MARLEEN L. SACKS
[redacted]

September 14, 2009

Dan Purnell, Esq.
Public Ethics Commission
1 Frank Ogawa Plaza, 4th Floor
Oakland CA 94612

Re: Marleen L. Sacks Public Ethics Complaint

Dear Mr. Purnell:

Since submitting my ethics complaint last week, I have corresponded with Mark Morodomi regarding outstanding public records requests, and I hope to be able to continue working with him to resolve the dispute; I am also willing to mediate the dispute. However, in the meantime, I am providing you with a copy of his letter to me, as well as the following additional factual details and supporting documentation. I am specifically withdrawing my complaint with respect to Request # 2 as I have verified that the City responded to that particular request in a timely manner. However, I wish to amend my complaint to include a records request that I submitted on December 8, 2008, as outlined below. In addition, I wish to amend my complaint to include the fact that while the City has now responded to my most recent PRR, the response was to deny me access to e-mail addresses of Measure Y committee members unless they consent to the information's release. There is no applicable exception in the PRA addressing e-mail addresses of committee members, and therefore, not providing me the information constitutes a violation of the PRA and Oakland Sunshine Ordinance, 2.20.240 and 2.20.250.

My specific allegations are that the City is consistently and repeatedly violated Government Code Section 6253(c), (3), 6253.1(a), and the Sunshine Ordinance,

1. On November 25, 2008 I submitted a public records request (PRR No. 080495) to Michele Abney, with a copy to Mark and Kevin, seeking five categories of documents related to (1) the City Attorney's legal opinion on using Measure Y funds to pay for police overstaffing (2) all documents relating to the amounts of Measure Y funds used to pay for police overstaffing; (3) documents related to amounts refunded to Measure Y for police overstaffing; (4) documents relating to the decision to collect Measure Y taxes for 2007; and (5) documents referring to how the $7.7 million had been spent, including documentation related to use of those funds for overstaffing. (Notably, I have submitted the majority of my requests to Ms. Abney because I understood she was the person responsible for coordinating records requests. I copied you as a

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