

Carey Casciola

From: Sean Martin [REDACTED]
Sent: Monday, August 21, 2023 9:29 AM
To: Carey Casciola
Cc: Will Clemens; Chase Martin; Daniel Cheung; MajorQ
Subject: RE: OCS D Public Record Request
Attachments: image001.jpg

21 AUGUST 2023

Good morning Mr. Clemens

Government Code section 7921.00 establishes the fundamental right of all individuals in the state to access information about governmental activities. The "CPRA Recodification Act of 2021" (California Public Records Act) ensures that every person has the right to review any public record, as specified in Section 7922.525. The term "public record" encompasses any document containing information related to government proceedings, regardless of its physical form, as defined in Section 7920.545. The purpose behind requesting access is immaterial; the requester's intentions are not relevant, according to Section 7921.300.

Under the CPRA, any public agency is required to make records available for examination and duplication upon request. These records include materials that the agency has prepared, owns, uses, or retains, except for those that fall under CPRA's statutory exemptions. . . **Subscribed oaths of office are not exempt from public disclosure, neither through statutory means nor any other authority.**

Before withholding any record in response to a valid CPRA request, the agency must demonstrate either that the record falls under the CPRA's express provisions for exemption or that the public interest served by not revealing the record clearly outweighs the interest served by disclosure, as specified in Cal. Gov. Code Sec. 7922.00. Your argument falls far short of fulfilling your statutory and constitutional obligations under this code, and you failed to notify the public of your decision as required by law.

Oaths of Office and Oaths of Allegiance are legally mandated public documents that all public employees must subscribe to. According to California Constitution Article XX – Section 3, these oaths pledge support and defense of the United States and California Constitutions. The term "public officer and employee"

encompasses individuals at various levels of government, as per the amended Section 3. These oaths are not classified as "personnel" records and are instead fundamental public records, subject to disclosure under California Government Code Section 3105(e)(1). This section mandates that any record maintained in accordance with this provision, including oaths of office, is a public record that the California Public Records Act applies to. See; *Martin v. County of Colusa*; (*Colusa County Superior Court*)

Additionally, the Ralph M. Brown Act, Chapter 9, emphasizes that the people retain sovereignty over the government agencies that serve them; **“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”** “Unless disclosure is otherwise prohibited by law, the provisions listed in Section 7920.505 do not prevent any agency from opening its records concerning the administration of the agency to public inspection.” The act of withholding signatures from subscribed oaths of office is regarded as very problematic, as it directly encroaches upon the public's constitutional right to examine public records that are not expressly exempted under the law, and it also constitutes a further violation of the Brown Act.

I kindly request that you promptly provide un-redacted digital copies (as specified in Cal. Govt Code 7922.570) of all redacted oaths that have been shared in this email correspondence chain. This submission should be completed by August 23, 2024, in alignment with the provisions outlined in Cal. Govt Code 7923.000. This action is being taken to prevent the initiation of legal proceedings.

Should you require any clarification or have inquiries regarding this significant issue, please do not hesitate to contact me.

I extend my gratitude for your commitment and dedication to public service.

Sent from [Mail](#) for Windows

From: [Carey Casciola](#)

Sent: Friday, August 18, 2023 3:23 PM

To: [REDACTED]

Cc: [Will Clemens](#); [Chase Martin](#); [Daniel Cheung](#)

Subject: OCSD Public Record Request

Dear Requester:

Your request for a copy of the documents without redacted signatures is denied, as permitted by Cal. Gov. Code Section 7922.000. We have concluded that, on the facts of this particular case, the public interest served by not disclosing the record – namely, maintaining the privacy rights of public officials and employees – clearly outweighs the public interest served by disclosure of the record.

As required by Cal. Gov. Code Section 7922.540, the individuals responsible for this decision are Will Clemens, General Manager.

Sincerely,
Carey

Carey Casciola

Business and Accounting Manager

carey@oceanocsd.org

Oceano Community Services District

1655 Front St., PO Box 599

Oceano, CA. 93475

Office (805) 481-6730

Fax (805) 481-6836

<http://oceanocsd.org/main/>



Certificate of Election and Oath of Office

I, TOMMY GONG, County Clerk-Recorder of San Luis Obispo County, State of California, do hereby certify that at the Statewide Presidential General Election held in and for said County on the 3rd day of November 2020, LINDA M. AUSTIN was Elected to the Office of DIRECTOR, OCEANO COMMUNITY SERVICES DISTRICT, for a term expiring 12/6/2024, as appears by the official record of the result of said election on file in my office.

IN WITNESS THEREOF, I have hereunto affixed my hand and official seal this 1st day of December 2020.



