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Attorneys for Petitioners
The Citizen, Shiloh Johnston,
David Rowe, Pamela Rudd and
Kenneth Lester

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
01/10/2023 at 10:21:55 AM
By: Xian-xii Bowie,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

THE CITIZEN; SHILOH JOHNSTON;
DAVID ROWE; PAMELA RUDD; and
KENNETH LESTER,

Petitioners,

v.

PERALTA COMMUNITY COLLEGE
DISTRICT,

Respondent.

Case No. **23CV025722**

**VERIFIED PETITION FOR WRIT OF
MANDATE TO ENFORCE CALIFORNIA
PUBLIC RECORDS ACT**

1 9. Petitioner Shiloh Johnston is a political science student at Laney College. He first
2 published in The Citizen in 2021 and has been on staff since January 2022. Since May 2022, he
3 has served as The Citizen’s editor-in-chief. His reporting focuses on the District’s administration,
4 particularly its budget and finances. In February 2022, for instance, Johnston reported on an
5 \$11,000 trip budgeted for two Peralta administrators, including \$6,576 in first class airfare in
6 violation of District policy.⁴ The story earned him a third place award in the News Story category
7 from the Journalism Association of Community Colleges.

8 10. Petitioner David Rowe is a journalism student at Laney College and the Associate
9 Editor at The Citizen. Over the past two years, his stories in The Citizen have covered subjects
10 ranging from the District’s upgrade of its PeopleSoft computer program,⁵ to the adoption and
11 implementation of a community-based security services plan throughout the District.⁶ Rowe’s
12 stories have won several awards, most recently The General Excellence Award from The
13 Journalism Association of Community Colleges. Many of Rowe’s stories have triggered changes
14 in District policy. When Rowe reported in October 2021, for instance, that unarmed District
15 security guards lacked basic two-way communication devices, the District placed a large order of
16 walkie talkies.

17 11. Petitioner Pamela Rudd is a contributing reporter with The Citizen. She began her
18 tenure with the Citizen in 2019 as a staff writer and later served as its opinion editor. She was part
19 of the team that uncovered deficiencies in security contracts slated to be awarded by the District
20 to unqualified security firms who lacked state certification, resulting in the revocation of over \$4
21 million in contracts.⁷ Her work has appeared in Oakland Voices and was showcased by Phil
22

23 ⁴ Shiloh Johnston, “District backtracks sky-high travel request,” February 3, 2022, The Citizen, available at
24 <https://www.peraltacitizen.com/district-backtracks-sky-high-travel-request/> (last checked November 21, 2022).

25 ⁵ David Rowe, “Countdown underway for relaunch of Peralta PeopleSoft system,” February 2, 2021, The Citizen
26 available at <https://www.peraltacitizen.com/countdown-underway-for-relaunch-of-peralta-peoplesoft-system/> (last
27 checked November 21, 2022).

28 ⁶ See, e.g. David Rowe and Pam Rudd, “A closer look at the new Peralta security vendors,” December 14, 2020, The
Citizen, available at <https://www.peraltacitizen.com/a-closer-look-at-the-new-peralta-security-vendors/> (last checked
November 21, 2022).

⁷ See, e.g. David Rowe and Pam Rudd, “A closer look at the new Peralta security vendors,” December 14, 2020, The
Citizen, available at <https://www.peraltacitizen.com/a-closer-look-at-the-new-peralta-security-vendors/> (last checked
November 21, 2022); Pam Rudd, “Peralta’s security plans still unclear,” May 6, 2021, The Citizen, available at
<https://www.peraltacitizen.com/peraltas-security-plans-still-unclear/> (last checked November 21, 2022).

1 Matier in the San Francisco Chronicle. She has received awards from the Northern California
2 chapter of the Society of Professional Journalists and the Journalists Association of Community
3 Colleges.

4 12. Petitioner Kenneth Lester is the managing editor at The Citizen. He is part of the
5 team providing ongoing coverage of Tim Thomas, the District’s Director of Public Safety, who
6 has been indicted by the Alameda County District Attorney’s office for misdemeanor battery and
7 elder abuse related to a May 6 altercation with a man outside the District’s offices.

8 13. Petitioners collectively make liberal use of the PRA. Their ongoing coverage of
9 security contracts awarded by the District is based largely on documents obtained through the
10 PRA.⁸

11 14. Respondent Peralta Community College District is a community college district
12 organized pursuant to the California Constitution Article IX, section 14. It is a local agency under
13 Government Code section 6252(a).

14 **JURISDICTION AND VENUE**

15 15. Jurisdiction is proper in this Court pursuant to Government Code sections 6258
16 and 6259, which provide that any person may institute proceedings for a writ of mandate in any
17 court of competent jurisdiction to enforce his or her right to receive a copy of any public record.
18 Jurisdiction is also proper under Code of Civil procedure § 1085, which provides that a writ of
19 mandate may be issued by any court to compel the performance of an act that the law specifically
20 enjoins.

21 16. Venue is proper in this Court because the District is located within this County and
22 the records in question are situated within this County. Gov’t Code § 6259(a).

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27 ⁸ See, e.g. David Rowe and Pam Rudd, “A closer look at the new Peralta security vendors,” December 14, 2020, The
28 Citizen, available at <https://www.peraltacitizen.com/a-closer-look-at-the-new-peralta-security-vendors/> (last checked
November 21, 2022); Pam Rudd, “Peralta’s security plans still unclear,” May 6, 2021, The Citizen, available at
<https://www.peraltacitizen.com/peraltas-security-plans-still-unclear/> (last checked November 21, 2022).

1 **GENERAL ALLEGATIONS**

2 **THE CALIFORNIA PUBLIC RECORDS ACT**

3 17. The public’s right of access to government documents is enshrined as a
4 fundamental right in the California Constitution. Under the Declaration of Rights in Article I, the
5 Constitution provides that “The people have the right of access to information concerning the
6 conduct of the people’s business, and, therefore... the writings of public officials and agencies
7 shall be open to public scrutiny.” California Constitution, Art. I, section 3(b)(1). The Constitution
8 further declares that any statutes must be “broadly construed” if they “further the people’s right of
9 access” and “narrowly construed” if they “limi[t] the right of access.” *Id.* at subsec. (2). *See also*
10 *Rogers v. Superior Court*, 19 Cal.App.4th 469, 476 (1993).

11 18. Under the PRA, Government Code sections 6250 *et seq.*, all records “containing
12 information relating to the conduct of the public’s business prepared, owned, used, or retained by
13 any state or local agency” must be made publicly available for inspection and copying upon
14 request, unless they are exempt from disclosure. Gov’t Code §§ 6253(a) and (b), 6252(e).

15 19. The PRA contains strict deadlines for an agency to respond to a request for
16 records. An agency must “within 10 days from receipt of the request, determine whether the
17 request, in whole or in part, seeks copies of disclosable public records in the possession of the
18 agency.” *Id.* at § 6253(c). The agency is required to “promptly notify the person making the
19 request of the determination and the reasons therefor.” *Id.* at § 6253(c). Only in “unusual
20 circumstances,” as defined by the statute, may an agency extend this deadline — and in no event
21 beyond 14 days. *Id.*

22 20. If documents contain both exempt and non-exempt material, the government must
23 disclose all non-exempt material. Gov’t Code § 6253(a).

24 **PETITIONERS’ REQUESTS AND RESPONDENT’S RESPONSES**

25 21. Since November 2020, The Citizen and its staff, including the Petitioners, have
26 submitted numerous PRA requests to the District. Six of those requests, as detailed herein, remain
27 unfulfilled.

