

BRIGGS LAW CORPORATION

San Diego Office:
4891 Pacific Highway, Suite 104
San Diego, CA 92110

Telephone: 619-497-0021
Facsimile: 909-949-7121

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1999.00

16 May 2019

David Miyashiro, Superintendent
Jill Barto, Board Clerk
Cajon Valley Unified School District
750 East Main Street
El Cajon, CA 92020

Via Facsimile Only to 619-588-3072

Re: Request to Cease and Desist from Violations of Ralph M. Brown Act

Dear Superintendent Miyashiro and Board Clerk Barto:

On behalf of my client, *East County Magazine*, I am writing to request that your agency cease and desist from certain violations of the Ralph M. Brown Act, Government Code § 54950 *et seq.* This letter is being sent pursuant to Government Code Sections 54960 and 54960.2.

On May 7 and 14, 2019, your agency refused to allow reporters from *East County Magazine* to make audio or video recordings of the public meetings of the governing board. Reporters who had lawfully occupied open seats in the front row of the room where the meetings are conducted, in order to make clear recordings of the meetings, have been ordered to move to the back of the room and sit under a noisy air conditioner that interferes with the quality of the recording. Despite lawfully occupying open seats in the front row, reporters have been threatened with arrest, removal, or both if they did not move to the back of the room.

Preventing any member of the public from recording a public meeting of the governing board is flatly illegal. "Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings." GOV'T CODE § 54953.5(a).

Refusing to allow *East County Magazine* reporters (or any other member of the public) to record board meetings is not merely illegal. It is also a criminal offense for board members to attend public meetings intended for members of the public to be denied information. GOV'T CODE § 54959. Based on your agency's history of deleting audio recordings of board meetings, it has become necessary for reporters to record the meetings because your agency cannot be trusted to carry out this basic governance function. Now that all board members are on notice of the fact that the public must perform this function, any member's participation in a meeting at which the public has been thwarted in its efforts to make a recording will subject the member to criminal prosecution.

In accordance with the time limitations in Government Code Section 54960.2, please provide your agency's unconditional commitment to cease and desist from preventing members of the public



from recording board meetings. My client reserves its right to file suit and seek all available relief in the absence of a timely unconditional commitment, without further notice to your agency.

Thank you for your prompt attention to this important matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

