

**STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT**

**JAN LYNN OWEN
Commissioner of Business Oversight**

PUBLIC RECORDS ACT REQUEST GUIDELINES

PLEASE TAKE NOTICE:

The following shall constitute the California Department of Business Oversight's Public Records Act (PRA) Request Guidelines.

Posting of Guidelines

Government Code section 6253.4 requires the Department of Business Oversight (DBO) to post its Guidelines for access to public records in a conspicuous public place in each of the DBO's offices. Accordingly, copies of this document will be posted for public review in the designated main reception area of each of the DBO's regional offices. These Guidelines also will be posted on the DBO's Internet website at <http://www.dbo.ca.gov>.

Inspection during Regular Business Hours

Members of the public may inspect documents that are on file with the DBO by appointment during the DBO's regular business hours (weekdays from 9 a.m. to 5 p.m.) and at no charge, unless: the DBO decides to not make the documents available because they are exempted from the mandatory disclosure requirements of the PRA; or the documents are privileged or otherwise confidential.

Duplication and Certification Fees

The DBO will furnish photocopies of a reasonable number of uncertified documents to any person making a request and paying the appropriate fee of 25 cents per page. Certified copies are also subject for the 25 cents per page copying fee, plus an additional fee of up to \$25 per certificate.

Voluntary Procedures for Filing a Written Request for Records

Filing by Mail or Fax

To mail or fax a request to inspect or copy records under the PRA, the DBO encourages, but do not require requesters to send a written request via letter or fax to the attention of the DBO's General Counsel. The General Counsel's Office is responsible for ensuring the DBO's compliance with the PRA. The contact information for that office is:

California Department of Business Oversight
ATTN: General Counsel/PRA
1515 K Street, Suite 200
Sacramento, CA 95814
Fax: (916) 322-1559.

For your convenience, an optional sample request letter is provided on page 7 of these Guidelines.

NEW: Convenient Internet Filing

To improve the convenience of filing a PRA request, the DBO provides a web portal that allows members of the public to submit a request for records electronically at the following URL: <https://docqnet.dbo.ca.gov/create-pra/>.

Content of Request

In your request, please include a clear description of the record or category of records. It is important that your description be as specific as possible to help us determine which records are responsive to your request. **See sample request letter** on page 7 of these Guidelines for a pre-formatted request template which may help you provide us with a more specific description of the records you want.

Written Requests: Not Required but Strongly Encouraged

The DBO encourages, but does not require, requests to be made in writing unless the request involves records maintained by the DBO for the purpose of immediate public inspection. Written requests help the DBO respond to your request as it was made and to correctly identify the records requested. Denials of written requests will be provided in writing. When requests are made orally, the DBO may confirm the request in writing to ensure it has correctly understood the request.

Timing of Response and Production of Documents

Once the DBO has received your request to inspect or obtain copies of specified public records, the DBO has up to 10 days to evaluate your request and determine whether your request seeks copies of records that are exempt from the disclosure requirements of the PRA. This 10-day deadline may, in unusual circumstances, be extended by up to an additional 14 days following written notification by the DBO Commissioner or a designee.

Once you have been notified of the DBO's determination, the DBO will promptly make available for inspection or copying any non-exempt records responsive to your request. We strive to make requested, non-exempt records available to requesters within the 10- or 24-day response time frame whenever possible under the circumstances.

Inspection of Statement of Economic Interests Filings Pursuant to the PRA

Members of the public who want to inspect or obtain a copy of an employee's Statement of Economic Interests (Fair Political Practices Commission Form 700) should contact Associate Personnel Analyst Kerri Mahoney in the DBO's Human Resources Office directly at (916) 445-2953 to make the necessary arrangements.

An employee's filed Statement of Economic Interests may be inspected at no charge in the Sacramento regional office at any time during the DBO's normal business hours. Pursuant to Government Code section 81008, a member of the public may obtain a copy of any Statement of Economic Interests filing for a fee not to exceed 10 cents per page.

Contact

Please direct any questions or comments concerning these Guidelines to DBO Assistant General Counsel Michael P. McQuinn. The most convenient method of contacting Mr. McQuinn is via email at Michael.McQuinn@dbo.ca.gov. In the alternative, Mr. McQuinn may also be reached via fax at (916) 322-1559 or via mail at the following address:

Michael P. McQuinn
Assistant General Counsel
Department of Business Oversight
1515 K Street, Suite 200
Sacramento, CA 95814-4052.

Approval for Distribution

APPROVED:

JAN LYNN OWEN
Commissioner of Business Oversight

By:
SCOTT H. WYCKOFF
General Counsel
Department of Business Oversight

Dated: May 26, 2015

PUBLIC RECORDS ACT REQUESTS FREQUENTLY ASKED QUESTIONS

What is the California Public Records Act (PRA)?

The California Public Records Act (PRA), Government Code section 6250 *et seq.*, is a state law which gives members of the public the right to inspect or obtain copies of documents on file with any state or local agency, including the California Department of Business Oversight (DBO), provided the documents sought are not exempted from the mandatory disclosure requirements of the PRA. The complete text of the laws of California, including the PRA, is available at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

How can I make a written request for records under the PRA?

You have two options to make a written request for records under the Public Records Act.

The easiest and most cost-effective method of filing a request for records involves submission of a written request through the Internet web portal provided by the DBO at <https://docqnet.dbo.ca.gov/create-pra/>. Requests sent to the DBO via this portal are received instantly, unlike regular mail which, in addition to being subject to charges for postage, typically involves a transit delay of at least 2-3 business days.

In the alternative, you also may submit your written request for records to the attention of the DBO General Counsel's Office via mail or fax. The appropriate address and fax number for this office are provided on Page 1 of the Guidelines. Be sure to include a clear, concise and specific description of the record(s) that you are seeking. This will help us expedite your request and avoid unnecessary follow up communications that could delay production of records.

