



October 21, 2013

OFFICE OF THE CHANCELLOR
BOX 951405
LOS ANGELES, CALIFORNIA 90095-1405

Senator Jean Fuller
Senator Bob Huff
California State Senate
State Capitol
Sacramento, California 95814

Dear Senators Fuller and Huff:

I am in receipt of your correspondence dated September 13, 2013, regarding Professor Froines and the Public Records Act. I appreciate the opportunity to come to a conclusion with you on this matter. I have read the letter and its attachments thoroughly, and I respectfully disagree with the assessment of the situation. I remain confident that UCLA has acted in good faith and is in compliance with the terms of its relevant contracts with the State and the Public Records Act.

First of all, as a public institution, UCLA carefully evaluates all requests for records (and it receives hundreds each year), in order to produce records that relate to the conduct of the public's business that are not otherwise exempt from disclosure under the applicable laws. It is my belief that UCLA has fulfilled its responsibility through the hundreds of pages of documents that were duly provided and from my previous letter that responded to your concerns.

Second, in your September 13, 2013 letter, you addressed several categories of your continuing concern. You alleged that we have somehow "changed our story." This is not the case. UCLA has responded to each of a series of demands for documents with consistency, providing hundreds of pages of documents, while also protecting federally-protected student privacy and important principles of academic freedom at the same time, by relying on legally appropriate exemptions from disclosure of some documents. These exemptions are not singular or mutually exclusive, but rather provide exemptions for different categories of records to protect unique privacy and other interests. Our responses have been consistent with the applicable legal obligations. The fact that there are several different reasons for withholding some categories of documents (including, in some instances, the fact that they are no longer in our legal custody or control) does not make our responses in any way inconsistent.

I am concerned that your letter relies on some documents that are completely unrelated to Professor Froines, and/or that the documents demanded of him cite language that does not state what you claim it states. For example, with regard to your concerns in your section concerning "Conflicts of Interest," your letter states that Professor Froines' disclosure form states that "prohibited conflicts of interest" are "too many to list." In addition, it argues that he references "see other sources," but that he did not provide the other sources. We carefully reviewed the attachments supporting your letter, and we do not find that they support your referenced conclusion. Importantly, the disclosure form attached does not ask for the individual to list "prohibited conflicts of interest." Instead, the document asks the individual to provide "Research

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Support,” “to report relevant information regarding both public and private sources of research support,” and “Public Statements and Positions: List your relevant articles, testimony, speeches.” These questions do not state or imply that receiving research funding or publishing research articles and other materials represent impermissible conflicts of interest. In response to these reporting obligations, Professor Froines responded accurately and transparently by disclosing that his research activities were “too many to list,” but also advised the agency to “see CV.” It is entirely reasonable that given Dr. Froines long and distinguished career, that he would have many more sources of research support and numerous articles and presentations than could be identified and fit in the few inches provided on a government form. In such a case, it is to be expected that he would refer to his curriculum vita. This does not in any way imply that Dr. Froines did believe or did report that he had some “prohibited conflicts of interest.” A fair reading of the relevant form does not lead to such conclusion.

Regarding your concerns that “Academic Freedom does not Apply to this Situation,” your letter refers to “UC-Cal EPA 2006 Contract of Agreement, Page 1, Item 3,” and it argues that Cal-EPA entered into a contract with Froines and the associated agency, and that the Regents were paid \$1.15 million for this work. This notion appears to be in error. The referenced and attached contract is with UC Berkeley, not UCLA nor Dr. Froines. Exhibit F to the agreement you attached explains the background and a guideline for the peer review services covered by the agreement, and it identifies only the State Water Resources Control Board, which is not the agency for whom Professor Froines did his work. The agreement that governed Dr. Froines’ work was “08-C0129,” and it was between The Regents (campus not specified) and the Department of Pesticide Regulation (DPR), not Cal-EPA. The amount of the contract was \$72,164. This document, as you know, has been provided by UCLA in response to multiple Public Records Act Requests.

As to your argument that “UCLA has failed to disclose other relevant information per the contract,” the references you provided were to the incorrect agreement, as discussed above. The contract that governed Dr. Froines’ work did not contain a clause similar to “Clause H of Exhibit A,” that requires retention and review of records”, nor did it contain a similar attachment. We are not aware of any contractual provision that would override the application of the California Public Records Act, including the applicable exemptions to the disclosure. Again, if you believe that the agencies that retained Prof. Froines did not receive the services that they contracted for, then UCLA wholeheartedly disagrees, but respectfully suggests that you take up your concerns with those other specific agencies.

Sincerely,



Kevin S. Reed
Vice Chancellor, Legal Affairs