

EMAIL ADDRESSES AND PHONE NUMBERS HAVE BEEN REDACTED

From: Steven Childs < >
Sent: Tuesday, November 16, 2021 5:51 PM
To: Adam Andrzejewski <Adam@openthebooks.com>
Subject: Fwd: PRA request from Steven Childs

----- Forwarded message -----

From: **Chivaro, Rick** < >
Date: Wed, Dec 12, 2018 at 2:20 PM
Subject: RE: PRA request from Steven Childs
To: Steven Childs < >

Your questions are addressed below.

Richard J. Chivaro | Chief Counsel
Office of State Controller Betty T. Yee
Legal Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814 |

From: Steven Childs [mailto:]
Sent: Wednesday, December 12, 2018 12:41 PM
To: Chivaro, Rick < >
Subject: Re: PRA request from Steven Childs

Good afternoon Mr. Chivaro,

I am following up on my last email sent to you December 6, 2018 respectfully asking for answers to my previous questions.

Your attention to the matter is greatly appreciated.

On Thu, Dec 6, 2018 at 10:17 PM Steven Childs < > wrote:

I find it troubling your office will not allow members of the Information Technology department to speak with the public to get clarification on technical matters. Can your office point to a written policy that forbids staff from fielding questions from the public? **To the contrary. Staff is not required under any law to answer questions from the public.**

While it government code makes clear "the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record" the code also makes it clear those costs be limited to "direct cost." Has the State Controller's Office created copies for its own use or for

other agencies? If so, this could be used to determine the "direct cost of producing" the records requested. The law as indicated is clear and does not speak to direct costs. Rather it requires the requestor to bear the cost of producing the information--including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

Your request is for information requiring data compilation, extraction and programming in order to produce the information requested. That said, it is irrelevant whether this office has produced such a report for other agencies. However, that said the answer to your question is "no" this office has not produced the requested information for any other state agency.

I would expect the State Controllers Office to articulate how their determination of "direct costs" were made; either through previous audits, direct receipts or invoices for similar services. Could your office show how they determined what the direct cost was to produce the requested records? Direct cost is inapplicable to this situation for reasons explained above.

Thank you for your continued attention to this matter.

On Wed, Dec 5, 2018 at 3:51 PM Chivaro, Rick < > wrote:

Mr. Childs, I have been informed that you are contacting personnel in our operations division asking the same questions for which I have already provided an explanation. For future reference, all such calls will be directed back to me. I have explained the process to you as well as the law requiring you to pay for the program development and the manner in which the records are maintained. To the extent you wish for this office to produce the records identified in your request, it will be necessary for you to pay the cost estimate provided to you.

Sincerely,

Richard J. Chivaro | Chief Counsel
Office of State Controller Betty T. Yee
Legal Office

300 Capitol Mall, Suite 1850

Sacramento, CA 95814 |

From: Rick Chivaro [mailto:]

Sent: Tuesday, December 4, 2018 9:34 AM

To: 'Steven Childs' < >

Subject: RE: PRA request from Steven Childs

You have to pay for a program to be written because that is what the law requires. You are, in fact, the first person to request a run for the nonprofit organization specified. No further explanation is necessary.

Richard J. Chivaro | Chief Counsel
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Sacramento, CA 95814 |

From: Steven Childs [<mailto:>]
Sent: Monday, December 3, 2018 5:41 PM
To: Chivaro, Rick <>
Subject: Re: PRA request from Steven Childs

Could you have the programmer explain why I would have to pay for a program to be written?

This suggests I am the first person to make a request to search for this type of information.

Can you have the programmers themselves or staff explain the need for an entirely new program to be created for each process?

It seems I'm being dissuaded from requesting the information by making the process cost prohibitive.

Steven Childs

On Mon, Dec 3, 2018, 5:11 PM Chivaro, Rick < wrote:
One program for each fiscal year will be required.

