

*State and  
Consumer Services Agency*

915 CAPITOL MALL, SUITE 200  
SACRAMENTO, CA 95814



African American Museum  
Building Standards Commission  
Consumer Affairs  
Fair Employment & Housing  
Fair Employment & Housing Commission  
Franchise Tax Board  
General Services  
Information Security and Privacy Protection  
Insurance Advisor  
Science Center  
Seismic Safety Commission  
Personnel Board  
Public Employees' Retirement System  
Teachers' Retirement System  
Technology Services  
Victim Compensation &  
Government Claims Board

November 10, 2008

Thomas A. Enslow, Esq.  
Adams Broadwell Joseph & Cardozo  
520 Capitol Mall, Suite 350  
Sacramento, CA 95814-4715

Re: October 30, 2008, Public Records Act Request

Dear Mr. Enslow:

This is in response to your Public Records Act request, which we received on October 31, 2008.

We have thoroughly searched the records of the State and Consumer Services Agency (SCSA) and have identified several documents that are responsive to your request. Some responsive documents are exempt from disclosure.

Following is a description of SCSA's records that are exempt from disclosure, and our basis for claiming the exemptions.

One E-mail dated October 16, 2008, from Leslie Lopez to SCSA staff regarding PEX update. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954 [attorney-client privilege], Code of Civil Procedure section 2018.030 [attorney work product].

Five E-mails dated October 16, 2008, between Leslie Lopez and SCSA staff regarding PEX update. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, Government Code sections 6254(a) and 6255.

One E-mail dated October 9, 2008, from Leslie Lopez to EDAW, Dave Walls and Valerie Namba regarding PEX RDEIR. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, and Government Code section 6254(a).

Thomas A. Enslow, Esq.

November 10, 2008

- Page 2 -

Three E-mails dated September 8, 2008, between SCSA staff including Leslie Lopez regarding status of PEX project. Portions of the document are exempt from disclosure pursuant to Government Code section 6254(k) and Evidence Code section 954. The non-exempt portions of the documents will be provided to you.

One E-mail dated August 28, 2008, between SCSA staff regarding Week Ahead Report. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, Government Code sections 6254(a) and 6255.

One E-mail dated August 25, 2008, regarding Daily Agency Report, SCSA 8-25-08, from SCSA staff to the Governor's office and SCSA staff. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, Government Code sections 6254(l) and 6255.

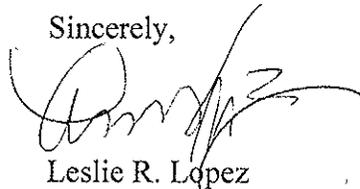
Three Week Ahead Reports (September 11, October 16, October 23) from SCSA to the Governor's office and SCSA staff. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, Government Code sections 6254(l) and 6255.

Two Daily Agency Reports, (September 10, October 24), from SCSA staff to the Governor's office and SCSA staff. Exempt from disclosure pursuant to Government Code section 6254(k), Evidence Code section 954, Code of Civil Procedure section 2018.030, Government Code sections 6254(l) and 6255.

Leslie Lopez's handwritten notes regarding the PEX project. Exempt from disclosure pursuant to Government Code section 6254(k), Code of Civil Procedure section 2018.030, and Government Code section 6254(a).

Copies of non-exempt responsive records are being produced with this letter. Because of the small number of non-exempt responsive documents, we are not charging you for the duplication costs.

Sincerely,



Leslie R. Lopez  
Deputy Secretary and General Counsel

**Saragosa, Michael@SCSA**

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**From:** Moira Topp [MTopp@shjlobby.com]  
**Sent:** Thursday, August 14, 2008 4:38 PM  
**To:** Saragosa, Michael@SCSA  
**Cc:** Balluch, Debbie@SCSA  
**Subject:** Re: PEX et al

No worries at all. Thanks to you both and see you next week.

