

Annette Morasch

From: Estefania Zamora <EZamora@hpca.gov>
Sent: Wednesday, January 27, 2021 5:11 PM
To: 104954-57328615@requests.muckrock.com; Annette Morasch
Cc: Sergio Infanzon; Gloria Ramirez (GRamirez@agclawfirm.com)
Subject: RE: California Public Records Act Request: Untitled - Annette Morasch

Dear Ms. Morasch,

The email you stated from 16 days ago did not reach any of us.

Please narrow down your request to those items you would like to receive first then we can expand your request.

Since we have not heard from you since last year, the city will need time to process your request.

If you have any questions, feel free to contact me at the number listed below.

Sincerely,

[Estefania Zamora](#) | Administrative Clerk
City of Huntington Park | City Clerk's Office
6550 Miles Avenue | Huntington Park, CA 90255
☎ (323) 584-6230 | 📠 (323) 588-4577
✉ ezamora@hpca.gov
🌐 www.hpca.gov

City Hall hours of operation:
Monday through Thursday 7:00 a.m. to 5:30 p.m. (except holidays)
Fridays – CLOSED

From: 104954-57328615@requests.muckrock.com <104954-57328615@requests.muckrock.com>
Sent: Wednesday, January 27, 2021 3:29 PM
To: HP City Clerk <HPcityclerk@hpca.gov>
Subject: RE: California Public Records Act Request: Untitled

Huntington Park
PRA Office
6550 Miles Avenue
Huntington Park, CA 90255

January 27, 2021

This is a follow up to a previous request:

It has now been 16 days since I sent a follow up email concerning my requests for documents. I will file a writ to compel the City to release the information, and seek attorneys fees and costs if the records are not produced by February 5, 2021, end of business.

Filed via [MuckRock.com](https://muckrock.com)

E-mail (Preferred): 104954-57328615@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fhuntington-park-23321%252Funtitled-104954%252F%253Femail%253DHPCityclerk%252540hpca.gov&url_auth_token=AADNZufYUrtOY9doy9jvtuBBLy%3A114uEw%3AHjKIrt9hY-F0scJovRt6DeyryBw

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 104954
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Jan. 11, 2021:

Subject: RE: California Public Records Act Request: Untitled Counsel,

This email serves as a meet and confer effort to resolve this matter without resort to potentially lengthy and expensive litigation. If the City refuses to produce the previously-requested documents, I will file a petition for writ of mandate to compel the City to produce the records. We will also be seeking attorneys' fees and costs.

The PRA was enacted for the purpose of increasing freedom of information by giving members of the public access to records in the possession of local agencies. The California Legislature found this right of access to be "a fundamental and necessary right of every person in this state." (Gov't Code section 6250.) This right was confirmed and expanded upon by the people of California when we passed an amendment to our Constitution, securing a "right of access to information concerning the conduct of the people's business." (Cal. Const., art. 1, Section 3, subd.(b)(1).)

It is understandable why your firm would not want to produce any of the contracts requested, as your firm is the one who likely "negotiated" the contracts between on the one hand, Efren Martinez, whom your firm and your firm's wives, contributed tens of thousands of dollars to his campaign. It is further understandable why your firm would not want to respond to this request, as your firm is a subject of this request. There is obviously a conflict of interest between your firm, and the public's interest in transparency and disclosure on clearly relevant and discoverable contracts. However, even though your firm is pretending the City does not have to respond to a legitimate request, the City has no reasonable or lawful basis of objecting simply because a citizen has requested more than five contracts, which you state should be the maximum amount of contracts the public is entitled to.

According to the League of California Cities and well established case law, contracts with local agencies are disclosable public records due to the public's right to determine whether public resources are being spent for the

benefit of the community as a whole or for the benefit of only a limited few. (For example, for the benefit of your firm.) Cal. State Univ., Fresno Ass'n, Inc. v. Superior Court (2001) 90 Cal. App. 4th 810, 833. Local agency contracts for construction of public works and procurement of goods and non-professional services are typically awarded to the lowest responsive, responsible bidder through a competitive bidding process. Pub. Contract Code, Section 22038. These bids are public records and disclosable as soon as they are opened. Other local agency contracts for acquisition of professional services or disposition of property are awarded to the successful proposer through a competitive process. Documents containing the names of contractors applying for pre-qualification status are public records and must be disclosed. Pub. Contract Code Section 20101, subd. (a). The PRA requires the disclosure of the contents of real estate appraisals, or engineering or feasibility estimates, and evaluations made for or by a local agency relative to the acquisition of property, or to prospective public supply and construction contracts. Gov't Code Section 6254(h). The records request the public seeks here are contracts which already have all terms agreed upon. The contracts are discoverable. Id.

