



Darryl Cotton <151darrylcotton@gmail.com>

Cotton v. COSD - Complaint Re PRA 25-1809, Case No. 25CU017134C

Hawkins, Chance <CHawkins@sandiego.gov>
To: "151DarrylCotton@gmail.com" <151DarrylCotton@gmail.com>

Thu, May 1, 2025 at 4:06 PM

Mr. Cotton: I want to introduce myself and am writing this email to meet and confer with you on the complaint referenced above.

I am respectfully requesting you dismiss this complaint because the California Public Records Act only governs request for documents – not questions as you posed to staff in PRA Request No. 25-1809.

Your request states: "Accordingly I wish to modify my request and ask that no records be provided but instead respond to whether or not the October 5, 2023, Adam Knopf, GSG PL post audit tax deficiency in the amount of \$542,727.07 has been collected in full or in part by the City. And if it has not been paid in full or in part, where on the City's Annual Comprehensive Financial Report-FY2023 or any current City financials where this remains as a lump sum value of all unpaid adult-use liabilities due the City can be found." See Complaint at Exhibit A.

California law states: "'Public records' defined: 'public records' includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. See Cal. Gov't Code § 7920.530;

The statutory application of the California Public Records Act to "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics," unless a specific statutory exemption applies, is intended to cover every conceivable kind of record that is involved in the governmental process; only purely personal information unrelated to the conduct of the public's business could be considered exempt from this definition. See *Sander v. State Bar of California*, 58 Cal.4th 300, (2013).

Accordingly, the lawsuit you have filed does not relate to an actual request for a public record therefore there is no statutory or caselaw authority that can authorize this lawsuit against the City.

If you have a PRA request for a record that has been denied – then I would ask you to file a lawsuit on that basis. But that is not the case here so I reiterate my request to dismiss this lawsuit otherwise I will have to file a demurrer to the complaint under the basis I have outlined in this email.

I appreciate your time and thoughtfulness in considering my request. Thank you.

Very truly yours,

Chance Hawkins

Deputy City Attorney

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