1 Petitioner David Rowe's November 18, 2020 Request for Outstanding PRA Requests

2 22. The Citizen has often reported on the District's failure to comply with the PRA.⁹

3 23. To investigate the District's compliance with the PRA, Petitioner David Rowe
4 submitted a PRA request to the District for all of its outstanding PRA requests over the previous
5 twelve months on November 18, 2020. A true and correct copy of Rowe's request is attached
6 hereto as Exhibit A.

7 24. Rowe did not receive a timely response from the District. Rowe sent three follow
8 up requests to the District in the subsequent months following his request on December 10, 2020,
9 December 16, 2020 and January 30, 2021. The Citizen sent a formal demand letter to the District
10 on April 6, 2022 and a final demand letter on October 6, 2022. True and correct copies of The
11 Citizen's April 6 and October 6 demand letters are attached hereto as Exhibits B and C.¹⁰

12 25. Finally, nearly two years after receiving the request, the District responded on
13 October 20, 2022 but provided only a partial response. A true and correct copy of the District's
14 response is attached hereto as Exhibit D.¹¹ The District provided a list of two outstanding PRA
15 requests from the relevant period, including the name of the requester and the date of the request.
16 The District, however, did not provide the actual text of each of the requests.

17 26. On information and belief, the records provided to the Citizen are incomplete.
18 Petitioners are aware that at least several other responsive PRA requests were outstanding at the
19 time Rowe submitted his request, including those mentioned in his stories on the District's
20 backlog.

21 Petitioner Pamela Rudd's November 19, 2020 Request for Responses to RFP 19-20/03.

22 27. In the fall of 2020, in the wake of the George Floyd murder, the District decided to
23 end its engagement with the Alameda County Sheriff's Office and opted instead to contract for

24 _____
25 ⁹ See, e.g. David Rowe, "Peralta's pattern of non-response to public records requests," February 2, 2021, The Citizen,
26 available at <https://www.peraltacitizen.com/peraltas-pattern-of-non-response-to-public-records-requests/> (Last
27 checked November 21, 2022); Pam Rudd, "Peralta district ignores freedom of information act request," January 12,
28 2021, The Citizen, available at [https://www.peraltacitizen.com/peralta-district-ignores-freedom-of-information-act-
request/](https://www.peraltacitizen.com/peralta-district-ignores-freedom-of-information-act-request/) (last checked November 21, 2022).

¹⁰ The April 6 demand letter also served as a demand letter for Pamela Rudd's November 19, 2020 request, and the
October 6, 2020 demand letter served as a final demand letter for all of the PRA requests mentioned herein, except
Petitioner Lester's request.

¹¹ The District's October 20 response letter also responded to four of the five the other PRA requests discussed *infra*.

1 “community-based” security services at the District’s four campuses.

2 28. The Citizen has extensively covered this transition from law enforcement-based to
3 community-based security services throughout the District.¹²

4 29. On November 19, 2020, Petitioner Pamela Rudd submitted a PRA request to the
5 District for all responses to the District’s Request for Proposal 19-20/03, seeking contractor
6 applications to provide community-based safety services throughout the District’s campuses.
7 Rudd also specifically sought meeting minutes, agendas or recordings of the pre-proposal meeting
8 on June 15, 2020.¹³ A true and correct copy of Rudd’s November 19, 2020 request is attached
9 hereto as Exhibit E.

10 30. Rudd subsequently clarified via email that she also wanted responses to RFP 20-
11 21/02, as the District had sought community-based vendor proposals under several “RFP”
12 numbers. A true and correct copy of the email is attached hereto as Exhibit F.

13 31. Rudd also subsequently clarified that she sought all minutes, agendas and
14 recordings of an August 4, 2020 pre-proposal meeting. Ex. H.

15 32. On September 29, 2021, Rudd also sought the names of all people who served on
16 the committee for purposes of selecting amongst the applicants for security services at Peralta.

17 33. Despite repeated follow up requests, the District did not formally respond to
18 Rudd’s request or provide any documents until April 2022 — 18 months after she initially filed
19 her request.

20 34. After several follow ups — both before and after the District’s April 2022
21 production — the District’s response and production remains incomplete.

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26 ¹² See, e.g. David Rowe and Pam Rudd, “A closer look at the new Peralta security vendors,” December 14, 2020, The
27 Citizen, available at <https://www.peraltacitizen.com/a-closer-look-at-the-new-peralta-security-vendors/> (last checked
28 November 21, 2022); Pam Rudd, “Peralta’s security plans still unclear,” May 6, 2021, The Citizen, available at
<https://www.peraltacitizen.com/peraltas-security-plans-still-unclear/> (last checked November 21, 2022).

¹³ RFP number 19-20/03 was eventually replaced by the District with RFP number 19-20/10. The District has produced records responsive to both RFP numbers 19-20/03 and 19-20/10.

1 35. While the District has produced proposals from several vendors,¹⁴ it has never
2 given The Citizen a proper determination whether this universe of information is the entire scope
3 of all the bids that were submitted. *See, e.g.* Ex. D.

4 36. Documents that the District has produced suggest that there may have been other
5 vendors who submitted proposals. For instance, the District produced a chat log of the August 4
6 pre-proposal meeting where there are questions from numerous vendors. On information and
7 belief, at least one of the vendors that attended the meeting submitted a bid that has not been
8 disclosed to The Citizen.

9 37. Furthermore, the District has redacted important information from all bids in
10 received in response to RFPs 19-20/10 and 20-21/02, including the names of the owners of the
11 firms that applied, the state contractor license number for Zulu Community Protection, the names
12 of references for the bidders, and identities of the points of contact listed at each of the bidders.

13 38. The District’s redaction has been inconsistent; it did not redact this information
14 from bids responsive to RFP 19-20/03 presented by A-1 Protective Services, ABC Security
15 Service, Allied Universal and American Guard Services.

16 39. The District has never provided an explanation for its redactions, and the
17 redactions are not keyed to any specific statutory or decisional authority.

18 40. The District also has failed to produce the recording of the August 4, 2020 pre-
19 submission zoom meeting, or any minutes from that meeting.

20 41. The District’s search for responsive records appears to have been haphazard. It
21 initially informed the Citizen that no zoom meeting took place on June 15, 2020 because “Zoom
22 meeting were not being practiced at that time,” but the District subsequently produced the
23 recording of the June 15, 2020 zoom meeting. Ex. D.

24 42. Finally, the Distirct has failed to provide a list of the members of the selection
25 committee charged with evaluating and choosing amongst the applicants for security contracts at
26

27 _____
28 ¹⁴ A-1 Protective Services, Inc., ABC Security Service, Inc., Allied Universal Security Services, American Guard
Services, Community Ready Corps/Affect Real Change, Marina Security Services and Zulu Community Protection

1 the District, *see* Ex D., despite the fact that Rudd has asked for this information on several
2 occasions. Exs. E & F.

3 *Petitioner Pamela Rudd's April 21, 2021 Request for Vendor Information*

4 43. Following up on The Citizen's reporting on security contractors, on April 21, 2021
5 Petitioner Pamela Rudd submitted a request seeking information on a number of other individuals
6 and businesses associated.

7 44. Specifically, Rudd asked for the following:

8 1. Copies of all vendor applications from Community Ready Corps, Affect Real
9 Change Inc, Community Ready Corps Safety Services, Zulu, Zulu Protective
10 Services and any and all individuals who are associated with these vendors, e.g.
11 Earl Harper, Earl A Harper, [Tur-Ha Ak], Carroll Fife, Robert Dabney etc. Please
provide all vendor application form copies made prior to April 21, 2021.

12 2. Copies of any and all invoices, checks, wire or bank transfers made by the
13 District documenting payment made to any and all of the individuals or vendors
14 listed above for the period January 1, 2019 to April 30, 2021, and copies of all
checks, wire, bank, PayPal etc, transfers of money made to those same vendors or
individuals.

