

1 Parisa Ijadi-Maghsoodi, SBN 273847
2 parisa@peaselaw.org
3 Bryan W. Pease, SBN 239139
4 bryan@peaselaw.org
5 Pease Law, APC
6 3960 W. Point Loma Blvd., Suite H-2562
7 San Diego, CA 92110
8 Telephone: (619) 991-9517

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13 Attorneys for Petitioners
14 *Francine Maxwell and Pease Law, APC*

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17 County of San Diego
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1 Petitioners FRANCINE MAXWELL and PEASE LAW, APC allege as follows against
2 Respondent SAN DIEGO HOUSING COMMISSION, and DOES 1-10:

3 **PARTIES**

4 1. Petitioner FRANCINE MAXWELL is a resident of the City of San Diego and is a
5 community engagement specialist, an organizer including an organizer for San Diego Tenants
6 Union, a former NAACP San Diego Branch President, and the immediate past Chair—and a current
7 member—of Black Men and Women United San Diego.

8 2. Petitioner PEASE LAW, APC is a professional corporation based in San Diego
9 County, owned and operated by Bryan W. Pease, Esq.

10 3. Petitioners are a “person” and “member of the public” within the meaning of
11 Government Code §§ 7920.515-520, 7923.000 (formerly §§ 6252(b), (c) and 6259(a)).

12 4. Respondent SAN DIEGO HOUSING COMMISSION (hereinafter “SDHC”) is an
13 agency of the CITY OF SAN DIEGO and is subject to the Public Records Act, Gov. Code §
14 7920.000 *et seq.* (formerly Gov. Code §§ 6250 *et seq.*).

15 5. The names and capacities of DOES 1 through 10 are currently unknown to the
16 Petitioners. It is alleged on information and belief that Does 1 through 10 are employees, agents,
17 appointed official, departments, or subcontractors of SDHC. It is alleged on information and belief
18 that DOES 1 through 10 are not necessary or indispensable parties within the meaning of Code of
19 Civil Procedure section 389, because complete relief can be achieved from SDHC.

20 **JURISDICTION AND VENUE**

21 6. This Court has personal jurisdiction over Respondent because Respondent is located
22 in and conducts business in San Diego County.

23 7. This Court has subject matter jurisdiction over the claims asserted because relief is
24 sought pursuant to Gov. Code §§ 7920.000 *et seq.* (formerly Gov. Code §§ 6250 *et seq.*).

25 8. Venue is proper in this county as the acts upon which this action is based occurred in
26 this county, and all parties are headquartered in this county.

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FACTS

9. On May 29, 2024, Petitioners prepared and submitted a California Public Records Act request to SDHC. Petitioners' request sought records in the form of data, specifically 15 data points regarding the Housing Choice Voucher program between 2020 and present. The records requested were "public records" within the meaning of Government Code Section 7920.530 (formerly Section 6252(e)), not exempt from public disclosure, and within the possession, control, and custody of SDHC.

10. In describing the records sought, Petitioners used SDHC’s own terminology. Petitioners also included a “definitions” section in the request. In this “definitions” section, Petitioners cited SDHC’s own use of this terminology, including the glossary in SDHC’s planning document which governs SDHC’s administration of the Housing Choice Voucher program. Petitioners also cited—and included an excerpt from—the deposition of the employee SDHC produced as SDHC’s person most knowledgeable regarding the databases and software SDHC uses to maintain the requested data.

11. In addition to using SDHC's own terminology to describe the records sought, Petitioners also reminded SDHC of its obligations under the California Public Records Act (CPRA) and offered to provide clarification and assistance, including with drafting a database query (emphasis added):

Regarding the data requested, as you know, the CPRA requires you to provide access to existing data, regardless of whether an existing report exists. You cannot disregard a request for records simply because the information must first be retrieved and then exported into a separate record before the information can be released. Nor can you disregard a request simply because you do not have an existing report that provides the requested records. As you know, under the CPRA, you have an obligation to gather and segregate disclosable electronic data and to perform data compilation, extraction or computer programming if necessary to produce the requested records. If you have any questions, need clarification, or need assistance from our data team (including with a query), please contact us immediately via email [] or phone []. We are willing and happy to help. Our goal is simply to obtain access to these public records. In your response, please also describe the informational technology and physical location in which the requested records exist.

1 If the records are maintained in a database, please identify that database by name.
2 If there is more than one database, please identify the databases by name and which
3 of the requested records are in which database.

4 If you are unable to locate the records, please inform us and provide any assistance
5 in better identifying the documents as required by the California Public Records
6 Act.

7 12. Almost six months have passed, and Petitioners have yet to receive the records
8 Petitioners requested or a response that complies with the California Public Records Act.

9 13. The responsive records include data and documents. These records are “public
10 records” within the meaning of Government Code Section 7920.530 (formerly Section 6252(e)), not
11 exempt from public disclosure, and within the possession, control, or custody of SDHC.

12 14. Petitioners have no plain, speedy or adequate relief in the ordinary course of law, in
13 that damages are unavailable and would not make Petitioners whole.

