials remain disputed.
3

4 66. The recording captured Martinez stating that materials Plaintiffs provided would be
5 included for the district attorney's consideration.
6

7 67. The referral package did not include the complete audio as an exhibit, did not include
8 a full transcript, and did not provide a neutral mechanism for a prosecutor to hear the complete
9 context before evaluating the referral.
10

11 68. Plaintiffs allege the recording's value was therefore not merely cumulative of the
12 written report; it was the best evidence of what was actually said during the interview and of
13 whether the written summary was complete and accurate.
14

15 69. The recording was used in preparing the referral but was not durably preserved by
16 CSLB in a form later produced when requested.
17

18 70. The recording was not recovered through an effort initiated by CSLB, Martinez, or
19 Flores after Plaintiffs were told it was unavailable.
20

21 71. The recording was recovered only after Plaintiffs pursued repeated public-records
22 requests, presented claims, threatened litigation concerning Napa County's failure to account for
23 the recording, and initiated prelitigation efforts to obtain Dropbox evidence.
24

25 72. Once Napa County performed a competent forensic download of the original
26 recorder, the file was recovered and booked into evidence.
27
28

1 73. Once the recording became available in the criminal proceeding, the prior felony plea
2 was withdrawn and all felony and financial charges were dismissed before preliminary hearing,
3 while Angela Minor’s entire case was dismissed.
4

5 74. Plaintiffs do not allege that a prosecutor was legally required to dismiss any charge
6 or that the recording conclusively establishes a prosecutor’s subjective reason for dismissal.
7

8 75. Plaintiffs allege that the objective sequence permits a reasonable inference that the
9 recording was materially significant to evaluation of the dismissed charges and that earlier
10 preservation, complete summarization, transcription, inclusion, or production may have
11 materially altered the course and duration of those charges.
12

13 76. Plaintiffs further allege, on information and belief, that if the complete recording and
14 the materials discussed in it had been included in the referral package, the dismissed charges may
15 have been rejected, narrowed, or filed differently at the outset.
16

17 77. That inference concerns only the dismissed financial and property-based charges and
18 does not question the separate temporary licensing lapse.
19

20 ***C. Dropbox Deletion, Recorder Deletion, and Conflicting Explanations***

21 78. Dropbox records identify User ID 2160354256 as Robert Yeager and reflect a
22 deletion event for file “/Root/220723_0161.MP3” on February 9, 2023 at 22:54:50 UTC, three
23 days after Martinez signed the criminal referral package.
24

25 79. That Dropbox event is distinct from deletion activity on the physical recorder and
26 distinct from any failure by CSLB to retain a downloaded or saved copy.
27
28

1 80. In October 2024, after Zachary Minor requested the recording, Martinez contacted
2 Yeager concerning whether the recording remained available. An October 15, 2024 email from
3 Sonoma County Deputy District Attorney Katy Yount reported that Martinez said her email
4 server had automatically deleted the transmission email after two years and that Yeager said the
5 recording was no longer on Dropbox.
6

7 81. Later communications stated that the recording was stored on a cloud-based system
8 and “self-deleted,” that Napa County rather than CSLB handled the recording, and that CSLB
9 did not maintain it on a CSLB database or cloud system.
10

11 82. Martinez also stated in April 2025 that she had initially accessed the recording, that it
12 was gone from the link, and that the report signed by Flores included information from the
13 September 2022 meeting.
14

15 83. In verified discovery responses, Martinez stated that the email self-purged after two
16 years under DCA/CSLB policy, denied deleting or removing the recording, and asserted that
17 Plaintiffs did not request it in time.
18

19 84. Plaintiffs allege these explanations were incomplete or materially misleading because
20 they did not disclose the confirmed transfer and use of the recording by CSLB, the February 9,
21 2023 Dropbox deletion event, the distinction between the transmission email and the underlying
22 audio, the existence of a deleted but recoverable recorder copy, or the status of any copy and
23 metadata on CSLB equipment.
24

25 85. Plaintiffs have obtained raw electronic data and deleted-file artifacts from the
26 original recorder that may bear upon the timing and manner of deletion. Plaintiffs are continuing
27
28

1 to obtain competent forensic interpretation of those materials and do not presently allege that the
2 raw data conclusively establishes the identity of the person who deleted the recording or the
3 precise date on which deletion occurred.
4

5 **DOCUMENTED CHANGES IN THE EXPLANATIONS GIVEN FOR THE**
6 **RECORDING**
7

8 86. On October 15, 2024, Deputy District Attorney Katy Yount reported that Martinez
9 said the transmission email had automatically deleted after two years and that Yeager said the
10 recording was no longer on Dropbox.
11

12 87. On April 21, 2025, Martinez wrote: "I was able to access the recording initially."
13

14 88. On April 21, 2025, Martinez also wrote that she had looked for the recording and
15 "the recording was gone from the link" Yeager had provided.
16

17 89. In the same chain, Martinez stated that Yeager had checked and confirmed it was
18 gone from the "online storage portal."
19

20 90. Martinez then told Flores that "Napa DAs office was the one that did the recording
21 and the link is expired."
22

23 91. On July 9, 2025, Martinez wrote: "The recording was done by Napa DAs office, not
24 CSLB."
25

26 92. In that July 9 email, Martinez further wrote that the recording "was digitally stored
27 on the cloud and self-deleted off the cloud-based system."
28

1 93. On July 11, 2025, Martinez told Yeager that CSLB “did not make the recording or
2 maintain it on a CSLB database/cloud-based system.”
3

4 94. On July 11, 2025, Flores told Zachary Minor: “the matter was handled by the Napa
5 County District Attorney’s Office, not the Contractors State License Board.”
6

7 95. Flores further wrote: “we are not in a position to respond or provide information
8 regarding this issue.”
9

10 96. Martinez’s verified interrogatory response later stated: “The recording is summarized
11 on pages 97-104 of the report. Link to original audio was sent in an email from Napa DA. After
12 two years, the email self purges. This is email retention policy and DCA/CSLB policy.”
13

14 97. In another verified response, Martinez stated: “The recording is summarized in the
15 report. After two years, the email self-purges and Propounding Part failed to request the
16 recording in this time.”
17

18 98. Martinez also denied that she had claimed the recording self-deleted while in Napa
19 County’s custody, even though her July 9 email stated that the recording self-deleted from the
20 cloud-based system and emphasized that Napa County, not CSLB, had handled it.
21

22 99. Martinez stated in verified discovery that she attempted to recover the recording, but
23 she did not identify a forensic examination performed at her request before Plaintiffs’ later
24 public-records and prelitigation efforts caused Napa County to examine the recorder.
25

26 100. Martinez stated she did not delete, discard, or otherwise remove the recording, and
27 Plaintiffs do not allege that she personally performed the Dropbox or recorder deletion absent
28 competent evidence identifying the actor.

