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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN JOAQUIN

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13 INVESTIGATIVE REPORTING  
PROGRAM,

14 Petitioner,

15 v.

16 COUNTY OF SAN JOAQUIN,

17 Respondent.

18  
19

Case No. STK-CV-UWM-2025-0009718

**RESPONDENT COUNTY OF SAN  
JOAQUIN'S OPPOSITION TO  
PETITIONER'S MOTION FOR  
JUDGMENT ON PETITION FOR WRIT  
OF MANDATE**

Judge: Hon. Robert T. Waters  
Date: April 16, 2026  
Time: 9:00 a.m.  
Dept. 11B

Assigned for All Purposes to:  
Hon. Robert Waters, Dept. 11B

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Action Filed: July 17, 2025  
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1 **I. INTRODUCTION**

2 In this case, Petitioner Investigative Reporting Program (“Petitioner”), presents the  
3 following legal question for determination: Under the California Public Records Act (“PRA”), is  
4 Respondent County of San Joaquin’s (“County” or “Respondent”) \$25 per copy fee for autopsy  
5 reports from the County Medical Examiner’s Office, which fee was established by a Resolution of  
6 the San Joaquin County Board of Supervisors (“Resolution R-0-333”) a permissible “statutory  
7 fee” as set forth in Government Code § 7922.530(a)?

8 The fee is properly interpreted as a “statutory fee” under Government Code § 7922.530(a).  
9 The Court of Appeals has previously determined that the term, which is unique to the PRA, is  
10 vague and ambiguous. (*Shippen v. Department of Motor Vehicles* (1984) 161 Cal.App.3d 1119,  
11 1124.) Thus, statutory interpretation is required. Further, if the Legislature intended to exclude  
12 local ordinances and resolutions from the meaning of “statutory fee”, it would have explicitly  
13 drafted language to reflect that intent. (See *Estate of Sax* (1989) 214 Cal.App.3d 1300, 1304; See  
14 *Estate of McDill* (1975) 14 Cal.3d 831, 839; See *Allis-Chalmers Corp v. City of Oxnard* (1981)  
15 126 Cal.App.3d 814, 819.) Furthermore, interpreting the term “statutory fee” to only apply to state  
16 statutes conflicts with the understanding inherent in the PRA that public agencies are responsible  
17 for the administration of the PRA and are given latitude to enact policies and procedures regarding  
18 the same. (Government Code §§ 7922.000, 7922.505, 7922.535 7922.630 et seq.)

19 Petitioner’s challenge to Resolution R-0-333 also alleges violations of Government Code §  
20 7922.575(a) and Penal Code § 832.7(b)(1). Neither argument is persuasive as in both instances,  
21 Petitioner proffers interpretations of these statutes that would expand their intended scope and  
22 ignore the plain meaning of their language.

23 Resolution R-0-333, is a “statutory fee” under the PRA and the Petition should be denied.

24 **II. LAW AND ARGUMENT**

25 **A. RESOLUTION R-0-333 IS A STATUTORY FEE UNDER GOVERNMENT CODE § 7922.530(A).**  
26 Government Code § 7922.530(a) provides, in pertinent part, that local agencies “shall make the  
27 records promptly available to any person upon payment of fees covering direct costs of  
28 duplication, or a *statutory fee* if applicable.” (Gov. Code § 7922.530(a)(emphasis added).)

1 Petitioner contends that the only laws enacted by the Legislature qualify as a “statutory fee.” This  
2 is an incorrect reading and interpretation of Government Code § 7922.530(a). As such, the Court  
3 must engage in statutory interpretation to ascertain exactly what a “statutory fee” is in the context  
4 of Government Code § 7922.530(a). When interpreting statutory language, Courts engage in a  
5 three step process that seeks to determine lawmaker’s intent. (*Delaney v. Superior Court* (1990)  
6 50 Cal.3d 785, 798.) The interpretation process begins first with looking at the plain meaning of  
7 the statute, then any extrinsic aids or legislative history to provide context to the meaning of the  
8 language, and finally, to the reasonableness and practicality of a proposed construction. (*Riverview*  
9 *Fire Protection Dist. v. Workers Comp Appeals Bd.* (1994) 23 Cal.App.4th 1120, 1126.)

