



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov



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April 26, 2012

Corey Eib
[REDACTED]
[REDACTED]

Dear Mr. Eib:

Your February 19, 2012 letter to Dr. Jonathan E. Fielding, Director of Los Angeles County Department of Public Health was referred to me for response. In your letter you expressed concern over the absence of a public record regarding the Oath of Office for Environmental Health Specialist Michelle LeCavalier. Your letter also suggests that Ms. LeCavalier should not have received compensation unless an oath is taken per the California Government Code Section 1367.

Department of Public Health procedures require the appointment of Deputy Health Officer and oath of office to be given at the time of badge issuance. However, a review of Department policies and practices indicate a need for improvement in the recording process and corrective measures have been initiated.

Finally, with respect to the issue you raise about compensation, Ms. LeCavalier was properly sworn in at the time her equipment and badge were issued and therefore entitled to employment compensation in accordance with policy and procedure for the position.

Thank you for bringing this matter to our attention and your interest in public health.

Sincerely,

Angelo J. Bellomo, REHS
Director of Environmental Health

AJB:tp

EA #34400



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
SHARON J. MATSUMOTO • Assistant District Attorney

LAEL R. RUBIN • Director

June 14, 2012

Corey Eib
[REDACTED]
[REDACTED]

Dear Mr. Eib:

CALIFORNIA PUBLIC RECORDS ACT REQUEST

We have reviewed your Public Records Act (PRA) request dated May 25, 2012 seeking:

Subscribed Oath of Office and Badge Numbers for District Attorney Investigators:

- (1) Richard Ballou; (2) Christopher Rentie; (3) Joyce Toby-Kerchisnik; (4) Susan Wiggins; (5) Janelle Meier; (6) Jay Chapman; (7) Pete Parmalis (sic); (8) Teresa Carver.

The badge numbers for each employee are as follows: (1) Richard Ballou, No. 177; (2) Christopher Rentie, No. 212; (3) Joyce Toby-Kerchisnik, No. 172; (4) Susan Wiggins, No. 247; (5) Janelle Meier, No. 190; (6) Jay Chapman, No. 22; (7) Pete Parmalis (sic), No. 53; (8) Teresa Carver, No. S-22;

There are documents which are responsive to your request. Specifically with regard to the Oath of Office for each employee, the documents to be released total 8 pages. Generally speaking, personnel records are exempt from disclosure under the PRA. (Gov. Code Section 6254, subd. (c) [to protect "unwarranted invasion of personal privacy"].) So too are items for which disclosure is prohibited by other statute. (Gov. Code Section 6254, subd. (k); Penal Code sections 832.7 and 832.8.) Additionally, materials of a portion of them are purely personal and, therefore, exempt. (*San Gabriel Valley Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 774 [personal communications contained in public record are exempt from disclosure].) Having considered these issues, our office will release the Oaths of Office, but would redact the signature of each employee and the Chief to preserve their privacy rights and guard against identity theft.

18-1102 Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3520

Corey Eib
Page Two
June 14, 2012


To receive a copy of these documents, you are required to pay the "direct costs of duplication, or a statutory fee, if applicable." (Gov. Code, Section 6253, subd. (b).) The Los Angeles County Chief Executive Office has determined that the actual cost of duplication is a 75 cent processing fee per request and a direct cost of three cents a page. Consequently, if you want a copy of the documents responsive to your request, the total amount would be 99 cents. Please make your cashier's check payable to the Los Angeles County District Attorney.

After we receive your payment of the statutory fees, there will be a short delay, as time will be needed to redact exempt materials. (Gov. Code, Section 6253, subd. (a) [permitting redaction of exempt materials from documents], see *Motorola Communications & Electronics, Inc., v. Dept. of Gen. Services* (1997) 55 Cal.App.1340, 1349 [noting PRA response must be made within 10 calendar days, but "[t]he [PRA] does not specify when records must be provided to the requesting party."])

If you desire to inspect the records during business hours, rather than receive a copy, let me know and I will assist you. Also, consistent with the mandate of Government Code section 6253.1, subd. (a)(1), please contact me if I can provide any other assistance in identifying records and information that is responsive to your request. My email address is tlopez@da.lacounty.gov.

