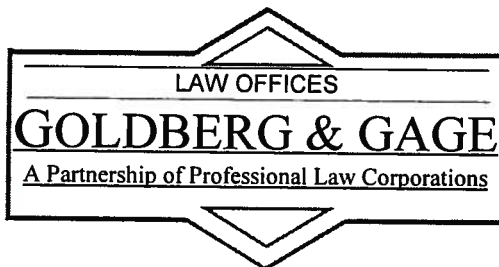


RECEIVED
Terry M. Goldberg*
CLERK OF THE BOARD

MAY 24 2017

*A PROFESSIONAL LAW CORPORATION



Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

Public Record Request
COB Reference Number

May 19, 2017

17-044

SENT: VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7012 3460 0000 7386 3024

Clerk of the Board of Supervisors
333 W. Santa Ana Blvd, Room 465
Santa Ana, CA 92702-0687

Re: Public Records Request
Craig Hunter v. County of Orange

To Whom It May Concern:

Pursuant to my client, Craig Hunter's, rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following, which I understand to be held by your agency. If an arrest was made as a result of the requested information below, pursuant to Government Code Section 6254(f) please provide information, documents, or records related to the: arrestee's full name, area of residence and occupation, physical description, age, sex, and descent, time, date, and location of arrest, factual circumstances, to include time and location, resistance by the suspect, pursuit necessary to arrest, use of weapons by suspect, use of force by officers, identity of arresting/investigating officer, limited description of evidence, the nature, substance, and text of charge, any request for assistance from the public, the amount of bail and location of detention, all charges including warrants, and/or any parole or probation holds.

1. Produce all **IT records/copies of all** of Tony Rackauckas **emails**, in and out (sent and received) regarding:
 - a. Craig Hunter; limited in time to the dates of January 1, 2017 and May 18, 2017;
 - b. Luis Gutierrez limited in time to the dates of January 1, 2017 and May 18, 2017;
 - c. Chief, Assistant Chief and Commander Promotion process or selections limited in time to the dates of January 1, 2014 and May 18, 2017;
 - d. All emails, texts, letters, faxes and all other communications between Tony Rackauckas and Miguel Pulido from January 1, 2012 to present.
 - e. All emails sent by others on behalf of Tony Rackauckas concerning the above categories for the dates identified above.

Clerk of the Board of Supervisors
May 19, 2017
Re: Our Client: Craig Hunter
Page 2 of 7

2. Produce **newspaper articles** related to the following topics:
 - a. Craig Hunter limited in time to the dates of January 1, 2015 and May 18, 2017;
 - b. Tony Rackauckas limited in time to the dates of January 1, 2014 and May 18, 2017.

3. **Investigations into and conclusions** regarding claims regarding the following:
 - a. Allegations of Sexting, or other inappropriate text messages attributed to Chief Craig Hunter limited in time to the dates of January 1, 2015 and May 18, 2017;
 - b. 2002 Grand Jury Investigation Into Conflicts and Misuse of Funds

4. **Miguel Pulido documents:**
 - a. All documents (including contracts, purchase and sales agreements) and records concerning Santa Ana Mayor Miguel Pulido's vote for a \$1.35-million no-bid city contract with a local auto parts firm just over a year after he and members of his family purchased a home from the store owner for \$230,000 less than its fair market value, according to public records.
 - i. As additional clarification we seek all documents, emails, writings, recordings and other information about the fact that Pulido did not disclose the purchase of the Westminster home — which was part of a real estate swap between the Pulidos and Rupen James Akoubian, president of NAPA Orange County Auto Parts — before casting his vote on the company's contract in December 2011.
 - ii. Note, this information we understand was provided to members of the media already, including without limitation the Orange County Registrar and, the Voice of OC hence it cannot be claimed to be privileged.
 - b. Produce the city investigative report indicating that Santa Ana Mayor Miguel Pulido may have committed felony conflict-of-interest crimes when he voted in favor of city contracts for an auto parts dealer after he had profited from a property swap with the firm's owner. Note, this information we understand was provided to members of the media already, including without limitation CBS, the Orange County Registrar and, the Voice of OC hence it cannot be claimed to be privileged.
 - c. Produce all reports, and investigations by former Riverside County District Attorney Grover Trask, including but not limited to those which found Pulido tried to cover up his real estate transactions with NAPA Orange County Auto Parts owner Rupen James Akoubian, which ultimately netted the mayor a \$197,000 profit. Note, this information we understand was provided to members of the media already, including

Clerk of the Board of Supervisors

May 19, 2017

Re: Our Client: Craig Hunter

Page 3 of 7

without limitation CBS, the Orange County Registrar and, the Voice of OC hence it cannot be claimed to be privileged.

