

Dear Regina A. Garza:

This letter is to request access to records in the possession of Madera Department of Social Services for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.) and Article I, Section 3 of the California Constitution.

The information that I ask to inspect is as follows:

1) The employment application (resume, application materials), and work history (position, title, pay, years of service) of the following individuals currently or formerly employed by the Madera DSS: Myia Davila, Heather Sharp, Danny Morris, Allyson Cookson, and Kelly Woodward.

2) Records reflecting investigation(s), reviews, findings, discipline and/or corrective action(s) taken by Madera County, state agencies and/or any other entity related to complaints and/or performance deficiencies of Heather Sharp, Danny Morris, Kelly Woodward, and Myia Davila in their role at Madera DSS.

Regarding request No. 1, the California courts have established a liberal standard for disclosure of public records relating to complaints or misconduct of public employees. They have held that there is a public policy against disclosure of "trivial or groundless charges," but that "where the charges are found true or discipline is imposed," the usually strong public policy interest against disclosure of personnel records vanishes; this is true even where the sanction is a private reproof. In such cases a member of the public is entitled to information about the complaint, the discipline, and the "information up which it was based."¹ In addition, they have held that "where there is a reasonable cause to believe the complaint to be well founded, the right of public access to related public records exists."²

Pursuant to Government Code Section 6253(b), I ask that you make the records "promptly available," for inspection and copying, based on my payment of "fees covering direct costs of duplication, or statutory fee, if applicable." I believe that no express

¹ *American Federation of State, County and Municipal Employees v. Regents of the University of California*, 80 Cal. App. 3d 913, 918. (1978). *Accord, Bakersfield City School Dist. v. Superior Court*, 118. Cal. App. 4th 1041, 1044, 1046 (2004).

² *American Federation of State, County and Municipal Employees v. Regents of the University of California*, 80 Cal. App. 3d 913, 918. (1978). *Accord, Bakersfield City School Dist. v. Superior Court*, 118. Cal. App. 4th 1041, 1044, 1046 (2004).

provisions of law exist that exempt the records from disclosure. As you determine whether this request seeks copies of disclosable public records, be mindful that Article I, Section 3 (b)(2) of the California Constitution requires you to broadly construe a statute, court rule, or other authority if it furthers the right of access to the information I have requested and to narrowly construe a statute, court rule, or other authority if it limits my right of access.

If a portion of the information I have requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the materials I have requested, Government Code Section 6253(c) requires notification to me of the reasons for the determination not later than 10 days from your receipt of this request.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records." Thank you for your timely attention to my request.

Sincerely,

Garrett Therolf,
Reporter, Investigative Reporting Program at UC Berkeley,
213-239-4671
garrett.therolf@gmail.com

Ellie Lightfoot
Researcher at Investigative Reporting Program, UC Berkeley
206-604-8428
ellielightfoot@gmail.com