15 A true and correct copy of Petitioner Pamela Rudd's April 21, 2021 request is attached hereto as
16 Exhibit G.

17 45. While Rudd received vendor applications from Community Ready Corps and Zulu
18 Protective Services, she never received a determination whether vendor applications exist for
19 Carroll Fife, Tur-Ha Ak, Earl Harper or Robert Dabney. Ex. D. (A vendor application for Robert
20 Dabney must exist, as he is a District vendor, and District policy requires all vendors to submit an
21 application. *See* 1/1/15 "Instructions for Completing an Independent Contractor Consultant
22 Services Contract," available at [https://f.hubspotusercontent00.net/hubfs/6398505/Instructions-](https://f.hubspotusercontent00.net/hubfs/6398505/Instructions-for-Completing-ICC-updated-as-of-1.27.20151.pdf)
23 [for-Completing-ICC-updated-as-of-1.27.20151.pdf](https://f.hubspotusercontent00.net/hubfs/6398505/Instructions-for-Completing-ICC-updated-as-of-1.27.20151.pdf).)

24 46. Ms. Rudd has also not received a determination whether any financial records exist
25 related to Earl Harper, Carroll Fife or Tur-Ha Ak. Ex. D.

26 47. Moreover, while the District has produced some financial records reflecting
27 payments to Robert Dabney, the records are incomplete.

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1 48. Since 2009, the District has issued payments to Dabney totalling \$67,300 — the
2 bulk of which has been issued since April 2020. However, the District has only produced
3 contracts reflecting work for up to \$40,000 worth of services.

4 49. Moreover, the District has only produced invoices from Mr. Dabney totalling
5 \$40,000.

6 50. The District has also not provided a vendor application for Mr. Dabney, nor has it
7 provided a cover memo to the chancellor for a number of payments issued to Dabney, as required
8 by District policy.

9 51. The District has also failed to produce any proofs of payment from the District to
10 Dabney, such as copies of checks or receipts of bank wires. The District has also failed to produce
11 purchase orders, even though some of the invoices from Dabney reference specific purchase order
12 numbers.

13 52. The District provided to The Citizen an excel spreadsheet referencing voucher and
14 purchase order numbers associated with several payments to Dabney, but did not produce the
15 underlying vouchers or purchase orders.

16 53. A detailed list reflecting all known payments to Dabney since 2009, as well as the
17 supporting documentation for each of these payments, follows below as Appendix A. The
18 appendix contains a detailed list of all supporting documentation that has and has not been
19 produced to The Citizen for each known payment issued to Dabney.

20 *Petitioner Pamela Rudd's September 29, 2021 Request for Further Vendor*
21 *Information*

22 54. On September 29, 2021, Petitioner Pamela Rudd submitted a PRA request for
23 further information on certain District vendors, including Robert Dabney, Robert Harambe, a.k.a.
24 Ras Harambe, Umoja Tribe, Jason Matthews, Matthews Financial and Insurance Solutions, The
25 Difficult Dialogue National Resource Center, Ronit Lev, Ronit Matabuena, Kevin Kelly, Janet
26 Napolitano and Gina Garcia. She also sought all independent contractor agreements, resumes,
27 company overviews, scopes of work, and internal memos explaining the need for services from
28 these vendors.

1 55. A true and correct copy of the September 29, 2021 request is attached hereto as
2 Exhibit H.

3 56. As detailed in paragraphs 46 through 52 above, records related to Robert Dabney
4 are incomplete.

5 57. The District has also failed to provide a complete set of responsive records for
6 Jason Matthews and his business Matthews Financial and Insurance Solutions. The District has
7 only produced a table summarizing two payments related to Matthews. The District has not
8 provided any contracts, scopes of work, vendor applications or payment records, amongst other
9 documents.

10 *Petitioner Shiloh Johnston's April 21, 2022 Request for Credit Card Records*

11 58. On April 21, 2022, Johnston requested four years worth of credit card statements
12 from any chancellor and certain other employees at any of the District's campuses. A true and
13 correct copy of this request is attached hereto as Exhibit I.

14 59. The District acknowledges it is in possession of all responsive documents, but The
15 District still has not produced responsive records from June through August of 2017 or December
16 2017. The District has communicated to The Citizen that these records are in storage. Ex. D. It
17 has nearly nine months since the request was filed, plenty of time to pull records from storage.

18 *Petitioner Kenneth Lester's October 24, 2022 Request for Emails*

19 60. On October 24, 2022, Petitioner Kenneth Lester sought all incoming and outgoing
20 emails from the District's Director of Public Safety, Timothy Thomas, between September 26,
21 2022 and October 24, 2022. A true and correct copy of Lester's request is attached hereto as
22 Exhibit J.

23 61. On November 9, 2022, the District informed Lester that he would receive
24 responsive records by November 16. A true and correct copy of that response is attached hereto as
25 Exhibit K.

26 62. Lester received some responsive records from the District, but the production is
27 incomplete. The District provided only outgoing messages from Thomas. The District did not
28 produce incoming messages.

1 63. On information and belief, the production is also substantially incomplete. Indeed,
2 Petitioners are in possession of an email from Karl Seelbach to Timothy Thomas that is within the
3 responsive date range, but which was not produced by the District.

4 64. The District informed Lester that it had located 473 megabytes of responsive
5 emails, but the District only produced 59.4 megabytes of data to Lester. A true and correct
6 screenshot of Petitioner Lester's computer reflecting the volume of data produced to him from the
7 District is attached hereto as Exhibit L.

8 **FIRST CAUSE OF ACTION**

9 **Writ of Mandate Under California Public Records Act**

10 65. Petitioners incorporate by reference the allegations contained in the preceding and
11 subsequent paragraphs as if fully set forth herein.

12 66. The Public Records Act requires the "prompt" disclosure of non-exempt public
13 records.

14 67. The records sought by Petitioners' six requests are not exempt from disclosure.
15 Indeed, records seeking financial information are at the core of what the PRA is designed to make
16 public.

17 68. The District has failed to provide a complete response to the six requests that are
18 the subject of this Petition, including Petitioner Rowe's 11/18/20 request, Petitioner Rudd's
19 11/19/20, 4/21/21 and 9/29/21 requests, Petitioner Johnston's 4/21/22 request, and Petitioner
20 Lester's 10/24/22 request.

21 69. The District has also improperly redacted information from bids that were
22 submitted in response to RFPs 19-20/10 and 20-21/2, including the name of the owner of each
23 bidding firm, the names of references for those firms, and license numbers.

24 70. Petitioners have a beneficial interest in the release of the records and Respondent's
25 compliance with the law as they intend to use such records to as part of their reporting at The
26 Citizen.

27 71. Petitioners also and in the alternative have a public interest in the release of the
28 records and Respondent's compliance with the law as release of records is an issue of weighty

1 public concern and would confer a substantial benefit on many individuals beyond Petitioners.
2 Specifically, the records sought by Petitioners include basic financial information and may reflect
3 waste of public funds.

4 72. Respondent's duties to respond to Petitioners' requests are ministerial and do not
5 involve the exercise of any discretion.

6 73. Respondent's failure to provide requested records violates the Public Records Act.

7 74. Respondents' improper redactions of several RFP responses also violates the
8 Public Records Act.

