

STATE OF CALIFORNIA
**RECORDS RETENTION SCHEDULE
 APPROVAL REQUEST**
 STD. 72 (REV. 9-89)

DEPARTMENT, BOARD OR COMMISSION CORPORATIONS	BILLING CODE 38300
DIVISION, BUREAU OR OTHER UNIT ALL LAW	CUBIC FEET (From Schedule) 12,529
ADDRESS ALL	
SCHEDULE NUMBER DOC-1	NUMBER OF PAGES 1-4
	SCHEDULE DATE 5-1-90
IF THIS IS A REVISION OF AN EXISTING SCHEDULE(S) (including addition or deletion of pages), enter the following information from the EXISTING schedule(s).	
SCHEDULE NUMBER(S) DOC-1	PAGE NUMBER(S) REVISED 1-3
APPROVAL NUMBER(S) 85-287	APPROVAL DATE(S) 1985

Submit three copies with three copies of the
 Records Retention Schedule, STD. 73.

TO: DEPARTMENT OF GENERAL SERVICES
 OFFICE OF RECORDS MANAGEMENT
 428 J Street, Suite 390
 Sacramento, CA 95814 (or IMS C-40)

(916) 445-2294 or ATSS 8-485-2294

- Check this box to indicate ALL items in the schedule have been reviewed. (A new approval number will be assigned.)
- Check this box to indicate only certain items in this schedule have been reviewed for revision, addition, or deletion. (The original approval number will remain in effect.)

PART I -- AGENCY STATEMENTS

As the program manager directly responsible for the records listed on the attached schedule, I certify that I have reviewed the need for the records, that each retention period is necessary and correct as scheduled, and (for a revised schedule) that all items on the previous schedule have been accounted for.

SIGNATURE - MANAGER DIRECTLY RESPONSIBLE FOR THE RECORDS
Jones D. Stank TITLE Operations Officer DATE 5-11-90
 Custodian of Records

In accordance with Government Code 14755, approval of the attached Records Retention Schedule by the Department of General Services is hereby requested. Retention periods have been established by this agency after a careful evaluation of all the factors listed in Section 1667 of the State Administrative Manual.

I hereby certify that I am authorized to act for the head of this agency in matters pertaining to the retention and disposal of records. (Per Section 1611 of the State Administrative Manual.)

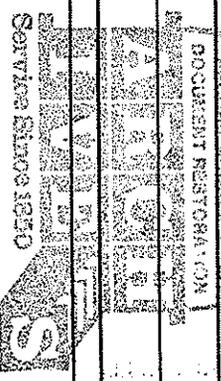


SIGNATURE - RECORDS MANAGEMENT COORDINATOR
JAMES D. IRVIN TITLE Operations Officer DATE 5-11-90
 NAME (Printed or Typed) TELEPHONE (213) 736-2488

PART II -- DEPARTMENT OF GENERAL SERVICES APPROVAL (Per Government Code Section 14755)

The Department of General Services has no jurisdiction over entries made in Column 16 of form STD. 73. Our approval covers Columns 1 - 17 only.

SIGNATURE
Spada Stack APPROVAL NUMBER 90-1115 DATE 8-14-90
 TITLE RMA



PART III -- ARCHIVAL SELECTION (Per Government Code Section 14755)

- THE ATTACHED RECORDS RETENTION SCHEDULE:
- Contains no material subject to further review by the California State Archives

- Contains material subject to archival review. Items stamped "Hold/Notify Archives" may not be destroyed without clearance by the Secretary of State. (Per Section 1614 of the State Administrative Manual.)

SIGNATURE - CHIEF OF ARCHIVES
John F. Burns DATE NOV 19 1990

RECORDS RETENTION SCHEDULE

SID. 73 (REV. 9/89)

See Instructions on reverse
and in SAM 1600

DEPARTMENT (1) CORPORATIONS		SCHEDULE NUMBER (2) DOC - 1	DATE (3) August 6, 1990
ORGANIZATIONAL UNIT LAW AREA		PAGE 1	OF PAGES (4) 6
ADDRESS (Number Street City) ALL OFFICES		DEPARTMENT OF GENERAL SERVICES APPROVAL NUMBER (5)	

