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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SACRAMENTO  
12 CIVIL DIVISION  
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14  
15 **PUBLIC.RESOURCE.ORG, INC.,**

Petitioner,

16  
17 v.

18 **CALIFORNIA OFFICE OF**  
19 **ADMINISTRATIVE LAW, and the**  
20 **CALIFORNIA BUILDING STANDARDS**  
**COMMISSION,**

21 Respondents.

Case No. 34-2021-80003612

**DECLARATION OF KEVIN D. HULL IN**  
**SUPPORT OF RESPONDENT**  
**CALIFORNIA OFFICE OF**  
**ADMINISTRATIVE LAW'S**  
**OPPOSITION TO THE VERIFIED**  
**PETITION FOR PEREMPTORY WRIT**  
**OF MANDATE ORDERING**  
**COMPLIANCE WITH THE PUBLIC**  
**RECORDS ACT**

22 Date: January 21, 2022  
23 Time: 1:30 p.m.  
24 Dept: Dept. 27  
25 Judge: Steven M. Gevercer  
26 Trial Date:  
27 Action Filed: March 17, 2021

28 I, Kevin D. Hull, declare as follows:

1. I am an attorney with the California Office of Administrative Law ("OAL") and have served in this position since 2012. As part of my responsibilities, since 2016, I have served as the contract administrator for OAL regarding the contract between Thomson Reuters and OAL for

1 the publication of the California Code of Regulations, California Code of Regulations  
2 Supplement, California Regulatory Notice Register, and the online California Code of  
3 Regulations. I have personal knowledge of the matters in this declaration, except for the matters  
4 that are specified to be based on information and belief and, if called, would so testify. I submit  
5 this declaration in Support of Respondent California Office of Administrative Law's Opposition  
6 to the Verified Petition for Peremptory Writ of Mandate.

7 2. OAL is responsible for, among other things, compiling and publishing the California  
8 Code of Regulations ("CCR".) To ensure the public has access to the CCR, OAL is responsible  
9 for making it available for free online and available in hard copy at various locations throughout  
10 California. To accomplish this, OAL contracts with Thomson Reuters for their specialized  
11 publication services. The most recent contract between OAL and Thomson Reuters became  
12 effective on January 1, 2021.

13 3. The terms of the contract between OAL and Thomson Reuters require that Thomson  
14 Reuters maintain a "Master Database," the contents of which are specified in the contract.  
15 Thomson Reuters maintains ownership over the physical database. Although the contract  
16 authorizes OAL to receive an electronic database containing the data from the Master Database at  
17 the expiration or termination of the contract, due to continuity of the contractual relationship,  
18 OAL has never needed, and Thomson Reuters has never provided to OAL, the data in the Master  
19 Database in the form of a useable electronic database or in any other format. The parties agreed to  
20 this contract provision in the event that OAL would need to provide the historical data contained  
21 in the Master Database to a new contractor. OAL has never viewed or directly accessed the  
22 Master Database and additionally does not have the proprietary software needed to view or access  
23 let alone copy the data in the Master Database.

24 4. When OAL receives a request to view or access the CCR from anyone, including the  
25 public or another state agency, OAL directs the requestor to the various locations with hard copy  
26 formats as well as to a free electronic version available at the online website.

27 5. OAL received a request for records from Public.Resource.Org., Inc. dated December  
28 29, 2020. In response to this request, OAL offered copies of the CCR in every format in OAL's

1 possession and provided a link to the online CCR. OAL does not possess the CCR in any format  
2 not offered to Petitioner. Specifically, OAL does not possess the CCR in a “structured, machine-  
3 readable format, such as XML or PDF files.”

4 6. Exhibit B, lodged by Petitioner in its Notice of Lodging of Administrative Record is a  
5 true and correct copy of the previous contract between OAL and Thomson Reuters for publication  
6 of the CCR that was in effect on December 29, 2020, the date OAL was in receipt of Petitioner’s  
7 request for records under the Public Records Act (PRA.)

8 7. Exhibit C, lodged by Petitioner in its Notice of Lodging of Administrative Record, is  
9 a true and correct copy of correspondence received by OAL dated December 29, 2020.

10 8. Exhibit D, lodged by Petitioner in its Notice of Lodging of Administrative Record is a  
11 true and correct copy of the email correspondence between OAL and Petitioner between the dates  
12 of December 29, 2020 and March 2, 2021.

13 9. Exhibit E, lodged by Petitioner in its Notice of Lodging of Administrative Record, is  
14 a true and correct copy of correspondence received by OAL dated February 3, 2021.

15 10. Exhibit J, lodged by Petitioner in its Notice of Lodging of Administrative Record is a  
16 true and correct copy of the current contract between OAL and Thomson Reuters for publication  
17 of the CCR that went into effect on January 1, 2021.

18 I declare under penalty of perjury under the laws of California and that the foregoing is  
19 true and correct to the best of my knowledge. Executed on December 27, 2021, in Sacramento,  
20 California.

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23 KEVIN D. HULL

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