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October 7, 2026

VIA EMAIL ONLY

Sara M. Poggi
sarapoggi@hotmail.com

**Re: September 7, 2026 Ralph M. Brown Act (Gov. Code section 54950 *et seq.*)
Demand to Cure and Correct – Pasadena Unified School District**

Dear: Ms. Poggi:

Our firm represents the Pasadena Unified School District and its Board of Education. On September 7, 2026, at 5:34 p.m., you emailed a complaint alleging violations of the Ralph M. Brown Act (“Brown Act”). Pursuant to the Brown Act, you have demanded the Board cure and correct the alleged violation by agendizing a cure and correct item “to rescind” edits made to the facilitator’s drafted definition of District Transformation Process and “re-deliberate.”

This communication will serve as the District’s response to your demand.

I. Allegations

You allege that on September 3, 2026, for the Special Meeting allowing discussion of the Committee of the Whole, Board President Fredericks participated remotely via teleconference and while her location address was listed on the agenda, there was no condominium unit number, the location from which she participated was inaccessible to the public (there appeared to be a locked gate), and the meeting agenda was not physically posted at the remote site. You further claim that President Fredericks did not comply with the “Just Cause” requirements, and therefore the remote participation was in violation of the Brown Act.

Based upon this situation, contend the invalidation is necessary and make the following demands:

If the board votes on or approves the document that Trustee Fredericks participated in editing— facilitator’s Natalia Guerra’s drafted definition of District Transformation Process—at any time in the future without curing and correcting the Brown Act violation (or takes action on the agenda item it relates to), that action is legally compromised. If the board fails to invalidate or redo the action properly within 30 days, this Board should expect legal action. As you should well know at

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this point, and after so many violations of the Brown Act by this Board and this Trustee, PUSD can be sued for injunctive or declaratory relief to prevent further violations. If the district loses the lawsuit, it will be mandated to pay the challenger's attorneys' fees and court costs.

The Superintendent and other Board members were legally required to stop Trustee Fredericks from speaking and participating in the meeting, and none of her edits to the facilitator's drafted definition of District Transformation Process should have been allowed. At this time, the BOE must work with its counsel to agendize a "cure and correct" item for the next meeting to rescind the tainted document and re-deliberate legally. This must happen entirely in an open session.

As for the document—facilitator's Natalia Guerra's drafted definition of District Transformation Process—this Board must start over, from scratch. None of the edits discussed or made during the September 3rd meeting are legally permissible. They are null and void.

II. Response to the Cease and Desist Demand

As noted above, you assert that the District Board President violated Government Code § 54953 and make the following assumptions about what action the District must take:

1. The District is now prohibited from voting on or approving the definition that President Fredericks participated in editing on September 3;
2. Any edits suggested by President Fredericks on September 3 are invalidated and must be formally rescinded;
3. The "Board must start over, from scratch," in crafting a definition of District Transformation Process.

First, the District acknowledges that a mistake was made regarding President Fredericks' remote attendance at the September 3 Special Board meeting for the Committee of the Whole. Please know that the Board members have been reminded of the various requirements for remote attendance under the Government Code § 54953 and the District is confident that no such error will occur in the future.

With this in mind, it bears reiterating that the meeting in question was a committee meeting wherein no action was taken, only open discussion among the Board members and public speakers. According to the meeting minutes, you attended and participated in public comment. As reflected in the agenda and minutes, the only items were for Board Discussion on "1) General Definition of District Transformation Process," and "2) Board Members will edit the facilitator's drafted

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definition of District Transformation process, synthesizing the work completed during the Special Board Meeting of August 13, 2026.”

The cure and correct statutory remedy, under Gov. Code § 54960.1 requires “an action taken by a legislative body” to make the remedy viable. In this case, though a technical violation may exist, the facts do not suggest any “action” was taken as defined by the Government Code. The case *Boyle v. City of Redondo Beach* (1999) 70 Cal. App. 4th 1109, 1118, provides guidance on this topic with a relatively similar factual scenario:

First, the minutes of the May 28, 1997, meeting reflects that the City Council did no more than confer with and give direction to staff. Thus the City Council's activity did not constitute “an action taken” in violation of section 54956. Section 54952.6 defines “ ‘action taken’ ” as “a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.” The City Council made no collective decision, commitment, or promise, and took no “actual vote” on any pending motion, proposal, resolution, order, or ordinance relating to the Boyle lawsuit in the May 28 session. Thus for purposes of a section 54960.1, subdivision (a) suit, there was no “action taken by a legislative body” that could be found null and void. Where discussions between a city attorney and a city council occur but no action has been taken, there is no ground for relief under section 54960.1. (*Centinela Hospital Assn. v. City of Inglewood* (1990) 225 Cal.App.3d 1586, 1599, 275 Cal.Rptr. 901.)

(*Ibid.*) In short, the discussion and unfinished edits do not constitute action and as a result, there is no legal basis to invalidate the discussion that took place. Furthermore, there is no legal basis to force the District to start over. The September 3 meeting was advisory only, the discussion occurred in open session with public input, and it was the second discussion of this type. Finally, there is no legal basis to prohibit the Board – at a future agendaized meeting – from considering the definition, further editing, and/or voting on a final product. Government Code § 54960.1 does not provide for such a remedy.

Notwithstanding the above point, please be aware that the District’s October 8, 2026 Agenda has been posted, and it already contains another discussion item regarding the definition of the District Transformation Process. Accordingly, there will be additional opportunity for public comments and Board discussion during open session, before any action is taken by the Board on the Definition.

Based on the foregoing, the District has already taken substantial steps to account for any problems with the September 3 meeting and prevent such mistakes in the future. Therefore, the District has no further action to take at this time.

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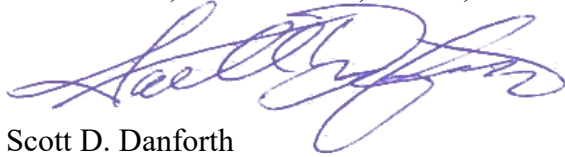
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As the Governing Board has already taken steps to correct any teleconference mistake, the District will consider this request complete.

If you have any questions or concerns, please contact the undersigned.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in blue ink, appearing to read "Scott D. Danforth", is written over the printed name.

Scott D. Danforth

SDD:mam