----- Original Message -----

From: Saragosa, Michael@SCSA <Michael.Saragosa@SCSA.ca.gov>  
To: Moira Topp  
Cc: Balluch, Debbie@SCSA <Debbie.Balluch@SCSA.CA.GOV>  
Sent: Thu Aug 14 16:36:33 2008  
Subject: Re: PEX et al

Oops. I think we stuck it on the calendar but didn't tell you. Yes, that is perfect. Sorry bout that.

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From: Moira Topp  
To: Saragosa, Michael@SCSA  
Cc: Balluch, Debbie@SCSA  
Sent: Thu Aug 14 16:34:43 2008  
Subject: RE: PEX et al

Sorry to bug you...Do you think 10:00 Tuesday will work for you?

Moira C. Topp  
Sloat Higgins Jensen & Associates  
1215 K Street, Suite 1150  
Sacramento, CA 95814  
(916) 446-3007

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From: Moira Topp  
Sent: Monday, August 11, 2008 3:39 PM  
To: Saragosa, Michael@SCSA  
Cc: Balluch, Debbie@SCSA  
Subject: RE: PEX et al

Oh, I can only imagine the nightmare!

How would 10:00 work on Tuesday? We are pretty wide open -- just dealing with Floor Sessions at this point. So if that doesn't work for you and Leslie, we can do it any time! Thanks again!

Moira C. Topp  
Sloat Higgins Jensen & Associates  
1215 K Street, Suite 1150  
Sacramento, CA 95814  
(916) 446-3007

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From: Saragosa, Michael@SCSA [<mailto:Michael.Saragosa@SCSA.ca.gov>]  
Sent: Monday, August 11, 2008 3:36 PM  
To: Moira Topp  
Cc: Balluch, Debbie@SCSA  
Subject: RE: PEX et al

Oops, sorry Moira. I got your message and have been swamped with Executive Order nightmare. Yes, the 19th works best for me. What time are you thinking?

MS

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From: Moira Topp [<mailto:MTopp@shjlobby.com>]  
Sent: Monday, August 11, 2008 3:34 PM  
To: Saragosa, Michael@SCSA  
Subject: RE: PEX et al

Hi Michael-

We have run into a little bit of a snag and are wondering if you would be willing to meet with me, Maureen and Kelly Taber (who is PFFA's local environmental attorney). Specifically wondering if you could meet August 18, 19 or the morning of the 20th? We should only need about 30 minutes but would also like to include Leslie since it is a legal question we have. Thanks so much!

Moira C. Topp  
Sloat Higgins Jensen & Associates  
1215 K Street, Suite 1150  
Sacramento, CA 95814  
(916) 446-3007

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From: Saragosa, Michael@SCSA [<mailto:Michael.Saragosa@SCSA.ca.gov>]  
Sent: Monday, May 19, 2008 1:02 PM  
To: Moira Topp  
Subject: PEX et al

Hello there,

I just wanted to check in and see if you had any questions/concerns as we move forward. Things have been quiet so I don't want to alarm you- just wanted to touch base.

MS

**Saragosa, Michael@SCSA**

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**From:** Moira Topp [MTopp@shjlobby.com]  
**Sent:** Thursday, August 14, 2008 4:42 PM  
**To:** Saragosa, Michael@SCSA  
**Subject:** Accepted: Updated: PEX et al - meet with Moira

Marin, Rosario@SCSA

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**From:** Bermejo, Elmy@SCSA  
**Sent:** Monday, September 08, 2008 5:47 AM  
**To:** Saragosa, Michael@SCSA; Fulkerson, Amanda@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Marin, Rosario@SCSA  
**Subject:** Alameda chamber

I attended the Alameda chamber dinner on Friday. Met a gentleman who owns Gladiator Rooter and Plumbing in Oakland who is also licensed to work with PEX. I will follow up for more details.