1 101. Plaintiffs allege the actionable problem is not merely that the statements differed in
2 wording; it is that the statements repeatedly directed responsibility away from CSLB without
3 disclosing CSLB's confirmed receipt, initial access, official use, supervisory approval, and
4 unexamined original laptop.
5

6 102. Plaintiffs rely on verified discovery responses as evidentiary admissions and
7 context only, not as actionable publications, and do not seek tort liability based on service of
8 discovery responses.
9

10 ***D. Forensic Recovery and Immediate Change in Criminal Proceedings***
11

12 103. In July and August 2025, after public-records requests and efforts by Plaintiffs to
13 obtain evidence about the recording, Napa County Investigator Joseph Perry used forensic tools
14 to examine the original digital recorder.
15

16 104. On or about August 20, 2025, Perry recovered the deleted audio. Napa County
17 documented the recovery, booked a copy into evidence, and provided the audio to Martinez and
18 the Sonoma County prosecutor.
19

20 105. After the recovered recording became available for use in the criminal proceeding,
21 the court permitted withdrawal of Zachary Minor's prior plea.
22

23 106. Before the scheduled preliminary hearing, the prosecution agreed to dismiss all
24 financial, theft, diversion, elder-abuse, white-collar, and related charges; dismiss the entire case
25 against Angela Minor; and resolve Zachary Minor's matter solely through a misdemeanor
26 licensing disposition.
27
28

1 107. The final plea form expressly states that all remaining charges and the entire case
2 against Angela Minor are dismissed. It also states that the agreed restitution amounts are
3 stipulations by the parties and are not admissions of guilt.
4

5 108. The temporal sequence supports a reasonable inference that the recovered recording
6 was material to the dismissed financial and property-based charges. After the recording became
7 available to both sides, Zachary Minor was permitted to withdraw the earlier felony plea; before
8 a preliminary hearing occurred, all felony and financial charges were dismissed; and Angela
9 Minor's entire case was dismissed. Plaintiffs plead this objective sequence as circumstantial
10 evidence of materiality and causation, not as a quotation or conclusive allegation concerning a
11 prosecutor's undisclosed mental process.
12
13

14 109. Plaintiffs allege on information and belief that, had the complete recording been
15 durably preserved, accurately transcribed or summarized, included with the referral or
16 arraignment materials, and timely made available for review, the dismissed felony and financial
17 charges may never have been filed or may have been rejected, narrowed, or dismissed
18 substantially earlier. This is pleaded as a reasonable causation inference to be tested through
19 discovery. Plaintiffs do not allege that the remaining licensing misdemeanor would have been
20 avoided or invalidated.
21
22

23 **PLAINTIFFS' RECOVERY EFFORTS AND NAPA COUNTY'S FORENSIC**
24 **RECOVERY**

25 110. Plaintiffs repeatedly requested records concerning the recording, its transmission,
26 its deletion, the recorder, Dropbox metadata, access logs, and communications among Napa
27 County, CSLB, and Sonoma County.
28

1 111. Plaintiffs advised Napa County that they were evaluating litigation concerning the
2 failure to preserve or account for the recording.

3
4 112. Plaintiffs pursued a prelitigation petition intended to obtain Dropbox evidence and
5 notified Napa County counsel of that filing effort.

6
7 113. The forensic recovery was undertaken only after those escalating public-records and
8 prelitigation efforts.

9
10 114. Yeager reported that several additional public-records requests had been received
11 and that he then contacted Investigator Joseph Perry to ask whether deleted audio could be
12 recovered from the recorder.

13
14 115. Perry had prior experience conducting forensic downloads of digital devices
15 through the Northern California Computer Crimes Task Force.

16
17 116. Perry obtained permission to use specialized forensic equipment and recovered the
18 deleted audio on or about August 20, 2025.

19 117. Yeager documented that the recovered audio was provided to Napa County counsel,
20 Martinez, and Sonoma County Deputy District Attorney Yount.

21
22 118. After receiving the recovered file, Martinez wrote: "IT downloaded it and I have a
23 copy saved."

24
25 119. The ease and success of recovery once a trained forensic examiner used appropriate
26 tools supports the inference that the recording had remained recoverable and that earlier
27 competent recovery efforts could have restored access sooner.

1 120. Plaintiffs do not allege as an established fact that Napa County acted from a specific
2 undisclosed motive; they allege the documented sequence of escalating requests, threatened
3 litigation, prelitigation Dropbox efforts, and then forensic recovery.
4

5 ***E. Original CSLB Laptop: Identified, Replaced, and Thereafter Unaccounted For***
6

7 121. CSLB records identify Martinez’s original agency laptop as an HP 640 G4, Master
8 Tag 0021688, hostname SR10L0021688, serial number 5cg3324680, assigned to Amanda
9 Martinez in Special Investigation. The same records list the device on a September 16, 2022 HP
10 640 G4 inventory with a warranty expiration of September 13, 2022.
11

12 122. Plaintiffs allege that device was the CSLB equipment most likely to contain
13 electronically stored information concerning whether Martinez opened, downloaded, saved,
14 cached, transferred, summarized, or later deleted the September 28, 2022 recording, including
15 Dropbox-client artifacts, browser history, download folders, local copies, and metadata from
16 September 28, 2022 through March 27, 2023.
17

18 123. CSLB records state that service-desk staff identified as “Kengshi” replaced that
19 laptop on or about March 27, 2023 with a Dell Precision 3570, tag 00571. The replacement
20 occurred approximately seven weeks after Flores approved the February 2023 referral and
21 approximately six weeks after the February 9, 2023 Dropbox deletion event associated with file
22 220723_0161.MP3.
23

24 124. The replacement is recorded in a successor-asset comment and in a later email from
25 CSLB IT employee Raju Sah. After a verified search and reasonable inquiry in response to Set
26 Five and Set Six, CSLB has represented that no Help Desk ticket, ServiceNow request, work
27
28

1 order, purchase order, written approval, contemporaneous statement of reason, change-control
2 record, or other process document for that replacement has ever existed.
3

4 125. After March 27, 2023, the production does not identify a later owner, location,
5 transfer, warehouse entry, retirement, reuse, reimage, sanitization, recycling, destruction, or date
6 on which asset 0021688 left active inventory. CSLB has not produced a forensic image, clone,
7 backup, user-profile migration log, OneDrive or desktop migration record, access log for the
8 original device, sanitization certificate, or destruction certificate. In verified responses, CSLB
9 has represented that those records have never existed.
10

11 126. Plaintiffs therefore allege that asset 0021688 is a documented State investigative
12 device with a documented beginning and no documented end. It is not merely unproduced. After
13 the search Defendants represent they conducted, its present location, custodian, and
14 recoverability are unknown, and no authorized disposition file exists.
15

