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August 15, 2007

Senator Carole Migden
Chairperson,
Labor and Industrial Relations Committee

State Capitol, 2059
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**REF: John C. Duncan, political appointee
Director, Department of Industrial Relations**

To whom it may concern:

On Thursday, 8/9/2007, a press release appeared on a web-site operated by "Work Comp Central". Via electronic mail distribution I became aware of a press release, entitled:

John Duncan, who served as director of the California Department of Industrial Relations (DIR) in the late 1990s, has been renamed to that post by Gov. Schwarzenegger. He takes over for Acting Director John Rea.

In said press release the following phrase appears:

More recently, he operated his own consulting company where he designed communications strategies for clients on labor issues.

Curious, I located this "consulting company's" history via the public records maintained by the California Secretary of State. I observed the following:

Company Name: DUNCAN CONSULTING, INC.

Mailing Address:

313 KAREN WY

TIBURON, CA 94920

Status: DISSOLVED

FTB Status:

Suspension Code: NOT SUSPENDED (IN GOOD STANDING)

Date of Incorporation/Qualification: 12/2/2002

The status of this “*consulting company*” causes me a great deal of concern, considering the use of former “*consultants*” the Governor has recommended into key posts at the State Compensation Insurance Fund (SCIF); which is now embroiled in a billion dollars financial fraud scandal (allegedly attributed to these consultants [see: Kent Daag, as a possible example]¹).

I am bewildered and perplexed how an individual like Mr. Duncan (with a non-active “*consulting company*”) is qualified to take over the helm of the Department of Industrial Relations (DIR); which provides Mr. Duncan a *ex-officio* seat on the SCIF Board of Directors.

I wrote a letter of concern to Mr. Duncan, at the above listed corporate address, addressing these matters. However, I received a letter two days later from an attorney claiming to represent the DIR, stating that the DIR felt my letter to Mr. Duncan should be viewed as “*harassment*”.

I was under the impression that California residents have the privilege to distribute hand-bills, circulars and pamphlets in the area of a home of an individual who is the subject of public scrutiny. Therefore, I am chagrined as to why the DIR’s legal department would chastise me for exercising my right to communicate with a political appointee (considering the present one billion dollar financial scandal at the SCIF) via the U.S. Mails.

¹ “ *The inquiry parallels a separate probe of the insurer by the California Department of Insurance into alleged financial self-dealing that department officials have suggested could run as high as \$1 billion...*” See: *Probe of state-run insurer may grow; State Fund has asked the CHP to help look into possible misuse of public funds. Los Angeles Times June 6, 2007 Wednesday*

As usual, the letter from the DIR cited no federal or state law, regulation or ordinance that would prevent my communications with Mr. Duncan (the former head of a now defunct public company that has opted to list a home address with the California Secretary of State).

Sincerely,

Barbara Clark

Copies provided:

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