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VIA EXPRESS MAIL

Hench Engineering, Inc.

Woodland Hills, CA 91367

Re: Infringement of Copyrights of the San Jose Mercury News, Inc.

Dear [REDACTED]:

This firm represents the San Jose Mercury News, Inc. ("Mercury News"). It has been brought to our attention that Hench Engineering, Inc. is, through its website at www.hench.net, copying and displaying copyrighted material of the Mercury News. I am writing to advise you that the copying and displaying of Mercury News materials by Hench Engineering must cease immediately.


At least one entire Mercury News article, "Taxpayer Taxi," is reproduced verbatim on the Hench website, at the URL <http://www.hench.net/2002/z070902d.htm>. Hench's reproduction of this article unquestionably constitutes copyright infringement. The Taxpayer Taxi story was written by the Mercury News and published on July 9, 2002. It was also disseminated through the Mercury News website, www.bayarea.com. The copyrights to all such materials are owned by the Mercury News. No permission to copy and display this article or any other Mercury News materials has been sought or obtained from the Mercury News. Attached are copies of the Mercury News article as it appeared on the authorized bayarea.com site, and as copied and posted by Hench on [hench.net](http://www.hench.net).

Conduct precisely the same as that in which Hench is presently engaging has been held to constitute copyright infringement that is not protected as fair use. *Los Angeles Times, et al. v. Free Republic, et al.*, 54 U.S.P.Q.2d 1453 (C.D. Cal. 2000). Permitting this article or any other Mercury News materials to continue to appear on the [hench.net](http://www.hench.net) site would constitute willful infringement of the Mercury News' copyrights.

Hench must immediately remove the Taxpayer Taxi story as well as any other Mercury News materials from all websites it operates or controls, it must provide a list of all Mercury News materials removed, and it must certify that all such materials have been removed and that Hench will not permit the future posting of copyrighted materials of the Mercury News.

If these measures are not taken immediately, the Mercury News will take whatever actions it deems necessary to protect its interests. Please contact me promptly to confirm Hench's compliance with these requests.

Gray Cary Ware & Freidenrich LLP


August 7, 2003
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I certify under penalty of perjury that I am authorized to act on behalf of the Mercury News in addressing the infringement of its copyrights in this material.

Sincerely,

Gray Cary Ware & Freidenrich LLP

By: _____


@graycary.com

Enclosures

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Posted on Mon, Jul. 08,
2002

The Mercury News**Taxpayers' taxi**

By Mark Gladstone and Noam Levey
Mercury News Sacramento Bureau

SACRAMENTO - When Maria Contreras-Sweet wants a ride to the airport, she rings up the California Highway Patrol. When she is invited to talk to grocers in Palm Springs, the CHP drives her. When she needs to get from her Los Angeles area home to a breakfast in Orange County, the Highway Patrol comes to her door.

Contreras-Sweet, Gov. Gray Davis' secretary of business, transportation and housing, has had the CHP shuttle her on more than 200 trips in the past two years at a cost of more than \$75,000, according to records obtained by the Mercury News.

The CHP routinely provides this service to Davis and other statewide elected officials, but no other unelected member of the Davis Cabinet has made such extensive use of the Highway Patrol, according to the CHP.

As the Cabinet official who oversees the CHP and a dozen other departments, Contreras-Sweet said she clears the use of officers with CHP Commissioner Dwight O. "Spike" Helmick or his staff.

"We're talking about a very few instances," Contreras-Sweet said in an interview Monday. "The commissioner said that these were appropriate usages, and I have yielded to his discretion."

But her unusual use of a service normally reserved for top elected officials is raising questions over whether she is taking advantage of the perks of her office -- especially when the state is pinching pennies to close its \$23.6 billion budget deficit.

Many of the trips were from Contreras-Sweet's home in the San Gabriel Valley to events in the Los Angeles area, such as a highway dedication and a breakfast for constituents held by Assemblyman Lou Correa, D-Santa Ana. Other trips were to engagements farther away, including Fresno, San Diego and Santa Barbara.

Contreras-Sweet or aides even had sworn CHP officers wash and gas

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her vehicle, and one time deliver her car keys to Los Angeles International Airport, the records show. Contreras-Sweet denied she had ever asked for her car to be washed and gassed up.

CHP Commissioner Helmick said he believes the service is tied to legitimate state business and acknowledged that on occasion he has recommended that Contreras-Sweet use the Highway Patrol.

Strong defense

Davis press secretary Steve Maviglio issued a strong defense of Contreras-Sweet. ``If any CEO ran an organization of that size and drove herself around," he said, ``they'd be laughed out of the business world."

