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April 2, 2018

The Trustees of the California State University

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SDSU Marketing and Communications Dept.
5500 Campanile Drive
San Diego, CA 92182

marcomm@mail.sdsu.edu

G. Andrew Jones
Exec. Vice Chancellor and General Counsel
Office of General Counsel
The California State University, Office of the Chancellor
401 Golden Shore, Fourth Floor
Long Beach, California 90802-4210

gajones@calstate.edu

**RE: California Public Records Act Request
"SDSU West" Initiative**

Dear Board of Trustees of the California State University ("CSU"):

Coast Law Group LLP ("CLG") represents numerous taxpayers within the City of San Diego ("City") and State of California concerned with the disposition of the former Qualcomm Stadium site and the integrity of the election process in the City. On behalf of these various individuals, CLG hereby requests access to those certain materials further described below for inspection and copying pursuant to the California Public Records Act ("PRA," Government Code Section 6250, *et seq.*).

Currently, there is an initiative qualified for the November, 2018 ballot titled "SDSU West Campus Research Center, Stadium and River Park Initiative" (the "Initiative") which proposes the sale of approximately 132 acres of City-owned real property to San Diego State University. SDSU is not involved with the initiative; rather, the proponents and signatories of the initiative are private individuals Jack McGrory and Stephen P. Doyle (hereinafter "Initiative Proponents").¹ These same individuals are organizers or members of a campaign committee registered with the California Secretary of State as "Friends of SDSU." (See, attached Recipient Committee Campaign Statement Cover Page stamped 1/31/2018, Committee I.D. No. 1397080).

Mr. McGrory was appointed earlier this year to the California State University Board of Trustees, and both Mr. McGrory and Mr. Doyle are Directors of The Campanile Foundation, a 501(c)(3) "official auxiliary of San Diego State" since 1999.

This request generally concerns the use by the Initiative Proponents and their supporters of the abbreviation "SDSU," a protected property of the Trustees of the California State University.

¹ See attached, *Report to the Honorable Mayor and Members of the City Council; SDSU West Campus Research Center, Stadium and River Park Initiative*, dated March 1, 2018, from the office of San Diego City Attorney Mara W. Elliott, at p. 2, fn.4.

(See United States Patent and Trademark Office Serial No. 77266230; Cal. Ed. Code §89005.5(D)). California Education Code section 89005.5 (a)(2) provides:

“No person shall, without the permission of the Trustees of the California State University, use [a CSU Trademark], or any abbreviation of it or any name of which these words are a part, in any of the following ways:

(A) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity, or enterprise.

(B) To imply, indicate, or otherwise suggest that any product, service, or organization is connected or affiliated with, or is endorsed, favored, or supported by, or is opposed by the Trustees of the California State University or any educational institution administered by the trustees. The permission of the trustees is required before any name listed in this subdivision may be used for any commercial purpose.

(C) To display, advertise, or announce this name publicly at, or in connection with, any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition, or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity, or program.

My office and our clients believe the use of CSU’s protected mark (SDSU) both by the “Friends of SDSU” campaign committee in its own name and in the title of the Initiative violates the Education Code and acts as a fraud on voters in that it inappropriately conveys the University’s or the Trustees’ endorsement of the committee and Initiative. In anticipation of efforts to address such impropriety, we would like to confirm that, as they have intimated, the Friends of SDSU and the Initiative Proponents (or their agents) have not obtained the necessary permission of the CSU Board of Trustees to utilize the mark in a commercial or political manner.

This request seeks generally all records, as that term is used in the PRA, in the possession of any employee or agent of the California State University organization that constitute or contribute, or relate in any way to, the grant or denial of “permission of the Trustees of the California State University” as that phrase is contemplated in California Education Code section 89005.5 noted above, to the Initiative Proponents or any other individual or organization to use “SDSU” or “San Diego State University” (the “SDSU marks”) in conjunction with any campaign committee or initiative between January 1, 2016 and the date of this request (the “Request Period”). Please also provide any and all correspondence between any member of the Board of Trustees of the California State University (“State Board of Trustees”), SDSU Marketing and Communications Department, and Jack McGrory or Stephen P. Doyle during the Request Period.