16 127. In October 2024, after Zachary Minor requested the recording, Martinez wrote that
17 the Dropbox link “has erased including the audio file,” that the recording was not on her
18 recorder, and that she was “not seeing it downloaded on my computer.” The same week, Raju
19 Sah searched “your computer.” That search was of the post-replacement Dell, not of
20 SR10L0021688. It located no 2022–2023 copy of the recording except later material on an I:
21 drive associated with the August 2025 recovery.
22
23

24 128. In November 2025, CSLB IT again searched the replacement Dell Precision 3570
25 for the exact file name. The search located the later-recovered recording on an I: drive associated
26 with the August 2025 recovery, but did not establish what existed on the original laptop during
27 the relevant period.
28

1 129. CSLB's verified discovery responses state that a replaced device is either marked
2 for secure destruction if failed or out of warranty, or reimaged and redeployed if functioning.
3 CSLB did not identify a routine practice of forensic imaging before wiping or redeployment.
4

5 130. CSLB also verified that it has no formal process for early destruction of criminal-
6 referral evidence, and responded that it identified no instance in which it destroyed criminal-
7 referral evidence before final resolution. Plaintiffs allege the absence of an identified process, an
8 identified end-of-life path for asset 0021688, and any imaging or sanitization record is material
9 to whether the recording and associated ESI were handled as records with continuing legal value.
10

11 131. Defendants have objected that statements by Napa County Investigator Yeager
12 concerning Martinez's receipt or download of the recording are hearsay or lack personal
13 knowledge of what resided on CSLB equipment. Plaintiffs do not rest the existence of a CSLB-
14 side copy solely on Yeager. They allege that the original laptop was the independent, machine-
15 level source from which download, access, and non-access could have been determined without
16 relying on Yeager's out-of-court statements. Defendants' inability to produce the device or any
17 image of it is therefore not a collateral records dispute. It is the disappearance of the only CSLB
18 source that would resolve the objection they themselves raise.
19
20

21 132. CSLB produced DCA Information Asset Management Policy ISO 25-04 in
22 response to a request for the policies, procedures, or practices in effect in 2022–2023 for laptop
23 replacement, device retention, and data preservation. ISO 25-04 is dated May 28, 2025, marked
24 NEW, and effective immediately. Plaintiffs do not contend that ISO 25-04 governed the March
25 27, 2023 replacement. They allege that the document produced as the answer to that request does
26
27
28

1 not identify the contemporaneous 2022–2023 process, and that no variance, change-control
2 record, or other process file for this replacement is in the production.
3

4 **FLORES’S PERSONAL PARTICIPATION, APPROVAL, AND RATIFICATION**

5 133. Flores was not named solely because of his supervisory title.
6

7 134. Flores signed and approved the February 2023 referral report that included
8 information derived from the September 28, 2022 interview.
9

10 135. Martinez’s duty statement identified the Deputy Chief of Enforcement as a source
11 of assignments and supervisory direction.
12

13 136. Flores signed the duty statement acknowledging that the duties had been discussed
14 with Martinez and that she had been provided a copy.
15

16 137. The duty statement required review of investigative evidence and detailed reports.
17 Section F of that statement, which Flores signed, warned that failure to conduct investigations
18 according to Board procedures and the Contractors License Law could result in harm to the
19 contractor and expose CSLB to great liability in matters that result in criminal prosecution.
20

21 138. Martinez forwarded Flores the April 2025 email chain concerning her prior access
22 to the recording, the expired link, and Yeager’s inability to retrieve it.
23

24 139. Martinez identified Flores as her supervisor in the July 9, 2025 email in which she
25 said the recording self-deleted from a cloud-based system and was handled by Napa County
26 rather than CSLB.
27
28

1 140. Flores was therefore placed on direct notice of the confirmed transfer, Martinez's
2 prior access, the recording's use in the report he approved, and the claim that it was no longer
3 available.
4

5 141. Flores personally responded to Zachary Minor on July 11, 2025 and stated that
6 Napa County, not CSLB, had handled the matter and that CSLB could not provide information.
7

8 142. Plaintiffs allege Flores adopted or ratified the agency position that CSLB lacked
9 responsibility for the recording despite his approval of a report incorporating information from it
10 and despite the evidence that Martinez had received access to it for CSLB's investigation.
11

12 143. Plaintiffs allege Flores failed to direct an examination or preservation of Martinez's
13 original laptop, device records, migration records, backups, or audit information after the missing
14 recording was brought to his attention. After Section F of the duty statement was on his signature
15 block, he did not direct a CalRIM loss report or any documented internal review of compliance
16 with Board records procedures following the October 2024, April 2025, or July 2025 notices.
17

18 144. Plaintiffs allege Flores's liability is based only on his own approval, knowledge,
19 communication, direction, omission after notice, and alleged ratification, not on respondeat
20 superior against him personally.
21

22 **PEACE-OFFICER STATUS AND ABSENCE OF ANY POST SERIOUS-MISCONDUCT**
23 **REPORT**
24

25 145. The organizational chart dated November 13, 2023 and submitted with CSLB's
26 2023 records-retention package identifies Jessie Flores as SSI II (P/O) in the Division of
27 Enforcement and Amanda Martinez as SSI I (P/O) in the Special Investigations Unit.
28

1 146. The Commission on Peace Officer Standards and Training identifies Martinez as
2 POST ID C12-M40 and Flores as POST ID C86-P54.

3
4 147. Beginning January 1, 2023, Penal Code section 13510.9, subdivision (a)(2),
5 requires an agency employing peace officers to report to POST within ten days any complaint,
6 charge, or allegation of conduct against an employed peace officer that could render the officer
7 subject to suspension or revocation of certification under Penal Code section 13510.8. Section
8 13510.8, subdivision (b)(1), identifies as serious misconduct dishonesty relating to the reporting,
9 investigation, or prosecution of a crime, including false statements and tampering with,
10 falsifying, destroying, or concealing evidence. The statute is triggered by receipt of the
11 allegation; it does not require that the allegation first have been sustained. Plaintiffs do not plead
12 either statute as creating a standalone private cause of action and do not seek peace-officer
13 personnel records.
14
15

16 148. Plaintiffs allege that CSLB and DCA received written complaints and allegations
17 concerning Martinez's and Flores's handling, preservation, accounting for, and representations
18 concerning the September 28, 2022 recording and related investigative evidence, including
19 allegations implicating conduct described in section 13510.8. Those allegations include, without
20 limitation, Plaintiffs' written complaints arising from the April and July 2025 communications
21 with Martinez and Flores and the pleadings in this action alleging concealment, mishandling, and
22 failure to preserve evidence. Subsequent discovery and production further developed the factual
23 basis concerning the original investigative laptop and related evidence-handling failures.
24 Plaintiffs do not presently identify a separate internal personnel-complaint number because
25 Defendants have produced none. Nevertheless, in responses dated August 28, 2026 as to
26
27
28

1 Martinez and August 31, 2026 as to Flores, POST stated that it had no records of any complaints
2 or allegations of serious misconduct against either officer.
3

