



May 13, 2021

Brian E. Washington  
COUNTY COUNSEL

**VIA ELECTRONIC MAIL ONLY**

Renee Giacomini Brewer  
ASSISTANT COUNTY COUNSEL

Robbie Powelson  
112223-96863016@requests.muckrock.com

Jenna J. Brady  
CHIEF DEPUTY COUNTY COUNSEL

Re: Public Records Act Request dated May 5, 2021  
File No. 21-270

Patrick M. K. Richardson  
Stephen R. Raab  
Steven M. Perl  
Brian C. Case  
Kerry L. Gerchow  
Tarisha K. Bal  
Deidre K. Smith  
Brandon W. Halter  
Sarah B. Anker  
Jacy C. Dardine  
Kate K. Stanford

Dear Mr. Powelson,

My office represents the Marin County Sheriff's Office, Coroner's Division. We are in receipt of your Public Records Act (PRA) request, dated May 5, 2021.

As an initial matter, to the extent the requested records contain any confidential personal or medical information that is exempt under the California Public Records Act, individual privacy rights under the United States Constitution, individual privacy rights under the California State Constitution, or any Federal or State confidentiality or medical information privacy statute, such protected information has or will be redacted prior to the document's disclosure. (Government Code section 6254(k), incorporating United States Constitution and California Constitution.)

DEPUTIES

Colleen McGrath  
ADMINISTRATIVE SERVICES  
OFFICER

Further, responsive documents pursuant to your request will not be produced based on the following:

Marin County Civic Center  
3501 Civic Center Drive  
Suite 275  
San Rafael, CA 94903  
415 473 6117 T  
415 473 3796 F  
415 473 2226 TTY  
www.marincounty.org/cl

- Preliminary drafts exempt from disclosure pursuant to Government Code Section 6254(a).
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law. Government Code Section 6254(k).
- Records exempt because the public interest in withholding the records clearly outweighs the public interest in disclosure of the records. Government Code Section 6255.
- Records exempt from disclosure as investigative and intelligence information. Government Code Section 6254(f).
- Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission. Government Code Section 6254(r).

Below is your request with a corresponding response.

**Request No. 1:** All records relating to death on the waters of Richardson Bay from January 1st, 2000 to May 5th, 2021. This request is to ascertain the number of deaths, when the deaths occurred, the causes of death, and the names, age, and places of residence of those who died on the waters of Richardson Bay within the specified time period. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

**Response to Request No. 1:** Under applicable California law, even a focused, specific request, when it would require an agency to search volumes of documents or to produce a large volume of material may be objectionable as “unduly burdensome.” (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166; citing *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440.) In addition, pursuant to the California Public Records Act (Cal. Gov’t Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. It does not require public entities to provide information, answer questions, complete submitted documents, or create new documents. The requested records are also vague. The area “waters of Richardson Bay” consists of multiple geographical areas.

Moreover, and most importantly, the Marin County Sheriff’s Office, Coroner’s Division does not track deaths by geographical region. The Marin County Sheriff’s Office, Coroner Division will permit inspection of the Coroner Master Log so that you may identify any cases you wish to review within the confines of any applicable Shelter in Place (SIP) orders that are in place in Marin County. Of course, only non-exempt records will be provided for your review as discussed above. If you seek copies of any such releasable documents, appropriate service and copying fees may apply. Accordingly, if you wish to view the Coroner Master Log, please telephone 415.473.6043 during normal business hours (Monday through Friday between 8:00 a.m.-12:00 p.m. and 1:00 p.m.-4:00 p.m.) to schedule an appointment to do so.

If you need any further assistance, please do not hesitate to contact me directly.

Sincerely,

/s/

Kerry Gerchow  
Deputy County Counsel

cc: Lieutenant Jeff Edwards  
Roger G. Fielding, Chief Deputy, Coroner Division