



34

110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 645-2001
Telephone: (619) 645-2023
Facsimile: (619) 645-2012
E-Mail: Jamee.Patterson@doj.ca.gov

September 5, 2007

Ronald Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875

RE: Your Email Correspondence Requesting Public Records
Regarding the California Coastal Commission's TCA Approval

Dear Mr. Kennedy:

I have been asked to respond to your Public Records Act request dated September 4, 2007 requesting documents from this office regarding the California Coastal Commission's approval of the San Joaquin Hills Transportation Corridor Agency (TCA) toll road. We have conducted a search of our records and have determined that we do not have any records within our control or custody responsive to your request.

Sincerely,

A handwritten signature in black ink that reads "Jamee Jordan Patterson".

JAMEE JORDAN PATTERSON
Supervising Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

JJP

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5172
Facsimile: (916) 322-2368
E-Mail: patti.freeman@doj.ca.gov

May 16, 2007

Ronald D. Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875

RE: Opinion No. 93-1205

Dear Mr. Kennedy:

In your letter of April 30, 2007, you asked "Who are you referring to as 'that he used'". I was referring to Clayton Roche. He does not have an index of letters. Also there is no letter from James Toledano of Toledano and Wald in the file.

I have enclosed a copy of a letter from Charles Damm, Director, California Coastal Commission to Benjamin B. Nolan, dated February 3, 1994. No other exhibits or letters were found in the file.

Sincerely,


PATRICIA FREEMAN
Legal Assistant

For EDMUND G. BROWN JR.
Attorney General

PF:pkf

Enclosure

CALIFORNIA COA.

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

February 3, 1994

Benjamin B. Nolan
Public Works Director, City of Newport Beach
City Hall
3300 Newport Boulevard
Newport Beach, CA. 92659-1768

Subject: San Joaquin Hills Transportation Corridor - Newport Coast Drive
toll road issue

Dear Mr. Nolan:

Pursuant to our telephone discussion a couple of weeks ago, and in follow-up to our October 1, 1993 letter to Councilman Sansone, this letter will confirm what I expressed to you on the telephone. Coastal Commission staff has concluded our review of the Irvine Coast Local Coastal Program (LCP) and the coastal development permit issued for that portion of Newport Coast Drive located in the coastal zone, and our conclusion is that neither document includes policies, terms or conditions which would prohibit the charging of a toll for portions of the Transportation Corridor that overlay Newport Coast Drive.

As I mentioned in our October 1st letter, the portion of Newport Coast Drive where a toll is proposed is not in the coastal zone. As such, we cannot assert jurisdiction based on the toll issue without a direct tie to the adopted provisions of either the Irvine Coast LCP and/or the coastal development permit. Our research shows no such tie.

Again, as stated in our October 1st letter, this letter should not be interpreted as a determination as to whether the Transportation Corridor Agency has met, or violated, any other Government Code sections. That is an issue which the City of Newport Beach and/or others may pursue.

Sincerely,

Charles Damm

Charles Damm
District Director

cc: Councilman Sansone
City Manager

o/c

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5172
Facsimile: (916) 322-2368
E-Mail: patti.freeman@doj.ca.gov

April 17, 2007

Ronald D. Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875


RE: Opinion No. 93-1205

Dear Mr. Kennedy:

I received by mail and e-mail your request for a copy of Exhibit 3 and 4 to the letter dated March 25, 1994 from Nossaman, Gunther, Knox & Elliot. I have enclosed copies of the exhibits. The cost to copy these documents is \$.10 a page and the number of pages is 93. Please send a check in the amount of \$9.30, payable to the Department of Justice, Attention Patricia Freeman, 1300 I Street, Sacramento, CA 95814.

We do not have that index letter that he used.

Sincerely,


PATRICIA FREEMAN
Legal Assistant

For EDMUND G. BROWN JR.
Attorney General

PKF:pkf

Enclosures

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5172
Facsimile: (916) 322-2368
E-Mail: patti.freeman@doj.ca.gov

April 11, 2007

Ronald D. Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875

RE: Opinion No. 93-1205

Dear Mr. Kennedy:

The letter and enclosures, I sent to you on March 20, 2007, were returned to me by the post office stating "unable to forward" on April 11, 2007. I have changed the address from 550 Hazel Drive, Corona Del Mar, CA 92623 to the address you referred to in your recent email to me.

