



ALESHIRE &  
WYNDER, LLP  
ATTORNEYS AT LAW  
www.awattorneys.com

RESPOND TO SACRAMENTO OFFICE

Email: hkenny@awattorneys.com

Sacramento  
980 9th St., 16th Floor  
Sacramento, CA 95814  
P 916.449.9690 • F 916.449.9689

Orange County  
18881 Von Karman Ave., Suite 400  
Irvine, CA 92612  
P 949.223.1170 • F 949.223.1180

Los Angeles  
South Bay Centre, South Tower  
1515 West 190th St., Suite 565  
Gardena, CA 90248  
P 310.527.6660 • F 310.532.7395

April 12, 2010

Picked-Up By [REDACTED] at City Hall

Re: Public Records Request – March 1, 2010

Dear [REDACTED]

As you know, on March 1, 2010, we received your letter requesting that certain records be made available to you, pursuant to the California Public Records Act (California Government Code Section 6250 *et seq.*)

To reiterate, you would like “all records of the City of Banning or its agencies pertaining to the late payment by Council Member Don Robinson, or his wife Katryn Robinson, or his businesses Renaissance Pet Resort or Hollywood Pet Salon, including payment history, late notices, copies of bounced checks if available. Time period: January 2008 to present.” You have also requested copies of “Utility late payment and shut off policies of the city.”

On **March 11, 2009**, we mailed you a letter containing copies of utility late payment and shut off policies of the city, as requested. We informed you that we would make a determination by **March 25, 2010** as to what records we would be releasing to you, pursuant to California Government Code Section 6253(c), because, under unusual circumstances, an agency can take an 14 days to make such a determination. Unusual circumstances can include: (1) the need to search for and collect the requested records from other establishments that are separate from the office processing the request; and/or (2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

On **March 24, 2010**, you spoke with Heather Kenny from our office via telephone and clarified that you were only interested in receiving the utility records from City-owned and operated utilities. We agreed at that time that we would release all available records pursuant to California Government Code Section 6254.16, except those protected by that section. You agreed to give us two weeks, until **April 8, 2010**<sup>1</sup>, to put those records together.

<sup>1</sup> You spoke with Heather Kenny on April 8, 2010 and agreed to postpone the date of pick-up.



April 12, 2010

Page 2

Heather confirmed that telephone conversation in an e-mail to you on **March 25, 2010**. During that ensuing period, we have been putting the records you requested together. As you know, California Government Code Section 6254.16 states, in pertinent part, as follows:

"Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows:

...

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.

..."

In the case of Councilmember Robinson, he is an elected official with the authority to determine the utility usage policies of the City of Banning. (Section 6254.16(e)). We are releasing as much of the information as you requested as we can, which includes his name, address and utility usage information, as required by statute. We cannot release Councilmember Robinson's credit information, as that is protected by law. Mrs. Robinson does not have any utility usage information under her own name, so we do not have any records to release to you per your request.

In the case of Councilmember Robinson's businesses, they are owned 99 percent by his wife. Accordingly, they are protected under Section 6254.16(d) and, thus, we are releasing only those records where the utility customer used utility services in a manner inconsistent with the City's utility policy. There are three business accounts in question. The accounts about which

---

until April 12, 2010 to give the City time to finalize gathering the records.



April 12, 2010  
Page 3

you inquired are listed all listed as Renaissance Pet Resort & Spa. Account Customer ID 52863/Location ID 3612 had two returned checks on June 4, 2008 and February 2, 2010. Account Customer 52863/Location 3608 had a returned check on June 4, 2008. Returned checks would be inconsistent with the City of Banning Electric Department Rules and Regulations Rules #8 and #9. The account located at 2372 W. Ramsey did not use the City's utility services in a manner inconsistent with the City's policies and, accordingly, we have no records to release to you as they are protected pursuant to Section 6254.16.

If you have any further questions, please feel free to contact me at (949) 223-1170 or (714) 328-4079.

Very truly yours,

ALESHIRE & WYNDER, LLP

A handwritten signature in black ink, appearing to read 'Heather A. Kenny', is written over the typed name.

Heather A. Kenny

cc: Marie Calderon, City Clerk, City of Banning  
Michelle Green, Accounting Manager  
Dave Aleshire, City Attorney  
Andy Takata, City Manager