4 149. Plaintiffs allege POST's absence of any such record as circumstantial evidence that
5 CSLB and DCA did not report the allegations as potential serious misconduct and did not treat
6 the missing recording, unaccounted-for investigative laptop, challenged investigative
7 representations, or related evidence-handling allegations as matters requiring POST notification.
8 Penal Code section 13510.9, subdivision (f), requires POST to maintain information reported
9 under that statute. Plaintiffs rely on what POST stated it has, not on an affirmative representation
10 that no CSLB transmission log exists. They allege the fact as evidence of agency knowledge,
11 notice, response, and the manner in which the alleged records and evidence failures were
12 handled, and not as an independent cause of action under Penal Code section 13510.9.
13
14

15 **CURRENT RECORDS-MANAGEMENT AUTHORITIES AND RETENTION**
16 **SCHEDULE**
17

18 150. Plaintiffs withdraw reliance on former Government Code sections 14750 through
19 14755, which were repealed. Plaintiffs instead allege the current statutory and regulatory
20 framework identified below.
21

22 151. Government Code section 7920.530 defines public records broadly to include
23 writings relating to the public's business that are prepared, owned, used, or retained by a state or
24 local agency regardless of physical form.
25
26
27
28

1 152. The State Records Management Act, Government Code sections 12270 through
2 12279, governs state-agency records-management programs, retention schedules, preservation,
3 accessibility, and authorized destruction.
4

5 153. Plaintiffs allege Government Code section 12275 permits destruction only after a
6 determination that records no longer have administrative, legal, or fiscal value, and that the
7 recording and associated ESI retained continuing legal value while the criminal matter was
8 active.
9

10 154. Plaintiffs further allege Government Code section 12274.5 includes reporting and
11 management duties concerning state records, including lost or accidentally destroyed records.
12 The current text of subdivision (m), effective January 1, 2024, requires the agency records-
13 management coordinator to notify the Secretary of State if a record is lost or destroyed before it
14 has met the retention period specified on the agency's approved retention schedule. Plaintiffs do
15 not apply subdivision (m) retroactively to the March 27, 2023 laptop replacement as a standalone
16 2023 violation. They allege that by October 15, 2024, and certainly by April and July 2025,
17 CSLB and DCA knew that a still-required investigative record, and the laptop that was the
18 potentially unique container of that record's ESI, were unaccounted for; that by those dates
19 subdivision (m) and approved schedule 2023-168 were both in effect; and that no Secretary of
20 State notification or CalRIM-04 has been identified or produced. Separately, Government Code
21 section 12275 independently prohibited destruction or disposition of a state record without the
22 required Secretary of State determination both before and after January 1, 2024.
23
24
25

26 155. The implementing CalRIM-04 form (Revised January 2024) requires the agency to
27 email CalRIM immediately, complete the documentation template, coordinate a schedule update
28

1 with the assigned CalRIM analyst, and keep the form with the affected series until the original
2 retention period would have expired. The form also flags STD 152 for accidental destruction of
3 property under SAM 8643.
4

5 156. CSLB-specific records identify the persons responsible for the Board's retention
6 program. Macario Aguilar signed CSLB's records-retention schedules and, on December 1,
7 2023, transmitted the 2023 revision to assigned CalRIM analyst Noel Mosqueda. Schedule 2023-
8 168 was approved January 26, 2024, and expires January 27, 2029. Ingrid Witowski-Sedlar
9 signed the schedule as Chief of Administration. A separate CSLB unit contact form identifies
10 Alex Christian, SSM I, as CSLB records-management coordinator contact, with Josh Takimoto
11 as backup. Plaintiffs rely on those CSLB-specific schedule and transmittal documents, not on
12 any designation form prepared for a different board within DCA.
13
14

15 157. Discovery has not identified any CalRIM-04, any schedule annotation for lost
16 referral-related ESI, or any STD 152 lost-or-destroyed-property report concerning the recording
17 or asset 0021688.
18

19 158. The same Department has used CalRIM-04 for other accidental destruction,
20 including a one-box shredding of obsolete SOLID administrative paper after an analyst sent
21 records for confidential destruction before RMC approval. Plaintiffs allege that contrast as
22 evidence of an existing, known procedure—not as a claim that the SOLID incident concerned
23 this investigation.
24

25 159. Plaintiffs allege Government Code section 12168.7 and title 2, California Code of
26 Regulations, sections 22620.1 through 22620.8 address trustworthy electronic records and the
27 maintenance of reliable, authentic, accessible electronic information.
28

1 160. CSLB produced its retention schedule, approval number 2023-168, and identified
2 Item 140, titled “DA (criminal) Referrals (includes Licensee and Non-Licensee),” with a ten-year
3 retention period computed from the date of final court disposition for Investigation Center /
4 SWIFT records.
5

6 161. Plaintiffs allege the recording, transmission email, notes or summaries derived from
7 it, metadata, and computer records documenting its receipt and use were part of, or records
8 supporting, the DA criminal-referral record series because Martinez used information from the
9 interview in the referral and the matter remained unresolved.
10

11 162. A two-year email auto-purge is not the retention period approved for Item 140 and
12 is not a Secretary of State determination under Government Code section 12275 that the record
13 lacked further legal value.
14

15 163. The December 1, 2023 transmittal of the 2023 revision by Aguilar to Mosqueda
16 stated that record categories had been updated with separation of Paper, Electronic, and Film.
17 Item 140 as printed identifies paper media for the Investigation Center / SWIFT set. Plaintiffs
18 allege that electronic referral-support records were not exempt from scheduling or from loss-
19 reporting merely because the printed line item lists “P,” and that Defendants have not identified
20 any authorized electronic counterpart series whose retention had already expired in 2023 or
21 2024.
22
23

24 164. Related enforcement series on the same schedule include Item 120 (subpoena files,
25 three years), Item 128 (closed non-legal complaints at the Investigation Center, two years from
26 closure), Item 129 (closed complaints with financial injury, twenty years), and Item 142
27 (investigators’ daily logs, one year). Case-management tracks for specified enforcement files run
28

1 as long as sixty years. Defendants dispute the scope and application of Item 140. That dispute
2 presents a live issue concerning whether the recording and associated referral materials were
3 required to be retained and how they should have been classified and preserved.
4

5 **TIMELINESS, DELAYED DISCOVERY, CLAIM PRESENTATION, AND RELATION**
6 **BACK**
7

8 165. Plaintiffs could not reasonably discover the complete factual basis concerning
9 transfer, deletion, recoverability, device replacement, and the final criminal consequences at the
10 time of the earliest alleged acts.
11

12 166. Defendants and other agencies represented at different times that the recording had
13 expired, self-deleted, been lost, or was solely another agency's responsibility.
14

15 167. The August 2025 forensic recovery established for the first time that the supposedly
16 unavailable recording remained recoverable from the original device.
17