9 WHEREFORE, Petitioners pray as follows:

10 1. That the Court issue a peremptory writ directing Respondents to complete their
11 production of records in response to Petitioner Rowe's 11/18/20 request, Petitioner
12 Rudd's 11/19/20, 4/21/21 and 9/29/21 requests, Petitioner Johnston's 4/21/22 request, and
13 Petitioner Lester's 10/24/22 request;

14 2. That the Court issue a peremptory writ directing Respondents to lift all redactions
15 to bids submitted in response to RFPs 19-20/10 and 20-21/02;

16 3. That Petitioners be awarded attorneys' fees and costs pursuant to Gov't Code §
17 6259 and any other applicable statutes or basis;

18 4. For all other and further relief that this Court deems proper and just.
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20 Dated: January 10, 2023

FERGUSON LAW PC

21 By: 
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Sam Ferguson
Attorneys for Petitioners
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Appendix A
Summary of Robert Dabney Financial Production

Check Number	Payment Date	Amount	Scope of Work/MOU	Chancellor Memo	Invoice	Payment Record (Cost Center)
55234562	6/11/2009	\$9,550	No	No	No	No
55363166	4/9/2020	\$10,000	Yes	No	Yes (invoice 355)	Yes
55363771	5/7/2020	<i>\$10,000</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
55364455	6/4/2020	\$10,000	Yes	No	Yes (invoice 358)	Yes
55367700	11/30/2020	\$8,000	Yes	Unclear	Yes (Invoice 23)	Yes
55368473	12/16/2020	\$4,000	Yes	Unclear	Yes (invoice 24)	Yes
55369451	2/9/2021	\$3,000	Yes	Unclear	Yes (invoice 25)	Yes
55371105	4/22/2021	\$5,000	Yes	Unclear	Yes (invoice 26)	Yes
55374231	8/24/2021	\$5,000	No	No	No	No
55374728	9/21/2021	\$2,750	No	No	No	No

Total: \$67,300

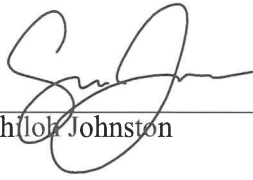
KEY
Italic.....Payment exceeds contract
 Light gray highlight.....February 10 - June 30 Contract
 Dark gray highlight.....July 1, 2020 - June 30, 2021 Contract

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Verification

I, Shiloh Johnston, have read this Verified Petition for Writ of Mandate to Enforce California Public Records Act in *The Citizen, et al. v. Peralta Community College District*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this January 08, 2023 in Piedmont, California.



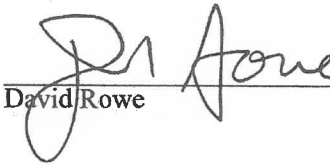
Shiloh Johnston

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Verification

I, David Rowe, have read this Verified Petition for Writ of Mandate to Enforce California Public Records Act in *The Citizen, et al. v. Peralta Community College District*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this January 8, 2023 in Walnut Creek California.

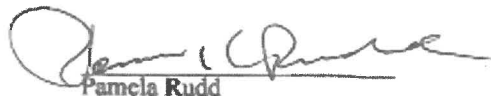

David Rowe

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Verification

I, Pamela Rudd, have read this Verified Petition for Writ of Mandate to Enforce California Public Records Act in *The Citizen, et al. v. Peralta Community College District*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this January 9, 2023 in Berkeley California.


Pamela Rudd

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Verification

I, Kenneth, have read this Verified Petition for Writ of Mandate to Enforce California Public Records Act in *BondGraham, et al. v. City of Oakland, et al.* I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this January 9, 2023 in Berkeley, California.



Kenneth Lester

Exhibit A

November 18, 2020

Ms. Carla Walter

Interim Chancellor

Peralta Community College District

333 East Eighth Street

Oakland, CA 94606

Dear Ms. Walter,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 to 6277, I write to request access to and a copy of a list of all Public Records Requests submitted to the Peralta Community College District over the past 12 months **to which responses have not yet been sent**. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$10.00. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

David Rowe

David Rowe

Laney College Journalism Student

36 Lawrence Road Alameda, CA 94502

Phone: 415-250-1231

e-mail: davidmrowe2005@yahoo.com

Exhibit B

Notice to the Peralta Community College District

April 6, 2022

Peralta Community College District
333 E 8th St
Oakland, CA 94606

Dear Interim Chancellor Jannett Jackson,

Starting in November 2020, members of The Citizen staff submitted a series of public records requests to the District requesting clearly defined sets of public information under the California Public Records Act. The District did respond with cursory notes, informing us that the requests would be processed and that we would receive the relevant information or a reasonable and lawful explanation for why the information could not be delivered.

For some of these requests, the District obliged the laws of the California Public Records Act and delivered the requested information. However, many of our requests remain unanswered and outstanding. Under the CPRA, entities have ten (10) days to determine whether the requested records are disclosable and must produce any non-exempt records promptly. Here, The Citizen has not heard back from the District for nearly a year in some cases. This constitutes a violation of the CPRA.

As members of the staff, we are hereby making a final request that the District satisfy all of these record requests by **April 20, 2022** or provide justification as to why the record is being withheld. If these records requests are not filled by this date, we will be pursuing a course of legal action against the District in order to obtain these records, as is our right under the California Public Records Act.

Attached is a list of the exact records requests which are still outstanding.

11/18/2020 - Request by David Rowe

Request for all outstanding public records requests from the last 12 months. We have documented follow ups on 4 occasions with no production.

11/19/2020 - Request by Pamela Rudd

Request for responses to RPD 19-20/03 as well as agenda, minutes, and zoom link for the pre-proposal meeting on 6/15/20. Again, we followed up on 4 occasions but the District's production is outstanding.

4/21/2021 - Request by Pamela Rudd

Request for vendor applications and invoices for CRC and Zulu and associated documentation. We have followed up on 3 separate occasions regarding this request, with no information produced.

8/15/2021 - Request by Pamela Rudd

Request made for responses to RFP 20-21/02, clarifying RFP #'s from previous request. No follow ups made.

9/29/2021 - Request by Pamela Rudd

Request made for several items, including 1.) all invoices regarding Dabney, Harambe, and/or Umoja Co. for dates 1/1/05- 9/27/21; including but not limited to invoices for #55374231, #5536166, #55364455 2.) all supporting documents for above specified by Peralta's independent contractor guidelines etc. 3.) Ind. contractor agreements including scope of work for each project for Jason Mathews, Janet Napolitano etc. for dates 1/1/05 through 9/29/21, with documented follow ups sent on 4 separate occasions.

Respectfully,
The Staff of the The Peralta Citizen

Exhibit C

Notice to the Peralta Community College District

October 6, 2022

Via Email:

Interim Chancellor Jannett Jackson
jjackson@peralta.edu
Peralta Community College District
333 E 8th St
Oakland, CA 94606

Re: Outstanding Public Records Act Requests

Dear Interim Chancellor Jannett Jackson:

Beginning in November 2020, members of *The Citizen* staff submitted a series of public records requests to Peralta Community College District (“the District”) requesting clearly identified records under the California Public Records Act (“CPRA”). Most of our requests — most more than a year old — remain unanswered and/or partially outstanding. As you are aware, under section 6253(c) of the CPRA, entities have ten (10) days to determine whether the requested records are disclosable and must produce all non-exempt records promptly thereafter. The time for the District’s “prompt” production has long come and gone.

In a final attempt to obtain all of the information we have requested since November 2020, we are transmitting this letter as a final demand to the District to produce responsive records by **October 20, 2022**. If responsive records do not exist, we demand a final determination that such documents do not exist, as well as a description of the search the District undertook to make that determination, and identification of the individual responsible for that determination under Government Code section 6253(d)(3) and 6255.

Here is a summary of our outstanding requests:

11/18/2020 - Request by David Rowe

Mr. Rowe requested all outstanding public records requests from the last 12 months. We have followed up on at least four occasions to remind the District of this request and have never received a response.

