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9 STATE OF CALIFORNIA

10 REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

11 In the matter of:

12 COMPLAINT NO. R2-2016-1008  
ADMINISTRATIVE CIVIL LIABILITY

13 JOHN D. SWEENEY AND POINT BUCKLER  
14 CLUB, LLC  
POINT BUCKLER ISLAND,  
15 SUISUN MARSH, SOLANO COUNTY

REQUEST TO KEEP INFORMATION  
CONFIDENTIAL

Hearing Date: December 14, 2016

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18 John D. Sweeney and Point Buckler Club, LLC (jointly, “Mr. Sweeney”) hereby request that  
19 the following personal financial information (the “Personal Financial Information”) be kept  
20 confidential:

- 21 • Declaration of John Sweeney, paragraphs 27-29, 31-32
- 22 • Declaration of Robert Bucci, paragraphs 4-6, 9-12
- 23 • Opposition Brief, sections IV.D.1 and IV.D.2

24 Mr. Sweeney requests that the Personal Financial Information be removed from any item posted on  
25 the Regional Board’s website or otherwise made public, that the Personal Financial Information not  
26 be shared with any member of the public or anyone not an agent of the Regional Board, and that the  
27 hearing be closed to the public and anyone not an agent of the Regional Board when the Personal  
28 Financial Information is being discussed.

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Private financial information is protected by the California Constitution:

The right to privacy under article I, section 1 of the California Constitution “extends to one's confidential financial affairs ... .” (Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 656.) This right embraces confidential financial information in “whatever form it takes, whether that form be tax returns, checks, statements, or other account information.” (Fortunato v. Superior Court (2003) 114 Cal.App.4th 475, 481.)

(*Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 503/)

Here the privacy interest at stake is among the most important: the sum total of a private individual’s assets. This information is particularly sensitive, because Mr. Sweeney is not comfortable providing financial documents or more detailed information because he believes the agencies will use this information to lower the value of his assets. (Sweeney Decl., ¶ 33.) This belief is supported by objective facts. The prosecution team is demanding a penalty of \$4.6 million, BCDC is demanding a penalty of most of another million dollars. The Corps has opened an investigation involving acts that Mr. Sweeney participated in related to Chipps Island. River Water has sued Mr. Sweeney in federal court.

Under these circumstances, and because an individual’s personal financial information should be kept private under all but the most extreme circumstances, the Personal Financial Information should be kept confidential.

DATED: October 19, 2016

BRISCOE IVESTER & BAZEL LLP



By: \_\_\_\_\_  
Lawrence Bazel  
Attorneys for Point Buckler Club, LLC  
and John D. Sweeney