

DEPARTMENT OF CORPORATIONS
PUBLIC RECORDS ACT REQUESTS
POSTING OF GUIDELINES

Please take notice:

Government Code Section 6253.4 of the California Public Records Act (PRA) requires the Department of Corporations (Department) to post its guidelines for accessibility of records in a conspicuous public place in each of the Department's offices. The guidelines are attached to this notice.

During the regular business hours of the Department, members of the public may inspect the documents on file in the Department which are specified in Rule 250.9.1 as being subject to public inspection and not exempt from disclosure or otherwise confidential. Copies of documents, either uncertified or certified under the seal of the Commissioner of Corporations (Commissioner), will be furnished by our agency to any person making a request and paying the appropriate fee. See Rules 260.608 and 260.617.

Procedures and forms for requesting public records are also available on the Department's web site at www.corp.ca.gov.

To mail or fax a request under the PRA, send the written request to the Department office near you, to the attention of the Custodian of Records:

1515 K Street, Suite 200
Sacramento, CA 95814-4052
(916) 445-7205
(866) 275-2677 or 866 ASK CORP
FAX: (916) 322-5875

320 West 4th Street, Suite 750
Los Angeles, CA 90013-2344
(213) 576-7500
(866) 275-2677 or 866 ASK CORP
FAX: (916) 322-5875

71 Stevenson Street, Suite 2100
San Francisco, CA 94105-2908
(415) 972-8559
(866) 275-2677 or 866 ASK CORP
FAX: (916) 322-5875

1350 Front St., Room 2034
San Diego, CA 92101-3697
(619) 525-4234
(866) 275-2677 or 866 ASK CORP
FAX: (916) 322-5875

In your letter or fax, please include a clear description of an identifiable record and be as specific as possible to help us expedite your request. The Department will assist requestors to identify records that may be responsive to the request. See **sample request letter** for public use.

Please note that if you want to inspect or request a Form 700 (Statement of Economic Interest), you should contact our Human Resources office directly at (916) 445-6351.

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

[Date]

California Department of Corporations
Custodian of Records
[Address of Department Office Nearest You]

Re: Request for Records Under the California Public Records Act

Dear Sir/Madam:

Pursuant to Government Code Section 6253, and Rules 250.9 and 250.9.1 of Title 10 of the California Code of Regulations, I hereby request access to and/or copies of the following documents, which are filed with, retained by, or prepared by the Department of Corporations:

**[Reasonably describe identifiable records as required by Government
Code section 6253, subdivision (b).]**

Please respond within ten (10) calendar days from the date the Department receives this request as to whether this request specifies identifiable records that are not exempt from disclosure under the act, or are privileged or otherwise confidential, and therefore subject to disclosure. I understand that this time may be extended up to 14 days for unusual circumstances, as provided by Government code section 6253, subdivision (c), and that I will be notified of such extension, if any, and the reasons therefor.

I understand that pursuant to Rule 260.617 of Title 10 of the California Code of Regulations, I may obtain copies of the requested documents at a cost of 30 cents per page, and may obtain certified copies at a cost of two dollars for each certificate, plus 30 cents for each page to be certified. I further understand that copies may also be sent to me via facsimile at a cost of one dollar per page.

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

Sincerely,

[Your Name]

CALIFORNIA CODE OF REGULATIONS (TITLE 10)**§ 250.9. Public Inspection of Records**

During the regular business hours of the Department, members of the public may inspect the documents on file in the Department which are specified in Section 250.9.1 as being subject to public inspection and which are not held confidential pursuant to Section 250.10. Copies of such documents, certified under the seal of the Commissioner, will be furnished to any person making a request therefor and paying the appropriate fee. See Section 260.617 of these rules.

§ 250.9.1. Records Subject to Public Inspection

Except as provided below and in Sections 250.10 and 250.12, the public records which are subject to public inspection are the following records which are filed with, retained by, or prepared by the Department pursuant to the statutes administered by the Commissioner:

(a) All applications, amendments, supplements and exhibits thereto, filed for any qualification, registration, order, permit, certificate, license, consent or other authority including correspondence between the parties and the Commissioner directly relating thereto. Financial statements, reports, advertising, and correspondence between the parties and the Commissioner directly relating thereto.

(b) All orders, permits, certificates, licenses, consents or other authority.

(c) Notices of public hearings, accusations and statements of issues in connection with any application, qualification, registration, order, permit, certificate, license, consent or other authority; proposed decisions of hearing officers and decisions of the Commissioner; the transcripts of such proceedings; and correspondence between the parties and the Commissioner directly relating thereto.

(d) Public notices in connection with the adoption, amendment or repeal of regulations of the commissioner; the transcript of such proceedings; and correspondence with the public directly relating thereto, including comments received from the public.

(e) Releases, newsletters and, subject to the provisions of Section 250.12, interpretive opinions, determinations, specific rulings, and the correspondence relating thereto.

§ 250.10. Requests for Confidentiality.

