



PACIFIC LEGAL FOUNDATION

October 24, 2008

Director of Admissions Vu Tran
University of California
Los Angeles Undergraduate Admissions
1147 Murphy Hall, Box 951436
Los Angeles, CA 90095-1436

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Re: Public Records Act Request

Dear Director Tran:

It has come to Pacific Legal Foundation's (PLF) attention that the University of California - Los Angeles (UCLA) may be violating the California Constitution, Article I, section 31 (Proposition 209), by granting preferences to undergraduate applicants on the basis of their race or ethnicity. Article I, section 31(a), reads: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

PLF has been contacted by students, parents, professors, and other concerned Californians who want to ensure that UCLA is following the commands of California law. On their behalf, PLF makes this formal request for public records within your custody, control, and/or possession. PLF's right to this information is established in Article I of the California Constitution (Proposition 59), as well as the Public Records Act, California Government Code section 6250, *et seq.*

This letter also serves as a formality to document PLF's claim of right to this information, and to foreclose the possibility that the data will be destroyed before PLF's request has been resolved. *Laughlin v. Comm'r of IRS*, 103 F. Supp. 2d 1219, 1223 (S.D. Cal. 1999) ("A government improperly destroys agency records under FOIA only if it destroys them after a FOIA request has been made to the agency.").

PLF requests you provide:

1. All undergraduate applications, including essays, to UCLA by potential students applying to be members of the classes of 2005, 2006, 2007, and 2008.

Headquarters: 3900 Lennane Drive, Suite 200 • Sacramento, CA 95834 • (916) 419-7111 • Fax: (916) 419-7747
Alaska: 121 West Fireweed Lane, Suite 250 • Anchorage, AK 99503 • (907) 278-1731 • Fax: (907) 276-3887
Atlantic: 1002 SE Monterey Commons Blvd., Suite 102 • Stuart, FL 34996 • (772) 781-7787 • Fax: (772) 781-7785
Hawaii: P.O. Box 3619 • Honolulu, HI 96811 • (808) 733-3373 • Fax: (808) 733-3374 • Oregon: (503) 241-8179
Washington: 10940 NE 33rd Place, Suite 210 • Bellevue, WA 98004 • (425) 576-0484 • Fax: (425) 576-9565
E-mail: plf@pacificlegal.org • Web Site: www.pacificlegal.org

(All personal identifying information may be redacted, so that only non-identifying information including age, sex, ethnicity, race, socio-economic background, extra-curricular activities, grade-point average, SAT/ACT score, etc., is shown.)

2. All decisions of readers of these applications, including the identities of the readers and the scores that they assigned to applications that they read, as well as the final decision whether the applicants were admitted.
3. All guidance given to the readers of these applications, including, but not limited to, worksheets, policies, handbooks, etc.
4. All notes, completed worksheets, and/or spreadsheets identifying each reader, and how each reader arrived at his or her decision regarding whether an applicant was admitted.

If the records and documents sought are stored electronically, please provide the information on a disk readable by an IBM-compatible personal computer and identify the program used or send it as an e-mail attachment to me at jpt@pacificlegal.org or to Sharon L. Browne at slb@pacificlegal.org. If the information sought is not stored electronically, please provide hard copies. Copies can be mailed to: 3900 Lennane Drive, Suite 200, Sacramento, California 95834.

PLF is aware of the applicable federal and state privacy laws governing student applications. While we believe our request is sufficiently tailored to avoid any conflict with both the Family Educational Rights and Privacy Act (FERPA) and California's Information Practices Act, we are willing and eager to work with UCLA to safeguard individual identities. If you determine that you cannot disclose any of the requested information in its entirety, I request that you release any and all reasonably redacted or segregated material that may be separated and released. For any documents, or portions thereof, that you determine to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that a reasonable basis exists to invoke an exemption.

Should you withhold disclosure of documents within the scope of this request, I ask that you provide an index that: (1) identifies each and every document that is withheld; (2) states with specificity that statutory exemption claimed for each document; and (3) explains how disclosure of a particular document would damage the interest protected by a particular exemption.

Government Code section 6253(c) requires a response within ten days of the receipt of this request. If you are unable to provide copies of the requested information to me within the time specified, please contact me immediately at (916) 419-7111.

Director of Admissions Vu Tran
October 24, 2008
Page 3

We respectfully request that you waive any fees. Pacific Legal Foundation is a nonprofit public interest organization which subsists on charitable donations. PLF is pursuing this matter in the public's interest. If you decide that the documents requested are too numerous or lengthy to provide courtesy copies, please contact me immediately so that we may discuss the cost of providing the documents.

Thank you for your immediate attention to this matter. If you have any questions, please feel free to contact me at (916) 419-7111.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua P. Thompson', with a long horizontal flourish extending to the right.

JOSHUA P. THOMPSON
Attorney