



OFFICE OF THE DISTRICT ATTORNEY

MARIN COUNTY, CALIFORNIA

Prevention ★ Prosecution ★ Protection

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August 24, 2015

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PRESS RELEASE

MARIN COUNTY DISTRICT ATTORNEY'S OFFICE CONCLUDES INVESTIGATION OF THE MARIN HISTORY MUSEUM

The Marin County District Attorney's Office has concluded its investigation of the Marin History Museum, a private non-profit organization. This investigation was a non-criminal inquiry, initiated approximately three months ago and based on at least one informal report that loaner-restricted items may have been released by the Museum for sale by a third party estate sales company.

The investigation was limited to the issue of whether the Museum, in releasing some of its items to the estate sales company, violated California's Unfair Competition Law (codified by Business and Professions Code section 17200, et. seq.), which prohibits "any unlawful, unfair or fraudulent business act or practice."

Business and Professions Code section 16759 and Government Code section 11180, et. seq., allow the District Attorney to investigate potential violations of the Unfair Competition Law, and if warranted, file a lawsuit seeking injunctive relief or civil damages.

Specifically, the District Attorney, based on its authorized investigatory powers, may subpoena the production of records, compel the attendance of witnesses to give testimony, promulgate interrogatories, and present information obtained from the investigation to a court or at an administrative hearing in connection with any action or proceeding. However, the District Attorney may not divulge any information obtained by way of these investigatory powers, unless legal proceedings are initiated or the information has been independently made publicly available.

The conclusion of the investigation is that there is no reasonable basis for bringing a civil action for damages or injunctive relief, under section 17200, et. seq., against the Museum, its Board Members, or any other Museum personnel, based on the Museum's release of items to the estate sales company.

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The Museum fully cooperated with the investigation, including producing all requested documents, responding to interrogatories under oath, sitting for interviews, and offering the District Attorney's Office access to the Museum's full records. Other involved third parties also cooperated with the investigation and provided all requested information. Due to the statutory confidentiality afforded to any investigative target, however, the District Attorney cannot, at this time, release or discuss in detail the information obtained during the course of its investigation.

Nevertheless, on its own initiative, the Museum has published all of the documents in its possession relevant to its release of items in February and March 2015. Those documents can be found here: <http://www.marinhistory.org/>

How the Museum operates in the future are for the residents of our community alone to determine, hopefully with an eye to preserving the valued legacy those that preceded us accomplished and handed down. I can add our inquiry found both city and county officials did not represent a roadblock to the Museum's survival and stand ready today to do their part.

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