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DEPARTMENT OF JUSTICE



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November 13, 2009

Nicholas S. Chrisos
County Counsel
County of Orange
P.O. Box 1379
10 Civic Center Plaza
Santa Ana, CA 92702

RE: Orange County Fair Board---Government Code, section 1090 and Bagley-Keene Opening Meeting Act, Government Code, section 11120 et seq.

Dear Mr. Chrisos:

I am writing in response to your letter to me dated October 30, asking that we “examine the July 29, 2009, action of the Orange County Fair Board outlined in the attached minutes [as] [i]t appears that this action may violate Government Code section 1090 and the Bagley-Keene Open Meeting Act.” I read your letter as requesting an investigation of possible criminal violations of these two laws. (See, Gov. Code, § 1097; Gov. Code, § 11130.7.) For the reasons stated in this letter, I am declining your request to examine or investigate this matter.

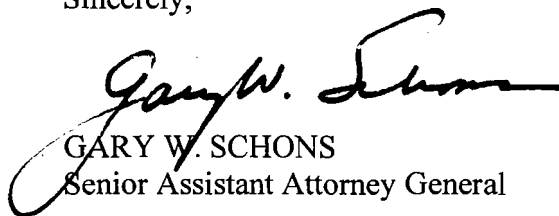
First, the Attorney General serves as counsel for the Orange County Fair Board, also known as the Board of Directors of the 32nd District Agricultural Association. It would be inappropriate for this office to launch a criminal investigation into the matters raised in your letter given that this office represents the board. Second, the District Attorney, and not the Attorney General, has primary responsibility for the investigation and prosecution of crimes occurring in the county. (Gov. Code, § 26500.) Accordingly, you may bring this matter to the attention of the District Attorney.

I have referred a copy of your letter to our Natural Resources Section, which represents the board, and I understand that the attorneys in that section, who provide counsel to the board, are aware of the issues raised in your letter.

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Thank you for bringing this matter to our attention.

Sincerely,



GARY W. SCHONS
Senior Assistant Attorney General

For EDMUND G. BROWN JR.
Attorney General

GWS: clh