- d. Produce every report that concludes, Pulido broke the state's 1974 Political Reform Act on multiple occasions because he did not report the transactions on his financial disclosure statements, known as Form 700s, and voted on a contract for the auto parts store. Including all discussions of penalties for violations of that law (which could include fines and misdemeanor charges.) Note, this information we understand was provided to members of the media already, including without limitation CBS, the Orange County Registrar and, the Voice of OC hence it cannot be claimed to be privileged.
 - e. Produce all reports concluding Pulido's deal with Akoubian very likely constitutes a willful violation of state government code, section 1090, which prohibits public officials from having financial interests in their agency's contracts. Note, this information we understand was provided to members of the media already, including without limitation CBS, the Orange County Registrar and, the Voice of OC hence it cannot be claimed to be privileged.
5. All complaints, including the DFEH and EEOC complaints of **Former Asst. Dist. Atty. Jane Shade** against the Orange County District Attorneys Office, the Superior Court and Court of Appeals briefing on the following items: appellate briefs; summary judgment motions and oppositions with supporting documents; discovery motions and responses. As defendant knows, Ms. Shade was ordered reinstated to her former rank as a senior deputy district attorney by the Fourth District Court of Appeals.
 6. All emails and correspondence by Rackauckas after winning the election, for DA against Wade. Including all governmental claims, DFEH complaints, EEOC complaints and lawsuits generated by Rackauckas' demotion of Wade and six other deputy prosecutors who backed him, including Shade.
 7. All justifications in writing that support Rackauckas moving Wade supporters to the district attorney's family support division, which four months later was taken over by the state.
 8. All government claims and complaints, including the DFEH and EEOC complaints and lawsuit(s) of **former investigator Lyle Wilson** who was fired in 2002 for his handling of an investigation into the business dealings of **Patrick Di Carlo**, a wealthy Newport Beach businessman and supporter of Orange County Dist. Atty. Tony Rackauckas.
 9. All legal filings by Former investigator Lyle Wilson against the Orange County District Attorneys Office, including all civil service briefs, transcripts, appeals, administrative trial, administrative records, Superior Court filings, including without limitations lawsuits and writs, and Court of Appeals appellate briefs; and the administrative record. As defendant

knows, Mr. Wilso was ordered reinstated to her former rank as a senior deputy district attorney by the Fourth District Court of Appeals.

10. All emails, correspondence and all other writings by or to Rackauckas to and from Mr. Di Carlo, and all emails and other writings by Rackauckas about Mr. Di Carlo sent to anyone between January 1, 2000 and December 31, 2012.
11. All emails, correspondence and all other writings by or to Rackauckas to and from any other person regarding former investigator Lyle Wilson sent or received at any time between January 1, 2000 and December 31, 2012.
12. All documents and writings that support termination of former investigator Lyle Wilson from the Orange County District Attorneys Office (OCDA) .
13. Produce the March 24, 2015 email from Assistant District Attorney Ebrahim Baytieh, who heads the DA's Court and Special Prosecutions Unit, confirming that investigations based on allegations that Do has skirted residency laws are "still proceeding."
14. Produce all investigations and documents including emails and email complaint from Tony Flores, who lost a Garden Grove City Council race to Do in 2008 about Do.
 - a. The complaints include but are not limited to allegations that Do was living at a home in unincorporated Santa Ana, which would be located in the Third Supervisorial District, rather than the First District Westminster address that he lists on official forms.
15. All documents, writings and investigations, including conclusions regarding claims that Orange County Supervisor Janet Nguyen violated state campaign finance laws when she voted at CalOptima, the county's managed health care plan, for \$300,000 worth of contracts with an outside attorney, including one vote just days after the lawyer contributed \$1,800 to her re-election campaign.
16. Produce all documents regarding claims and investigations of laundering \$13,300 in campaign contributions for Republican State Sen. Janet Nguyen's 2012 campaign for county supervisor. This includes the criminal records of Son Truong Nguyen, who, pled to 10 misdemeanor counts of unlawful contributions and was sentenced to three years of informal probation, also produce all press releases by the Orange County District Attorney's Office concerning the case.
17. Produce all documents, writings, investigations, lawsuits and court filings.
18. Produce all documents, correspondence, emails and other writings in possession of the OCDA's, Rackauckaus, or anyone on their behalf from the state Attorney General's Office

