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Sept. 18, 2006

The Honorable Bill Lockyer
Attorney General of California
P. O. Box 944255
Sacramento, CA.
94244-2550

Dear Attorney General Lockyer:

FTCR is writing to ask for your official opinion as to whether a quo warranto action can be brought on behalf of the People of California to remove John Hein from the Citizens' Financial Accountability and Oversight Committee. We understand that should FTCR decide to seek leave to bring a quo warranto action in the name of the People of the State of California for Mr. Hein's removal from office, FTCR would have to file a formal application with your office. At this stage, we are simply asking your Office to investigate this matter and issue a decision as to whether FTCR or the Attorney General could pursue further action.

The California Stem Cell and Cures Act, Article 1, section 125290.30 (c) provides: "Committee members shall have medical backgrounds and financial knowledge of relevant financial matters."

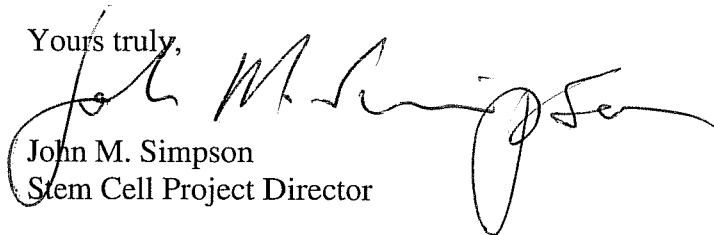
Mr. Hein has acknowledged he has no medical background. In fact, he said he raised concerns about his lack of a medical background with the appointing official, Assembly Speaker Fabian Núñez. Notwithstanding the fact that Mr. Hein fails to meet the statutory requirements to hold office as a Committee Member on the CFAOC, he was nevertheless appointed by Mr. Nunez to this post on Dec. 10, 2004.

With this flagrant violation of section 125290.30 (c), Mr. Hein is now unlawfully holding and exercising his public office having voted and taken part in debate at the CFAOC's first meeting and, on that basis, should be subject to an action in quo warranto. Section 803 of the Code of Civil Procedure provides that an action in quo warranto may be brought by the Attorney General in the name of the People of California, "upon his own information, or upon the complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office...within this state." A quo warranto action is appropriate where, as here, the right of someone to hold a public

office is in question. 1999 WL 604479 (Cal.A.G.) (No. 99-614); *Hallinan v. Mellon* (1963) 218 Cal.App.2d 342, 347-48.

For all of the foregoing reasons and in order to uphold the public's confidence in its appointed state officials, we ask that you issue an opinion as to whether Mr. Hein can be removed through a quo warranto action in the name of the People of the State of California for unlawfully exercising his office by violating section 125290.30 (c) of the California Stem Cell and Cures Act and not possessing the specified qualifications for the position.

Yours truly,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a large, stylized initial "J" and "S".

John M. Simpson
Stem Cell Project Director