How long will it take for me to receive a response to my request?

The DBO will review your request promptly upon receipt, and will, within 10 calendar days from the date the request was received, determine whether you seek identifiable records in the DBO's possession which are not exempted from mandatory disclosure pursuant to the PRA. Once the DBO makes that determination it will promptly make available for inspection or copying any non-exempt records responsive to your request. Under unusual circumstances, we may extend this time to respond to your request by an additional fourteen days. The DBO will notify you when it extends the response time and inform you of the reasons for the extension.

If necessary, DBO personnel will follow up with you if it appears you may require guidance to make a clearer and more effective request.

Why might my request be denied?

The DBO may deny your request if it determines the records you are seeking are privileged, confidential or otherwise exempt from mandatory disclosure under the PRA, or if the requested records are not found. The DBO will notify you if it makes this determination.

Where and when can I inspect documents responsive to my request?

You may inspect documents the DBO makes available in response to your request by appointment during the DBO's normal business hours. There is no charge to inspect public records. For your convenience, records responsive to your request can be forwarded to any one of the following regional DBO offices closest to you for inspection by appointment:

SACRAMENTO – HEADQUARTERS

1515 K Street, Suite 200
Sacramento, CA 95814-4052
Reception Desk: (916) 445-7205
Fax: (916) 322-1559

LOS ANGELES – JUNIPERO SERRA BLDG.

320 West 4th Street, Suite 750
Los Angeles, CA 90013-2344
Reception Desk: (213) 576-7500

LOS ANGELES – RONALD REAGAN BLDG.

300 S. Spring St., Suite 15513
Los Angeles, CA 90013-1259
Reception Desk: (213) 897-2085

SAN FRANCISCO – ONE SANSOME

One Sansome Street, Suite 600
San Francisco, CA 94104-4428
Reception Desk: (415) 972-8565

SAN FRANCISCO – 45 FREMONT

45 Fremont St., Suite 1700
San Francisco, CA 94105-2219
Reception Desk: (415) 263-8500

SAN DIEGO – FRONT STREET

1350 Front St., Room 2034
San Diego, CA 92101-3697
Reception Desk: (619) 525-4233

SAN DIEGO – METROPOLITAN DRIVE

7575 Metropolitan Dr., Suite 108
San Diego, CA 92108-4421
Reception Desk: (619) 682-7227

How do I obtain copies of records? How much does it cost?

You may obtain certified copies or uncertified copies of documents that are not exempted from the mandatory disclosure requirements of the PRA. The cost for certification is up to \$25 per certificate, plus 25 cents for each page certified. The cost for uncertified copies is 25 cents per page. There is a charge of \$1 per page for any copies sent by fax.

What is a certificate of search?

A certificate of search is issued and signed by a custodian of records in response to a public request for DBO records. A certificate of search states the custodian has diligently performed an index search of DBO records to determine whether they contain any filings relevant to the

request. If the search discloses no such filings, the custodian will so indicate that on the certificate. **(See sample certificate of search on page 8.)** A certificate of search often is used during legal proceedings by one or both parties to prove whether a document exists without the need to obtain direct in-court testimony from the custodian of records.

SAMPLE LETTER OF REQUEST FOR RECORDS UNDER THE CALIFORNIA PUBLIC RECORDS ACT

[Date]

California Department of Business Oversight
ATTN: General Counsel/PRA
1515 K Street, Suite 200
Sacramento, CA 95814

[VIA REGULAR MAIL] or [VIA FAX: (916) 322-1559]

Re: Public Records Act Request

Dear Sir/Madam:

Pursuant to the California Public Records Act (PRA), Government Code section 6250 *et seq.*, I hereby request **[access to]** and/or **[copies of]** the following documents, which I have reason to believe may be filed with, retained by, or prepared by the Department of Business Oversight (DBO):

[Insert reasonable description of an identifiable record or records as required by Government Code section 6253, subdivision (b).]

Please respond within 10 calendar days from the date the DBO receives this request as to whether this request specifies identifiable records that are not exempted from mandatory disclosure under the PRA, or that are privileged or otherwise confidential, and therefore are subject to disclosure. I understand this time may be extended up to 14 days in unusual circumstances, as provided by Government Code section 6253, subdivision (c), and that I will be notified of such an extension and the reasons for the extension.

I understand I may obtain copies of the requested documents at a cost of 25 cents per page, and may obtain certified copies at a cost of up to \$25 for each certificate, plus 25 cents for each certified page. I further understand copies may also be sent to me via fax at a cost of \$1 per page.

I also am aware if the requested records are too voluminous, the DBO may provide me access to the records to review and photocopy with my own equipment and at my own expense.

Sincerely,

[Your Name]

[Your contact information]

SAMPLE CERTIFICATE OF SEARCH

**STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEPARTMENT OF BUSINESS OVERSIGHT**

CERTIFICATE OF SEARCH

I **(Insert Name and Title)**, an official custodian of records for the Department of Business Oversight of the State of California, hereby certify that a diligent search has been made of the records of the Department of Business Oversight. As of **(Insert Date of Search)** the Department's records do not disclose any filing for **(Insert Description of Search Request)** under **Insert Legal Authority** (e.g. the Corporate Securities Law , California Finance Lenders Law, California Banking Law, California Deferred Deposit Transaction Law).

Results of Search for Records:

This certificate is issued pursuant to a request from **(Insert Name and Address of Requesting Party)**.

Dated: June 1, 2015
Sacramento, California

IAN LYNN OWEN
Commissioner of Business Oversight

BY:

<SEAL OF THE COMMISSIONER>

Insert Name
Office Services Manager