



September 12, 2023

**VIA EMAIL AND U.S. MAIL**

Insurance Commissioner Ricardo Lara  
California Department of Insurance  
300 Capitol Mall, 17th Floor  
Sacramento, CA 95814

**Re: Request for Records Concerning Insurance Industry Proposals to  
Undermine Proposition 103 and other California Consumer Protection Laws**

Commissioner Lara:

According to your statements in a recent podcast interview with a state legislator, a letter to lawmakers from an insurance industry lobbyist, and many news reports, you have been working with the insurance industry behind closed doors on proposals that would limit the consumer protections afforded to Californians by and under the authority of Proposition 103.

Pursuant to Insurance Code section 1861.07, the California Public Records Act, and Article 1, section 3, subdivision (b) of the California Constitution, we are writing to obtain the following records:<sup>1</sup> Copies of drafts of the legislative and or regulatory proposals that you, your aides and employees of the Department have exchanged with lobbyists, lawyers or other representatives of the insurance industry, and any communications related to those proposals, between November 1, 2022 and this date.

The goal of the transparency and disclosure requirements of Proposition 103, the California Public Records Act, and the California Constitution is to allow the public to scrutinize your communications with the industry concerning Proposition 103 in order to assess the exercise of the powers the voters gave you to enforce and administer California insurance laws.

Documents provided to the Commissioner concerning Proposition 103 are required to be made publicly available under Insurance Code section 1861.07, which was enacted by the voters as part of Proposition 103. There are no exceptions to this requirement. (See, e.g., *State Farm Mutual Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029.) We believe that all communications related to such documents are subject to disclosure.

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<sup>1</sup> The term “records” includes, but is not limited to, documents and communications, whether created or maintained in printed, typed, hand-written, facsimile, or email or other digital form. Consumer Watchdog requests these records in an electronic format such as a Portable Document Format (“PDF”).

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In response to recent requests for public records, the Department has taken the position that requests for records under Section 1861.07 are subject to the California Public Records Act (CPRA). As Consumer Watchdog has explained in other correspondence with your office, requests under Section 1861.07 are not subject to the CPRA. To the extent this request seeks records provided to the Commissioner concerning Proposition 103, the request is made under the authority of Section 1861.07. To the extent the Department considers this request to seek records that it contends are not subject to Section 1861.07, Consumer Watchdog seeks the records under the Public Records Act.

As you know, the industry campaign to obtain the Legislature's support for a last-minute bailout failed to meet a critical deadline last night, after growing public attention and widespread media coverage. Some have suggested you should satisfy the industry's demand for deregulation by issuing new regulations to undermine Proposition 103, without the public notice and public scrutiny requirements of the California Administrative Procedures Act.

For this reason, it is imperative that you comply with this request immediately.

We remind you and your colleagues of your obligation to protect these records from destruction pending potential litigation over this request.

Your immediate action is anticipated.

For Consumer Watchdog,

  
Harvey Rosenfield

  
Carmen Balber