

# BRIGGS LAW CORPORATION

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*BLC File(s): 1593.99*

13 August 2018

Summer Stephan  
San Diego County District Attorney's Office  
330 West Broadway  
San Diego, CA 92101

Mara Elliott  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

Re: Request for Civil Prosecution

Dear District Attorney Stephan and City Attorney Elliott:

On behalf of San Diegans for Open Government, Theresa and Pedro Quiroz Jr., and Richard Lawrence, in accordance with Government Code Section 91007(a)<sup>1</sup> I am writing to request that you civilly prosecute Phil Rath, a member of the governing board of Civic San Diego, for violations of the Political Reform Act of 1974. Section 91007(a) requires my clients to request civil prosecution before they may commence their own lawsuit against Mr. Rath. Section 91001(b) designates the San Diego County District Attorney as the civil prosecutor with respect to local agencies, but Section 91001.5 authorizes a charter city's attorney to act as the civil prosecutor. This letter is being sent to both of you in an abundance of caution.

Accompanying this letter is a copy of a complaint being filed today in San Diego County Superior Court to have a housing-development transaction approved by the City of San Diego and Civic San Diego declared void. The specific information available to my clients at this time is set forth in the complaint and attached thereto. Generally speaking, Mr. Rath, as a member of Civic San Diego's governing board, participated in the administrative review of the transaction and advocated/voted for it more than once. Less than 12 months before he advocated/voted, however, he received at least \$100,000.00 from the developer involved in the transaction. Mr. Rath did not disclose the payment or recuse himself from the administrative-review process.

Please respond to this letter within 120 days as required by Section 91007(a). If you need any additional information, please do not hesitate to let me know.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

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<sup>1</sup> All statutory references in this letter are to the Government Code.

