


**From:** Harvey Rosenfield harvey@consumerwatchdog.org   
**Subject:** OAL #2026-0417-05 ("Intervenor and AHB Fairness and Accountability")  
**Date:** May 27, 2026 at 9:41 AM  
**To:** Kenneth.Pogue@oal.ca.gov  
**Cc:** OALReferenceAttorney@oal.ca.gov, Will Pletcher Will@consumerwatchdog.org, Pam Pressley pam@consumerwatchdog.org, Ryan Mellino ryan@consumerwatchdog.org



Dear Director Pogue:

On April 28, Consumer Watchdog wrote OAL to point out that Insurance Commissioner Lara had inserted additional evidence in the rule-making file in this matter, in the form of a personal letter, that had not been subject to public notice and comment and therefore violated Govt. Code sections 11346.8(d), 11346.9(a) (1), and 11347.1. Commissioner Lara's letter was first disclosed to the public in connection with his April 20 news release announcing that he had submitted the proposed regulations to OAL.

On April 29, we received an email from OAL stating that our concern should have been brought to the attention of CDI during the rule-making proceeding. That, of course, imposed an impossible Catch 22 since Mr. Lara's letter was included in the record after the proceeding was concluded - that was the essence of the violation we sought to bring to OAL's attention.

Also on April 29, Consumer Watchdog received a separate email from OAL concerning a Public Records Act request we had submitted previously, seeking the complete rule-making package CDI had filed with OAL. After communicating with an OAL staff attorney, Consumer Watchdog received an email containing a portion of the requested records on May 1. However, because the CDI filing was voluminous, OAL mailed Consumer Watchdog three CDs containing the remainder of the package. We received those disks on May 6. The disks contain approximately 25,000 pages of "Other Supporting Documents" that were never publicly noticed for comment during the CDI proceeding. This is another flagrant violation of the Govt. Code sections identified above.

These violations of the Government Code are far from minor. The rule-making file is otherwise devoid of any objective evidence to support the regulations beyond unsubstantiated complaints from the insurance industry, its allies, and Mr. Lara.

The Commissioner's introduction of purportedly "supporting" material after the proceeding is over flouts the public's statutory right to review all information upon which the Commissioner and the agency seek to rely. It conflicts directly with OAL's obligation to ensure that proposed regulations meet the requirements of California law.

We urge you to reject the submission.

Sincerely,

Harvey Rosenfield

Attached: Consumer Watchdog's April 28 letter to OAL.

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**2026-04-28 CWD**  
**Written Objections...**  
327 KB



