

November 2, 2009

Mr. James Humes
Chief Deputy Attorney General
Office of the Attorney General
1515 Clay Street
Oakland, CA 94612

Via Hand Delivery

Dear Jim:

I write this letter with a heavy heart – I have let you down and let myself down as well.

As we have discussed, I recorded a number of phone interviews with reporters without seeking their permission. My purpose wasn't to play gotcha but simply to have an accurate record of official, on-the-record statements on matters of public concern.

It is clear now that I made serious errors in judgment. I should have asked reporters for permission to record, and I should have followed the guidance you provided. I suspect that the few reporters involved in the calls I taped would have readily said yes, but nonetheless it was wrong not to ask them first.

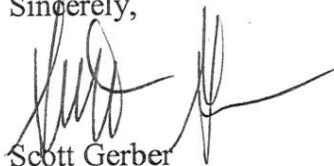
The errors were mine alone – neither the Attorney General nor any other attorneys from our office were aware that I was recording interviews without permission.

I want to apologize to you and Attorney General Brown for failing to live up to the standards of the Office. I also apologize to the reporters whose interviews I taped without permission. They deserved better from me.

I have great respect for you, the Attorney General, and the men and women of the Office. I am proud to be associated with all the good that has been accomplished over the past year.

But as a result of my actions, I realize that I can no longer effectively serve the Office of the Attorney General. Accordingly, I resign as Communications Director.

Sincerely,



Scott Gerber