10 **1. The Meaning Of The Phrase “Statutory Fee” Is Vague And Ambiguous.**

11 In the first step of the interpretive process, Courts look to the words of the statute to  
12 determine the Legislative intent. (*Janken v. GM Hughes Electronics* (1996) 46 Cal.App.4th 55,  
13 60.) The Legislature’s chosen language is the most reliable indicator of its intent it was subject to  
14 all scrutiny and analysis involved in the legislative process. (*California School Employees Assn. v.*  
15 *Governing Board* (1994) 8 Cal.4th 333, 338; *Halbert's Lumber, Inc. v. Lucky Stores* (1992) 6  
16 Cal.App.4th 1233, 1238.) If the statutory language is clear and unambiguous, then the Court need  
17 not proceed with judicial interpretation of the statute, as there is nothing for the court to interpret  
18 or construe. (*California School Employees Assn.* at 340; *Delaney* at 798; *Halbert's Lumber,*  
19 *supra*, 6 Cal.App.4th at 1239.)

20 Relying on *Shippen v. Department of Motor Vehicles*, Petitioner incorrectly argues that the  
21 term “statutory fee” has one, well-established meaning. In *Shippen*, the Court reviewed the legality  
22 of a document fee charged by the Department of Motor Vehicles in the context of former  
23 Government Code § 6257 which is the predecessor statute numbering to Government Code §  
24 7922.530(a). In *Shippen*, the Court determined that Vehicle Code § 1811, which authorized the  
25 charging of a fee, was a “statutory fee” for purposes of the PRA. In its analysis, the Court noted  
26 that there was “ambiguity surrounding the meaning of ‘statutory fee.’” (*Shippen* at 1124.) The  
27 Court also noted it was “unable to find a definition of ‘statutory fee’ in the law nor have we found

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1 the phrase in any statute other than section 6257.” (*Id.*) Thus, the scope of the term remained  
2 ambiguous and undefined.

3         Indeed, the term “statutory fee” remains a unique phrase found only in the PRA lacking  
4 any direct parallel in any other statutory scheme. While *Shippen* made reference to other  
5 provisions codified by the Legislature enacting fees in specific monetary amounts and construed  
6 those as statutory fees under Government Code § 7922.530(a), it by no means opined on,  
7 suggested or limited the applicability of county ordinances and resolutions to the term “statutory  
8 fee.” Thus, the inquiry cannot end by looking at the words of Government Code § 7922.530(a).  
9 The term “statutory fee” remains vague and ambiguous requiring further interpretation.

10         That said, even if the Court found that the plain meaning of Government Code §  
11 7922.530(a) necessarily excludes county resolutions and ordinances, the Court can still consider  
12 whether the literal meaning of the statute comports with its purpose. (*California School Employees*  
13 *Assn.* at 340; *Katz v. Los Gatos–Saratoga Joint Union High School Dist.* (2004) 117 Cal.App.4th  
14 47, 54.) Courts do not view the language of a statute in isolation, instead they construe the words  
15 of the statute in context and keep in mind the statute’s purpose. (*Flannery v. Prentice* (2001) 26  
16 Cal.4th 572, 578.) A court should not follow the plain meaning of the statute when doing so would  
17 frustrate the purpose of the legislation and lead to an absurd result. (*California School Employees*  
18 *Assn.* at 340; *People v. Belleci* (1979) 24 Cal.3d 879, 884.)

19         Here, Government Code § 7922.530(a) is a mechanism under which public agencies may  
20 charge for copies of public records. The Legislature recognized that allowing public agencies to  
21 charge fees balances the PRA’s overarching aim to ensure public access to government records  
22 with the burden imposed on public agencies for production of the same. Thus, public agencies can  
23 charge for the direct costs of duplication or a “statutory fee.” (Gov. Code § 7922.530(a).)

24         Restricting a “statutory fee” to a fee imposed solely by the Legislature frustrates the  
25 purpose of providing public agencies a mechanism to charge for copies of public records. Public  
26 agencies, such as the County, are charged with administration of the PRA within their  
27 jurisdictions. (Gov, Code § 7922.630 et seq.) Allowing public agencies to enact regulations related  
28 to the production of documents while imposing a limitation on their ability to enact fees that

1 recoup costs beyond the cost of duplication for document production is anathema to the purpose of  
2 Government Code § 7922.530(a) and the latitude granted to public agencies under the PRA.  
3 Therefore, even if the court found the plain meaning of the term “statutory fee” to be clear and  
4 unambiguous, reading the statute to exclude counties from charging fees established by ordinance  
5 or resolution would frustrate the purpose of Government Code § 7922.530(a).