18 168. The later Dropbox production identified the user and timestamp associated with the
19 February 2023 Dropbox deletion event.
20

21 169. The later device and IT records disclosed replacement of the original CSLB laptop,
22 the limitation that only the replacement device had been searched, and the absence of any
23 disposition or imaging record for asset 0021688.
24

25 170. The later criminal disposition established that the prior plea was withdrawn and the
26 felony and financial charges were dismissed before preliminary hearing.
27
28

1 171. Plaintiffs timely presented an original Government Claim on July 11, 2025
2 concerning the underlying investigation, loss and handling of the September 28, 2022 recording,
3 alleged misrepresentations concerning its custody and disappearance, and related injuries. As
4 alleged in Plaintiffs' original Complaint filed September 8, 2025, no written notice of action had
5 been received before expiration of the statutory period, and the claim was deemed rejected by
6 operation of law on August 25, 2025 pursuant to Government Code section 912.4. Plaintiffs
7 thereafter commenced this action on September 8, 2025.
8

9
10 172. During the pendency of this action, Plaintiffs obtained additional evidence
11 concerning electronic-record retention, replacement of Martinez's original CSLB investigative
12 laptop, related ESI and metadata, later preservation failures, and the absence of identified
13 disposition, imaging, sanitization, transfer, or chain-of-custody records concerning the original
14 device. Plaintiffs allege that this later-discovered evidence further particularizes and supports the
15 records-handling, custody, preservation, concealment, and resulting-injury allegations arising
16 from the same underlying investigation and missing-record controversy described in the original
17 Government Claim.
18

19
20 173. The amended allegations arise from the same investigation, recorded interview,
21 referral, missing-record controversy, preservation failures, and resulting injury described in the
22 original Government Claim and prior pleadings and therefore relate back to the original
23 occurrence to the extent relation-back principles apply.
24

25 174. To the extent a particular post-claim act is not itself a separate basis for damages,
26 Plaintiffs allege it as evidence of continuing possession, knowledge, ratification, concealment,
27 present preservation duties, or delayed discovery.
28

1 **INJURY AND DAMAGES INDEPENDENT OF THE LICENSING MISDEMEANOR**

2
3 175. Plaintiffs seek only damages legally attributable to actionable conduct and not
4 damages that require invalidation of the remaining licensing misdemeanor.

5 176. Plaintiffs allege only injuries caused by the independent records-handling and post-
6 referral conduct pleaded here, including expenses incurred locating and recovering the recording,
7 costs of preservation and public-records efforts to the extent legally recoverable, loss of timely
8 access to the recording, and emotional distress directly caused by being told that material
9 evidence had been lost or had self-deleted when meaningful recovery and records-accounting
10 steps had not been completed. Plaintiffs do not seek criminal-defense fees, damages for
11 incarceration or conviction, or damages attributable merely to the filing, maintenance, or
12 prosecution of charges.
13
14

15 177. Angela Minor alleges she was separately charged and that her entire case was later
16 dismissed. That fact is alleged to show she has no remaining conviction and that her damages do
17 not depend on invalidating any criminal disposition. It is not alleged as a claim for prosecution
18 damages.
19

20 178. Zachary Minor alleges injury from the years during which the complete recording
21 was unavailable and from alleged independent post-referral records conduct and unprivileged
22 fraud. The possibility that timely preservation and inclusion could have prevented or narrowed
23 dismissed charges is pleaded as evidence of materiality and causation, not as a request for
24 malicious-prosecution damages. Zachary does not seek damages based on denial of
25 responsibility for the temporary licensing lapse.
26
27
28

1 **CONDUCT AND INJURIES PLEADED OUTSIDE GOVERNMENT CODE SECTION**

2 **821.6**

3
4 179. Plaintiffs acknowledge that Government Code section 821.6 immunizes injury
5 caused by instituting or prosecuting a judicial or administrative proceeding within the scope of
6 employment.

7
8 180. Plaintiffs do not plead malicious prosecution under another label and do not seek
9 damages merely because charges were investigated, referred, filed, maintained, or prosecuted.

10
11 181. Plaintiffs do not seek criminal-defense fees, incarceration damages, conviction
12 damages, or damages requiring proof that prosecutors lacked probable cause.

13
14 182. The noncommunicative operational conduct alleged here includes receipt and use of
15 an official recording without durable records accounting, failure to preserve or account for an
16 agency copy, failure to undertake meaningful technical recovery after notice of loss, and failure
17 to preserve or document the original laptop and associated ESI.

18
19 183. The principal post-referral events occurred after the February 2023 referral,
20 including the October 2024 request and response, the April and July 2025 communications, the
21 later public-records handling, the November 2025 IT search, and continuing refusal or inability
22 to account for the original device and its records.

23
24 184. The injury from pursuing the wrong custodian, paying for records and recovery
25 efforts, losing timely access to an official record, and confronting an unexplained absence of
26 agency ESI can exist even if every prosecutorial decision is treated as valid and immune.

1 185. The recording's effect on the later criminal chronology is pleaded to show
2 materiality and causation, not to convert the claims into malicious prosecution.
3

4 186. Under Leon v. County of Riverside (2023) 14 Cal.5th 910, section 821.6 does not
5 create blanket immunity for every harmful act occurring during an investigation; the statutory
6 question turns on whether the injury was caused by instituting or prosecuting the proceeding.
7

8 187. Plaintiffs plead severable nonprosecution injuries and request that any immune
9 theory or damages category be disregarded without extinguishing independent operational
10 claims.
11

12 **CONDUCT NOT BASED ON DISCRETIONARY POLICY IMMUNITY**

13
14 188. Plaintiffs do not challenge a basic policy decision entitled to discretionary immunity
15 under Government Code section 820.2.

16
17 189. The alleged failures to save, account for, search for, recover, preserve, migrate,
18 image, or document an identified electronic record and device are operational acts implementing
19 established agency functions rather than pleaded high-level policy formulation.

20
21 190. No identified conscious policy decision authorized an employee to treat a criminal-
22 referral record with continuing legal value as valueless, to omit required disposition
23 documentation, or to make materially incomplete statements about confirmed agency receipt and
24 use.

25
26 191. To the extent Defendants establish that a particular act resulted from an actual
27 exercise of policy discretion vested in the employee, Plaintiffs seek adjudication of the remaining
28 ministerial, operational, fraudulent, and mandatory-duty allegations.

1 **NO STANDALONE PRIVATE RIGHT OF ACTION OR SPOILIATION CLAIM**

2
3 192. Plaintiffs do not plead the records statutes, regulations, retention schedule,
4 discovery statutes, or evidence-preservation principles as freestanding private causes of action
5 unless an identified enactment supports liability through Government Code section 815.6.

6
7 193. Plaintiffs do not plead intentional or negligent spoliation as a standalone tort.

