

WHITE PAPER ON CALIFORNIA PUBLIC RECORDS ACT

PRODUCTION OF OATHS OF OFFICE.

1. ASSIGNMENT: At the request of the Oath Keepers of Orange County the Litigation Logistics Group (llgesq.com) has researched and issued this White Paper on the legal duty of a Government Agency (City, County, State) to produce for inspection the Oath of Office of a Public Official.

2. AGENCY DUTY TO PRODUCE: As set forth below and after a direct conversation with the Public Record Act Clerk in the California Secretary of State Office we have determined that the controlling government agency Clerk has an absolute and affirmative duty to produce for inspection during normal business hours the subscribed oath of Office for any and all Officials working with that Agency, City and/or County.

3. STANDING AND MOTIVE: Any person can make such a request, and any Group or Association acting within the public interest can make such a request. The Clerk of the Agency, City, County cannot ask the motive or reason for the request. COUNTY OF SANTA CLARA V. SUPERIOR COURT (2009) 170 Cal.App.4th 1301 at 1324.

4. OATH OF OFFICE AS PUBLIC RECORD: Per the California Secretary of States Office a Public Official's subscribed Oath of Office is a public record. For verification call 1-916-653-8114 on production duty. Government Code Section 1360 requires elected and appointed public officials to take, subscribe and file their Oath of Office before assuming their position. Any document relating to such appointment to public position is a public record per Government Code Section 6254.8 and BRAUN V. CITY OF TAFT (1984) 154 Cal.App.3d 332.

5. AGENCY DUTY TO CITE AUTHORITY FOR FAILURE TO PRODUCE: Under Government Code Section 6255 and COUNTY OF SANTA CLARA V. SUPERIOR COURT (2009) 170 Cal.App.4th 1301 before refusing to produce a public record the Agency personnel must state the specific Statue and Case Law that supports their denial. "Privacy" is not sufficient. An oath of Office is not a private, personnel document. If the Oath contains personnel information other then the Officials name and date, that information (date of birth, social security number, home address) can be deleted and the document then delivered. See SANTA CLARA at 1321.