ITEM NUMBER (6) <i>(Triple space between items)</i>	CUBIC FEET* (7)	CALIFORNIA STATE ARCHIVES USE ONLY (8)	TITLE AND DESCRIPTION OF RECORDS (9) <i>(Triple space between items)</i>	MEDIA (10)	VITAL (11)	RETENTION				PRA (Exempt) & IPA (16)	REMARKS (17)
						(12)	(13)	(14)	(15)		
1	5900		CORPORATE SECURITIES FILES Applications and exhibits filed with department, with correspondence and related orders issued by the Commissioner			4			4		Corporations Code Section 25619 requires that filed documents be retained in office for 4 years. Files are purged of all documents reaching 4 year retention so that files are ever-changing to provide only latest materials.
2	2		STOCK RECORD BOOK Documents reflecting stock certificates held by Commissioner.	P		ACT			ACT		Active until no longer needed to operate daily business. Constant reference.
✓ 3	20		MASTER DOCUMENTS FOR MICROFILMING (SPINDLE) Copies of all official documents issued during the year. Used to produce microfilm at year's end.	P		1			1		File contains copies of legal documents issued during the year, in an arrangement necessary to facilitate microfilming for preservation. Duplicate copies are available in the individual corporate files to which the documents pertain. After filming documents are destroyed.
✓ 4	10		MICROFILM (16mm)	S	X	ACT		ACT	ACT		Permanent microfilm history files retained IAW Corporations code Section 25619 (c). Duplicate copies are stored in SRC vault. IAW = In Accordance With
5	82		REFERRAL MEMORANDA Brief memos alerting staff to potential problems or issues relating to specific entities.	P		4			4		

*Provide total of office and departmental

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6	76	Hold / Notify Archives	QUESTION RECORDS Records relating to legal action resulting from consumer complaints but upon which no formal Enforcement case was pursued.	P		20			20	X	20 year retention due to litigation activities. Exempt by Corporations Code Sections 25605 & 31504.
✓ 7	10		ESCROW STOCK Documents appointing Commissioner as Escrow Holder.	P							#6 Not on new schedule removed from Escrow. CCS 25149 requires ner to hold securities in escrow if by his/her
✓ 8	4066		LICENSE FILES Applications & exhibits with ongoing correspondence & issued licenses on entities with active licenses.	P							Old schedule must be available while license is in effect worked by staff and reviewed by public on s basis. Upon revocation, file retained in e year, SRC for 3 years before non-certified.
✓ 9	800	Hold / Notify Archives	ENFORCEMENT FILES - LITIGATION-ADMINISTRATIVE PROCEEDINGS All records and evidence gathered & used in Litigation court action.	P							- record sent to Enforcement - records were destroyed. Stef. will send a memo + we sion of litigation enforcement activities in house and 6 years in SRC. Civil law frequently permit appeal where all records must be available. Records are not available for public perusal, but may be obtained by order of the court. Fed, State, County & City jurisdictions require record in office.

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						(12)	(13)	(14)	(15)		
✓ 10	200	Hold / Notify Archives	ENFORCEMENT FILES - NON LITIGATION All records & evidence gathered and used in determining that legal action would not be pursued	P		ACT +4			ACT +4	IX	After final action records must be available for a period sufficient to insure violations and/or violators have ceased. See #9
✓ 11	6	Hold / Notify Archives	ADVERTISING MATERIAL Franchises & other entities must submit copies of media advertising before using it with consumers	P		2			2		Approved Advertisements retained in house till no longer useful.
12	2		RECORD CARDS Ongoing schedules & charts used to monitor audit activities	P		ACT +2			ACT +2		Active while license effective. Retained 2 years after revocation.
✓ 13	6		AFFIDAVIT OF MAILING Affidavits prepared by mail unit personnel to support actual mailing of legal notices.	P		3			3		Proof of mailing of revocation/suspension orders are retained until no longer needed to support action taken.
✓ 14	4		BONDS Copies of bonds filed by entities as proof of coverage	P		ACT +4			ACT		AFTER CANCELLATION/EXPIRATION OF LICENSE

