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**TELEPHONE (213) 267-4600
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October 23, 2014

Mr. Steven C. Markoff
[REDACTED]

Re: **August 29, 2014 Incident**

Dear Mr. Markoff:

I am a Deputy City Attorney at the Los Angeles City Attorney's Office and a member of the Civil Litigation Group of the Legal Division at the Los Angeles Department of Water and Power. I am one of the attorneys who is involved in investigating the August 29, 2014 incident at [REDACTED] Boulevard involving your dog. Your letter dated September 9, 2014 is being treated as a claim for damages pursuant to the California Government Code. You have additionally communicated by e-mail with LADWP management on various dates. This letter serves as the LADWP response to your requests for information and LADWP documents related to the incident. The LADWP and the City Attorney's Office understand that your complaints about this matter need to be taken seriously.

You have requested the following documents from the LADWP: 1) A copy of the written statement completed by the involved employee regarding the August 29 incident; 2) A copy of the LADWP internal investigative report regarding the August 29 incident; and 3) Information about the discipline, if any, the involved LADWP employee may be facing and/or what discipline has been administered, if any.

The LADWP employee who was at your residence on August 29 identified himself as involved in an incident on his return to his work yard. In accordance with LADWP policy, practice, and procedure, he completed a statement. The employee admits to striking your dog but indicates he did so in self-defense. My office has reviewed your request for the employee statement and legally must deny the request. To avoid any misunderstanding I would like to provide, in part, some of the reasons for the denial.

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Personnel records, which would include employee statements of incidents that could form the basis of disciplinary action, are exempt from disclosure under the *California Constitution (Article 1, Section 1)* and under the California Public Records Act (CPRA, *Government Code Section 6254(c)*). We therefore believe the document is exempt from disclosure based on the official information and personnel, medical and private information exemptions under *Gov. Code §§ 6254(c), 6254(k) and 6255(a)* and *Cal. Constitution, Art. 1, §1*. Additionally, there is a specific exemption to maintain confidentiality of investigative records under *Government Code § 6254(f)*. Additionally, there are employee rights that legally prevent the disclosure of the statement.

"Final" disciplinary actions are likewise protected by a right to privacy, and absent a written authorization from the employee the statement cannot be provided. In this case we cannot advise the status, if any, of any disciplinary action because the employee has a right to privacy in his own statement and disciplinary records, and we need to be mindful of such individually protected rights.

Your requests for the internal investigative report must also be denied on much the same grounds as already stated. The LADWP has the right to maintain confidentiality of investigative materials, particularly when the investigation is on-going. From an employee rights standpoint, which we must also balance, the disclosure of any internal investigative report may impact the individual employee rights. Even if a court might order disclosure, portions of the internal investigative report would nonetheless be redacted to protect the employee's right to privacy of certain information contained within the report.

Your request to know what discipline, if any, the involved LADWP employee may be facing and/or what discipline has been administered, if any, must also be denied, essentially for the same reasons already stated.

I want to again indicate that this response letter is not meant to be an evasion or a legal lesson. I want you to understand our reasons for denying your requests. The denial, however, does not mean that the complaints you have made are being ignored.

As previously stated, the LADWP is treating your September 9, 2014 letter as a claim for damages. At this time LADWP is unaware of the specific damages that you are claiming as a result of the incident. If you provide documentation of any claimed damages, then LADWP will review the documentation and discuss with you possible resolution of the claim.

Very truly yours,



GREGORY ADAMS,
Deputy City Attorney