

**From:** John Driscoll [jdriscoll@cityofplacerville.org](mailto:jdriscoll@cityofplacerville.org)  
**Subject:** Re: Preservation of records  
**Date:** December 15, 2016 at 2:42 PM America/Los\_Angeles  
**To:** Kirk [kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)



Hi Kirk,

Thanks for the email. Regina had previously forwarded to me your PRA request. It is my intent to make sure that none of the documents subject to the PRA and your request are destroyed as it is my intent that you receive all documents that are within the scope of your request and that are not otherwise exempted from the act as for example privileged or confidential. Because of the time that may be required to review all the sources for the documents and to review the documents themselves that are subject to your request, it is anticipated that it may take more than 10 days to provide the documents to you. I will be working with the City Clerk to get you the documents as soon as possible. I will keep you advised of our progress. Should you have any questions, please do not hesitate to contact me.

John

John Driscoll  
City Attorney  
City of Placerville  
[jdriscoll@cityofplacerville.org](mailto:jdriscoll@cityofplacerville.org)  
530-642-5200

On Thu, Dec 15, 2016 at 1:28 PM, Kirk <[kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)> wrote:

Hi John,

Pasted below is the records request I sent to the city. Please take such steps as are necessary to ensure that all records are preserved regarding these matters, including all related email communication each council member and city employee have that are covered by the scope of this request.

John Clerici, acting in his capacity as Vice-Mayor of the Placerville City Council, wrote a letter to the editor of the Mountain Democrat last week to once again raise issues related to No on Measure L signs. I spotted his letter only after two persons known to him posted online responses that were false and defamatory.

Although I stated online that that the two signs in question are not mine, that I did not put them there, and that I have only posted signs on private property with permission from those having the right to grant such consent, the city's Vice Mayor did not let the matter rest. John then again made false statements, directly and by innuendo, that I among other things committed crimes and am not trustworthy.

I learned the elements of defamation and defamation *per se* long before I left high school and would suggest that you may want to advise your clients the same. I am not a public figure. The false charges of violating laws and dishonesty were more than by innuendo. And this incident was not isolated.

Horribly reckless and irresponsible rumors have been spread over a number of months and no matter what I have said, nothing has curbed this purposely hurtful string of smears. I want to learn the identity of the source or sources of these outrageously irresponsible lies. After the requested information is provided, John, I am sure that you and I can quickly and conclusively learn the identity of the person or persons responsible for the sign placement and other issues that seem to have so greatly disturbed John Clerici and others in local government.

I would hope that it would not be necessary after that point for me to do what would otherwise be required to defend my reputation. However, I would appreciate your cooperation in having the records preserved and protected from destruction, from anyone pulling a Karl Rove

or Hillary Clinton. None of the evidence requested should be erased or otherwise destroyed.

You are welcome to call should you have any questions. I look forward to your cooperation in this matter. Kirk

Kirk Callan Smith

3273 Sacramento Street

Mail: PO Box 654

Placerville, California 95667

Phone: [\(530\) 503-7400](tel:5305037400)

---

: Kirk [mailto:[kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)]

**Sent:** Tuesday, December 13, 2016 4:00 PM

**To:** 'Regina O'Connell' <[roconnell@cityofplacerville.org](mailto:roconnell@cityofplacerville.org)>

**Subject:** Public Records Request Act --Measure L

Hi Reginia,

This request, pursuant to the California Public Records Request Act is to examine and or duplicate:

- 1) all records from January 1, 2016 to the present about or concerning any sales tax increase proposal including but not limited to Measure L that are from or to, or involves, any member of the Placerville City Council, any employee of the city, any member of a city appointed committee such as by illustration the Measure H Committee and the Parking Committee and any other person, including but not limited to members of the public.
- 2) all records from January 1, 2016 to the present about or concerning any question, issue, information or complaint about or related to the Fair Political Practices Commission as well as laws it enforces, including any allegation of any violation or possible violation of FPPC rules.
- 3) all records from January 1, 2016 to the present about or concerning Kirk Smith.
- 4) all records from January 1, 2016 to the present about or concerning Tom Cumpston, David Machado, as well as Philip Veerkamp that in anyway discuss or concern, about or mention Kirk Smith as well as any issue related to FPPC rules and

regulations as well as any matter involving political campaign signs.

Note: For purposes of this request, the words all records include but is not limited to written, photographic, digital, video, and audio. This would necessarily include by way of illustration email communication, letters, memorandums, photographs, audio recordings. Once these materials are available, I will be available to review them at your convenience and to make such copies as may be required. Regardless of whether previously stated these records include but are not limited to those from or to or involves any member of the Placerville City Council, any employee of the city, any member of a city appointed committee such as by illustration the Measure H Committee and the Parking Committee and any other person, including but not limited to members of the public.

Thank you for your assistance. –Kirk

Kirk Callan Smith

3273 Sacramento Street

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Placerville, California 95667

Phone: [\(530\) 503-7400](tel:5305037400)

**From:** "Regina O'Connell" roconnell@cityofplacerville.org  
**Subject:** Re: Preservation of records  
**Date:** December 16, 2016 at 6:59 AM America/Los\_Angeles  
**To:** John Driscoll jdriscoll@cityofplacerville.org



Hi John,

I appreciate your response to Kirk, thank you.

I am out of the office again today. My daughter is very sick. I will be checking emails periodically.

Regina

On Thursday, December 15, 2016, John Driscoll <[jdriscoll@cityofplacerville.org](mailto:jdriscoll@cityofplacerville.org)> wrote:

Hi Kirk,

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John

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Kirk Callan Smith

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Placerville, California 95667

Phone: [\(530\) 503-7400](tel:5305037400)

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: Kirk [mailto:[kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)]

**Sent:** Tuesday, December 13, 2016 4:00 PM

**To:** 'Regina O'Connell' <[roconnell@cityofplacerville.org](mailto:roconnell@cityofplacerville.org)>

**Subject:** Public Records Request Act --Measure L

Hi Regina,

This request, pursuant to the California Public Records Request Act is to examine and or duplicate:

1) all records from January 1, 2016 to the present about or concerning any sales tax increase proposal including but not limited to Measure L that are from or to, or involves, any member of the Placerville City Council, any employee of the city, any member of a city appointed committee such as by illustration the Measure H Committee and the Parking Committee and any other person, including but not limited to members of the public.

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3) all records from January 1, 2016 to the present about or concerning Kirk Smith.

4) all records from January 1, 2016 to the present about or concerning Tom Cumpston, David Machado, as well as Philip Veerkamp that in anyway discuss or concern, about or mention Kirk Smith as well as any issue related to FPPC rules and regulations as well as any matter involving political campaign signs.

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Thank you for your assistance. –Kirk

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Regina O'Connell  
City of Placerville Administration Dept.

City Clerk/Human Resource Officer

530-642-5531

[roconnell@cityofplacerville.org](mailto:roconnell@cityofplacerville.org)

**From:** John Driscoll [jdriscoll@cityofplacerville.org](mailto:jdriscoll@cityofplacerville.org)  
**Subject:** Re: Preservation of records  
**Date:** December 16, 2016 at 9:25 AM America/Los\_Angeles  
**To:** "Regina O'Connell" [roconnell@cityofplacerville.org](mailto:roconnell@cityofplacerville.org)



Hi Regina,  
No problem, we can discuss Kirk's PRA request next week, I hope you daughter gets better soon.  
John

John Driscoll  
City Attorney  
City of Placerville  
[jdriscoll@cityofplacerville.org](mailto:jdriscoll@cityofplacerville.org)  
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