Contreras-Sweet is not the first business, transportation and housing secretary to extensively use the CHP's services, according to Davis spokesman Maviglio. Gov. Pete Wilson's secretary resigned after revelations that he misused the CHP.

One Republican lawmaker said Contreras-Sweet should do the same.

``With the threat of terrorism and the growing budget crisis, it is outrageous that Contreras-Sweet would waste resources and pull cops off the street to serve her personal needs," Sen. Ross Johnson said after being told of the Mercury News' findings. ``The governor ought to demand the resignation of Contreras-Sweet and whoever else is responsible."

This spring, Johnson, R-Irvine, accused Contreras-Sweet of illegally using state-financed mailers to tout the governor's record on transportation and housing.

The Davis administration has denied there was anything wrong with the mailers.

When Davis tapped the Mexican-born woman to head one of the most powerful agencies in state government nearly four years ago, Contreras-Sweet became the first Latina in a California governor's Cabinet.

Already a well-known figure in the corporate and government worlds, Contreras-Sweet had been an executive with 7-Up/RC Bottling, ran her own public relations firm and served on the board of directors of Blue Cross of California.

High profile in Cabinet

As secretary of the \$10 billion business, transportation and housing agency, the 46-year-old Contreras-Sweet oversees several key state departments, including Caltrans and the CHP. Contreras-Sweet, who earns \$131,000 a year, has assumed a high profile in the Davis

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Cabinet.

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Davis' spokesman Maviglio said in defending Contreras-Sweet that previous secretaries had used CHP drivers.

A decade ago, Carl Covitz, who filled the same job under Wilson, was forced to resign over his use of state perks, most notably his decision to commandeer a CHP helicopter so that he and his family could watch a Desert Storm parade in Los Angeles.

Contreras-Sweet's tenure has not been without controversy either.

In addition to Johnson's complaints, Contreras-Sweet has drawn criticism for her role in bailing out an HMO after it hired one of Davis' closest political allies as a lobbyist.

More recently, she defended her agency when a lawmaker proposed transferring control of the CHP from it to the governor's office.

Her extensive use of the CHP has remained a more quiet irritant to some in state government.

For the past two years, Contreras-Sweet has used an unmarked vehicle driven by a plainclothes officer for everything from trips to and from the airport and to local speaking engagements to long journeys between Sacramento and the Bay Area and between Los Angeles and other Southern California cities.

Contreras-Sweet maintains offices in both Sacramento and Los Angeles.

According to records, she has used CHP-driven cars to go to an event at the Getty Museum in Los Angeles, a memorial for a slain CHP officer in Pasadena and a parade in Baldwin Park.

Three times in the past two years, she had CHP officers drive her the approximately 20 miles from Sacramento to Folsom for meetings of the California Independent System Operator, which manages the state's power grid. Contreras-Sweet served on the ISO board.

But Contreras-Sweet has also used CHP officers for long trips. On April 3, a CHP officer drove the Cabinet secretary from the Los Angeles area to Fresno for a series of events and then took her back home the next day, a round-trip journey of more than 450 miles.

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During the same period, CHP officers have taken her to or from airports around the state 21 times, according to the records.

Secretary's response

In an interview on Monday, Contreras-Sweet cited a variety of reasons why she needs a CHP escort, including her need to speak confidentially to Helmick on the phone. The secretary also said she doesn't want to risk accidents talking on the phone while behind the wheel.

As they do for all senior state officials, taxpayers pay for vehicles that Contreras-Sweet can use in both Los Angeles and Sacramento.

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Contact Mark Gladstone at mgladstone@sjmercury.com or (916) 325-4314.
Contact Noam Levey at nlevey@sjmercury.com or (916) 712-5061.

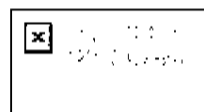


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California: Taxpayer's Taxi

Mercury News 07/9/02 Mark Gladstone/Noam Levey

SACRAMENTO - When Maria Contreras-Sweet wants a ride to the airport, she rings up the California Highway Patrol. When she is invited to talk to grocers in Palm Springs, the CHP drives her. When she needs to get from her Los Angeles area home to a breakfast in Orange County, the Highway Patrol comes to her door. Contreras-Sweet, Gov. Gray Davis' secretary of business, transportation and housing, has had the CHP shuttle her on more than 200 trips in the past two years at a cost of more than \$75,000, according to records obtained by the Mercury News.

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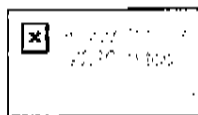
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HENCH adds: And the State just happens to be \$29 billion in debt thanks to Dim-Bulb Davis and his band of Merry Money Wasters.

It's time for Davis to fire this scum, and the people of Cal to fire Davis come November.



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