California has a strong public policy in favor of disclosure of public records, and precludes local agencies from protecting most business information. California courts have consistently held that when individuals or businesses voluntarily enter into the public sphere, they diminish their privacy interests. Cal. State Univ., Fresno Ass'n, supra 90 CalApp. 4th at 834; Braun v. City of Taft (1984) 154 Cal.App.3d 332, 347; San Gabriel Tribune v. Superior Court, 143 Cal.App.3d 762, 781.

Moreover, contracts are not overly burdensome to obtain. After all, shouldn't your firm have ready access to all contracts which your firm negotiated? If your firm does not maintain the requested contracts, it is arguably malpractice. The City is also required to maintain all of the contracts, which should be easily accessible through the Finance Department. After all, how would a City enforce the terms of a contract if the City does not have ready access to the contracts?

Should Huntington Park not respond with all requested documents within the legally allowable time frame, I will assume the City is uninterested in resolving this matter without court intervention. I will cause to be filed a writ of mandate to compel the City to comply with the requests, and I will seek attorneys' fees and costs against the City. Then you can explain why you cost the City thousands of dollars by not following the law.

Thank you,
Law Office of Annette Morasch, APC
5701 W. Slauson Ave., Suite 210
Culver City, CA 90230
(323) 791-6276
annette@amoraschlaw.com

On Dec. 21, 2020:
Subject: Second Notice – Objection to California Public Records Act Request A. Morasch
Dear Ms. Morasch:

Pursuant to Deputy City Attorney Ramirez's request, attached please find a further follow up response to your Public Records Request.

If you have any questions regarding this matter, please contact Deputy City Attorney Ramirez.

Best,

Maxine Caudillo
mcaudillo@agclawfirm.com<<mailto:mcaudillo@agclawfirm.com>>

Executive Assistant to Vincent C. Ewing
Legal Assistant to Gloria V. Ramirez

AGC - City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244

Alvarez-Glasman & Colvin represents Cities, Counties, Special Districts – Airport, College, School, Transit, Water and other Public Agencies, Private Corporations and Business Entities

www.agclawfirm.com<<http://www.agclawfirm.com>>

On Dec. 9, 2020:
Subject: PRA Response Preliminary Denial A. Morasch
Dear Ms. Morasch:

Pursuant to Deputy City Attorney Ramirez's request, attached please find a follow up response to your Public Records Request.

If you have any questions regarding this matter, please contact Deputy City Attorney Ramirez.

Best,

Maxine Caudillo
mcaudillo@agclawfirm.com<<mailto:mcaudillo@agclawfirm.com>>
Executive Assistant to Vincent C. Ewing
Legal Assistant to Gloria V. Ramirez

AGC - City of Industry, CA 91746
tel 562.699.5500 | fax 562.692.2244

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www.agclawfirm.com<<http://www.agclawfirm.com>>

On Nov. 18, 2020:
Subject: PRA - Annette Morasch
Dear Ms. Morasch,

The City Clerk's Office is in receipt of your public records request received via email on November 16, 2020, regarding the below:

1. All contracts, and any communications concerning the contract negotiations with, any of the following businesses or individuals:

a) Efren Martinez

b) Christian Zarate

- c) Lan Wan Enterprise
- d) CR&R Incorporated
- e) Zack Oweis
- f) BFP Fire Protection
- g) Byron Fedrico
- h) Rocket33
- i) Rooket Fitness
- j) BMP Fire Protection
- k) Norman A. Traub Associates
- l) John Capen
- m) Omnia Industry
- n) Natural Compassionate Center
- o) All Done Management Group, Inc
- p) J316 Building
- q) Northstar
- r) Antonio Jose Martinez
- s) David Ronnenberg
- t) Arnold Alvarez-Glasman
- u) Municipal Waste Solutions
- v) Inframark
- w) any towing company
- x) any vehicle repair company
- y) any technology company

2. All bids, for any services or goods, related to the construction of a public swimming pool from 2017 to the present.

3. All communications concerning any services or goods, related to the construction of a public swimming pool from 2017 to the present.