FIRST CAUSE OF ACTION

(Writ of Mandamus and Injunctive Relief)

15 15. Petitioners incorporate by reference and reallege each and every allegation of all
16 previous paragraphs as if fully set forth herein.

17 16. The California Public Records Act defines public records as including “any writing
18 containing information relating to the conduct of the public’s business prepared, owned, used, or
19 retained by any state or local agency regardless of physical form or characteristics.” (Gov. Code §
20 7920.530, formerly Gov. Code § 6252(e).)

21 17. Records responsive to the California Public Records Act request must be made
22 “promptly” available to the requestor upon payment of any copying fees. (Gov. Code § 7922.530,
23 formerly Gov. Code § 6253.)

24 18. A response to the California Public Records Act must identify whether the agency is
25 withholding any records and the basis statutory for withholding the records. (Gov. Code §§
26 7922.540, 7922.000, formerly Gov. Code § 6255.)

27 19. Information that is in an electronic format must be made available in an electronic
28 format when requested by any person and, when applicable, must comply with the following: (1)

1 The agency shall make the information available in any electronic format in which it holds the
2 information. (2) The agency shall provide a copy of an electronic record in the format requested if
3 the requested format is one that has been used by the agency to create copies for its own use or for
4 provision to other agencies. (Gov. Code §§ 7922.570-7922.585, formerly Gov. Code § 6253.9(a).)

5 20. An agency is only permitted to impose additional charges when the request would
6 require data compilation, extraction, or programming to produce the record. (Gov. Code § 7922.575,
7 formerly Gov. Code § 6253.9(b).)

8 21. “When a member of the public requests to inspect a public record or obtain a copy of
9 a public record, the public agency, in order to assist the member of the public make a focused and
10 effective request that reasonably describes an identifiable record or records, shall do all of the
11 following, to the extent reasonable under the circumstances:

12 (1) Assist the member of the public to identify records and information that are responsive to
13 the request or to the purpose of the request, if stated.

14 (2) Describe the information technology and physical location in which the records exist.

15 (3) Provide suggestions for overcoming any practical basis for denying access to the records
16 or information sought.”

17 (Gov. Code § 7922.600, formerly Gov. Code § 6253.1(a)(3).)

18 22. Respondent violated the California Public Records Act by failing to provide records
19 responsive to Petitioners’ California Public Records Act request. Respondent maintains the records
20 and information Petitioners requested. These records and information are not exempt from
21 disclosure.

22 23. Respondent also violated the California Public Records Act by failing to respond to
23 Petitioners’ California Public Records Act request.

24 24. Respondent also violated the California Public Records Act by failing to assist
25 Petitioners to identify records and information that are responsive to the request or the purpose of the
26 request. (Gov. Code § 7922.600, formerly Gov. Code § 6253.1(a)(1).)

27 25. Unless enjoined by this Court, Respondent will continue to withhold the public
28 records requested by Petitioners.

26. Petitioners are entitled to a writ of mandamus ordering Respondent to respond to Petitioners' California Public Records Act request and provide all records, not exempt from disclosure, to Petitioners as soon as possible.

SECOND CAUSE OF ACTION

(Declaratory Relief)

27. Petitioners incorporate by reference and reallege each and every allegation of all previous paragraphs as if fully set forth herein.

28. There is a current case and controversy in that Respondent contends that its conduct complies with the California Public Records Act and Petitioners dispute this contention.

29. A judicial declaration of the respective parties' rights and duties is needed so that the parties can each conduct themselves in accordance with those rights and duties. Without such a judicial declaration, there will continue to be disputes and controversy over whether SDHC's actions comply with the California Public Records Act.

30. Petitioners are entitled to a judicial declaration that Respondent's conduct does not comply with the Public Records Act. (Gov. Code § 7923.000, formerly Gov. Code § 6258.)

WHEREFORE, Petitioners pray for the following:

1. For a peremptory writ ordering SDHC to immediately produce records responsive to Petitioners' California Public Records Act request;
2. For injunctive relief ordering SDHC to produce records it is withholding;
3. For a peremptory writ ordering SDHC to properly respond to Petitioners' California Public Records Act request in a manner that complies with the California Public Records Act;
4. For *in camera* review of records, *if any*, that SDHC intends to withhold;
5. For declaratory relief stating that SDHC violated the California Public Records Act;
6. For costs of suit incurred herein, and;
7. For such additional and further relief as the court deems just and proper.

Dated: November 14, 2024

By:

Patricia H. Hays

Parisa Ijadi-Maghsoodi
Attorney for Petitioners

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VERIFICATION

I, Francine Maxwell, am one of the Petitioners in the above-entitled action. I have read the foregoing Petition for Writ of Mandamus and Complaint, and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 14, 2024 in San Diego, California

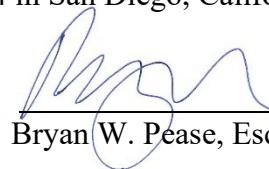


Francine Maxwell

VERIFICATION

I, Bryan Pease, Esq., am the owner of Pease Law, APC. I have read the foregoing Petition for Writ of Mandamus and Complaint, and the same is true of my own personal knowledge, except as to those matters alleged on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 14, 2024 in San Diego, California



Bryan W. Pease, Esq.