8
9 194. The records authorities are pleaded as the statutory basis asserted under section
10 815.6, as evidence of classification and standard of care, and as support for present declaratory
11 and preservation relief.

12 **FIRST CAUSE OF ACTION**

13
14 ***Negligence — Noncommunicative Records Handling***

15 *Against Martinez and Flores; Vicariously Against CSLB and DCA Only to the Extent Permitted by*
16 *Government Code § 815.2*

17
18 195. Plaintiffs incorporate paragraphs 1 through the preceding paragraph.

19
20 196. This negligence claim is limited to alleged noncommunicative conduct: receiving
21 and using an official investigative recording without preserving or accounting for a durable
22 agency copy; failing to take reasonable records-custody and recovery steps after the recording
23 could not be located; and replacing, wiping, redeploying, destroying, or failing to preserve the
24 original investigative laptop and associated ESI without adequate disposition and chain-of-
25 custody documentation. It is not pleaded as negligent misrepresentation, malicious prosecution,
26 or a standalone tort of spoliation.
27
28

1 197. The alleged duty arises from Defendants' affirmative undertaking to request,
2 receive, access, use, summarize, supervise, and respond concerning a specifically identified
3 official recording, together with their control over the agency devices and records necessary to
4 preserve or recover it. Plaintiffs do not allege that every investigator owes every investigated
5 person a generalized duty to conduct a perfect investigation.
6

7 198. Plaintiffs allege a limited duty to avoid increasing the risk of loss or misdirection
8 after undertaking custody and use of the recording and to exercise reasonable care in the
9 operational performance of records handling actually undertaken. The alleged duty is tied to
10 Defendants' conduct and control, the foreseeability of loss from failing to maintain a durable
11 copy, the certainty of record-access injury, and the close connection between the alleged
12 handling failures and the recovery costs claimed. Section F of Martinez's duty statement is
13 further evidence that harm to the investigated contractor from failure to follow Board
14 investigative procedures was foreseeable to Martinez and Flores and was not a remote or
15 unexpected risk.
16
17

18 199. Plaintiffs allege breach through the noncommunicative acts and omissions
19 identified above, including failure to preserve or account for an agency copy, failure to initiate a
20 technically meaningful recovery effort after specific notice that the recording was missing,
21 failure to preserve or document the disposition of the original laptop and its relevant ESI, and
22 replacing asset 0021688 and thereafter leaving that State investigative device and its ESI without
23 a documented owner, location, image, sanitization, or authorized destruction, so that the only
24 CSLB source capable of showing download or non-download independently of Yeager is
25 unavailable.
26
27
28

1 200. Plaintiffs allege that these noncommunicative failures foreseeably caused delay,
2 additional recovery and preservation work, and loss of timely access to uniquely controlled
3 evidence. Reliance on a representation is not an element of this negligence claim.
4

5 201. As a direct and proximate result, Plaintiffs suffered damages according to proof,
6 excluding damages that would require invalidation of the uncontested licensing misdemeanor.
7

8 **SECOND CAUSE OF ACTION**

9 ***Failure to Discharge Mandatory Duty — Government Code § 815.6***

10 *Against CSLB and DCA*

11
12 202. Plaintiffs incorporate paragraphs 1 through the preceding paragraph.
13

14 203. Government Code section 815.6 provides for public-entity liability where an
15 enactment imposes a mandatory duty designed to protect against the risk of the kind of injury
16 suffered and the entity fails to discharge that duty, unless reasonable diligence is established.
17

18 204. Plaintiffs identify the asserted enactments with specificity and plead them in the
19 alternative: Government Code section 12275, only to the extent its operative language requires
20 an authorized determination concerning continuing administrative, legal, or fiscal value before
21 destruction; Government Code section 12274.5, subdivision (m), effective January 1, 2024, and
22 the CalRIM-04 procedure implementing it, only as to the post-effective-date failure to notify
23 after the agency knew a still-required record was unaccounted for; and Government Code section
24 12168.7 together with title 2, California Code of Regulations, sections 22620.1 through 22620.8,
25 only to the extent their operative provisions require identified trustworthy-electronic-record acts.
26
27 Item 140 is pleaded as evidence of classification and retention and as a source of mandatory duty
28

1 only if the Court determines it qualifies as an enactment or validly implements one within
2 Government Code section 810.6. Plaintiffs plead in the alternative that even if Item 140's printed
3 "P" media designation were construed to exclude electronic audio, section 12275 still required a
4 value determination before treating the ESI as gone, and subdivision (m) still required
5 notification once the agency knew the record or its container device could not be located after
6 January 1, 2024.
7

8
9 205. Plaintiffs allege the cited provisions were designed to protect against loss of
10 authenticity, accessibility, continuity, and legal value in official state records. Plaintiffs seek
11 section 815.6 damages only for the particular injury those provisions were designed to prevent—
12 loss of timely access to, and inability to account for, official electronic records—not for the
13 independent prosecutorial decision to file or maintain charges.
14

15 206. Plaintiffs allege CSLB and DCA failed to discharge those duties by failing to
16 preserve or account for the recording and associated ESI, failing to preserve or forensically
17 image the original investigative laptop, failing to maintain or produce adequate disposition and
18 chain-of-custody records, and failing to identify authorized destruction procedures or loss
19 reporting.
20

21 207. Plaintiffs allege CSLB and DCA failed to discharge the specific notification duty in
22 Government Code section 12274.5, subdivision (m), and the CalRIM-04 procedure
23 implementing it, after January 1, 2024, when the agency knew a scheduled or schedulable record
24 and the device that would have contained it could not be located and no authorized destruction
25 file existed. Plaintiffs do not allege subdivision (m) as a retroactive 2023 duty arising solely from
26 the March 27, 2023 replacement. They further allege, both before and after January 1, 2024,
27
28

1 failure to make the value determination required by Government Code section 12275 before
2 treating referral-related ESI as gone pursuant to an email auto-purge.

3
4 208. Plaintiffs allege the recording and related ESI retained legal value while criminal
5 proceedings remained unresolved and therefore could not lawfully be treated as disposable or
6 valueless records.

7
8 209. As a direct and proximate result, Plaintiffs suffered the injuries alleged above.

9
10 210. This claim is pleaded in the alternative. If the Court concludes that any cited
11 provision is discretionary, is not an “enactment,” or was not designed to protect against the
12 particular record-access injury alleged, Plaintiffs request leave to amend as to any other
13 specifically applicable regulation or enacted retention requirement established through judicial
14 notice or discovery, rather than dismissal of otherwise independent causes of action.

15
16 **THIRD CAUSE OF ACTION**

17 ***Intentional Misrepresentation and Concealment***

18
19 *Against Martinez and Flores; Gov. Code § 822.2*

20
21 211. Plaintiffs incorporate paragraphs 1 through the preceding paragraph.