11/19/2020 - Request by Pamela Rudd

Ms. Rudd requested:

“A Copy of all responses to the request for proposal RFP:19-20/03, District Wide Community Based Safety Services. The proposal due date was June 29, 2020. These records should include proposal responses by A1 Security Services, Zulu, Community Ready Corps, and Marina Security Services as well as any additional applicants.

The minutes and agenda of the mandatory pre-proposal meeting June 15, 2020, which took place from 1:00-2:00 p.m. and any recordings of that Zoom meeting. If your agency does not maintain these public records, please let me know who does and include the proper custodian’s name and address.”

To date, we have not received the minutes, agenda or recording of the June 15, 2020 pre-proposal meeting. And while we have received some of the responses to the request for proposal RFP 19-20/03 [A1 Protective Services, Inc.; ABC Security Service, Inc.; Allied Universal Security Services; American Guard Services], we have never received a response or determination from the District that the documents produced are all of the responses to the request for proposal that the District received. Besides the applicants specified in our request, we do not know if there were other applicants who submitted proposals. If there were, we expect production of all proposals.

On August 15, 2021, Ms. Rudd subsequently clarified that her request for documents related to RFP 19-20/03 should also include similar documents related to RFP 20-21/02.

In response to this clarified request, the district provided the response to RFP 20-21/02 by Marina Security Services, Inc.. In response to this clarification, the District provided the vendor questionnaire and response by Zulu Community Protection and Community Ready Corps to RFP 19-20/10, an RFP that was not requested by *The Citizen*.

We have not received a final determination from the district that the documents produced in relation to Ms. Rudd’s August 15, 2021 clarification are all of the responses to the request for proposal that the District received.

04/21/2021 Request by Pamela Rudd

On April 21, 2021, Ms. Rudd further requested:

1. Copies of all vendor applications from Community Ready Corps, Affect Real Change Inc, Community Ready Corps Safety Services, Zulu, Zulu Protective Services and any and all individuals who are associated with these vendors, e.g. Earl Harper, Earl A Harper, Tur-ah-Ak, Carroll Fife, Robert Dabney etc. Please provide all vendor application form copies made prior to April 21, 2021.
2. Copies of any and all invoices, checks, wire or bank transfers made by the District documenting payment made to any and all of the individuals or vendors listed above for the period January 1, 2019 to April 30, 2021, and copies of all checks, wire, bank, PayPal etc, transfers of money made to those same vendors or individuals.

This request remains almost entirely outstanding. In response to this request, the District has only produced copies of vendor applications for Zulu Community Protection and Community Ready Corps. None of the other portions of this request have been satisfied.

We have followed up on three separate occasions regarding this request, with no information produced.

09/29/2021 - Request by Pamela Rudd

On September 29, 2021, Ms. Rudd requested:

- “1) All independent contractor agreements, including scope of work for each project, invoices submitted to the district and payment records for Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co. for the dates January 1, 2005 through September 29, 2021. Payment records should include the cost center for each transaction and the method of payment whether that be check, credit card, paypal and/or any other payment method,
- 2) All other “supporting documents” for Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co., specified by Peralta’s Independent contractor guidelines, per district policy, that include a resume (for individuals) or company overview,detailed scope of work/deliverables or memorandums of understanding (MOUs) and cover memo to the Chancellor explaining why the service is needed for contracts related to Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co.,

3) All independent contractor agreements, including scope of work for each project, invoices submitted to the district and payment records for Jason Matthews, Matthews Financial and Insurance Solutions, The Difficult Dialogue National Resource Center, Ronit Lev, Ronit Matabuena, Kevin Kelly, Janet Napolitano, and Gina Garcia for the dates January 1, 2005 through September 29, 2021. Payment records should include the cost center for each transaction and the method of payment whether that be check, credit card, paypal and/or any other payment method.

4) All other 'supporting documents' for Jason Matthews, Matthews Financial and Insurance Solutions, The Difficult Dialogue National Resource Center, Ronit Lev, Ronit Matabuena, Kevin Kelly, Janet Napolitano and Gina Garcia, specified by Peralta's Independent contractor guidelines, per district policy, that include a resume (for individuals) or company overview, detailed scope of work/deliverables or memorandum of understanding (MOU) and cover memo to the Chancellor explaining why the service is needed.

5) The names of any and all faculty, students, staff and administrators who served on the committee which selected security companies or worked on reviewing proposals for Peralta's community based security services."

This request remains **entirely outstanding** except for a limited set of documents related to Robert Dabney, Robert Harambe and Umoja Tribe/Umoja Co.

With respect to documents related to Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co., we have been able to confirm that the District's production is incomplete. We have reviewed the District's financial "warrant reports" presented at meetings of the governing board. These warrant reports reflect payments to Dabney, Harambe and Umoja that we have not received. To assist in your search, these are the payments to Dabney and/or Umoja we have verified from the District's warrant reports, and where the District's production remains incomplete:

Warrant Report	Check Date	Check Number	Payment Amount	Invoice Received	Payment Record Received
April 2020	04/09/2020	55363166	\$10,000	Yes*	No**
May 2020	05/07/2020	55363771	\$10,000	No	No**
June 2020	06/04/2020	55364455	\$10,000	Yes*	No**
November 2020	11/03/2020	55367700	\$8,000	Yes*	No**
December 2020	12/16/2020	55368473	\$4,000	Yes*	No**
February 2021	02/09/2021	55369451	\$3,000	No	No**
April 2021	04/22/2021	55371105	\$5,000	Yes*	No**
September 2021	08/24/2021	55374231	\$5,000	No	No
October 2021	09/21/2021	55374728	\$2,750	No	No

* Please note that *The Citizen* believes it has received invoices for these payments based on the proximity of the invoice date to the date the payment was issued. We ask you, however, to double check and confirm that invoices for all of the payments listed above on the warrant reports have been produced.

** The only payment record the District provided is an excel spreadsheet. This spreadsheet contains password-protected hyperlinks to payment vouchers, invoices and purchase orders. *The Citizen* is unable to access these password-protected documents. We request production of the underlying hyperlinked documents.

Please note that we do not know if the warrant reports reflect all payments to Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co. It is the District's responsibility to search for all responsive records and we expect production of all responsive records even if we have not independently verified the payment on a warrant report. Presumably there are vendor numbers and/or files associated with Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co. Financial documents related to these vendors should be easy to locate and produce.

04/20/2022 - Request by Shiloh Johnston

On April 20, 2022, Mr. Johnston requested:

“Access to and a copy of any and all district credit card or district debit card bills for credit cards or debit cards used by any Chancellor of the Peralta Community College District — Interim, Acting, or otherwise, any district employees, and any members of the board of trustees for the time period of July 1, 2017 to October 31, 2021.”

We have not received responsive records for June 2017 through August 2017, and December 2017. Thus four months of records we requested remain outstanding.

Again, *The Citizen* is hereby making a final request that the District satisfy all of these record requests by **October 20, 2022** or provide justification as to why the records are being withheld. If these records requests are not filled by this date, we will be pursuing a course of legal action against the District in order to obtain these records, as is our right under the California Public Records Act.

Respectfully,

The Citizen Staff

Exhibit D



Peralta Community College District

333 East Eighth Street • Oakland, CA 94606 • (510) 587-7876

October 20, 2022

Via Electronic Correspondence

The Citizen
900 Fallon Street
Oakland, CA, 94601
Email: Shiloh.citizen@gmail.com

Re: Public Records Act Request – Peralta Community College District

The Citizen Staff:

Please accept this correspondence in response to your Public Records Act (PRA) request sent to the Peralta Community College District (District) via electronic correspondence on October 6, 2022. The District is committed to transparency and full disclosure in response to your PRA.