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From: Steven Childs [<mailto:>]
Sent: Monday, December 3, 2018 4:57 PM
To: Chivaro, Rick <>
Subject: Re: PRA request from Steven Childs

Would that mean it would require one program to be developed since I am seeking information for one payee?

Steven Childs

On Mon, Dec 3, 2018, 4:22 PM Chivaro, Rick < > wrote:

I am not sure what it is that you do not understand about this process and, s such, it makes explaining the process somewhat difficult. Simply stated, there is no search feature built into the database. Consequently, in order to query the system, a program must be developed specifically for that purpose. The program developed will search all payments made by the Controller's Office to the payee recipient identified in your request as well as any name variations of that payee.

Richard J. Chivaro | Chief Counsel
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From: Steven Childs [mailto:]
Sent: Monday, December 3, 2018 4:01 PM
To: Chivaro, Rick < >
Subject: Re: PRA request from Steven Childs

When you say search, could you elaborate? I also want to understand the need for a programmer.

Steven Childs

On Mon, Dec 3, 2018, 3:28 PM Chivaro, Rick < > wrote:

Dear Mr. Childs:

For sake of clarification, I did not say the records were "digital". What I said is that the records are maintained in electronic format. That means that the data is only maintained on the computer mainframe and is not in paper or hard copy format. It is somewhat akin to maintaining a checking account on-line. The reason a computer programmer is necessary is that a program must be written so that the warrant register may be scanned and the information sought can be captured, compiled and then printed. As you may know, the Controller prints and issues hundreds of thousands of payments daily. These transactions include all funds going in and out of the treasury including investment transactions—over \$811 billion. This also includes transfers of federal funds, claims submitted by agencies for payment of approximately \$17.5 billion, medi-cal payments--\$19.3 billion, income tax refunds, etc. In a fiscal year, the amount of transactions processed by this office is in excess of a trillion dollars. Consequently, in order to identify any one particular payee requires a computer search. There simply is no other way to obtain the information you seek.

Sincerely

Richard J. Chivaro | Chief Counsel
Office of State Controller Betty T. Yee
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300 Capitol Mall, Suite 1850
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From: Steven Childs [mailto:]
Sent: Sunday, December 2, 2018 6:31 PM
To: Chivaro, Rick < >
Subject: Re: PRA request from Steven Childs

Thank you for your response, I appreciate it.

Could you go into further detail on the records? You say they are digital, in what way are they digital? Could you have the staff responsible for records explain this in a way I could understand?

Could you explain why computer programmers are needed to retrieve copies of checks? I'm just having a difficult time understanding this process.

Would it be possible to do a search solely by EIN? What type of information could be obtained searching by an entity's EIN number?

Thank you very much for your patience.

On Tue, Nov 27, 2018 at 10:46 AM Chivaro, Rick < > wrote:
Dear Mr. Childs:

Thank you for your Public Records Act request (copy attached) which is hereby acknowledged. In your request you asked for copies of all checks made payable to Earth Island Institute and/or EIN: 94-2889684. From January 1, 2000 ending November 26, 2018.

The warrant records are maintained in electronic format and will require the State Controller's Office to develop and run a program for purposes of extracting the information sought. Pursuant to Government Code section 6253.9(b) the requestor is required to bear the cost of producing the requested record inclusive of the computer programming and the computer run time. Staff informs me that the cost to produce the records requested is estimated to be \$250.00 per entity per fiscal year. Moreover, due to our record retention policy, the search is limited to the current fiscal year plus the 4 previous fiscal years. The estimated cost to produce the data therefore is \$1250.00.

Please submit your payment made payable to the State Controller's Office with the notation "Public Records Act—Earth Island Institute" to my attention at the address below. Upon receipt of your payment, the records will be made available to you within a reasonable time.

Sincerely,

Richard J. Chivaro | Chief Counsel

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Sacramento, CA 95814 |

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Steven Childs