Very truly yours,

STEVE COOLEY
District Attorney

By 

TRACEY LOPEZ
Deputy District Attorney

caf

Corey Eib
[REDACTED]
[REDACTED]

Los Angeles District Attorney
Prosecution Support Division
Attn: Steve Cooley, District Attorney
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

RE: Public Records Act Request Dated May 25th, 2012

Dear District Attorney Steve Cooley,

I am in receipt of your letter dated June 14, 2012 in which your office states it will comply with my Public Records Act request dated May 25, 2012. My letter to your office requested copies of subscribed Oaths of Office by various District Attorney Investigators. However your office indicates the signatures of the investigators are to be redacted prior to producing the requested documents. The reason given for this action is stated as concerns over privacy and identity theft.

Under Government Code Section 6255 and County of Santa Clara v. Superior Court (2009) Cal.App.4th 1301 before refusing to produce a public record, the Agency must state specific statute and case law that supports their denial. "Privacy" is not sufficient. See Santa Clara at 1321.

CA Government Code requires elected and appointed public officials to take, subscribe and file their Oath of Office before assuming their position in office. Any document related to such appointment to a public position is a public record per CA Government Code 6254.8 and Braun v. City of Taft (1984) 154 Cal.App.3d 322.

Your office does not provide supporting case law or statute to lawfully redact signatures of employees appointed as Peace Officers. Individuals employed by the District Attorney as Investigators are Peace Officers, see CA Penal Code Section 830.1, for verification on duty to produce records, call the California Secretary of State at 916-653-8114.

An Oath of Office is not a private or personal document. A subscribed and properly filed Oath of Office is public notice of acceptance by the subscriber of a solemn obligation to the social compact known as the Constitution of the United States of America. The subscribed Oath of Office is classified as a Promissory Oath, on an order of contracts higher than ordinary or simple contracts.

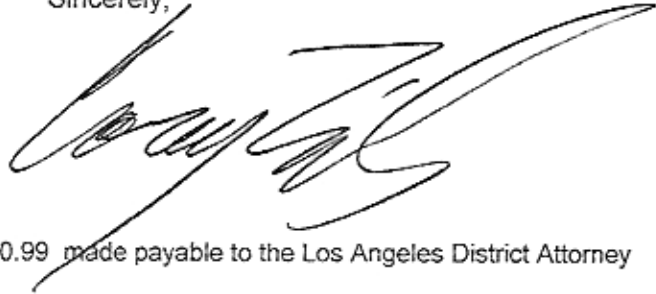
Redacting the signatures from a promissory oath serves to vitiate the contractual obligation incurred by the individual subscribing to the Oath of Office. Citing privacy for these proposed actions by your office is a thinly veiled attempt by a State Agency to impair the obligation of a contract, and is contrary to the constitutional limits of the State which are

enumerated in Article 1 Section 10 of the Constitution of the United States of America which is the supreme law of the land.

I demand your agency meet its obligation to produce the requested Oaths of Office, and do so with signatures accurately reproduced to maintain the contractual obligations contained therein.

Enclosed is the fee indicated in your letter to fulfill my Public Record Request.

Sincerely,

A handwritten signature in black ink, appearing to be "C. J. ...", written in a cursive style.

Enclosure: Money Order in the amount of \$0.99 made payable to the Los Angeles District Attorney



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
SHARON J. MATSUMOTO • Assistant District Attorney

LAEL R. RUBIN • Director

August 3, 2012

Corey Eib
[REDACTED]
[REDACTED]

Dear Mr. Eib:

CALIFORNIA PUBLIC RECORDS ACT REQUEST

We have received your payment of \$0.99 for your Public Records Act Request. We have considered your renewed request to receive copies of the unredacted Oaths of Office and have reconsidered our original decision.

Enclosed are the unredacted Oaths of Office.

Very truly yours,

STEVE COOLEY
District Attorney

By *Tracey Lopez*

TRACEY LOPEZ
Deputy District Attorney

caf

Enc.

