
Public Comment re BCDC Ex Parte Communications

From Dan Clarke <clarkedan@yahoo.com>

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To BCDC Public Comment <publiccomment@bcdcc.ca.gov>; Peterson, Sierra@BCDC
<sierra.peterson@bcdcc.ca.gov>

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Chair Wasserman and Executive Director Goldzband,

I am requesting clarification of the statement made at the end of my public comment during Agenda item #3 on September 3, 2026. In my comment, I mentioned that I had sent emails requesting Ex Parte communications with the commissioners regarding the MIRP.

General Counsel Scharff offered clarification: *Commissioners, I just want to remind everyone that our rules do prohibit ex partes, and that it is preferable that you do not do it. I will resend out the memo on that, so you have it again. Thanks.*

Copied from the draft minutes of Sep 3rd meeting distributed on Sep 11th

That is most likely a misquote* but it's chilling regardless. The General Counsel may have a preference but it is inappropriate for anyone to dissuade BCDC commissioners from learning about issues they will be deciding.

The clarification should be made verbally to the commissioners and linked to my requests.

Thank you

Dan Clarke

* I did not hear the statement at the time and the video recording has not been made public at this writing. I believe the General Counsel said, or meant to say, "*do not prohibit*" rather than "*do prohibit.*" However, an attendee told me he understood that the remark meant Ex Parte communications were not allowed.