



**FACSIMILE MESSAGE  
TO 858.523.6114**

**TO: GEE WAH MOK, BOARD CLERK**

**FROM: JOHN GARTMAN**

**DATE: 3 MARCH 2020**

**PAGES INCLUDING COVER: 3**



VIA FAX ON 3.3.2020  
Courtesy copy by email

3 March 2020

Gee Wah Mok, Board Clerk  
Del Mar Union School District  
11232 El Camino Real  
San Diego, CA 92130  
858.523.6114 fax  
gmok@dmusd.org

Dear Mr. Mok:

I write to you in your capacity as Board Clerk to address the February 26, 2020 meeting of the DMUSD Board of Trustees. ("Board").

For reasons described below, the board violated § 54957.5 of the Ralph M. Brown Act by failing to make meeting documents available to the public at the same time they were distributed to the trustees. As required by § 54960 (as a pre-condition of further action) this letter describes the nature of the violations and gives the Board the opportunity to provide an unconditional commitment under § 54960.2 to cease and desist from further violations. I am writing to you as Clerk, as required by § 54960.2.

On the morning of the board meeting, I wrote you the following e-mail:

Dear Mr. Mok,

Please e-mail me the agenda packet for tonight's board meeting, plus any other materials that have or will be presented to the board by the time of the meeting.

If the items cannot be emailed at the same time that they are made available to the board, then please let me know why.

If there are last minute items such as pdf presentations that are to be made at the meeting, then please provide those to me when they are made available to the board. I will attend the meeting.



For your reference, I've provided the text of Gov. Code Sec. 54957.5(b)(1) below:

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

Thank you.

John Gartman

You graciously responded, saying (in substance) that all materials that had not already been provided online would be handed out to me before the meeting.

I did receive some materials at the meeting and I thanked you in an email afterwards. But I did not receive *all* writings that were distributed to the board visually or orally at the time they were made available to the board. As one example, I was not provided with a copy of Dr. McClurg's meeting presentation.

Please let me know whether the Board will agree not to violate the Brown Act similarly in the future and whether the Board will agree to make an unconditional commitment to make available to the public all writings related to agenda items, at the same time they are distributed to all or a majority of all of the trustees, consistent with 54957.5.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Gartman", written in a cursive style.

John E. Gartman, President  
Play Outside Del Mar  
[john@playoutsidedelmar.org](mailto:john@playoutsidedelmar.org)  
619.517.1010