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CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

IN RE REQUEST FOR)	
)	REQUEST FOR INSPECTION AND/OR
RECORDS BY)	COPYING OF PUBLIC RECORDS
)	
DAVID PRESCOTT)	(Govt. Code §§ 6250 et seq.)
_____)	

I, DAVID PRESCOTT, am a resident of the State of California and do hereby request the California Board of Chiropractic Examiners (BCE) to allow me to inspect and/or copy portions of its records as defined in Government Code section 6252(e) and as more specifically requested below. A true and correct copy of said code section 6252(e) is attached hereto marked Exhibit A and incorporated herein by reference.

This request is made pursuant to Government Code sections 6253(a), 6253(b) and 6253(c). A true and correct copy of said code sections 6253(a)(b) and (c) are attached hereto marked Exhibit B and incorporated herein by reference.

The records sought are public records related to the case of *Tain v. State Board of Chiropractic Examiners* (2005) 130 Cal.App.4th 609 which is presently a finally adjudicated matter.

The records sought are not exempted from inspection and/or copying by any provision of law and their inspection and/or copying is presently allowed by, among other factors, the terms and provisions of Government Code section 6253 (Exhibit B) and by the terms and provisions of Government Code sections 6254(b), 6254(k) and 6254.25. A true

and correct copy of sections 6254(b)(k) and 6254.25 are attached hereto marked Exhibit C and incorporated herein by reference.

REQUESTED “WRITINGS” (See Govt. Code §6252(g) attached hereto as Exhibit D the terms and provision of which are incorporated herein by reference.):

1) All memoranda, communications and other writings submitted to the BCE, and/or persons serving as the Executive Director of the BCE, by the California Attorney General’s Office in which any aspect of the *Tain* case is described, defined or otherwise referred to.

2) All memoranda, communications, notes and other writings of each person serving as the Executive Director of the BCE during the pendency of the *Tain* case in which that person describes, defines, requests information about, or otherwise refers to the *Tain* case, including but not limited to, communications to or with the California Attorney General’s Office.

3) All portions of any minutes of any and all public or closed meetings of the Board of the BCE relating to oral presentations by any California Deputy Attorney General in which said deputy describes, defines or otherwise refers to the *Tain* case and/or in which members of the Board of the BCE reflect or comment upon the *Tain* case.

Dated: April 2, 2007

RESPECTFULLY SUBMITTED

DAVID PRESCOTT

Government Code

6252. As used in this chapter:

(e) "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. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

EXHIBIT A

Government Code

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor....

EXHIBIT B

Government Code

6254. Except as provided in Sections **6254.7** and **6254.13**, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence **Code** relating to privilege.

6254.25. Nothing in this chapter or any other provision of law shall require the disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

EXHIBIT C

Government Code

6252. As used in this chapter:

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.