The overall response:

1. 11.18.2020 David Rowe PRA – List of Public Records Requests

- a. **Response:** List attached covering outstanding list from 11.18.2019 – 11.18.2020 during the time of the request. PCCD District Office has records responsive to your request and the records are loaded to a USB Drive for your review. Folder labeled “PRA - 11.18.2020 David Rowe List of PRA (12 months)”

2. 11.19.2020 Pamela Rudd PRA – RFP 19-20/03

- a. **Response:** PCCD District Office has records responsive to your request and the records are loaded to a USB Drive for your review. Folder labeled “PRA - 11.192020 Pamela Rudd RFP 19-20.03”. **PCCD Purchasing Department is the custodian of these records and stated the following:** “The correct name for the RFP is RFP 19-20/03 District-wide Security Guard Services and the Pre-bid Mandatory meeting was not conducted on June 15, 2020. Please clarify which proposal RFP you are requesting. Zoom meeting were not being practiced at that time. The meeting was conducted in person at the District office.” **The department Administrator at the time of request– Brian Slaughter, Staff Support, Myisha Lewis**

3. 04.21.2021 Pamela Rudd PRA – Vendor Applications

- a. **Response:** PCCD District Office has records responsive to your request and the records are loaded to a USB Drive for your review. Folder labeled “PRA – 4.21.2021 Pamela Rudd Vendor Security Company Contracts”
 - i. No payment records exist. PCCD Finance System show no record of payment to the vendors for:
 1. Zulu Community Protection
 2. Affect Real Change Inc. dba Community Ready Corps
 - ii.

4. 9.29.2021 Pamela Rudd PRA – Vendors PCCD Applications and Independent Contractors Agreements

- a. **Response:** PCCD District Office has records responsive to your request and the records are loaded to a USB Drive for your review. Folder labeled “PRA - 9.29.2021 Pamela Rudd Vendor Apps and Payments”.
- i. RAS R Haramb’e, dba Umoja Tribe, Robert R. Dabney are the same vendor – PCCD Vendor # 0000726686
 - ii. Jason Matthews/Matthews Financial and Insurance Solutions - no ICC records can be located in the Purchasing department files.
 - iii. Fully executed copies of ICC’s were not always provided to the Purchasing department. Purchasing contract records don’t date further back than 2017. The Finance department kept all original contracts.
 - iv. Kevin Kelly - 53 payments, and in this case, there will be difficulties since some invoices predate the OnePeralta upgrade and will not be able in soft copy from our system. Providing the payment is easy, but the paper copies of the invoices would have to be pulled from storage. These following are the checks for Kevin Kelly that predate our electronic copies. They are from FY16-17 and 17-18. We would need to pull them by identifying the boxes in the access storage binder. If the requester would accept just the records dating back to 18-19 and later (which is the majority of them) this would save a lot of effort.
 - 1. 55328838
 - 2. 55330412
 - 3. 55331857
 - 4. 55331997
 - 5. 55333793
 - 6. 55334602
 - 7. 55335921
 - 8. 55336907
 - 9. 55336908
 - 10. 55337839
 - 11. 55338819
 - 12. 55340054
 - 13. 55341346
 - 14. 55342388
 - v. Janet Napolitano – No payment record/activity. No ICC/contract history
 - vi. Gina Garcia – I see a vendor GINASOL, INC. - GINA ANN GARCIA. Not sure if this is the entity in question, but two payments.

5. 04.20.2022 Shiloh Johnston – Credit Card Billing Statements

- a. **Response:** PCCD District Office has records responsive to your request and the records are loaded to a USB Drive for your review. Folder labeled “PRA - Shiloh Johnston Credit Card”
- i. FY 17 -18 (all except June 2017 – August 2017 and December 2017). These records are maintained offsite and the Finance department confirmed they have not received the requested records. The PCCD District Finance Department serves as the custodian for these records.
 - ii. FY 18 – 19 (July 2018 – June 2019 Statements)
 - iii. FY 19 – 20 (July 2019 – June 2020 Statements)
 - iv. FY 20 – 21 (July 2019 – October 2021 Statements)

Pursuant to Government Code Section 6255, subdivision (a)

With respect to all of the District's responses above, the District will not produce any records for which the public interest in non-disclosure clearly outweighs the public interest in disclosure, or records which it deems to be exempt pursuant to the "deliberative process" exemption to the Public Records Act (Government Code section 6255, subdivision (a)). Under this exemption, the District may withhold records if the disclosure of the records would expose the District's decision-making process in such a way as to discourage candid discussion within the District and thereby undermine the District's ability to perform its functions. *Times Mirror Co. v. Superior Court* (1991) 53 Cal 3d 1325, 283 Cal Rptr 893, 813 P2d 240, 1991.,

The records are too large to email in one file. The referenced records are downloaded to a USB drive for pick up by Kevin Lester, per Shiloh Johnston. Brandi provided her contract telephone number to arrange pick up. Please contact me if you have any questions or concerns.

Sincerely,

Brandi Howard
PCCD, Legal Coordinator
bhoward@peralta.edu

cc: Royl Roberts, PCCD – Interim Chief of Staff

Exhibit E

November 19, 2020

Executive Director for Marketing & Communications

Peralta Community College District

333 East 8th Street

Oakland, CA 94606

Dear Mr. Johnson,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 to 6277, I write to request access to:

* A Copy of all responses to the request for proposal RFP:19-20/03, District

Wide Community Based Safety Services. The proposal due date was June 29, 2020. These records should include proposal responses by A1 Security Services, Zulu, Community Ready Corps, and Marina Security Services as well as any additional applicants.

* The minutes and agenda of the mandatory pre-proposal meeting June 15, 2020, which took place from 1:00-2:00 p.m. and any recordings of that Zoom meeting. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$10.00. If the cost would be greater than this amount, please notify me. Please provide receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253©, I will expect your response within ten (10) business

days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt. material.

I would note that willful violation of the open records law can result in the aware of court costs and reasonable attorney fees. See Sec. 6259(d)

Thank you for your assistance.

Sincerely,

Pamela Rudd

Staff Writer, The Citizen

Laney College

900 Fallon St., Oakland, CA

(707) 473-0396

Exhibit F

August 15, 2021

Interim Chancellor Jannett N. Jackson Ph.D.
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Dear Dr. Jackson,

On November 19, 2020 I requested records from Interim Chancellor Carla Walter pursuant to the state open records law Cal. Gov't Code Secs. 6250 to 6277. I still have not had a response to that request.

The request was for a copy of *all* responses to the request for proposal RFP: 19-20/03, District Wide Community Based Safety Services with a proposal due date of June 29, 2020. The RFP number was incorrect. It should have been RFP 20-21/02.

That request was similar to that of my colleague Mr. David Rowe who also requested records regarding RFP 20-21/02. His request specified records of the companies Affect Real Change, Inc. dba Community Ready Corps, Zulu Community Protection, and Marina Security Services. He received those records in June and shared them with me.

Now pursuant to the state open records law Cal. Gov't Code Secs. 6250 to 6277, I write again to request access to:

- * A copy of A1 Security services response to the request for proposal RFP: 20-21/02, and the responses to that RFP 20-21/02 by any and all other applicants not already identified.

