

*Original Request  
(Emailed to City Council)*

Dear Garden Grove City Councilmen,

I came by to the Police Office and requested the video involving Mayor Nguyen and Police Officer within the past ten days. I thought under the Freedom of Information Act, anyone can request public information regarding City matters. The office in charge told me that I am not allow to have this video even if it exist, and that they will only release the video to authorized source such as with a court order.

This is not what I understand of the Freedom of Information Act, and of what I understand of the Open Government policy is about.

Please let me know if my understanding is correct. If it is, may I have the above video and police reports regarding the incidents involving Mayor Bao in the past 10 days.

Thank you

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Phong Bui

Zimbra

allanr@ci.garden-grove.ca.us

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**Re: PRA response**

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**From :** Allan Roeder <allanr@ci.garden-grove.ca.us>

Mon, Jul 27, 2015 01:31 PM

**Subject :** Re: PRA response**To :** baon@ci.garden-grove.ca.us, Phat Bui  
<pbui@netresultllc.com>, Steve Jones  
<jones4gg@gmail.com>, Kris Beard  
<kbeard@garden-grove.org>, Chris Phan  
<chrisp@garden-grove.org>**Cc :** Tom Nixon <tomn@ci.garden-grove.ca.us>, Todd  
Elgin <todde@ci.garden-grove.ca.us>

Mayor and City Council,

As follow up to the advisement I sent to each of you last week, please note the below. The City Attorney and I have discussed the matter and believe in light of the threat of litigation, you should have the opportunity to read for yourself the independent legal counsel's advisement on this matter. That legal advisement will be provided to you through the City Attorney's Office.

Allan

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Dear Mr. Roeder:

I believe there is no ongoing police investigation and I also believe that I am entitled to this information under "The Public Information Act." The video recorded of police officers in duties is automatically recorded under the government act. I hold the city to respect its pledge for the government transparency. I expect to receive the copy by the end of this moth, July 31, 2015. I shall file a suit against the city of Garden Grove if this information is not released.

Phong Bui.

----- Original Message -----

From: "Allan Roeder" &lt;allanr@ci.garden-grove.ca.us&gt;

To: baon@ci.garden-grove.ca.us, "Phat Bui" &lt;pbui@netresultllc.com&gt;, "Steve Jones" &lt;jones4gg@gmail.com&gt;, "Kris Beard" &lt;kbeard@garden-grove.org&gt;, "Chris Phan" &lt;chrisp@garden-grove.org&gt;

Cc: "Tom Nixon" &lt;tomn@ci.garden-grove.ca.us&gt;, "Todd Elgin" &lt;todde@ci.garden-grove.ca.us&gt;

Sent: Thursday, July 23, 2015 4:48:29 PM

Subject: PRA response

Mayor and City Council,

Last month, Mr. Stephen Fong Bui requested a copy of a conversation between Sgt. Viscomi of the GGPD and Mayor Nguyen that took place on June 18, 2015. The request was made at the Police Department under the Freedom of Information Act. Department personnel advised at the time of the request that the information was not available. Mr. Bui subsequently emailed members of the City Council expressing his concern that he was being denied public records.

Frequently, voice recordings by Police Officers are not subject to release as they are part of the investigatory process. In this instance, the voice recording was initiated in advance of the subject conversation; the Mayor was unaware that it was being recorded and ultimately did not result in additional investigation. Consequently, it was unclear how the request should be treated so we enlisted independent legal counsel to review the matter and offer direction to us. The conclusion was to deny the request under Government Code Sections 6254(f) (police investigatory record) and 6255 (based on the constitutional right to privacy) which basically asserts that the public interest is better served by not disclosing the information than through disclosure.

We are advising Mr. Bui today (see below) that we are not releasing the requested recording as well as our reasoning behind that decision. Because Mr. Bui emailed members of the City Council on this matter, we felt you should be apprised of its disposition.

Allan

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"This is in response to your request to the Garden Grove Police Department for a voice recording of a conversation between Mayor Nguyen and a member of the Police Department. The City conducted our fact finding and independent legal review per your request. It is our conclusion that the recording is exempt from disclosure under Government Code section 6254(f) (police investigatory record), and 6255 in that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure, based on an expectation of privacy from a conversation on private property without knowledge by both parties that the conversation was being recorded. We appreciate your patience in allowing us to research the request for legal compliance."

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