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December 11, 2019

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Board of Directors
San Luis Obispo County Integrated Waste Management Authority
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Sent via electronic mail: minnery@ammglaw.com

Subject: Requests for Production of IWMA Agency Documents by Plaintiff Carl Knudson

Dear Board Members,

This letter is intended to inform your board of the significant negative impact that the release of documents pursuant to Plaintiff Carl Knudson's Public Records Act request is likely to have on this office's active and ongoing criminal investigation into the conduct of employees of the Integrated Waste Management Authority (IWMA).

Based on the recent lawsuit, *Knudson v. The San Luis Obispo County Integrated Waste Management Authority, et al* (19CV-0629), our office has become aware of various request for documents made by Plaintiff Carl Knudson to the IWMA under the California Public Records Act (Gov't Code section 6250 et. seq).

In his suit, Mr. Knudson alleges that in late-2018 the IWMA hired a forensic auditor/accountant to examine certain IWMA financial operations and to prepare a report. Further, that the IWMA hired a computer expert to recover data lost on IWMA computers and to prepare a report. Mr. Knudson has requested from the IWMA "all data and data files that the computer specialist recovered from Respondent Agency's computers, his report(s) and a copy of the forensic auditor/accountant's report(s)". (Knudson Petition at Paragraph 20, Page 4)

The District Attorney's Office Public Integrity Unit has an open and active investigation related to alleged misconduct by IWMA staff. Although substantial progress has been made in our investigation, the nature and voluminous quantity of electronic data evidence acquired in this case requires significant time for our investigative staff to adequately conduct our review.

While mindful of the public's interest in access to information on the operation of the IWMA, we write to express profound concern about the likely significant negative effect that releasing the information prior to our completed review would have on our active investigation and any resulting criminal prosecution. It is our opinion that the release of the records at this time will have a significant negative impact on both the investigation and any attendant prosecution. If released, the records will reach the public domain and be widely distributed through local media.

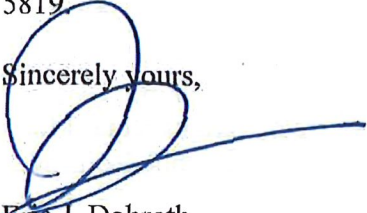
This creates two substantial areas of concern. First, release at this time creates a high likelihood of influencing witness statements and suspect interviews and any resulting trial testimony. The investigation is not yet complete, and we will continue to conduct additional witness interviews. If these witnesses obtain access to the requested information because of its publication, it will likely shape their statements and therefore call into question the quality and believability of those accounts and compromise the overall integrity of the investigation. Second, release of the information will no doubt be covered in our local media. Widespread media attention could taint our local jury pool in such a manner that could arguably interfere with a fair trial. Should that occur, any potential criminal case may be required to be transferred to and tried in another jurisdiction, which would cause even further delay.

Government Code 6254(f) provides your board with a framework in which to analyze precisely the type of harm to an active investigation that we discussed above. The statute says in pertinent part, "...unless disclosure would endanger the successful completion of the investigation or a related investigation." We are not suggesting that production of the requested documents be halted indefinitely. We are however asking that your Board conduct the appropriate balancing of interests under Government Code section 6255(a).

It is our opinion that the interest of justice served by not disclosing the records until completion of the investigation and any related prosecution clearly outweighs the public interest served by disclosure of the records at this time.

Please let me know if I can be of further assistance. You may reach me by phone at (805) 781-5819

Sincerely yours,



Eric J. Dobroth
Assistant District Attorney
County of San Luis Obispo, State of California