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Via Email and Certified Mail

Office of the County Counsel
Deputy County Counsel Jackson Berumen
Lake County, California

Re: Public Records Act Request Enforcement – Poverty Flats Ranch (UP 23-09, IS 23-20, GR 22-12/25-01)

Dear Deputy County Counsel Berumen:

This letter is a final demand for compliance with the California Public Records Act (“PRA,” Gov. Code § 7920.000 et seq.) regarding my pending requests for records associated with the Poverty Flats Ranch cannabis project (UP 23-09).

Despite repeated requests and the statutory deadlines under Gov. Code § 7922.535, the County has failed to produce critical categories of records and instead cited broad exemptions without identifying which records they are withholding.

Categories of Records Withheld or Missing

- Official **grading inspection reports** for GR 22-12;
- **Agricultural reports or records** verifying claims of prior farm use;
- **Records of violations, fines, or enforcement actions** for the project site;
- A **complete collection of agency and public comments**;
- **Complete email threads** of communications regarding the project.

Claimed Exemptions and Rebuttals**1. Gov. Code § 7927.705 – Attorney-Client Privilege**

- This protects confidential legal advice. It does **not** extend to factual reports, grading inspections, or communications with applicants/consultants unless they are necessary agents for legal advice.
- Any email threads that include the applicant or non-legal staff waive privilege.

2. Code Civ. Proc. § 2018.010 et seq – Attorney Work Product

- Protects attorney impressions and legal theories but **does not cover factual documents** such as inspection reports, notices of violation, or correspondence relied upon in CEQA proceedings.

3. Gov. Code § 7927.500 – Preliminary Drafts

- This exemption is narrow. Drafts “not retained in the ordinary course of business” may be withheld, but **final versions or drafts relied upon in decision-making must be disclosed**. CEQA documents, agency comments, and grading plans are by definition relied upon and must be part of the administrative record.

Failure to Segregate

Even where exemptions apply, Gov. Code § 7922.525 requires the County to segregate exempt portions and release the remainder. A blanket withholding without explanation violates this duty.

Pattern of Noncompliance

Letters from attorneys in unrelated projects show similar failures by the County to comply with PRA requests. This establishes a **pattern of noncompliance and obstruction**.

Demand for Compliance

I hereby demand immediate production of the withheld categories of records within **ten (10) days**. If the County continues to withhold responsive records, I will:

1. Enter this correspondence into the **appeal record** of UP 23-09;
2. Refer this matter to the **District Attorney of Lake County** for potential obstruction of public access; and
3. Pursue judicial enforcement under Gov. Code § 7923.000 et seq., including recovery of attorney’s fees and costs (Gov. Code § 7923.115).

The County’s refusal to produce responsive records undermines CEQA transparency and due process. I request immediate confirmation that the County will comply.

Sincerely,

Maria Kann