- * A copy of the minutes and agenda of the mandatory pre-proposal meeting June 15, 2020, which took place from 1:00-2:00 p.m. and any recordings of that Zoom meeting.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$10.00. If the cost would be greater than this amount, please notify me. Please provide receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material. I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

Pamela Rudd

Opinion Editor, The Citizen
Laney College, 900 Fallon St. Oakland, CA
(707) 473-0396

Exhibit G

April 21, 2021

Mr. Mark Johnson
Executive Director, Department of Marketing, Communications & Public Relations
Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Via Email

Dear Mr. Johnson,

Pursuant to the state open records law Cal. Gov't Code Secs, 6250 to 6277, I write to request access to:

1. Copies of all vendor applications from Community Ready Corps, Affect Real Change Inc, Community Ready Corps Safety Services, Zulu, Zulu Protective Services and any and all individuals who are associated with these vendors, e.g. Earl Harper, Earl A Harper, Tur-ah-Ak, Carroll Fife, Robert Dabney etc. Please provide all vendor application form copies made prior to April 21, 2021.
2. Copies of any and all invoices, checks, wire or bank transfers made by the District documenting payment made to any and all of the individuals or vendors listed above for the period January 1, 2019 to April 30, 2021, and copies of all checks, wire, bank, PayPal etc, transfers of money made to those same vendors or individuals.

I agree to pay any reasonable copying and postage fees of not more than \$10.00. If the cost would be greater than this amount, please notify me. Please provide receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253c, I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material. I would note that willful violation of the open records laws can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

Pamela Rudd

The Citizen
Laney College

900 Fallon St.
Oakland, CA

Exhibit H

September 29, 2021

Jannett Jackson
Interim Chancellor, Peralta Community College District
333 East 8th Street
Oakland, CA 94606

Dear Chancellor Jackson,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of:

1.

All independent contractor agreements, including scope of work for each project, invoices submitted to the district and payment records for Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co. for the dates January 1, 2005 through September 29, 2021. Payment records should include the cost center for each transaction and the method of payment whether that be check, credit card, paypal and/or any other payment method.

This should include, but not be limited to the invoices and independent contractor agreements for the following checks:

- # 55374231 dated 8/24/21 in the amount of \$5,000
- # 55363166 dated 4/9/20 in the amount of \$10,000
- # 55364455 dated 6/04/20 in the amount of \$10,000

1.

All other "supporting documents" for Robert R. Dabney Jr., Robert Harambe, Ras R. Harambe, Umoja Tribe, and/or the Umoja Co., specified by Peralta's Independent contractor guidelines, per district policy, that include a resume (for individuals) or company overview, detailed scope of work/deliverables or memorandum of understanding (MOU) and cover memo to the Chancellor explaining why the service is needed.

1.

All independent contractor agreements, including scope of work for each project, invoices submitted to the district and payment records for Jason Matthews, Matthews Financial and Insurance Solutions, The Difficult Dialogue National Resource Center, Ronit Lev, Ronit Matabuena, Kevin Kelly, Janet Napolitano, and Gina Garcia for the dates January 1, 2005 through September 29, 2021. Payment records should include the cost center for each transaction and the method of payment whether that be check, credit

card, paypal and/or any other payment method.

1.

All other "supporting documents" for Jason Matthews, Matthews Financial and Insurance Solutions, The Difficult Dialogue National Resource Center, Ronit Lev, Ronit Matabuena, Kevin Kelly, Janet Napolitano and Gina Garcia, specified by Peralta's Independent contractor guidelines, per district policy, that include a resume (for individuals) or company overview, detailed scope of work/deliverables or memorandum of understanding (MOU) and cover memo to the Chancellor explaining why the service is needed.

1.

The names of any and all faculty, students, staff and administrators who served on the committee which selected security companies or worked on reviewing proposals for Peralta's community based security services.

1.

If these meetings occurred via videoconference, we would like the viewing link for pre-bid meetings or any other meetings that had the stated purpose of selecting security firms.

1.

The Zoom recording of the pre-bid meetings that occurred on August 4 and June 15, 2020. The meeting information was listed on these district webpages:

<https://vrapp.vendorregistry.com/Bids/View/Bid/cb4d2089-1fb2-4fec-a3be-ee9dc906e619><<https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fvrapp.vendorregistry.com%2FBids%2FView%2FBid%2Fcb4d2089-1fb2-4fec-a3be-ee9dc906e619&data=04%7C01%7Cmarkjohnson%40peralta.edu%7C9cb75bab9bf4420afc1408d983a37260%7Ceea16a1648af477b911305b1c01123ff%7C1%7C0%7C637685560293306615%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C1000&data=JrJZZH0IU6QhCytnOeWsJk3W86%2BaXdTluLT03lpRk%3D&reserved=0>>

<https://vrapp.vendorregistry.com/Bids/View/Bid/846b1bc8-d373-41a5-8e1b-c8052c1e1d29><<https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fvrapp.vendorregistry.com%2FBids%2FView%2FBid%2F846b1bc8-d373-41a5-8e1b-c8052c1e1d29&data=04%7C01%7Cmarkjohnson%40peralta.edu%7C9cb75bab9bf4420afc1408d983a37260%7Ceea16a1648af477b911305b1c01123ff%7C1%7C0%7C637685560293316576%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C1000&data=ZOnau16YiYsBF0dxQasC2OIVSEKXYGV2QuL31zBdSag%3D&reserved=0>>

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$25.00. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your request within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

Pamela Rudd
Opinion Editor, the Citizen
900 Fallon Street, Room G233 Oakland, CA
650-348-8829

Exhibit I



Shiloh Johnston <shiloh.citizen@gmail.com>

Public Records Request - 04/20/2022

Shiloh Johnston <shiloh.citizen@gmail.com>
To: Mark Johnson <markjohnson@peralta.edu>
Cc: Jannett Jackson <jjackson@peralta.edu>, "Royl L. Roberts" <rroberts@peralta.edu>

Wed, Apr 20, 2022 at 4:14 PM

Apr 20 2022

Mark Johnson

333 East 8th Street, Oakland, CA 94606

Dear Mark Johnson,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of any and all district credit card or district debit card bills for credit cards or debit cards used by any Chancellor of the Peralta Community College District - Interim, Acting, or otherwise, any district employees, and any members of the board of trustees for the time period of July 1, 2017 to October 31, 2021. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$40. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

Shiloh Johnston

900 Fallon Street, Oakland, CA 94607

4083732909

Exhibit J

Oct 24 2022

Peralta Community College District

333 E 8th St, Oakland, CA 94606

Dear Peralta Community College District,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of:

- All emails sent by Peralta Community College District's Director of Safety Timothy Thomas from any of Thomas's district email addresses between the period of September 26, 2022 and October 24, 2022.

- All emails received from any district email addresses by Peralta Community College District's Director of Safety Timothy Thomas at any of Thomas's district email addresses between the period of September 26, 2022 and October 24, 2022.

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$25. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

Kenneth Lester

900 Fallon Street Oakland, California, 94607

510-427-8595

Exhibit K



Peralta Community College District

333 East Eighth Street • Oakland, CA 94606 • (510) 587-7876

November 9, 2022

Via Electronic Correspondence

Kenneth Lester
The Citizen
900 Fallon Street
Oakland, CA, 94601
510-427-8595
kenneth.lester@gmail.com

Re: Public Records Act Request – Peralta Community College District

Kenneth Lester:

Please accept this correspondence in response to your Public Records Act (PRA) request sent to the Peralta Community College District (District) via electronic correspondence on October 24, 2022. The District is committed to transparency and full disclosure in response to your PRA.

You requested the following information:

- All emails sent by Peralta Community College District's Director of Safety Timothy Thomas from any of Thomas's district email addresses between the period of September 26, 2022 and October 24, 2022.
- All emails received from any district email addresses by Peralta Community College District's Director of Safety Timothy Thomas at any of Thomas's district email addresses between the period of September 26, 2022 and October 24, 2022.

Response: The District has records responsive to this request. Please allow one week from today (November 16, 2022) to allow review of the email records for the purpose of redacting confidential personnel information which is not public information. The file size is 497 MB. Please provide a USB drive to the Legal Department Legal Coordinator, Brandi Howard, 333 East 8th Street, Oakland, CA 94606, Office A26. The building is open from 9 AM – 2 PM daily.