22 212. Plaintiffs acknowledge that Civil Code section 47, subdivision (b), is absolute as to
23 qualifying communications made in judicial or official proceedings. Accordingly, statements in
24 verified discovery responses, pleadings, and communications whose sole function was to achieve
25 the objects of the criminal or civil litigation are excluded from the actionable fraud theory.
26
27
28

1 213. Plaintiffs base this cause of action only on actionable communications made outside
2 a judicial or discovery proceeding and only to the extent those communications are not
3 privileged under Civil Code section 47, subdivision (b). Verified discovery responses and
4 litigation filings are alleged only as evidentiary context and are not themselves asserted as
5 actionable publications.
6

7 214. On July 11, 2025, Flores directly told Zachary Minor, in a communication intended
8 for both Plaintiffs, that the matter had been handled by Napa County rather than CSLB and that
9 CSLB was not in a position to provide information. Plaintiffs allege Flores made or ratified that
10 statement despite his approval of a referral that incorporated information from the interview, his
11 supervisory relationship to Martinez, and CSLB's direct receipt and official use of the recording.
12 Plaintiffs allege these facts as Flores's own participation, not merely on a respondeat-superior
13 theory.
14
15

16 215. Plaintiffs allege Martinez separately represented in April and July 2025 that the
17 recording was gone from the link, had self-deleted from a cloud-based system, and was a Napa
18 County matter, while omitting that she had directly received and initially accessed the recording,
19 used information from the interview in the referral, and had not caused the original CSLB laptop
20 or the recorder to undergo a competent forensic recovery examination before representing the
21 recording as unavailable.
22
23

24 216. Plaintiffs further allege Defendants failed to disclose material facts concerning the
25 February 2023 deletion event, the distinction between the transmission email and audio file, the
26 possibility of recovery from the recorder, the replacement of Martinez's original laptop, and the
27 absence of a forensic search of that device.
28

1 217. Plaintiffs further allege Defendants failed to disclose that the original investigative
2 laptop had been replaced on March 27, 2023; that no image of it was made; that its later location
3 and disposition are unknown; and that the October 2024 and November 2025 searches they
4 described were searches of the successor computer. Those facts were material to whether
5 Plaintiffs should accept the representation that CSLB never possessed a copy and that Napa
6 County was the sole custodian.
7

8 218. Plaintiffs allege actual fraud and actual malice, not mere negligence. They allege
9 Martinez and Flores knew the statements identified above were materially incomplete when
10 made, or deliberately spoke with conscious disregard of the known facts, and intended that
11 Plaintiffs accept Napa County as solely responsible and stop or redirect demands for CSLB
12 preservation, device examination, and records-accounting.
13
14

15 219. The representations and omissions were communicated directly to both Plaintiffs,
16 communicated to Zachary Minor on behalf of both Plaintiffs, communicated to their shared
17 criminal counsel concerning both Plaintiffs' criminal exposure, or made under circumstances in
18 which Martinez and Flores intended and reasonably expected both Plaintiffs to receive and act
19 upon the information.
20

21 220. Zachary Minor and Angela Minor each actually and reasonably relied. After being
22 told that CSLB did not handle or maintain the recording and that it had self-deleted or was solely
23 a Napa County matter, both Plaintiffs—directly and through their shared counsel—redirected
24 recovery and records demands to Napa County, delayed or narrowed demands directed to CSLB
25 and the original CSLB laptop, and incurred costs pursuing the asserted custodian. Angela's
26
27
28

1 reliance was personal as well as through communications made to Zachary and shared counsel
2 for the benefit of both Plaintiffs.

3
4 221. Plaintiffs seek damages on this cause of action against Martinez and Flores only for
5 each individual's own alleged conduct. Government Code section 820.8 does not impose liability
6 on a public employee for another person's act, and Plaintiffs therefore rely on Flores's own
7 approval, knowledge, statement, and alleged ratification rather than Martinez's conduct alone.
8 Government Code section 822.2 does not immunize a public employee guilty of actual fraud,
9 corruption, or actual malice, while Government Code section 818.8 bars public-entity liability
10 for misrepresentation. Plaintiffs do not seek direct or vicarious misrepresentation liability against
11 CSLB or DCA.
12

13 14 **FOURTH CAUSE OF ACTION**

15 ***Intentional Infliction of Emotional Distress***

16
17 *Against Martinez and Flores; Vicariously Against CSLB and DCA Only for Nonimmune Employee*
18 *Conduct*

19
20 222. Plaintiffs incorporate paragraphs 1 through the preceding paragraph.

21 223. Plaintiffs base this claim on the alleged noncommunicative course of conduct—
22 receiving and using uniquely important evidence without preserving or accounting for it, failing
23 to initiate meaningful technical recovery after specific notice of its disappearance, and failing to
24 preserve or document the disposition of the original investigative computer. Privileged discovery
25 responses and court filings are not pleaded as independently outrageous acts.
26
27
28

1 224. Plaintiffs allege Martinez and Flores intended to cause distress or acted with
2 reckless disregard of the probability that their conduct would cause severe emotional distress.
3

4 225. Angela Minor alleges severe emotional distress caused by the loss and
5 unavailability of the recording, by representations that CSLB did not handle or maintain it and
6 that it had self-deleted, by the resulting redirection of recovery efforts away from the original
7 CSLB device, and by the failure to undertake technically meaningful recovery or records-
8 accounting after notice. The later dismissal of all charges against her is alleged only as
9 chronology. This claim does not seek damages for the institution, maintenance, or prosecution of
10 charges against her.
11

12 226. Zachary Minor alleges severe emotional distress caused by the same records-
13 handling, custodial representations, redirected recovery efforts, and post-notice failure to
14 preserve or examine the original device. He does not base this claim on the validity of the
15 uncontested licensing misdemeanor, and he does not seek damages for the institution,
16 maintenance, or prosecution of charges.
17
18

19 227. Plaintiffs suffered severe emotional distress, including anxiety, humiliation, fear,
20 sleep disruption, aggravation of existing trauma symptoms, and impairment of daily and
21 professional functioning.
22

23 **FIFTH CAUSE OF ACTION**

24 ***Declaratory and Injunctive Relief — Code of Civil Procedure §§ 1060, 526***

25 *Against CSLB and DCA; and Against Individual Defendants Only to the Extent They Possess or Control*
26 *Relevant Records*
27
28

1 228. Plaintiffs incorporate paragraphs 1 through the preceding paragraph.

2
3 229. An actual and present controversy exists concerning the classification, continued
4 preservation, and authorized disposition of remaining records and devices within Defendants'
5 possession, custody, or control, including asset records and information concerning the original
6 laptop, backup or migration records, audit information, and records supporting the DA-referral
7 series.

8
9 230. The controversy is not limited to whether past conduct was wrongful. Defendants
10 have disputed the scope of Item 140 and the existence, location, recoverability, or required
11 retention of remaining device and ESI records, while Plaintiffs contend those records remain
12 subject to present preservation and lawful-disposition duties.

