

## Ebron, Eugene

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**From:** Martin Truitt <martin117a@gmail.com>  
**Sent:** Monday, July 22, 2019 5:46 PM  
**To:** Bagneris, Michele  
**Cc:** Reyes, David; Nunez, Guille; Fuentes, Theresa; Mermell, Steve  
**Subject:** Re: cup applications

Ms. Bagneris:

Thank you for your message today.

It is not true that city staff is working diligently to fulfill my public records act requests.

In fact, your own employee Theresa Fuentes does not even return my phones calls.

Rather than attempting to educate me regarding the CPRA, perhaps you should educate city staff on the CPRA. Planning staff until recently believed that CPRA requests that were not submitted in writing to the city's CPRA management system could be ignored.

Staff have consistently logged my recent requests with the wrong date received and staff have ignored the 10 day statutory deadlines to make determinations. There are no exceptions based on workload.

Your narrative regarding my understanding of the CPRA is false and I won't waste time refuting it. I have studied the Guide to the California Public Records Act published by the League of California Cities very closely.

The PRA provides for two different rights of access. One is a right to inspect public records: "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...". The other is a right to prompt availability of copies of public records:

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.

The key words are "at all times" regarding inspection and "promptly" regarding copies.

As I have now stated ad nauseum, city staff have over redacted the online version of Harvest's CUP material, for instance removing material regarding Harvest's plans to comply with numerous provisions of the municipal code like preventing loitering. Do you think Harvest's plans to prevent loitering is a trade secret or otherwise not discloseable? Please let me know the city's final decision on this particular matter.

Finally, I received a very small amount of emails today with no description of which of my requests these emails are intended to fulfill. This isn't helpful and will prolong and make this process more difficult and time consuming for everyone.

Please provide me with all records relating to the hiring of non-city employees to process CPRA requests as well as all records relating to legal indemnities received from Harvest of Pasadena LLC (and any individuals or entities claiming to represent this shell corporation).

Martin Truitt

On Mon, Jul 22, 2019 at 4:46 PM Bagneris, Michele <[mbagneris@cityofpasadena.net](mailto:mbagneris@cityofpasadena.net)> wrote:

Mr. Truitt:

I am aware that you have made numerous requests to review City records related to cannabis permits pursuant to the California Public Records Act ("PRA") and that City staff has made, and is continuing to make, diligent efforts to respond to you, and many others, as quickly and comprehensively as possible. This responds to your numerous emails to me, and I am aware of your attempts to contact members of my office, regarding your position that the City is not fulfilling its duties under the PRA. My staff and I are working closely with numerous City departments to ensure that the City fully complies with the PRA.

It appears you are under the mistaken assumption that the PRA requires that copies of documents must be provided to you unredacted at any time that you wish to inspect such documents in person. Please note that California Government Code Section 6253 provides otherwise. Portions of documents exempt from disclosure may be redacted prior to making them available for inspection or copying. Accordingly, there is no implied right to walk in to City Hall and view any and all documents on demand when portions of the document are otherwise exempt from disclosure. Similarly, the duty to respond within 10 days is not necessarily a duty to produce the documents at that time, but rather is a duty to determine whether the request seeks copies of disclosable documents, and to notify the requestor of the determination and any reasons for nondisclosure. The City strives to provide documents either before, concurrent with, or shortly after issuing the required determination, but may take more time if necessary given the nature of the request.

As you know, the City has received a large number of PRA requests for documents related to its cannabis permit processing. The City is working diligently to respond to such requests and make documents available on its website to all interested parties as quickly as possible. My office has been, and will continue to be, involved in the process so as to encourage and assure compliance with the law. Your understanding in this matter is appreciated.