(a) Policy. Upon request pursuant to Subsection (b), the Commissioner will withhold from public inspection pursuant to Section 6254 of the Government Code (and Sections 25605 or 31504 of the Corporations Code, if applicable) for such time as in the Commissioner's judgment is necessary information received in connection with an application (including applications for interpretive opinions) or report, if in the opinion of the Commissioner the public inspection of such information is not necessary in the public interest or for the purposes of the law under which it is filed and such information is reasonably shown to meet any of the following requirements:

(1) Information which is of a proprietary business nature and is in fact confidential, including but not limited to trade secrets.

(2) Information which is of a confidential business nature and which is in fact confidential, the release of which would be damaging or prejudicial to the business concerned.

(3) The name of any present or proposed investor when such information is filed in an application pursuant to Section 25113, 25121 or 25133 of the Corporations Code, if the disclosure of such information may be damaging or prejudicial to such person.

(4) Any other information, upon a showing that a public interest is served in withholding such information.

(b) **Requests for Confidentiality.** A request for confidential treatment of any information received in connection with any application or report submitted to the Commissioner should accompany the submission of such information and such information must be submitted separated from the other parts of the filing and marked "Confidential Treatment Requested." Such request must be signed by the person making the application or report and contain the following:

(1) A statement identifying the information which is the subject of the request and the application or report relating thereto.

(2) A statement specifying the provisions of Subsection (a) pursuant to which the request is made.

(3) A statement of the grounds upon which the request is made, including (if applicable) a statement as to its confidentiality and the measures taken to protect its confidentiality, and a statement of the adverse consequences which are expected to result if the information is disclosed through the public records of the Department.

(4) In the case of a request pursuant to Subsection (a)(3), a statement that the investor is not required to disclose investments pursuant to the Political Reform Act of 1975 or similar statute.

(5) A statement of the specific time for which confidential treatment of the information is necessary and the basis for such conclusion.

(6) If appropriate, a statement of the extent to which such information has been or will be disclosed to present or proposed investors, franchisees or other persons appropriate under the statute pursuant to which the information is filed.

(7) The request for confidentiality should not contain information for which itself confidential treatment is desired, as requests for confidentiality will be available for public inspection.

(c) **Denial of Request.** Material for which confidential treatment is requested shall not be deemed filed unless the request is granted, and may be withdrawn by the applicant if the request is denied, unless (1) the Commissioner has already taken an official action in reliance on such information prior to receiving the request for confidential treatment or (2) the Commissioner determines that the withdrawal of such information is otherwise contrary to the public interest. If

withdrawn, such information will not be considered by the Commissioner in connection with the application or report.

(d) **Granting of Request.** If a request for confidential treatment is granted, the person making such request will be notified in writing, the information will be marked "confidential" and kept separate from the public file, and the application or report will be noted with the following legend: "Additional portions of this filing have been granted confidential treatment pursuant to Rule 250.10 and are contained in a separate confidential file."

§ 250.10.5. Disclosure of Confidential Information.

(a) Information held confidential pursuant to Section 250.10 may be disclosed by the Commissioner, at any time and in the Commissioner's sole discretion, whether on the Commissioner's own motion or upon the request of any person:

(1) To other state or federal regulatory agencies, in accordance with law, or

(2) When necessary or appropriate in any proceeding or investigation pursuant to the law under which the information was filed, or

(3) Upon a determination by the Commissioner that continued confidential treatment is no longer justified because the reasons therefore no longer exist or because the public interest in disclosing such information outweighs the public interest in not doing so. If the Commissioner concludes that the disclosure of such information is necessary and urgent in the public interest or that it is impractical under the circumstances to give notice to the person who requested confidential treatment of the information, the information may be disclosed without notice. Otherwise, the person who requested confidential treatment of such information will be given notice that the release of such information is under consideration and the reasons therefore, and an opportunity to make representations promptly, within not more than five business days, regarding the continued need and justification for continued confidentiality.

(b) **Requests to Inspect Confidential Information.** A request to inspect confidential information pursuant to Subsection (a)(3) should ordinarily be in writing, signed by the person making the request, and state the justification for the request. A copy of the request for inspection will ordinarily be forwarded to the person who requested confidential treatment of the information in accordance with Subsection (a)(3). If a request for inspection should be held confidential, the reasons therefore must be stated in such request, in accordance with Section 250.10(b).

(c) Nothing contained herein shall be interpreted as affording any person a right to withdraw information once it has been received by the Commissioner, except as provided in subsection (c) of Section 250.10.

§ 260.608. Fees for Publications.

(a) Publications issued by the Commissioner shall be available for the charges set forth below, except that these charges shall not apply to other governmental agencies.

(b) **Individual Copies.** Individual copies of the releases, notices of rule changes and other publications of the Commissioner may be obtained upon request from any office of the

Department. Mail requests should be directed to the Department of Corporations, 320 West 4th Street, Suite 750, Los Angeles, California 90013-2344. No charge is made for individual copies of current publications. The charge for items which are not current is the regular charge for copy work.

(c) Mailing Lists. A charge per year in the amount indicated below is made for each individual mailing list to receive releases, notices of rule changes and other publications of the Commissioner (other than those referred to in subsections (e) and (f) pertaining to a particular law administered by the Department. Requests to be placed on a mailing list should be directed to the Department of Corporations, 320 West 4th Street, Suite 750, Los Angeles, California 90013-2344.

