



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

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Arnold Schwarzenegger
Governor

April 5, 2010

Mr. John Herrick
Attorney at Law
4255 Pacific Avenue, Suite 2.
Stockton, CA 95207

Dear Mr. Herrick:

WATER RIGHT HEARINGS REGARDING ADOPTION OF DRAFT CEASE AND DESIST
ORDERS AGAINST MARK AND VALLA DUNKEL; MUSSI ET AL.; AND YONG PAK AND SUN
YOUNG

This is a preliminary response to your letters dated March 26, 2010, and March 31, 2010. Among other things, you requested that the calendars and phone records of the State Water Resources Control Board (State Water Board) Members be produced, along with those of Mr. Petruzzelli and Mr. O'Laughlin. In your March 31, 2010 letter, you stated that you were requesting disclosure of these documents pursuant to section 2031.510 of the Code of Civil Procedure.

Section 2031.510 is part of the Civil Discovery Act (Code Civ. Proc. § 2016.010 et seq.), which does not apply to adjudicative proceedings, except for disciplinary proceedings before the State Bar. (*Romero v. California State Labor Commissioner* (1969) 276 Cal.App.2d 787, 790; see also Cal. Code Regs., tit. 23, § 648, subd. (b) [specifying laws governing adjudicative proceedings before the State Water Board].) In addition, the State Water Board does not maintain the calendars or phone records of Mr. Petruzzelli or Mr. O'Laughlin. The Board is reviewing, however, whether the calendars and phone records of the Board Members must be disclosed pursuant to the California Public Records Act (Gov. Code, § 6250 et seq.), or whether those documents are exempt from disclosure requirements.

The State Water Board will review your request as expeditiously as possible, and will notify you as soon as its review is complete. At that time, the Board will also respond to the other issues raised in your letters, including your request for a delay in the hearings currently scheduled for May 5, 2010.

Sincerely,


Dana Heinrich
Staff Counsel IV

Enclosure

Cc: Next Page

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