FILED

SEP 21 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

STEVE WOLFF, SHARON WOLFF,	CASE NO. CV120162
Petitioners,	ORDER
vs.	
CITY OF RIO DELL, and DOES 1 THROUGH 100, INCLUSIVE	
Respondents.	

Pursuant to the Stipulation and Order entered July 5, 2012, the Court has reviewed in camera the redacted and unredacted copies of the Hale Written Investigation Report.

Having considered Government Code sections 6254 (c) and 6255 (a) and the instruction of the Court of Appeal in *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 755-760, the court finds that the redacted written report is subject to disclosure under the California Public Records Act [Gov. Code section 6250 et. seq.) for the following reasons:

1. Mr. Hale is a public official, the former Public Works Director for the City of Rio

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ORDER

1 | Dell.

2 | 2. Mr. Hale has a significant privacy interest in his personnel file, including the Hale

3 | Written Investigation Report.

4 | 3. As a public official in his position, however, Mr. Hale has a reduced expectation

5 | of privacy in the matters of his public employment.

6 | 4. The public has a significant interest in the conduct of the Public Works Director in

7 | the performance of his duties.

8 | 5. The public also has a significant interest in knowing how the officials of the City

9 | of Rio Dell conduct the business of the City, and respond to allegations of misconduct

10 | committed by the Public Works Director.

11 | 6. Given the circumstances, the public's interest in judging how the officials of the

12 | City of Rio Dell addressed this matter outweighs the potential harm to the privacy

13 | interests of Mr. Hale resulting from the disclosure of the Hale Written Investigation

14 | Report.

15 | **ORDER**

16 | The Court orders that the City of Rio Dell release to petitioners the redacted Hale

17 | Written Investigative Report. The Court finds that knowing the identities of the persons

18 | making an allegation pursuant to the City of Rio Dell whistleblower policy and all

19 | persons interviewed during the course of preparing the report will not assist the public in

20 | understanding how the officials of the City of Rio Dell responded to the allegations

21 | involving Mr. Hale.

22 | The Court further orders that the redacted and unredacted copies of the Hale

23 | Written Investigative Report submitted to the Court be sealed, remain part of the Court's

24 | file herein and remain sealed until further order of the court.

25 |

Dated: September 21 , 2012   **DALE A. REINHOLTSEN**

Dale A. Reinholtsen, Judge of the Superior Court

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ORDER

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STATE OF CALIFORNIA,      )
COUNTY OF HUMBOLDT        )  SS.  AFFIDAVIT OF SERVICE BY MAIL
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I, **Lesley M. Amberger**, say:

That I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5th St., Eureka, California, 95501; that I served a true copy of the attached <u>ORDER</u> by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

PAUL NICHOLAS BOYLAN – PO BOX 719, DAVIS, CA 95617

CITY OF RIO DELL – 675 WILDWOOD AVE, RIO DELL, CA 95562

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on the 21st day of <u>SEPTEMBER</u>, 2012, at the City of Eureka, County of Humboldt, State of California.

KERRI L. KEENAN, Clerk of the Court

Lesley M. Amberger

By _____
Deputy Clerk