



Cynthia Hackler, Esq.
1905 N. Wilcox Avenue, Suite 198
Los Angeles, California 90068
Office: 323.247.7030
Fax: 323.319.9242
Cindy@CynthiaHacklerLaw.com

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VIA CERTIFIED MAIL

Les Baugh
1450 Court Street
Suite 308B
Redding, CA 96001

Re: Disclosure of Confidential Personnel Information re: Jan Lopez

Dear Mr. Baugh:

Please be advised that this law firm has been retained by Jan Lopez regarding the recent willful disclosure of confidential personnel and evaluation information regarding Ms. Lopez, following a closed session discussion by Shasta Local Area Formation Commission (“Commission”) on January 29, 2015.

The Ralph M. Brown Act (Gov. Code, § 54950 et seq.) prohibits the disclosure of information acquired during a closed session meeting. (Gov. Code, §54863.) It is incumbent upon those in receipt of the confidential information, including members of the legislative body, to protect the confidentiality of those discussions and information. (See Gov. Code, §54863.) One type of item which can properly be discussed in closed session is personnel matters, including evaluations. (Gov. Code, § 54957.) The reason the Brown Act permits these items to be discussed in closed session is to protect the person from public embarrassment, as well as to permit free and candid discussions of personnel matters by the legislative body. (Gov. Code, § 54957; *Versaci v. Superior Court* (2005) 127 Cal. App. 4th 805, 821.) This makes sense, as the California legislature has repeatedly noted its concern for employee privacy. (See *The Honorable Wesley Chesbro* (2006) 89 Ops. Cal. Atty. Gen. 110.) As a result, in addition to the right of privacy which generally protects the disclosure of personnel information to the public, if personnel information is discussed during closed session meetings of a legislative body, it is also protected from disclosure under the Brown Act.

The willful disclosure of information regarding Ms. Lopez was made to at least two media outlets, and consisted of confidential personnel and evaluation information which was only discussed by the Commission during closed session on January 29, 2015. The disclosure of this information directly related to Ms. Lopez’s ongoing evaluation process, and has subjected Ms. Lopez to unnecessary professional embarrassment.

We note that the Brown Act contains remedies for breaches of the confidentiality of closed session discussions, and we are in the process of evaluating Ms. Lopez's legal options at this time. (See Gov. Code, §54863, subd. (c).) In the interim, we request that you immediately cease any disclosure of confidential personnel or evaluation information related to Ms. Lopez, as well as protect the confidential information regarding Ms. Lopez which you have acquired, or should acquire in the future, during closed session meetings of the Commission.

Should you have any questions about this letter or wish to discuss this matter further, please contact our office directly. We anticipate and appreciate your cooperation in this regard.

Very Truly Yours,



Cynthia Hackler

cc: Client
Stephen Morgan