- (1) California Finance Lenders Law (\$4.00)
- (2) California Residential Mortgage Lending Act (\$4.00)
- (3) Capital Access Company Law (\$4.00)
- (4) Check Sellers, Bill Payers and Proraters Law (\$1.00)
- (5) Corporate Securities Law and Commodity Law (\$10.00)
- (6) Escrow Law (\$2.00)
- (7) Franchise Investment Law (\$2.00)
- (8) General Mailing List (\$27.00) includes items (1) through (7).

(d) Forms. As a convenience to attorneys and other members of the public, forms prescribed by these rules may be obtained from any office of the Department. No charge will be made in connection with any single request for not more than two copies of any form which are picked up at any office of the Department. The Department will, upon request, mail additional copies of any form or forms at a cost, except that the minimum charge for any single order will be one dollar (\$1.00). Prices will include sales tax and postage.

§ 260.617. Charges for Copies of Documents

The following charges shall be made for copies and telecopies of documents furnished by the Commissioner and for certification thereof:

- (a) Two dollars for each certificate under seal affixed thereto, plus 30 cents for each page or fraction thereof to be certified, whether the copies to be certified are furnished by the person requesting the certification or by the Commissioner.
- (b) Thirty cents for each page or fraction thereof when the copies are not to be certified.
- (c) One dollar for each page or fraction thereof when the copies are sent by telephone transceiving equipment.

PUBLIC RECORDS ACT REQUESTS
FREQUENTLY ASKED QUESTIONS

What is the California Public Records Act ("Act")?

Members of the public may inspect and/or obtain copies of documents on file with the Department of Corporations (Department), subject to the rules set forth in Title 10, Chapter 3, Sections 250.9, 250.9.1, 250.10 and 250.10.5 of the California Code of Regulations which can be found at www.oal.ca.gov.

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

To make a written request under the Act, you may send a letter or fax to the Department's office near you, to the attention of the Custodian of Records. Include a clear description of an identifiable record. Be as specific as possible to help us expedite your request. The Department will assist requestors to identify records that may be responsive to the request. **(See sample request letter.)**

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

The Department will review your request promptly upon receipt, and will, within ten calendar days from the date the request was received, determine whether the request seeks identifiable records in the Department's possession. Once a determination has been made, the Department will promptly make the records available to you. There are circumstances that may require this time to be extended. You will be notified if this is the case.

Why might my request be denied?

Your request may be denied if the records you are seeking to inspect are determined to be privileged, confidential or otherwise exempt from disclosure under the Act, or are not found. Again, you will be notified if THIS determination is made.

When can I inspect the documents?

You may inspect documents during the Department's normal business hours. Contact the office where the request was sent to arrange for review of the documents. Documents can also be sent to a Department office closer to you for your convenience.

1515 K Street, Suite 200
Sacramento, CA 95814-4052
(916) 445-7205
(866) 275-2677 or 866 ASK CORP

320 West 4th Street, Suite 750
Los Angeles, CA 90013-2344
(213) 576-7500
(866) 275-2677 or 866 ASK CORP

71 Stevenson Street, Suite 2100
San Francisco, CA 94105-2908
(415) 972-8559
(866) 275-2677 or 866 ASK CORP

1350 Front St., Room 2034
San Diego, CA 92101-3697
(619) 525-4234
(866) 275-2677 or 866 ASK CORP

Can I get copies of records? How much does it cost?

You may obtain certified copies (for authentication purposes) or uncertified copies of documents which are subject to inspection. The cost for certification is two dollars for each certificate, plus 30 cents for each page to be certified. The cost is 30 cents per page for uncertified copies. There is a charge of one dollar per page for any copies sent by fax.

What is a certificate of search?

A certificate of search is issued and signed by the custodian of records in response to a public request for Department records. The certificate states that the custodian has diligently performed an index search of Department records to determine whether they disclose filings relevant to the request. If the search discloses no such filings, the custodian will so indicate on the certificate. **(See sample certificate of search.)** A certificate of search may be used in the course of litigation to demonstrate a document's existence or non-existence without the necessity of the custodian's in-court testimony.

How can I obtain a copy of a Form 700 (Statement of Economic Interest)?

You may obtain a copy of the Form 700 by contacting the Department Human Resources office at (916) 445-6351.

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

[Date]

California Department of Corporations
Custodian of Records
[Address of Department Office Nearest You]

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Sincerely,

[Your Name]

SAMPLE CERTIFICATE OF SEARCH**STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS****CERTIFICATE OF SEARCH**

I (Insert Name and Title), an official custodian of records for the Department of Corporations of the State of California, hereby certify that a diligent search has been made of the records of the Department of Corporations. 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 the Corporate Securities Law for any form of qualification authorizing the offer and sale of securities.

Results of Search for Records:

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

Dated: Sacramento, California

Insert Name of Commissioner
California Corporations Commissioner

By _____
Insert Name
Office Services Manager