

JUN 14, 1988

Cec Cinder
Western Sunbathing Association Inc.
P.O. Box 328
Moreno Valley, CA 92337

Dear Cec Cinder:

In People vs. Eric John Bost, Placer County Superior (Appellate) No. 75689, the court held that the public receives fair notice that clothing-optional activities like "skinny dipping" are permitted only at recognized locations within the state parks, unless a request for cessation of such activities is made by an enforcement officer upon public complaint. Upon such warning, the activity must stop for the day. By prohibiting the activity for the balance of the day, it is likely that the skinny dipper and complaining party will not encounter one another again thus serving the purpose of the "Cahill policy" in a rational, easily understandable way.

This construction also fairly advises law enforcement and prosecutors of how the law is to be enforced. So long as the activity takes place in a traditionally recognized area it is legal unless and until a complaint from a member of the public is received. Upon such complaint a warning is to be issued and, if not heeded, a violation (of Title 14, California Code of Regulations Section 4322) has occurred. Further activities of a person so warned are prohibited for the balance of the day, but activities on later days are proscribed only if preceded by a new public complaint and renewed warning.

This Department concurs in the holding of the court and will not seek appellate review of this court's judgment.

A copy of the opinion is enclosed for your use.

Sincerely,

Jack V. Harrison
Deputy Director for Operations

G-7729X

Enclosure

cc: All Regional Directors
Mr. Bruce Kranz, District Superintendent
Folsom Lake District