

California Public Records Act Request

Date

2019-04-18

Our Ref. Num.

ZX03-190418-07

Please provide the following public records pursuant to the California Public Records Act (the “Act”)¹, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. “Including” means “including but not limited to.” We reserve all of our rights under the Act and other applicable law.

All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.

Please be certain all responses are properly redacted. I am not a representative of MuckRock. **We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees.** As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

Requestee Public Agencies

County of Orange – CEO, County Counsel, Clerk of the Board, Board of Supervisors, Information Technology Department, Sheriff’s Department, Registrar of Voters, and District Attorney

Requestor

An anonymous member of the public², who may be contacted only via email

Prompt Response Required

Your determination and reply to this request (or notice of 14-day extension), including estimated date of record availability, is expected within 10 calendar days. (Gov’t Code sec. 6253(c))

¹References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=

²Since Act requests are not even required to be in writing (“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov’t Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity’s contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

46 Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to City of San Jose v. Superior Court (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of all email, calendar invites, text/SMS/MMS/instant messages, physically written, or recorded audio communications sent, written, or received between January 1, 2017 and 2019-04-18(inclusive), to or from (1) any employee, officer, or supervisor of the County and (2) any of the following:

- R1. Donald Trump
- R2. Barack Obama
- R3. Mick Mulvaney
- R4. Rahm Emanuel
- R5. Denis McDonough
- R6. Melania Trump
- R7. Michelle Obama
- R8. Eric Holder
- R9. Loretta Lynch
- R10. Sally Yates
- R11. Dana Boente
- R12. Jeff Sessions
- R13. Matthew Whitaker
- R14. William Barr
- R15. Robert Mueller
- R16. Rod Rosenstein
- R17. Zachary Fuentes
- R18. John Kelly
- R19. Reince Priebus
- R20. John R. Bolton
- R21. Kirstjen Nielsen
- R22. Kevin McAleenan

- R23. Kevin Hassett
- R24. Timothy Harleth
- R25. Marcia Lee Kelly
- R26. James W. Carroll
- R27. Kelvin Droegemeier
- R28. Robert Lighthizer
- R29. Dan Scavino
- R30. Sarah Sanders
- R31. Katrina Pierson
- R32. Ivanka Trump
- R33. Peter Navarro
- R34. Larry Kudlow
- R35. Stephen Miller
- R36. Jared Kushner
- R37. Kellyanne Conway
- R38. Emma Doyle
- R39. Pat Cipollone
- R40. Jay Sekulow
- R41. Rudy Giuliani
- R42. Emmet Flood
- R43. Johnny DeStefano
- R44. any email address ending in whitehouse.gov or eop.gov not included above,
- R45. any employee of the Executive Office of the President of the United States, the White House Office, or the Office of Management and Budget not included above
- R46. any employee or officer of the US Office of the Attorney General, US Office of the Deputy Attorney General, and the Special Counsel’s Office not included above

Note that per Gov’t Code 6253.9(a)(1): “The agency shall make the information available in any electronic format in which it holds the information.” If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld³ and the names and titles⁴ of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose,⁵ which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format⁶ and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one; alternatively, we can provide access to a Google Drive folder for your uploads. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records “prepared, owned, used, or retained”⁷ by every agency⁸ named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records – please search them as appropriate. If multiple agencies are addressed, a response from each is expected. In your response, please state which one or more agencies you are representing. If you are representing multiple agencies, please disclose records if *any* agency must disclose the record and withhold or redact a responsive record only if all agencies assert a statutory exemption to disclosure.

Please make note of the reference number (ZX03-190418-07) as I may have sent you multiple, distinct requests with different reference numbers. Your responses and the contents of records disclosed may be published in the course of my research.

I look forward to:

- prompt disclosure⁹ of all disclosable records responsive to this request,
- your assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,¹⁰

in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”¹¹ and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

³Gov’t Code sec. 6255

⁴Gov’t Code sec. 6253(d)

⁵Gov’t Code sec. 6253(a)

⁶Gov’t Code sec. 6253.9(a)

⁷Gov’t Code sec. 6252(e)

⁸See Gov’t Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

⁹Gov’t Code sec. 6253(b)

¹⁰Gov’t Code sec. 6253.1(a)

¹¹Gov’t Code sec. 6253(e)