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August 8, 2008

VIA ELECTRONIC MAIL ONLY

Regina Petty, Esq.
Wilson Petty Kosmo & Turner, LLP
550 W "C" Street, Suite 1050
San Diego, CA 92101

Re: ***Southern Economic Development Corporation***

Dear Ms. Petty:

Yesterday I was present with Mr. Will Carless of the Voice of San Diego during his review of documents made available by Southeastern Economic Development Corporation ("SEDC"). SEDC made the documents available pursuant to the Voice of San Diego's July 9, 2008 Public Records Act ("PRA") Request. However, SEDC did not make the following requested documents available for review: (1) documents reflecting policies for compensation above base salary (e.g., bonuses, cost of living increases, "acknowledgment," and sick pay); (2) Carolyn Smith's performance reviews; and (3) payroll information showing who was paid, how much, and when.

I am in receipt of your August 5, 2008 correspondence to Mr. Carless wherein you state that the compilation of payroll information is in progress and is delayed because of the need for redactions. I understand SEDC has limited resources and is presently managing a number of PRA Requests. However, it is important to be mindful that a response was due on July 19. Under "unusual circumstances," for which the need to redact may qualify, a response may be delayed by no more than 14 days. Accordingly, assuming this circumstance legally qualifies as unusual, a response was due August 2, almost a week ago. In order to avoid liability for a violation of the PRA, please produce the documents no later than next week. Also, please produce the documents that SEDC has redacted on Monday, August 11.

You also state that Ms. Smith's performance reviews are exempt from disclosure. I urge you to reconsider this position. As President of SEDC, a non-profit corporation intended for the benefit of the general public, Ms. Smith is a very public person. Her expectation of privacy with respect to her employment is far less than that of other public employees. Moreover, in light of her very public tribulations, it is difficult to argue that her performance reviews may subject her

to unwarranted annoyance or embarrassment. Accordingly, I advise SEDC make these documents available for review as soon as possible.

Thank you for your time, and I appreciate your attention to this matter. Please call me at any time if you wish to discuss the matter further.

Sincerely yours,

MICHAEL J. AGUIRRE, City Attorney

By


Glenn Spitzer
Deputy City Attorney

GS:mc