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January 12, 2011

VIA FACSIMILE & U.S. MAIL

Steven McKinley, Esq.
Asaro Keagy Freeland & McKinley
3170 Fourth Avenue, Suite 400
San Diego, California 92103

Re: 1954 Via Scott, Escondido, California

Dear Mr. McKinley:

This letter responds to the letter you wrote Raymond A. Fernandez and me on January 7, 2011. In that letter you claim that your December 6, 2010 letter to Mr. Fernandez contained a request under the Public Records Act. We do not believe that this is a fair reading of the December 6, 2010 letter. The focus of your letter was on attempting to convince the County that there was no justification for burning your clients' structure and on obtaining a hearing prior to the scheduled burning of the structure. Your letter does not even reference the Public Records Act. Further, the letter requests "any and all evidence upon which you base the contention that the threatened actions are lawful" By its very terms this request expired once the actions were no longer threatened, but had taken place.

Moreover, your "request" was too vague for the County to make a meaningful response. Under the Public Records Act, the requesting party has a duty to reasonably identify the documents that he is seeking. A party cannot shift that duty to the public entity by requiring the public entity to identify documents that support a "contention" of the public entity. That is what you attempted to do in your December 6, 2010 letter.

Your January 7, 2011 letter does contain a request for documents under the Public Records Act. Indeed, your letter specifically references the Public Records Act and contains an extensive list of the documents that you are requesting. Those records were

identified without reference to any County "contention." This is in sharp contrast to your December 6, 2010 letter. Please be assured that the County will respond to your January 7, 2011 request within the time period required by the Public Records Act. Also, although your January 7, 2011 request was limited to records "prepared, created, or made since December 6, 2010" we understand from context that you also want earlier records, and will respond to your request accordingly.

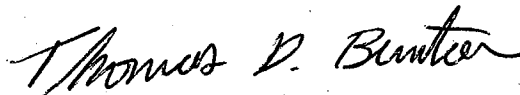
~~I also want to inform you that the clean-up of your clients' property is complete. They can access the property whenever they want.~~

Your December 15, 2010 e-mail to me demanded \$500,000 to settle your clients' claims against the County. The County is not willing to agree to your proposal. However, the County is willing to waive collection of the costs that were incurred to make your client's property safe for use in exchange for your clients' agreement to waive all claims against the County. If you want to discuss this proposal, please call me.

Very truly yours,

JOHN J. SANSONE, County Counsel

By



THOMAS D. BUNTON, Senior Deputy

TDB:vp

cc: Raymond A. Fernandez