6 **2. Extrinsic Aids**

7 Where, as here, the plain meaning of the statute’s text does not resolve the conflict, the  
8 Court then proceeds to the second step of the inquiry utilizing extrinsic aids to guide its  
9 interpretation. (*Katz* at 55; *Halbert's Lumber* at 1239.) These extrinsic aids assist in discerning the  
10 intent of the legislature if the statutory language lends itself to more than one reasonable  
11 construction. (*Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1190.).

12 **(a) If the Legislature intended to exclude local ordinances and resolutions**  
13 **from the meaning of statutory fee, it would have explicitly provided for**  
14 **such a limitation**

15 In interpreting statutory language, courts cannot insert what has been omitted or omit what  
16 has been inserted. (Code Civ. Proc. § 1858; *Pieri v. City and County of San Francisco* (2006) 137  
17 Cal.App.4th 886, 892.) Furthermore, legislative silence may indicate legislative acquiescence.  
18 (*California Capital Ins. Co. v. Hoehn* (2024) 17 Cal.5th 207, 221-222.) The presumption is that  
19 the Legislature is aware of the judicial interpretation of words dealing with analogous topics and  
20 intends the same meaning of these words unless it expressly provides otherwise. (*Korbel v. Chou*  
21 (1994) 27 Cal.App.4th 1427, 1431.)

22 For example, Government Code § 811.8, which is part of the Government Claims Act  
23 (“GCA”), defines the term “statute” as “an act adopted by the Legislature of this State or by the  
24 Congress of the United States, or a statewide initiative act.” Rather than just use the word “statute”  
25 the Legislature took the necessary steps to limit the scope of the term for its use in the context of  
26 the GCA to the exclusion of laws found in county resolutions and ordinances. Similarly, other  
27 provisions throughout in California Codes provide such limiting language. For instance, California  
28 Evidence Code § 230 defines a statute to include “...a treaty and a constitutional provision.”  
California Code of Civil Procedure § 1235.210 states for purposes of eminent domain proceedings

1 that a statute is "...a constitutional provision or statute, but does not include a charter provision or  
2 ordinance." These laws demonstrate that the Legislature knows how to define and limit the scope  
3 of the term "statute" to effectuate its intent.

4 By contrast, in the context of the PRA, specifically Government Code § 7922.530(a), there  
5 are no such definitions, scope or limitations with respect to the use of the term "statutory fee." If  
6 the Legislature wanted to include such limiting language in the PRA, it would have explicitly  
7 excluded county ordinances and resolutions as a basis for enacting fees for public records from the  
8 definition of "statutory fee." Such a construction is also supported by the case law addressing  
9 whether certain provisions of the Labor Code apply to public agencies. In that context, the courts  
10 have held that public agencies are excluded from the Labor Code unless there is express statutory  
11 statement to the contrary. (See, *Allen v. San Diego Convention Center Corp., Inc.* (2022) 86  
12 Cal.App.5th 589, 597; *Stone v. Alameda Health System* (2024) 16 Cal.5th 1040, 1053.)

13 If the Legislature wanted to restrict the term "statutory fee" to the exclusion of county  
14 ordinances or resolutions, it clearly knew how to do so. Here, there is no limiting language in the  
15 PRA restricting the scope of the term "statutory fee." Therefore, the Court should comport its  
16 interpretation of the term "statutory fee" with the Legislature's intent and employ a broad scope to  
17 include county resolutions and ordinances.

18 **(b) Different statutes should only be construed together if they stand in**  
19 **pari materia**

20 Petitioner asks the Court to apply the definition of the term "statute" as found in the GCA  
21 under Government Code § 811.8 to the term "statutory fee" in the PRA under Government Code §  
22 7922.530(a) because they contain similar phrasing. That basis is insufficient. Different statutes  
23 should only be construed together if they stand "in pari materia" or colloquially, "on the same  
24 subject." (*Medical Board of California v. Superior Court* (2001) 88 Cal.App.4th 1001, 1016.)  
25 Statutes are considered to be in pari materia when they relate to the same person or thing, class of  
26 persons or things, or have the same purpose or object. (*People v. Knowles* (2024) 105 Cal.App.5th  
27 757, 767; *Walker v. Superior Court* (1988) 47 Cal.3d 112, 124.)