Regards,

***Michele Beal Bagneris***

**Pasadena City Attorney/City Prosecutor**

**(626) 744-4141**



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**From:** Martin Truitt <[martin117a@gmail.com](mailto:martin117a@gmail.com)>

**Sent:** Saturday, July 20, 2019 9:10 AM

**To:** Bagneris, Michele <[mbagneris@cityofpasadena.net](mailto:mbagneris@cityofpasadena.net)>; Reyes, David <[davidreyes@cityofpasadena.net](mailto:davidreyes@cityofpasadena.net)>; Nunez, Guille <[gnunez@cityofpasadena.net](mailto:gnunez@cityofpasadena.net)>

**Subject:** Fwd: cup applications

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City Attorney Bagneris:

I submitted the public records act request reproduced below on July 9, 2019.

A response was legally required yesterday and city staff failed to respond by the statutory deadline.

This is now the 3rd time I have informed you of yet another refusal by the planning department to produce public records within the statutory deadline.

Very truly yours,

Martin Truitt

----- Forwarded message -----

From: <[martin117a@gmail.com](mailto:martin117a@gmail.com)>

Date: Tue, Jul 9, 2019 at 5:04 PM

Subject: cup applications

To: Guille Nunez <[gnunez@cityofpasadena.net](mailto:gnunez@cityofpasadena.net)>, David Reyes <[davidreyes@cityofpasadena.net](mailto:davidreyes@cityofpasadena.net)>

Cc: Theresa Fuentes <[tfuentes@cityofpasadena.net](mailto:tfuentes@cityofpasadena.net)>

The posting of the redacted Harvest CUP application on the city website does not satisfy my outstanding public records act request.

I would like full unredacted copies of the Harvest and Sweetflower applications.

To the extent that you are redacting information, please provide a signed notification citing the legal authorities on which you rely if you have determined that any of the information is exempt and will not be disclosed.

For example, you have completely redacted all of the pages relating to “Adherence to Required Codes” from the online document you have posted for Harvest.

I submit that none of the information relating to code compliance is properly subject to redaction.

Please provide any information contained in the Harvest CUP application demonstrating compliance with the following Municipal Code requirements:

Section 5.78.150 Records and Record Keeping

Section 5.78.170 Consumption; Cannabis out of sight; Reporting and Tracking of Sales; State Licensed Facilities; Emergency Contact; Signage and Notices; Minors; Display Licenses; Background Check; Loitering.

Section 5.78.210 Inspection and Enforcement

Section 8.11.040 Retail Cannabis Facilities Licensing; Health Protection Operating Criteria; Permanently constructed structure; State permitted items; Must be packaged and labeled; Alcohol and Tobacco Prohibited; Permanent Food Facility; Giveaways Prohibited; On=Site Consumption Prohibited; Temperature Requirements; Cannabis Sourcing Requirements

Section 8.011.050 Required In-Store Safety Information

Section 8.11.070 Waste Management Plan

Section 8.11080 Record Keeping

Section 8.11.090 Track & Trace

Section 8.11.100 Employee Health

Section 8.11.110 Cannabis Facility Training Program

Section 8.11.120 Responsible Cannabis Retailing Education Required

Section 8.11.130 Inspection

Section 8.11.140 Cannabis and Cannabis Product Quality Assurance

Section 17.50.066(D) Commercial Cannabis Permit Required; Use Permit Required; Limitation on Number of Retailers; Maximum Square Feet; Location Requirements; Operating Requirements; Hours of Operation; Delivery Services; Conditions of Approval; Discontinuance of Use.

Based on my inspection of the documents provided by Ms. Nunez for inspection on July 3, all of this information was missing from Harvest's CUP application. When specifically asked about this missing information, Ms. Nunez stated that the only items held back from my public inspection in this section were related to security.

None of this information asked for above can be properly redacted from public disclosure.

If you can not provide copies of this information promptly (by Thursday) then I wish to inspect this information in-person tomorrow.

I suspect that this required information is not present in the Harvest application and wish to confirm that fact as quickly as possible.

I am copying the city attorney's office in this email to help encourage a speedy determination, and would likewise be happy to discuss my request with her at any time.

Thank you for your attention to this matter.

Martin Truitt

626-354-4550