CERF requests access to the aforementioned documents in **electronic format**, if possible. If any portions of the requested records are exempt from release, I request that all reasonable segregable, nonexempt portions of the records be released.

Public Records Act Request

April 2, 2018

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As this request is by and for the public interest in the complete and just execution of all applicable laws for the protection of open government and fair elections, we request a waiver of any and all costs associated with satisfaction of this request. A public agency is required under prevailing law to consider this fee waiver request, and the failure to do so is an abuse of discretion subject to judicial review. See, *North County Parent Organization v. Department of Education* (1994) 23 Cal. App. 4th 144, 148. Please advise us of any informational and other procedural requirements that you may have in order for this request to qualify for a fee waiver. If you are unable to provide a fee waiver, please notify us immediately of any payment required prior to subjecting our clients to such costs.

We look forward to working with you on this request to minimize the imposition on your CSU. Should you have any questions regarding the instant request, please feel free to contact our offices directly. Thank you very much for your assistance in this matter.

Sincerely,

COAST LAW GROUP LLP



Marco A. Gonzalez

CC: San Diego City Councilmembers
Kevin Faulconer, Mayor of the City of San Diego
Mara Elliott, City Attorney of the City of San Diego

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Date Stamp

E-Filed 01/31/2018 11:16:12 Filing ID: 168350010

Statement covers period from 10/01/2017 through 12/31/2017	Date of election if applicable: (Month, Day, Year) _____
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SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
 - State Candidate Election Committee
 - Recall
(Also Complete Part 5)
- Primarily Formed Ballot Measure Committee
 - Controlled
 - Sponsored
(Also Complete Part 6)
- General Purpose Committee
 - Sponsored
 - Small Contributor Committee
 - Political Party/Central Committee
- Primarily Formed Candidate/Officeholder Committee
(Also Complete Part 7)

2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement
(Also file a Form 410 Termination)
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER
1397080

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Friends of SDSU, a coalition of SDSU alumni, business and community leaders

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
San Diego	CA	92101	(760)632-3600

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Encinitas	CA	92024	(760)632-3600

OPTIONAL: FAX / E-MAIL ADDRESS
nhaley@thinkcpa.com

Treasurer(s)

NAME OF TREASURER
Nancy R. Haley

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Encinitas	CA	92024	(760)632-3600

NAME OF ASSISTANT TREASURER, IF ANY

Danielle Stephen

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Encinitas	CA	92024	(760)632-3600

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 01/23/2018
Date

By Nancy R. Haley
Signature of Treasurer or Assistant Treasurer

Executed on _____
Date

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____
Date

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

Executed on _____
Date

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
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NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
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COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME	I.D. NUMBER
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NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
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COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE
SDSU West Campus Research Center, Stadium & River Park Initiative

BALLOT NO. OR LETTER	JURISDICTION City of San Diego	<input checked="" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
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Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
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7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
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NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
-----------------------------------	-----------------------	---

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
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NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
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Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

SUMMARY PAGE

Amounts may be rounded
to whole dollars.

Statement covers period		CALIFORNIA FORM 460
from	10/01/2017	
through	12/31/2017	Page <u>3</u> of <u>39</u>
NAME OF FILER		I.D. NUMBER
Friends of SDSU, a coalition of SDSU alumni, business and community leaders		1397080

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Friends of SDSU, a coalition of SDSU alumni, business and community leaders

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ 1,403,135.00	\$ 1,518,135.00
2. Loans Received Schedule B, Line 3	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ 1,403,135.00	\$ 1,518,135.00
4. Nonmonetary Contributions Schedule C, Line 3	24,557.50	24,557.50
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ 1,427,692.50	\$ 1,542,692.50

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ 1,382,693.79	\$ 1,430,888.09
7. Loans Made Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ 1,382,693.79	\$ 1,430,888.09
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	-4,492.65	77,687.00
10. Nonmonetary Adjustment Schedule C, Line 3	24,557.50	24,557.50
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ 1,402,758.64	\$ 1,533,132.59

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____
____/____/____	\$ _____

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ 66,821.70
13. Cash Receipts Column A, Line 3 above	1,403,135.00
14. Miscellaneous Increases to Cash Schedule I, Line 4	29,166.50
15. Cash Payments Column A, Line 8 above	1,382,693.79
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ 116,429.41

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ 0.00
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Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ 0.00
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ 77,687.00