

Dr. Kimberly Velez  
Interim Superintendent  
kvelez@tvusd.us

Frank Arce  
Ast. Superintendent, HRD  
farce@tvusd.us

Nicole Lash  
Ast. Superintendent, BSS  
nlash@tvusd.us

Allison Barclay  
Board Member, Area 1  
abarclay@tvusd.us

Steven Schwartz  
Board Member, Area 5  
sschwartz@tvusd.us

Joe Mueller  
Executive Director, HRD  
jmueller@tvusd.us

3 November 2023

To Whom It May Concern,

My name is Amy Parker. I am a student at California State University, Fullerton (henceforth “CSU Fullerton”), and a Founding Member of the Open Information Collective (henceforth “OIC”). In my position as Founding Member of the OIC, I am authorized to represent the OIC’s views regarding various subject-matter interests of it, including Division 10 (commencing with Section 7920.000) of Title 1 of the California Government Code (henceforth “GOV”), also known as the California Public Records Act (henceforth “CPRA”).

On October 13, 2023, I, on behalf of the OIC, filed a CPRA request with Temecula Valley Unified School District (“TVUSD” or “the District”). On October 20, 2023, Director of Compliance Michael Marble (Director Marble) filed an initial response email, asking for clarification. Over the next three days, we continued to negotiate the terms of the request, finishing the negotiations on October 23, 2023 with a proper resolution.

At this time, it would have been appropriate for Director Marble to file a 7922.535(b) extension; the request sought emails, which are a naturally voluminous form of documents, and a 14-day extension as provided by the law would have naturally met the situation. Instead, I was given nothing but silence from Director Marble. On October 31, 2023, I sent a follow-up email for the request. The next day, Director Marble said that requests were taking 6-8 weeks to process due to

---

From the desk of the Open Information Collective

*“Without publicity, no good is permanent; under the auspices of publicity, no evil can continue.”*

F.M. Amy Parker, A.A.

F.M. Monica Hanson

S.M. Sem Arquieta

a lack of sufficient staffing, and that the estimated delivery date for the records would be the end of November or earlier. This message violated the law, as GOV 7922.535(a) sets strict time restrictions on the processing of a request.

In response to this violation, I alerted Director Michael to the applicable statutes. The OIC has also had recent interactions over the same issue with the California State University (CSU), and so I provided him with a copy of our letter to the Records Access Officer for CSU Fullerton, which you can find at <https://oic.amyip.net/wp-content/uploads/2023/11/Fredericks-Letter.pdf>. This letter contains an analysis of a relevant court decision on the matter, *Farhad Fredericks v. The Superior Court of San Diego County; City of San Diego, et al., Real Parties in Interest* (233 Cal.App.4th 209, 2015), as well as other relevant precedents which supported the California Court of Appeal's decision in *Fredericks*, and references to previous OIC letters regarding the interpretation of time limits as per the literal wording of GOV 7922.535. The dispute with the CSU had arisen from a previous errant precedent, *Motorola Communications & Electronics, Inc. v. Department of General Services* (55 Cal.App.4th 1342, 1997), which formed the basis of the CSU's (and as far as we can tell, TVUSD's) opinion with regards to time limits. However, *Fredericks* contains rulings directly contradictory to *Motorola*, and being a decision at the same court level, *stare decisis* would rule *Fredericks* as supplanting *Motorola* and making the OIC's interpretation of time limits the prevailing case law.

On November 3, 2023, Director Marble responded to my argument, still refusing to honor the law on this issue. He rejected both the legal arguments, and claimed the District was "working diligently to process [the OIC's] request and all other pending PRA requests as soon as practicable". However, even if the District's claim was correct, taking 6-8 weeks to process a basic request is *not* reasonable behavior on the District's part. What is reasonable behavior is to ensure that there is reasonable staffing to handle all CPRA requests. Most agencies have contingency methods for handling large volumes of requests. At CSU Fullerton, multiple employees are trained in handling CPRA requests, among their other duties; as such, when there is a high volume of requests, they can delegate duties. The Los Angeles County Metropolitan Transportation Agency (LACMTA) assigns Administrative Analysts both permanently and temporarily to the role of Records and Information Management Analyst, in which they can

handle higher volumes of CPRA requests. With the exception of one request with LACMTA which requested many hundreds of documents from many assorted places, all of which needed heavy individual redaction, LACMTA has responded to all of my requests in under ten days, as per the applicable statutes. Beaumont Unified retains a large law firm as their primary counsel, and distribute requests out for their counsel to handle; while this is not the usual recommended method, it is potentially viable for smaller agencies like TVUSD.

The Open Information Collective asks you all, individually and as the District in total, for the following relief, either by direct action within the District or by requesting that Director Marble comply with the applicable laws:

- Complete my request, and all outstanding requests from other individuals and groups, within the legally prescribed time length. For my request, this would be by November 6, 2023; however, given Director Marble's refusal to cooperate, I am willing to cooperate with the District and mutually extend this timeframe by mutual negotiation between the OIC and the District.
- Respond to all future requests within the legal time limits. If this requires that the District hire more staff to fulfill its legal obligations, or that it train existing staff to cover the work, so be it; the District would not kick out students for lack of teachers, but rather would hire more, and the same applies here.

If you would like a copy of the email chain between the OIC and Director Marble, please let me know, and I will provide it as soon as possible. Thank you for your consideration, and I hope we can see a swift resolution of these issues.

Sincerely,

Amy Parker, A.A.

she/her/hers

(562) 299-8551

amyipdev@csu.fullerton.edu