13
14 231. An actual controversy also exists concerning the present classification and required
15 preservation of all remaining asset-management, inventory, surplus, warehouse, ServiceNow,
16 PCMASTER, Intune, Entra, and related records sufficient to identify the last known location and
17 disposition of asset 0021688, and concerning whether a CalRIM-04 loss report and an STD 152
18 property report were and remain required.

19
20 232. Plaintiffs do not request declaratory adjudication of Heck, the criminal judgment, or
21 any defense. Their nonchallenge to the licensing misdemeanor is a binding limitation on the
22 pleadings, not an independent request for an advisory declaration.

23
24 233. Plaintiffs seek a declaration limited to present and prospective duties concerning
25 preservation and authorized disposition of remaining records and devices that are still within
26 Defendants' possession, custody, or control and that fall within an applicable record series.

1 234. Plaintiffs seek prospective relief requiring preservation of all remaining relevant
2 records, including device records, backup records, asset records, audit logs, retention-schedule
3 materials, communications, and forensic data, pending final resolution of this action.
4

5 235. Plaintiffs do not seek an advisory opinion, criminal referral, judicial finding of
6 perjury, or relief requiring this Court to supervise the Sonoma County criminal case.
7

8 **IMMUNITY AND SCOPE ALLEGATIONS**

9 236. Plaintiffs acknowledge Government Code section 821.6 immunizes injuries caused
10 by instituting or prosecuting an official proceeding within the scope of employment, even if done
11 maliciously and without probable cause, and that Government Code section 815.2, subdivision
12 (b), extends an employee immunity to the public entity for vicarious-liability purposes.
13
14

15 237. Plaintiffs allege, consistent with *Leon v. County of Riverside* (2023) 14 Cal.5th
16 910, that section 821.6 does not broadly immunize every harmful act occurring during an
17 investigation. Their damages theories are limited to independent, operational records handling,
18 device preservation, recovery, and nonprivileged post-referral communications. Discovery
19 responses are not pleaded as actionable publications, and the mere institution, maintenance, or
20 prosecution of charges is not pleaded as the compensable injury.
21

22 238. To the extent a particular allegation or category of damages is found inseparable
23 from the institution or prosecution of the criminal proceeding, Plaintiffs seek adjudication of the
24 remaining independent allegations and damages rather than dismissal of the entire action.
25

26 239. Plaintiffs further allege section 822.2 permits employee liability only for actual
27 fraud, corruption, or actual malice; section 818.8 bars public-entity liability for
28

misrepresentation; Civil Code section 47, subdivision (b), independently privileges qualifying litigation communications; and no discovery response or court filing is used as the actionable publication supporting the fraud claim.

PRAYER FOR RELIEF

1. For general and special damages according to proof, limited to legally recoverable injuries that do not require invalidation of the uncontested licensing misdemeanor;

2. For emotional-distress, professional, and economic damages according to proof, including recoverable expenses of locating and recovering the recording, to the extent directly attributable to the nonimmune conduct alleged herein and not to the institution, maintenance, or prosecution of criminal charges;

3. For declaratory relief as stated above;

4. For an order preserving remaining relevant records and electronically stored information, including all remaining records concerning asset 0021688;

5. For punitive damages against the individual defendants only, if permitted and proven, and not against CSLB or DCA;

6. For costs of suit;

7. For attorney's fees only where authorized by a valid statute or other legal basis; and

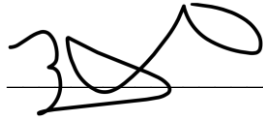
8. For such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

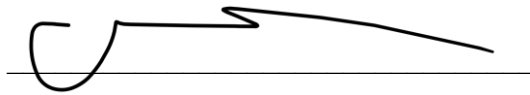
1 Plaintiffs demand a jury trial on all issues so triable.

2
3 Dated: September 25, 2026

4
5 Respectfully submitted,

6 
7 _____

8 Zachary Minor, Plaintiff in Pro Per

9 
10 _____

11 Angela Minor, Plaintiff in Pro Per

EXHIBIT LIST

Exhibit A — Yeager confirmation of Dropbox upload, transfer, and receipt by Martinez.

Exhibit B — Perry/Yeager forensic-recovery report and evidence-booking records.

Exhibit C — Martinez July 9, 2025 “self-deleted off the cloud” email.

Exhibit D — July 2025 email chain confirming the recording was reported as lost.

Exhibit E — September 28, 2022 original Dropbox transmission email.

Exhibit F — Objective comparison chart identifying alleged differences between recording and referral summary, with timestamps and neutral wording.

Exhibit G — Public-records materials confirming Martinez received or downloaded the recording.

Exhibit H — Secretary of State / CSLB retention schedule 2023-168, Item 140 page, and November 13, 2023 organizational chart.

Exhibit I — Martinez verified special interrogatory responses.

Exhibit J — Dropbox metadata report showing February 9, 2023 deletion event and Yeager user ID.

Exhibit K — February 6, 2023 referral/arraignment signature page.

Exhibit L — Martinez verified requests for admission responses.

Exhibit M — October 15, 2024 Yount email concerning the missing recording.

1 **Exhibit N** — Relevant CPRA requests and agency responses concerning the recording and
2 metadata.

3
4 **Exhibit O** — Post-recovery communications showing distribution of the recovered recording.

5 **Exhibit P** — Court order permitting withdrawal of the prior plea.

6
7 **Exhibit Q** — Court-accepted misdemeanor plea and final disposition records showing the sole
8 plea to Business and Professions Code section 7028.16, dismissal language, and Attachment 1
9 stating that stipulated restitution is not an admission of guilt.

10 **Exhibit R** — Martinez duty statement signed by Martinez and approved by Flores, including
11 Section F.

12
13 **Exhibit S** — Current Government Code and regulatory excerpts relied upon, if judicial notice is
14 requested separately.

15
16 **Exhibit T** — April 21, 2025 Martinez-Yeager-Flores email chain.

17 **Exhibit U** — CSLB IT search and laptop-replacement records identifying SR10L0021688 / tag
18 0021688 / SN 5cg3324680, the March 27, 2023 Kengshi replacement, and the successor Dell.

19
20 **Exhibit V** — Raw recorder data and deleted-file artifacts.

21 **Exhibit W** — CalRIM-04 instructions and the SOLID completed accidental-destruction form
22 (departmental control sample).

23
24 **Exhibit X** — Aguilar–Mosqueda December 1, 2023 emails transmitting the 2023 RRS revision.

25 **Exhibit Y** — POST GovQA determinations for Martinez (C12-M40) and Flores (C86-P54).
26
27
28

Exhibit Z — Informational ISO 25-04 / production matrix dated August 28, 2026

(demonstrative).

Exhibit AA — CSLB unit RMAC contact form identifying Alex Christian and Josh Takimoto.