Pursuant to Government Code Section 6255, subdivision (a)

With respect to all of the District's responses above, the District will not produce any records for which the public interest in non-disclosure clearly outweighs the public interest in disclosure, or records which it deems to be exempt pursuant to the "deliberative process" exemption to the Public Records Act (Government Code section 6255, subdivision (a)). Under this exemption, the District may withhold records if the disclosure of the records would expose the District's decision-making process in such a way as to discourage candid discussion within the District and thereby undermine the District's ability to perform its functions. *Times Mirror Co. v. Superior Court* (1991) 53 Cal 3d 1325, 283 Cal Rptr 893, 813 P2d 240, 1991.

BERKELEY CITY COLLEGE

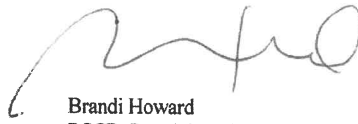
COLLEGE OF ALAMEDA

LANEY COLLEGE

MERRITT COLLEGE

Please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandi Howard', with a large, sweeping flourish on the left side.

Brandi Howard
PCCD, Legal Coordinator
bhoward@peralta.edu

cc: Royl L. Roberts - PCCD, General Counsel (Interim)

BERKELEY CITY COLLEGE

COLLEGE OF ALAMEDA

LANEY COLLEGE

MERRITT COLLEGE

Exhibit L

Search USB DISK (F:)

Quick access

- Creative Cloud Files
- Dropbox
- OneDrive - Personal
- This PC
- USB DISK (F:)
- Network

68001163159_E8 D49184_CCD2021-2022 F91_A445-6A72E 390C315.jpg	PDF	FINAL Crime Stats for PCCD Cley Report.pdf	IMG_6553.jpg	PDF	Information Only Report: Graffiti p df	PDF	RE_BCC Incident on 10/20 @ 2:30pm.pdf	PDF	RE_BCC Safety Team.pdf	PDF	Safety Memo.pdf
68001144569_19 004818_935C-11 36-0648-9ACD56 C817D2.jpg	PDF	FINAL Perjala _CCD_2021-2022 _Reporting_Cri..	PDF	PDF	RE_BCC Safety Team.pdf	PDF	RE_BCC Safety Team.pdf	PDF	RE_BCC Safety Team.pdf	PDF	Safety Memo.pdf
ASR-2022 Cley Data.pdf	PDF	Fire Extinguisher Update.pdf	PDF	PDF	KSL-Active Shooter Training-NOV .pdf	PDF	RE_Dispatch computers down.pdf	PDF	RE_Dispatch computers down.pdf	PDF	Security Camera Installation Project_COA.pdf
Berkeley Inspection Report (Fire Ed..	PDF	FW, Alameda Golf Cart Rear Flat.pdf	PDF	PDF	Laney College Emergency Response Flip Chart 092622.doc	PDF	RE_Emergency_week end calls .pdf	PDF	RE_Emergency_week end calls .pdf	PDF	Security Camera Refresh Project Meeting... 10_13_22.pdf
Cameras Update-09_29.pd	PDF	FW, ARMS Training Wednesday (Launch_9_28).p..	PDF	PDF	Laney College Flip Chart.pdf	PDF	RE_Fire Extinguisher Update - follow up.pdf	PDF	RE_Fire Extinguisher Update - follow up.pdf	PDF	September Cley Log_Training (2022).pdf
Cases Report CT 1_31_16 BCC.pdf	PDF	FW, Comment on Tim Thomas court order.pdf	PDF	PDF	Laney Football Player-Lost Items .pdf	PDF	RE_Friday, Sept 30th - Football Loss - Athletic Date Access .pdf	PDF	RE_Friday, Sept 30th - Football Loss - Athletic Date Access .pdf	PDF	September Cley Log_Training (2022).pdf
Cintas BCC Fire Extinguishers Inspection 09-05-2022.docx	PDF	FW, Increase in car thefts at Laney College.pdf	PDF	PDF	Laney Parking Lot extreme lack of Security.pdf	PDF	RE_Games Management for Friday Game .pdf	PDF	RE_Games Management for Friday Game .pdf	PDF	September Cley Log_Training (2022).pdf
Cintas BCC Fire Extinguishers Inspection 09-06-2022.pdf	PDF	FW, Masking Policy Update.pdf	PDF	PDF	Laney Theater Reservation for October 20th 6:30 PM Security..	PDF	RE_Laney Campus Parking Lot Incidents.pdf	PDF	RE_Laney Campus Parking Lot Incidents.pdf	PDF	September Cley Log_Training (2022).pdf
Cintas COA Fire Extinguishers Inspection 09-01-2022 & ..	PDF	FW, Safety memo from Laney faculty Senate.pdf	PDF	PDF	Mail.pdf	PDF	RE_List of Merritt's H&C.pdf	PDF	RE_List of Merritt's H&C.pdf	PDF	September Cley Log_Training (2022).pdf
Cintas LC Fire Extinguishers Inspection 09-26-2022 ^0_	PDF	FW, security camera - G building.pdf	PDF	PDF	Merritt Campus Undesignated Parking Areas.pdf	PDF	RE_Match #17 - Oakland Roots Schedule.pdf	PDF	RE_Match #17 - Oakland Roots Schedule.pdf	PDF	September Cley Log_Training (2022).pdf
Cintas Location Specific Inspection Reports .pdf	PDF	Golf Carts Stolen-7_18.pdf	PDF	PDF	Merritt College- ADJUS Fall Meet & Great Open House - Octobe..	PDF	RE_Merritt soccer field file mismatch 10_22_22.pdf	PDF	RE_Merritt soccer field file mismatch 10_22_22.pdf	PDF	September Cley Log_Training (2022).pdf
Cintas Merritt College Fire Extinguishers Inspection 09-11	PDF	IMG_6545.jpg	PDF	PDF	Perala Community College District Safety Teams (.	PDF	RE_Merritt-Use of facilities (Monthly).pdf	PDF	RE_Merritt-Use of facilities (Monthly).pdf	PDF	September Cley Log_Training (2022).pdf
Dispatch Computer AIMS Download Issue.pdf	PDF	IMG_6546.jpg	PDF	PDF	Perala Community College Safety Teams (022-2..	PDF	RE_October 2022 Events.pdf	PDF	RE_October 2022 Events.pdf	PDF	September Cley Log_Training (2022).pdf
District Office-Suspicious Person.pdf	PDF	IMG_6549.jpg	PDF	PDF	Power Issue Tracker for Laney - Merritt - COA_9-8-22.xlsx	PDF	RE_Purchasing Department and Director's Office Keys.pdf	PDF	RE_Purchasing Department and Director's Office Keys.pdf	PDF	September Cley Log_Training (2022).pdf
District wide Facilities assessment (District manager..	PDF	IMG_6550.jpg	PDF	PDF	RE_3rd Row Monitor.pdf	PDF	RE_Radio contact of the engineers .pdf	PDF	RE_Radio contact of the engineers .pdf	PDF	September Cley Log_Training (2022).pdf
Fall 2022 Meet and Greet Invitation.pdf	PDF	IMG_6551.jpg	PDF	PDF	RE_ Announcement regarding the Holistic Safety ..	PDF	RE_security camera - G building.pdf	PDF	RE_security camera - G building.pdf	PDF	September Cley Log_Training (2022).pdf
Fall 2022 Meet and Greeting and Greeting	PDF	IMG_6552.jpg	PDF	PDF	RE_BCC - 2118 Mivva Street Bldg. Security Issue.pdf	PDF	RE_Training_Fire Drills.pdf	PDF	RE_Training_Fire Drills.pdf	PDF	September Cley Log_Training (2022).pdf