By e-mails dated January 31, 2007 and February 1, 2007, you requested copies of letters from the above-mentioned file. I have enclosed copies of the following letters:

Nossaman, Guthner, Knox & Elliott - letters dated: December 22, 1993 and March 25, 1994, to Daniel Lungren, from Robert D. Thornton.

Orange County Counsel Terry Andrus - letter dated March 24, 1994, to Daniel Lungren, from John R. Grisct.

Your letter dated January 8, 1994 to Clayton Roche.

You also requested a copy of a letter to Daniel Lungren from Toledano & Wald. A letter was not found in the file.



PUBLIC RECORDS OMBUDSMAN
1300 I STREET, 17TH FLOOR
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Telephone: 916-445-4069
Facsimile: 916-322-4532
e-mail: PublicRecords@doj.ca.gov

September 20, 2007

Ronald Douglas Kennedy
4741 Sleeping Indian Road
Fallbrook CA. 92028-8875

RE: Public Records Act Request

Dear Mr. Kennedy:

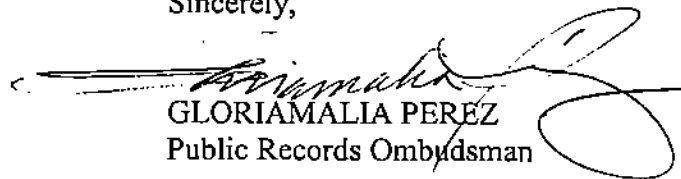
This letter is in response to your email dated September 10, 2007, in which you sought various records pursuant to the Public Records Act as set forth in Government Code section¹ 6250 et seq.

Specifically, your request is stated as follows:

I wish to make Formal request Under Freedom of Information ACT. For a copy of the report by "Olivia Maiser, Special Assistant to Attorney General Dan Lungren". After our Wednesday December 8, 1993 Pacific Club hearing as Arranged by "Assemblyman" Gilbert Ferguson . as detailed in my email dated May 21, 2007 to Ms Freeman below.

In response to your request, we have made a thorough and diligent search of this Department's indexes and databases under the dates, titles and names you have provided. We have also inquired of knowledgeable employees in our office. Unfortunately, all of these efforts have failed to yield any of the records identified in your request. Therefore, we are unable to provide you with the requested records.

Sincerely,


GLORIAMALIA PEREZ
Public Records Ombudsman

For EDMUND G. BROWN JR.
Attorney General

¹All statutory references are to the Government Code.

State of California
Department of Justice
Patricia Freeman

April 14, 2007

Opinion 93 1205

Greetings Ms Freeman

Received your letter of April 11, 2007 And the documents listed. There are two Exhibits & Clarification requested.

Nossaman, Gunther, Knox & Elliot Dated March 25, 1994 Letter

1. page 4. exhibit # 3
2. page 25. exhibit # 4

Regarding the Missing Letter from Toledano & Wald, Jim Toladano Esq.
Do you show that document in your Index of Letters used by Clayton Rouch, Esq. in drafting your Opinion No. 93-1205?

Thank You. Ron

Ronald Kennedy
4741 Sleeping Indian RD
Fallbrook CA 92028-8875

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5172
Facsimile: (916) 322-2368
E-Mail: patti.freeman@doj.ca.gov

June 4, 2007

Ronald D. Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875

RE: Opinion No. 93-1205

Dear Mr. Kennedy:

In your e-mail of May 21, 2007, you requested a copy of the meeting minutes of Assemblyman Gilbert Ferguson's meeting conducted on December 8, 1993. Please find enclosed a copy of a letter from Assemblyman Gilbert Ferguson. There are no other documents.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Freeman".

PATRICIA FREEMAN
Legal Assistant

For EDMUND G. BROWN JR.
Attorney General

PF:pkf

Enclosure