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1 Government Code §§ 811.8 and 7922.530(a) are not in pari materia because they do not have the  
2 same object or purpose and were enacted to serve different ends. (*Knowles* at 767.) Government  
3 Code § 7922.530 (a) governs the disclosure of public records to ensure government transparency.  
4 Government Code § 811.8 is a defining term that serves as part of the GCA, which deals with the  
5 uniform administration of claims against public entities to encourage claims settlement and reduce  
6 unnecessary litigation costs. These two statutes, and the two statutory schemes they are found in,  
7 have neither the same object or purpose, are not in pari materia and as such, Government Code §  
8 811.8 does not resolve the ambiguity of the term “statutory fee.”

9 **3. Incorporating County Resolutions And Ordinances Into The Meaning Of**  
10 **Statutory Fee Comports With Principles Of Reasonableness, Practicality, And**  
11 **Common Sense**

12 Where ambiguity persists after completing the first two steps of the legislative  
13 interpretation process, the Court can apply concepts of reasonableness, practicality and common  
14 sense to the statutory language. (*Katz* at 55; *Halbert’s Lumber* at 1239.) These concepts serve as  
15 important guides as the Court seeks to ascertain the intent of the Legislature because ultimately,  
16 the Court is trying to effectuate the purpose of the law. (*MacIsaac v. Waste Management*  
17 *Collection & Recycling, Inc.* (2005) 134 Cal.App.4th 1076, 1084.)

18 The administration of the PRA is left to public agencies throughout California, including  
19 counties. (Government Code § 7920.525.) Public agencies are given latitude to craft regulations  
20 associated with the production of disclosable records. (Government Code § 7922.630 et seq.)  
21 Government Code § 7922.530(a) provides public agencies with the mechanism to charge for  
22 copies of disclosable public records. It follows then that a reasonable reading of the term  
23 “statutory fee” would include county ordinances and resolutions because the PRA already  
24 provides counties a fair degree of independence when administering its provisions.

25 Additionally, it is practical to give counties the ability to charge statutory fees for  
26 particular documents because they are uniquely situated to determine the costs and burdens  
27 associated with producing records. The County possesses greater insight into the financial needs  
28 of its subsidiary departments than the Legislature. To require the County to go through the  
arduous legislative process to enact a fee for a public record would not only be a burden to the

1 County, but to the Legislature as well. It is practical to allow counties to make financial  
2 determinations for themselves without necessitating Legislative involvement.

3 Finally, it is common sense to interpret a “statutory fee” under Government Code §  
4 7922.530(a) to include county resolutions and ordinances because counties have the authority to  
5 make and enforce all ordinances and resolutions not in conflict with the general law. (Cal. Const.  
6 Art. XI § 7.) Allowing counties to charge a \$25 statutory fee for autopsy reports does not conflict  
7 with Government Code § 7922.530(a) because there is no limitation on which public agencies can  
8 charge statutory fees. This interpretation comports with the Constitution’s grant of power to  
9 counties like San Joaquin. As such, a common sense reading of Government Code § 7922.530(a)  
10 includes county ordinances and resolutions like Resolution R-0-333.

11 **B. THE COUNTY IS NOT IN VIOLATION OF GOVERNMENT CODE § 7922.575(A) BECAUSE**  
12 **THE \$25 STATUTORY FEE IS NOT A COST OF DUPLICATION**

13 Government Code § 7922.575(a) provides that the cost of duplication of an electronic  
14 record is limited to the cost of producing a copy of the record in electronic format. Here, the \$25  
15 flat fee is not a direct cost of duplication. It is a statutory fee levied for purposes other than those  
16 related to the costs of duplication of the autopsy records. Therefore, Government Code §  
17 7922.575(a) is not relevant to Resolution R-0-333’s imposition of a \$25 fee for autopsy records.

18 Petitioner argues that public agencies must only charge for the direct cost of duplication for  
19 all electronic records. This is a fundamental misreading of the statute that ignores its plain  
20 meaning. There is no implication in Government Code § 7922.575(a) that electronic records are  
21 exempt from the “statutory fee” provision in Government Code § 7922.530(a). To argue otherwise  
22 would improperly expand the scope of the statute.

23 Furthermore, if the Court were to accept Petitioners interpretation of the statute, paper files  
24 of the same document, subject to the “statutory fee”, would come at a cost, while electronic files  
25 would be free. Thus, the purpose of charging the \$25 fee would be utterly frustrated, as staff time  
26 would only be compensated for paper files but not electronic files, rendering an absurd result.  
27 Courts are obligated to choose the statutory construction that comports most closely with the  
28 apparent intent of the lawmakers and reject interpretations that lead to absurd consequences.

