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DIAL NUMBER

June 28, 1996

VIA FACSIMILE AND U.S. MAIL

James Pierce, Esq.
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Re: Chiate/Wildman Easement Public Records Act Request

Dear Mr. Pierce:

We are in receipt of your June 27, 1996 letter telephoned you this morning to discuss your letter. We were unavailable, I left a phone-mail message, but this afternoon had not received a return call. Since the matters which are the subject of your letter are of urgent concern to my client, I am writing this letter.

In your June 27, 1996 letter, you state that the Conservancy is unable to comply with our June 6, 1996 Public Records Act request for "a complete copy of the administrative record" pertaining to the Chiate/Wildman easement of record. On an ostensible basis that such request is not sufficiently specific.

Your June 27 letter professing inability to identify the record conflicts with your previous June 18, 1996 letter in which you stated that in response to our request you had identified "four file folders, each approximately 3 inches thick." In response to the request in your June 18, 1996 letter as to how we wished to proceed, my secretary Newman spoke with you by telephone on June 21, 1996 and advised you that we wished a copy of all of the files. You advised that you "would start the ball rolling." Once again, Ms. Newman informed you, we require all records pertaining to the Chiate/Wildman Easement, not just those pertaining to the Board's May 16 action.

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Frankly, the Conservancy's new position is in violation of Government Code Section 6256.2 in that it appears calculated only for the purpose of delay and denying client access to public records which he requires in order to protect his legal rights. Your letter also indicates the Conservancy's intent to impose impermissible charges in connection with our request. You should be aware that under California law, the Conservancy may only charge for "direct" cost of copying the record, and may not charge for ancillary tasks necessarily associated with the retrieval, inspection, and handling of the file from which the record is extracted. Government Code Section 6257; North Coast Organization for Children with Special Needs v. Department of Education, 23 Cal. App. 4th 144 (1994).

The Conservancy is already beyond the time period allowed by the Government Code for production of the records requested on June 6, 1996. If the Conservancy continues its evasive conduct, we will be left with no other choice but to institute an action for production of the requested documents and for an award of attorneys' fees under Government Code Sections 6258 and 6259. To avoid this result, we would like immediate written confirmation of the following:

- (1) Written confirmation that a copy of the files identified in your June 18 letter will be made available by the Conservancy no later than the close of business on July 5, 1996 upon our payment of the direct cost of copying; and
- (2) A written estimate of the direct cost of copying such files.

Finally, your June 27, 1996 letter suggests that in addition to the files identified in your June 18 letter, there may be additional records pertaining to the Chiate/Wildman Easement in the Conservancy's possession. Therefore, while we expect production of copies of the files you have previously identified as demanded above, we are hereby making the following additional Public Records Act request for "Documents" and "Communications" pertaining or relating in any way to the Chiate/Wildman Easement. Definitions of such terms are provided on Attachment A hereto for your convenience. e. Your attention is called to the fact that pursuant to

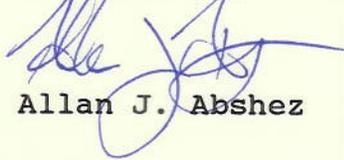
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Government Code Section 6256, a response to this separate request is due within 10 days of your receipt of this telecopied letter.

Very truly yours,



Allan J. Abshez

cc: Mr. Frank Mancuso

RECEIVED

JUL - 1 1996

STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

ATTACHMENT A

A. "Documents" shall mean all tangible things including, without limitation, computerized information, correspondence, recordings of any kind, records, reports, memoranda, notes, letters, telegrams, telexes, messages (including, but not limited to, reports of telephone conversations and conferences), studies, analyses, budgets, bids, estimates, proposals, plans, maps, notices, agendas, books, magazines, newspapers, booklets, circulars, bulletins, instructions, minutes, or other written communications (including but not limited to, inter- and intra-office communications), questionnaires, surveys, comments, contracts and/or agreements (whether draft, final, executed or unexecuted), instruments, deeds, leases, insurance policies, memoranda of agreement, assignments, books of account, orders, records or series of negotiations, notes or summaries of personal interviews, notes or summaries of conversations, notes or summaries of meetings, calendars, diaries, schedules, printouts, drawings, blueprints, specifications, graphs, charts, planning materials, statistical statements, forecasts, work papers, inventories, statements, bills, checks, bank books, bank statements, securities, vouchers, notebooks, data sheets, microfilm, microfiche, photographs, photographic negatives, data cards, films, data processing files, and other computer-readable records or programs, catalogues, brochures, all other written or printed matter of any kind, all other data compilations, if necessary, all other tangible things used in the ordinary course of business. For the purpose of this definition, every draft or non-identical copy of a "Document" shall be considered a separate "Document."

B. "Communications" shall mean the conveyance, receipt of, or exchange of, messages or information of any kind to or from any person or entity for any purpose whatsoever by any written, verbal or electronic method. For the purpose of this definition, every draft or non-identical copy of a "Communication" shall be considered a separate "Communication."