The SF Sunday Chronicle has an article which may be of interest. It is in the Business Section, page 1. It talks about the plastic industry---does this material cause pollution and health problems. Mainly it talks about PVC and its use in plastic binders. It also mentions what PVC is and its uses, among them, plastic pipes.

Elmy

**Madani, Nicole@SCSA**

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**From:** Fulkerson, Amanda@SCSA  
**Sent:** Monday, September 08, 2008 8:09 AM  
**To:** Bermejo, Elmy@SCSA; Saragosa, Michael@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Lopez, Leslie@SCSA  
**Subject:** Re: Alameda chamber

----- Original Message -----

**From:** Bermejo, Elmy@SCSA  
**To:** Saragosa, Michael@SCSA; Fulkerson, Amanda@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Marin, Rosario@SCSA  
**Sent:** Mon Sep 08 05:47:23 2008  
**Subject:** Alameda chamber

I attended the Alameda chamber dinner on Friday. Met a gentleman who owns Gladiator Rooter and Plumbing in Oakland who is also licensed to work with PEX. I will follow up for more details.

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Elmy

Madani, Nicole@SCSA

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From: Saragosa, Michael@SCSA  
Sent: Monday, September 08, 2008 9:05 AM  
To: Fulkerson, Amanda@SCSA; Bermejo, Elmy@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Lopez, Leslie@SCSA  
Subject: Re: Alameda chamber

[REDACTED]

----- Original Message -----

From: Fulkerson, Amanda@SCSA  
To: Bermejo, Elmy@SCSA; Saragosa, Michael@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Lopez, Leslie@SCSA  
Sent: Mon Sep 08 08:08:45 2008  
Subject: Re: Alameda chamber

[REDACTED]

----- Original Message -----

From: Bermejo, Elmy@SCSA  
To: Saragosa, Michael@SCSA; Fulkerson, Amanda@SCSA; Madani, Nicole@SCSA; Shaw, Erin@SCSA; Marin, Rosario@SCSA  
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Saragosa, Michael@SCSA

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Elmy

**Madani, Nicole@SCSA**

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**From:** Moira Topp [MTopp@shjlobby.com]  
**Sent:** Wednesday, September 17, 2008 1:27 PM  
**To:** Madani, Nicole@SCSA  
**Subject:** RE: PEX

Hi there!  
We just heard that the PEX issue will now not come up on 10/27 and will instead be in January. Is this accurate? Do you think we will still be able to move in this code cycle if it gets approved in January rather than October? Are November or December not an option? Thanks!

Moira C. Topp  
Sloat Higgins Jensen & Associates  
1215 K Street, Suite 1150  
Sacramento, CA 95814  
(916) 446-3007

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**From:** Madani, Nicole@SCSA [mailto:Nicole.Madani@SCSA.ca.gov]  
**Sent:** Monday, September 15, 2008 11:31 AM  
**To:** Moira Topp  
**Subject:** PEX

Hi Moira,

Here are the groups that I have reached out to:

NPH, Housing CA, Coalition for Rural Housing, and SCANPH. They have all basically just asked for more information, which I have provided.

Nicole

**Madani, Nicole@SCSA**

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**From:** Madani, Nicole@SCSA  
**Sent:** Wednesday, September 17, 2008 1:38 PM  
**To:** 'MTopp@shjlobby.com'  
**Subject:** Re: PEX

Hi Moira, that is correct. Leslie is going to call you...can we chat about another list of groups that I have to reach out to?

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**From:** Moira Topp  
**To:** Madani, Nicole@SCSA  
**Sent:** Wed Sep 17 13:27:01 2008  
**Subject:** RE: PEX

Hi there!  
We just heard that the PEX issue will now not come up on 10/27 and will instead be in January. Is this accurate? Do you think we will still be able to move in this code cycle if it gets approved in January rather than October? Are November or December not an option? Thanks!

Moira C. Topp  
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(916) 446-3007

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**Sent:** Monday, September 15, 2008 11:31 AM  
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**Subject:** PEX

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Nicole