1 (*People v. O'Bannon* (2024) 105 Cal.App.5th 974, 980.) Petitioner's interpretation is thus properly  
2 rejected.

3 **C. THE COUNTY IS NOT IN VIOLATION OF PENAL CODE § 832.7(B)(1) BECAUSE IT DOES**  
4 **NOT PROHIBIT PUBLIC AGENCIES FROM CHARGING A STATUTORY FEE.**

5 Petitioners argue that Penal Code § 832.7(b)(10) specifically prohibits agencies from  
6 charging more than the direct cost of duplication for any documents subject to disclosure under the  
7 Right to Know Act. This is incorrect with respect to the scope of the statute and conflicts with the  
8 plain meaning of the statutory language. Furthermore, the County is not charging Petitioners for  
9 the direct cost of duplication, but rather a "statutory fee" as provided by § 7922.530(a). Penal  
10 Code § 832.7(b)(10) does not apply.

11 **1. The language of Penal Code § 832.7 (b)(1) is clear and unambiguous**

12 Penal Code § 832.7 (b)(10) provides the following: "The cost of copies of records subject to  
13 disclosure pursuant to this subdivision that are made available upon the payment of fees covering  
14 direct costs of duplication pursuant to subdivision (a) of Section 7922.530 of the Government  
15 Code shall not include the costs of searching for, editing, or redacting the records." The statute  
16 contains no language mandating that local agencies can charge only for direct costs of duplication  
17 for disclosable records as opposed to the "statutory fee." Instead, the statute provides that direct  
18 costs of duplication for copies of records subject to disclosure shall not include costs for  
19 searching, editing, or redacting records.

20 **2. There is no conflict between Penal Code 832.7(b)(10) and Government Code**  
21 **Section 7922.530(a)**

22 Petitioner's interpretation forces a conflict between Penal Code § 832.7(b)(10) and  
23 Government Code § 7922.530(a) when none otherwise exists. Petitioner argues that Penal Code §  
24 832.7(b)(10) controls and supersedes other conflicting statutes. While Petitioner does not specify  
25 which statute Penal Code § 832.7 (b)(10) takes precedence over, the County assumes Petitioner  
26 was referring to Government Code § 7922.530 (a).

27 For Penal Code § 832.7(b)(10) to take precedence over Government Code § 7922.530(a),  
28 there needs to be a conflict or incompatibility between the two statutes. (*Chatsky Associates v.*

1 *Superior Court* (2004) 117 Cal.App.4th 873, 876.) But it is only Petitioner’s misguided  
2 interpretation that creates such an incompatibility, as it would render the term “statutory fee”  
3 under Government Code § 7922.530(a) useless in this context. The alternative and more plausible  
4 interpretation proffered by the County avoids such conflict and is in line with the plain meaning of  
5 the statute. Thus, no conflict between the statutes exist and public agencies are still able to charge  
6 a “statutory fee” for disclosable records under the Right to Know Act.

7 Further, even if the Court finds the statutes in conflict, it is well settled that when two  
8 statutes appear to be in conflict, courts must harmonize the statutes and reconcile seeming  
9 inconsistencies between them, giving force and effect to all of their provisions. (*State Dept. of*  
10 *Public Health v. Superior Court* (2015) 60 Cal.4th 940, 955; *Pacific Palisades Bowl Mobile*  
11 *Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 805.) The County’s interpretation  
12 allows public agencies to charge a “statutory fee” while still limiting the direct costs of duplication  
13 of records under Penal Code § 832.7(b)(10), giving full force and effect to the provisions of both  
14 statutes. Petitioner’s interpretation, as discussed above, creates an unnecessary conflict and renders  
15 Government Code § 7922.530(a)’s “statutory fee” provision meaningless.

16 **III. CONCLUSION**

17 Resolution R-0-333 is a statutory fee under Government Code § 7922.530(a) and permits  
18 the County to charge a \$25 flat fee for autopsy reports. The Petition should be denied.

19 Dated: April 3, 2026

COLE HUBER LLP

20  
21 By: 

22 Ronald J. Scholar  
23 Tyler J. Sherman  
24 Kelly M. Doyle  
25 Attorneys for Respondent  
26 COUNTY OF SAN JOAQUIN  
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