18-1102 Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3520

OATH OR AFFIRMATION

COPY

Do you solemnly swear (or affirm) that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties upon which you are about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON OCTOBER 12, 1999

Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH
D.B. Tomich
SIGNATURE OF OFFICER ADMINISTERING OATH

Susan Wiggins
PRINT NAME OF PERSON TAKING OATH
Susan E. Wiggins
SIGNATURE OF PERSON TAKING OATH

DEPT. NO. 370

COPY

OATH OR AFFIRMATION

I, RICHARD L. BALLOU, that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON OCTOBER 1, 2007

Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH


SIGNATURE OF OFFICER ADMINISTERING OATH

RICHARD L. BALLOU
PRINT NAME OF PERSON TAKING OATH


SIGNATURE OF PERSON TAKING OATH

COPY

OATH OR AFFIRMATION

Do you solemnly swear, JOYCE TOBE-KERSHISNIK, that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties upon which you are about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON AUGUST 28, 2000

Chief, Bureau Of Investigation
TITLE OF OFFICER ADMINISTERING OATH

JOYCE TOBE-KERSHISNIK
PRINT NAME OF PERSON TAKING OATH

AB Ciomich
SIGNATURE OF OFFICER ADMINISTERING OATH

Joyce Tobe-Kershnik
SIGNATURE OF PERSON TAKING OATH

DEPT. NO. 370

COPY

OATH OR AFFIRMATION

I, JAY CHAPMAN, do solemnly swear, that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON NOVEMBER 20, 2006

Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH


SIGNATURE OF OFFICER ADMINISTERING OATH

JAY CHAPMAN
PRINT NAME OF PERSON TAKING OATH


SIGNATURE OF PERSON TAKING OATH

Code 310-1 Page 117

APPOINTMENT OF DEPUTY

November 26, 1984
DATE

State of California)
 County of Los Angeles) SS
 I, ROBERT H. PHILIBOSIAN, District Attorney of said County, do hereby
(APPOINTING OFFICER) (TITLE)
 appoint Peter Purnalis
(APPOINTEE NAME) (DEPARTMENT NAME)
Investigator, DA
(DEPUTY TITLE)
 APPOINTING OFFICER *Robert H. Philibosian*

OATH

For the office of INVESTIGATOR, DA

I, Peter Purnalis do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter.

Peter Purnalis

APPOINTEE NOTE: The way you sign your name on the above line is the ONLY way you may sign as a Deputy.

Subscribed and sworn to before me this
26th day of November 19 84
 JOHN J. CORCORAN, County Clerk
 By *John J. Corcoran* Deputy

COPY

DO NOT WRITE BELOW

FOR COUNTY CLERK USE ONLY

<p>(FILE STAMP)</p> <p>ORIGINAL FILED</p> <p>DEC 10 1984</p> <p>COUNTY CLERK</p>	<p>(REVOCATION)</p>
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APPOINTEE must have attained the age of 18 and be a citizen of this State.
 APPOINTMENT must be signed personally by the principal. The OATH may be taken before any officer qualified to administer oaths, or may be brought by the appointee to the office of the County Clerk for taking of the oath. FILE this form when completed with County Clerk, 105K Courthouse, Los Angeles, California. REVOCATION of appointment may be made at office of County Clerk, or by obtaining from and filing with County Clerk, Revocation of Appointment form.

COPY

OATH OR AFFIRMATION

Do you solemnly swear (or affirm) that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties upon which you are about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON NOVEMBER 28 1994

Asst. Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH

TERISA CARVER
PRINT NAME OF PERSON TAKING OATH


SIGNATURE OF OFFICER ADMINISTERING OATH


SIGNATURE OF PERSON TAKING OATH

DEPT. NO. 370

COPY

OATH OR AFFIRMATION

Do you solemnly swear (or affirm) that you will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties upon which you are about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON NOVEMBER 28, 1994

Asst. Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH

CHRISTOPHER RENTIE
PRINT NAME OF PERSON TAKING OATH


SIGNATURE OF OFFICER ADMINISTERING OATH


SIGNATURE OF PERSON TAKING OATH

DEPT. NO. 370

COPY

OATH OR AFFIRMATION

I, JENELLE A. MEIER, that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

SUBSCRIBED AND SWORN TO BEFORE ME ON OCTOBER 1, 2007

Chief, Bureau of Investigation
TITLE OF OFFICER ADMINISTERING OATH


SIGNATURE OF OFFICER ADMINISTERING OATH

JENELLE A. MEIER
PRINT NAME OF PERSON TAKING OATH


SIGNATURE OF PERSON TAKING OATH