Robert Dutcher < robert@dutcher.tv >

Re: Subject: CPRA Request – Counsel's Refusal Does Not Constitute a Statutory Response

Neal Costanzo < neal@costanzolaw.com >

Thu, 17 Sep 2026 7:11:34 AM -0700

To "Robert Dutcher"<robert@dutcher.tv>

Cc "Jason PCWd"<jdf-pcwd@sbcglobal.net>

There isn't going to be a further response
Sent from my iPhone

On Sep 17, 2026, at 12:55 AM, Robert Dutcher <robert@dutcher.tv> wrote:

Subject: CPRA Request – Counsel's Refusal Does Not Constitute a Statutory Response

General Manager and District Counsel,

I am acknowledging receipt of counsel's August 24 message stating:

> *"We're done. I am not responding to this again. Your remedies to sue. Go for it and see what happens."*

This message does not satisfy any of the mandatory requirements of Gov. Code § 6253(c). CPRA requires the District—not its attorney personally—to:

• acknowledge the request, • state whether the requested records will be produced, and • provide the specific exemptions, legal basis, description of each withheld record, and the name/title of the person responsible for the determination.

Counsel's refusal to respond is not permitted under CPRA, and directing a requester to "sue" does not constitute a lawful determination.

Additionally, the repeated assertion that the District may deny a CPRA request because the requester is a board member is incorrect. CPRA applies to
"any natural person" (Gov. Code § 6252(b)). The statute does not exclude board members, elected officials, or individuals with prior knowledge of the records. A requester's identity or perceived motive is not a lawful basis for withholding records.

Because the District has not provided a compliant response, the CPRA request remains pending and the statutory timeline continues to run.

Please provide:

1. A proper CPRA response under § 6253(c),
2. The exemption log for any withheld records, and
3. The requested records in electronic format.

I look forward to the District's corrected response.

Robert Dutcher Fresno, CA
robert@dutcher.tv [redacted]

From: Neal Costanzo <neal@costanzolaw.com>
To: "Robert Dutcher"<robert@dutcher.tv>
Cc: "Jason PCWd"<jdf-pcwd@sbcglobal.net>, [redacted] "Robert [redacted]
Date: Mon, 24 Aug 2026 07:33:49 -0700
Subject: Re: Subject: California Public Records Act Request – New Submission (10-Day Response Required)

We're done I am not responding to this again. Your remedies to sue. Go for it and see what happens

Sent from my iPhone

On Aug 24, 2026, at 1:25 AM, Robert Dutcher <robert@dutcher.tv> wrote:

Subject: California Public Records Act Request – New Submission (10-Day Response Required)

General Manager and Counsel,

This email restates and expands my prior California Public Records Act (CPRA) request, which did not receive a response compliant with statutory requirements.
This request is made in my capacity as a private individual under CPRA, not in my role as a board member.

CPRA does not permit blanket refusals, personal accusations, or denials based on the identity or perceived motives of the requester. The District must respond according to statute.

This request incorporates the corrected timeline and includes
all records previously requested, including but not limited to legal billing, Fresno litigation records, financial records, and rate-increase materials.

1. CPRA Applies to Any Natural Person (Gov. Code § 6252(b))

CPRA defines a requester as
"any natural person." The statute does **not** exclude:

- board members
- officers
- employees
- elected officials

A requester's identity or perceived motives are
not lawful bases for denial.

2. Required CPRA Response Elements (Gov. Code § 6253(c))

If any records are withheld, the District must provide:

- the
  specific exemption claimed
- the
  legal basis for withholding
- a
  description of each withheld record
- the
  name and title of the person responsible for the determination

These elements are
mandatory.

Your prior response did not include them.

3. Records Requested (Full Scope)

This request includes
all records previously requested, including but not limited to:

A. Legal Billing Records

A complete
month-by-month breakdown of all legal fees billed to the District for:

1. **General legal services**
2. **City of Fresno litigation, appeals, and enforcement actions**
3. **Any additional legal categories used in prior months**

From the
beginning of the lawsuit to present, including:

- vendor name (Costanzo & Associates)
- invoice dates
- invoice amounts
- category totals
- monthly totals
- descriptions
- billing statements
- payment confirmations
- check registers
- internal summaries
- any related correspondence

This request is based on the District’s own publicly disclosed format.

The June 2026 Bills Payable was:

- prepared internally on
  June 26, 2026
- emailed to board members on
  July 2, 2026
- made available to the public on
  July 8, 2026

It included:

Costanzo & Associates (Legal Counsel)

- **Gen. legal — $2,186.28**
- **v. City of Fresno — $13,876.90**

Because the District has already created, distributed, disclosed, approved, and recorded this breakdown, it cannot legally refuse prior months in the same format.

B. All Records Related to the Fresno Litigation

Including:

- pleadings
- filings
- motions
- appeals
- enforcement actions
- settlement discussions
- correspondence with the City of Fresno
- correspondence with courts
- correspondence with regulatory agencies
- internal memoranda
- consultant reports
- cost analyses

- payment plans
- rate-impact analyses

These are public records unless specifically exempted.

C. All Financial Records Related to Litigation

Including:

- check registers
- payment vouchers
- internal accounting entries
- budget allocations
- transfers
- audit materials
- financial summaries
- cost projections
- rate-setting documents
- consultant invoices
- consultant reports

D. All Records Related to Rate Increases

Including:

- rate studies
- consultant reports
- internal analyses
- public notices
- board packets

- staff reports
- financial justification documents
- cost-of-service analyses
- historical rate-impact documents

4. Clarification Regarding False Assumptions About the City of Fresno

It has been suggested that I am "working with" or "communicating with" the City of Fresno. This is incorrect.

My only interaction with City of Fresno materials has been reviewing
publicly posted PDFs on the City's website, including CPRA guidance. Reviewing public documents does not constitute communication, collaboration, or coordination with the City.

This incorrect assumption does not provide a legal basis to withhold records under CPRA.

5. Format of Production

Please produce records electronically (PDF or scanned copies). If any records are withheld, provide the required exemption log under § 6253(c).

6. Timeline for Compliance

Under CPRA, the District must:

- acknowledge receipt
- state whether records will be produced
- provide the exemption log for any withheld records

within **10 calendar days**.

This email begins a
new 10-day statutory timeline.

7. Closing

This request is lawful, specific, and limited to non-privileged public records. I expect a corrected CPRA response consistent with Gov. Code § 6253.

Thank you for your prompt attention.

Robert Dutcher Fresno, CA

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Robert Dutcher
robert@dutcher.tv
cell: [redacted]