4. Any and all complaints made about Nita McKay.
5. Any and all complaints made about Ricardo Reyes.
6. All pleadings filed on behalf of Nita McKay, in any legal proceeding, including but not limited to any restraining order matter.
7. All lawsuits against the city of Huntington Park, for discrimination of any sort against an employee.
8. All lawsuits against the city of Huntington Park, for harassment of any sort against an employee.
9. All lawsuits against the city of Huntington Park, for retaliation on any basis against an employee.
10. All communications between Efren Martinez and any Huntington Park employee or elected official.
11. All communications between Nita McKay and any other individual, concerning or about Efren Martinez.
12. All audits or budgets, or analysis concerning Huntington Park's budget for any fiscal year between 2017 to 2025.
13. Any analysis done on the cost benefit result of building a public swimming pool in Huntington Park.
14. Any financial analysis done on using private contactors vs. employees in any agency from 2018 to the present.
15. Any and all policies and procedures used by the city's employees on how to prevent age discrimination against a public employee.

and will be forwarded to the appropriate department(s).

Pursuant to Government Code Section 6253(c), please allow 10 days from receipt of your request to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the City, we will notify you of the determination within the allowable time.

Due to the COVID-19 pandemic, the City's capacity to respond promptly during this crisis is limited; there may be additional delays and/or a "rolling out" of documents as they are reviewed.

The City recognizes and takes seriously the public's right to obtain copies of public records and appreciates your understanding of delays during this difficult time.

Please Note

If a request is made via email and the documents are already in pdf (electronic) at time of request, there will be no charge.

If a request is made via email and documents need to be scanned into pdf format (electronic), there will be the related copy charge.

Cost of duplication, at \$0.15 for the first page and \$0.10 for every page thereafter.

We will inform you of any cost before processing any documents responsive to your request.

Sincerely,

Estefania Zamora | Administrative Clerk
City of Huntington Park | City Clerk's Office
6550 Miles Avenue | Huntington Park, CA 90255
' (323) 584-6230 | 7 (323) 588-4577
* ezamora@hpca.gov<<mailto:ezamora@hpca.gov>>
* www.hpca.gov<<http://www.hpca.gov>>

City Hall hours of operation:
Monday through Thursday 7:00 a.m. to 5:30 p.m. (except holidays)
Fridays - CLOSED

On Nov. 16, 2020:
Subject: California Public Records Act Request: Untitled

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

1. All contracts, and any communications concerning the contract negotiations with, any of the following businesses or individuals:
 - a. Efren Martinez
 - b. Christian Zarate
 - c. Lan Wan Enterprise
 - d. CR&R Incorporated
 - e. Zack Oweis
 - f. BFP Fire Protection
 - g. Byron Fedrico
 - h. Rocket33
 - i. Rooket Fitness
 - j. BMP Fire Protection
 - k. Norman A. Traub Associates
 - l. John Capen
 - m. Omnia Industry
 - n. Natural Compassionate Center
 - o. All Done Management Group, Inc.
 - p. J316 Building
 - q. Northstar
 - r. Antonio Jose Martinez
 - s. David Ronnenberg
 - t. Arnold Alvarez-Glasman
 - u. Municipal Waste Solutions
 - v. Inframark
 - w. any towing company
 - x. any vehicle repair company
 - y. any technology company

2. All bids, for any services or goods, related to the construction of a public swimming pool from 2017 to the present.
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14. Any financial analysis done on using private contactors vs. employees in any agency from 2018 to the present.
15. Any and all policies and procedures used by the city's employees on how to prevent age discrimination against a public employee.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Annette Morasch

Filed via MuckRock.com

E-mail (Preferred): 104954-57328615@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fhuntington-park-23321%252Funtitled-104954%252F%253Femail%253DHPcityclerk%252540hpca.gov&url_auth_token=AADNZufYUrtOY9doy9jvtuBBLy%3A114uEw%3AHjKIrt9hY-F0scJovRt6DeyryBw

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