



October 30, 2009

The Honorable Jerry Brown
Attorney General
State of California
1300 "I" Street, Suite 1740
Sacramento, California 95814

Via Facsimile and US Mail

Re: Public Records Act Request regarding the taping of phone conversations

Dear Attorney General Brown:

Pursuant to California Government Code § 6253(b) of the Public Records Act, and SEC. 3 Art. 1 of the California Constitution, Consumer Watchdog hereby requests copies of all transcripts of phone calls recorded by you or any employee of the Department of Justice since January 1, 2006. If there are recordings of phone conversations that have not been transcribed, we request a list of the recorded conversations, including the time and date of the call and the names of all people on the call. We do not request records of voice mail or phone messages they may have been recorded by the Department of Justice's voice mail system.

Pursuant to California Government Code § 6253(a) we would like the opportunity to inspect these immediately. Please contact me, either by phone (310-392-0522 ext. 309) or e-mail (doug@consumerwatchdog.org), with the location of these records so we can send a representative of our organization to that office to inspect the records on Monday, November 2, 2009.

If you determine that any of these records are exempt from disclosure, we ask that you reconsider the determination in light of Proposition 59's (at California Constitution Article I, §3[b][2]) requirement that a "statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access and narrowly construed if it limits the right of access." Proposition 59 may modify or overturn authorities on which you have relied in the past.

Any public records withheld from production for inspection should be separately identified and should be accompanied by the claimed justification for withholding as provided by Gov. Code § 6255, stating the nature of the document withheld, the specific exemption under which the document is being withheld, and the public interest served by withholding said document. We reserve the right to appeal your decision to withhold any materials.

Should you contend that a portion of a particular document is exempt from disclosure due to confidentiality, we also request pursuant to Gov. Code § 6253(a) that the exempt portion be redacted and the remaining portion be produced for our inspection.

Consumer Watchdog is prepared to pay reasonable search and duplication fees in connection with this request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Gov. Code § 6253(e). (*See North County Parents Organization for Children with Special Needs v. California Dept. of Educ.* (1994) 28 Cal.Rptr.2d 359, 361.) As the information that is the subject of this request is of primary benefit to the public to inform how the Attorney General and Department of Justice came to transform its analysis of a proposed ballot measure, we ask that you waive all search and duplication fees.

Consistent with Gov. Code § 6253(c), we expect to hear from you within ten days. If you have any questions concerning the scope of our Public Records Act request, please contact the undersigned at (310) 392-0522 ext. 303.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Heller', with a long horizontal flourish extending to the right.

Douglas Heller