independent investigation of alleged misconduct by Orange County District Attorney Tony Rackaukas' office in the prosecution of mass murderer Scott Evans Dekraai.

19. Produce the 505-page motion by Scott Sanders outlining how the DA's office withheld voluminous documents about a secret network of informants who allegedly violated defendant rights in county jails by securing criminal admissions, audio recordings, and/or intelligence details.
20. Produce the 2015, probe by the Attorney General's Office regarding allegations by Superior Court Judge Thomas M. Goethals in his rulings that sheriff's deputies and a prosecutor provided false testimony during a lengthy evidentiary hearing in the Dekraai case. (Dekraai in 2011 committed Orange County's largest ever mass murder when he gunned down his wife and seven other people in a Seal Beach beauty salon.)
21. All Court documents and non confidential internal communications, including emails regarding the recusable conflict of interest claims that the Orange County District Attorney's intentional or negligent participation in a covert [confidential informant] program to obtain statements from represented defendants in violation of their constitutional rights. And such information obtained to withhold that information from those defendants.
22. All investigations by the Attorney General's Office, the Department of Justice and the Grand Jury into the "jail house snitch scandal" regarding the criminal prosecution of Dekraai and others.
23. All testimony by Rackaukas regarding concerns about civil rights violations, withholding of evidence and other acts of wrong doing by the OCDA and Orange County Sheriff's Department in the Dekraai criminal case.
24. All briefs by Scott Sanders (and responses to those briefs) alleging that the Sheriff's Department shredded documents and changed a policy on records retention to allow it to destroy records about jailhouse informants.
25. All briefs by Scott Sanders (and responses to those briefs) regarding Assistant District Attorney Dan Wagner, a former prosecutor, intentionally delayed releasing records from the special handling log at Theo Lacy Jail to avoid tipping off Sanders to contradictions in testimony by two deputies that would help him in another case.

Please take note that although California Government Code Section 6254 provides an exemption for some law enforcement files, in *William v. Superior Court* (5 Cal. 4th 37, 1993) the California Supreme Court ruled there are limits to that exemption, specifically, "by requiring agencies to disclose specific information derived from the materials in investigatory files rather than the material themselves." The Court continued, "the required disclosures of information derived from the records about incidents, arrests, and complaints [or requests for assistance to law

Clerk of the Board of Supervisors
May 19, 2017
Re: Our Client: Craig Hunter
Page 6 of 7

enforcement] need not, in most cases, entail disclosure of the records themselves.” I respectfully request you consider this controlling opinion before issuing a blanket denial of this request, as has happened in the past by your agency in relation to similar requests.

Additionally, as to any electronic mail messages that may be covered by this request, please consider the effect of the passage of Proposition 59, which added Article I, section 3(b) to the California Constitution, to effectively neutralize the, “deliberative process,” exemption for electronic and other written communications among agency employees.

Please also note the California Supreme Court published opinions recently that further extends the reach of the CPRA to messages composed, sent, or received on employees’ private cell phone, table, or computing devices, so long as the messages are related to the employees’ public business. I request the search for records responsive to this request be conducted in light of this ruling (*City of San Jose v. Super. Ct 3/2/17 SC* - opinion here: <http://www.courts.ca.gov/opinions/documents/S218066.PDF>).

I ask for a determination on this request within ten (10) days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record(s) in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (818) 340-9252.

Clerk of the Board of Supervisors
May 19, 2017
Re: Our Client: Craig Hunter
Page 7 of 7

Thanking you in advance for your time and attention to this matter.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations



Bradley C. Gage

BCG/aa

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