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						(12)	(13)	(14)	(15)		
✓ 15	100	Hold / Notify Archives	OPINION/LEGISLATION FILES Documents prepared by Commissioner's legal office in interpreting laws as they relate to specific transactions or in support of legislative activities.	X		ACT			ACT	I	Commissioner's opinions and files relating to department affected legislation are retained active due to continuous precedent reference. Some files have been converted to microfiche with others to be converted when activity becomes less frequent. Code of Regulations Section 250.12. Files remain Active for constant reference.
✓ 16	27	Hold / Notify Archives	HISTORICAL MATERIAL - RULES PROJECTS Documents in support of departmental reorganizations and as back-up to changes in the Code of Regulations.	P		ACT			ACT	I	Retained IAW Govt. Code Sec. 6253 & 6254, Corp. Code Sec. 25605, 25619, 31504 & California Code of Regulations, Title 10, Chapter 3, Section 250.10 & 250.12. Files remain ACTIVE and are subject to continuous reference.
✓ 17	150	Hold / Notify Archives	OFFICE OF POLICY PROJECT FILES Materials in support of department's position on various issues relating to laws administered by our department and in response to inquiries from the Governor's office or legislative personnel.	P		5			5		Retained after final action taken. Maintained in house until destruction due to potential for legal challenge and frequent reference.
✓ 18	20	Hold / Notify Archives	CONSUMER COMPLAINT FILES	P		ACT +1		+4	ACT +5		Active until final action taken. Retained due to frequent challenge and follow-up by complainants and/or licensees.

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✓ 19	900		ENFORCEMENT FILES-LITIGATION CASE EVIDENCE RECORDS All documents and other items obtained through subpoena. Under search and seizure laws items must be secured pending court action and in an area accessible only to person named as custodian on Court order.	P		ACT		5	ACT +5	X	As court appointed custodian of subpoenaed records materials cannot leave control of person(s) seizing documents. They are kept in a secured room with limited access. Evidence records in our possession have been subpoenaed and are retained in office for a period adequate to final disposition of a case by the court. Such records are returned to person from whom they were subpoenaed 5 years after court action, or in cases where corporations are no longer in existence because of court proceedings, records are destroyed after 5 years. Records can only be removed for transport to court or upon receipt of court order stipulating other action.
20	13	Hold / Notify Archives	KNOX-MILLS FILES (ATTORNEY GENERAL RECORDS) Health Plan applications and related documents as filed with the Attorney General	P		5		5	10		Knox-Keen Act Section 1346.
21	60	Hold / Notify Archives	DEFUNCT KNOX-KEENE PLAN FILES Applications & Exhibits along with correspondence and orders by Commissioner on health plans which have ceased business.	P		1		9	10		Knox-Keene Act Section 1346(Extended retention because defunct plans were severely troubled and it is critical to processing new applications to be able to review materials on matters where principals in issued defunct plans may be involved or where comparable business approaches may be involved)

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						(12)	(13)	(14)	(15)		
22	75		MEDICAL SURVEY WORK PAPERS Survey documents and audit notes prepared by analysts in review of health plan contracts and physical survey of facility service locations.	P	7				7		Knox-Keene Act Section 1346 & 1380 must be retained in-house through two(2) medical surveys which are conducted every 3 years for each plan.

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MEMORANDUM

Secretary of State
California State Archives

DATE: 17, June 1999

TO: Peter Harda
Dept. of Corporations, Enforcement Division

FROM: Sydney Bailey, Archivist

SUBJECT: Records Retention Schedule, Approval #90-115, Item #6 Question
Records

It has come to my attention per my phone conversation with your Records Mgt. Coordinator, E. Stefanie Larraguivel, that records flagged for transfer to the California State Archives have been destroyed. The specific records are described in Records Retention Schedule, Approval #90-115, Item #6 Question Records. **ALL RECORDS FLAGGED "TRANSFER TO ARCHIVES" MUST BE TRANSFERRED WHEN THE RETENTION PERIOD IS COMPLETED.**

Under Government Code 14755(a):

No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for the preservation in the State Archives.

The State Archives, as a division of the Secretary of State's Office, has the responsibility to preserve and protect agency records that have been identified by Archives staff as having archival value. The records mentioned in both the phone conversation and memo were flagged as such records and, therefore, should have been transferred.

I would appreciate your cooperation in preventing the destruction of "archival" records and, thus, in following the law as outlined in the State Records Management Act.

If you have questions, please do not hesitate to contact me at 653-6734.

Sincerely,


Sydney Bailey

Cc: Ramona Gutierrez, Records Management Consultant, Dept. of General Services
Walter P. Gray III, Chief, Archives and Museum Division, Office of the Secretary of State
E. Stefanie Larraguivel, Records Mgt. Coordinator, Dept. of Corporations
File