[Redacted Signature]

County Clerk-Recorder

Oath of Office

I, LINDA M. AUSTIN, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DIRECTOR
OCEANO COMMUNITY SERVICES DISTRICT
For a term expiring 12/6/2024

[Redacted Signature]

Candidate Signature

Subscribed and sworn before me, this 9th day of December 2020

[Redacted Signature]

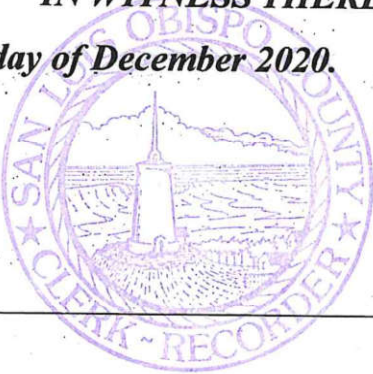
Signature of Person Administering Oath

General Manager / Secretary
Title

Certificate of Election and Oath of Office

I, **TOMMY GONG**, County Clerk-Recorder of San Luis Obispo County, State of California, do hereby certify that at the Statewide Presidential General Election held in and for said County on the 3rd day of November 2020, **SHIRLEY D. GIBSON** was Elected to the Office of **DIRECTOR, OCEANO COMMUNITY SERVICES DISTRICT**, for a term expiring 12/6/2024, as appears by the official record of the result of said election on file in my office.

IN WITNESS THEREOF, I have hereunto affixed my hand and official seal this 1st day of December 2020.



[Redacted Signature]

County Clerk-Recorder

Oath of Office

I, **SHIRLEY D. GIBSON**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DIRECTOR
OCEANO COMMUNITY SERVICES DISTRICT
For a term expiring 12/6/2024

[Redacted Signature]

Candidate Signature

Subscribed and sworn before me, this 9th day of December 2020

[Redacted Signature]

Signature of Person Administering Oath

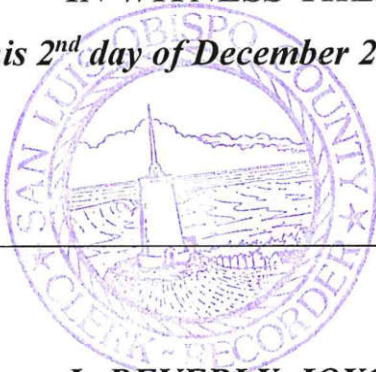
General Manager / Secretary

Title

Certificate of Appointment and Oath of Office

I, ELAINA CANO, County Clerk-Recorder of San Luis Obispo County, State of California, do hereby certify that BEVERLY JOYCE-SUNESON was Appointed to the Office of DIRECTOR, DIVISION 3, OCEANO COMMUNITY SERVICES DISTRICT for a term expiring 12/4/2026 as appears by the official record of the result of said election on file in my office.

IN WITNESS THEREOF, I have hereunto affixed my hand and official seal this 2nd day of December 2022.



[Redacted Signature]

County Clerk-Recorder

Oath of Office

I, BEVERLY JOYCE-SUNESON, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DIRECTOR, DIVISION 3
OCEANO COMMUNITY SERVICES DISTRICT
For a term expiring 12/4/2026

[Redacted Signature]

Candidate Signature

Subscribed and sworn before me, this 14 day of December

[Redacted Signature]

Signature of Person Administering Oath

Business & Accounting Manager

Title

Certificate of Election and Oath of Office

I, ELAINA CANO, County Clerk-Recorder of San Luis Obispo County, State of California, do hereby certify that at the Statewide General Election held in and for said County on the 8th day of November 2022, CHARLES VARNI was Elected to the Office of DIRECTOR, OCEANO COMMUNITY SERVICES DISTRICT, Partial Term for a term expiring 12/6/2024, as appears by the official record of the result of said election on file in my office.

IN WITNESS THEREOF, I have hereunto affixed my hand and official seal this 7th day of December 2022.



[Redacted Signature]

County Clerk-Recorder

Oath of Office

I, CHARLES VARNI, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DIRECTOR
OCEANO COMMUNITY SERVICES DISTRICT, Partial Term
For a term expiring 12/6/2024

[Redacted Signature]

Candidate Signature

Subscribed and sworn before me, this 14 day of December

[Redacted Signature]

Signature of Person Administering Oath

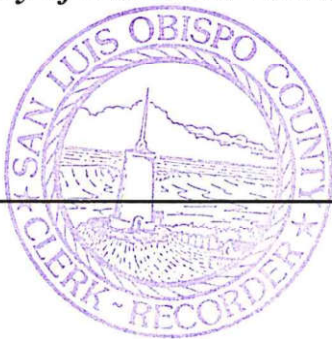
Business + Accounting Manager

Title

Certificate of Election

I, ELAINA CANO, County Clerk-Recorder of San Luis Obispo County, State of California, do hereby certify that at a General Election held in and for said County on the 8TH day of November 2022, ALLENE VILLA was Appointed in Lieu of Election to the Office of DIRECTOR, DIVISION 2, OCEANO COMMUNITY SERVICES DISTRICT, for a term expiring 12/4/2026, as appears by the official record of the result of said election on file in my office.

IN WITNESS THEREOF, I have hereunto affixed my hand and official seal this 2st day of December 2022.



[Redacted Signature]

County Clerk-Recorder

Oath of Office

I, ALLENE VILLA, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DIRECTOR, DIVISION 2
OCEANO COMMUNITY SERVICES DISTRICT
For a term expiring 12/4/2026

[Redacted Signature]

Candidate Signature

Subscribed and sworn before me, this 11 day of January

[Redacted Signature]
Signature of Person Administering Oath

Business & Accounting Manager
Title



OCEANO COMMUNITY SERVICES DISTRICT

P.O. BOX 599 • 1655 FRONT ST. OCEANO, CA 93475 • (805) 481-6730 • FAX: (805) 481-6836
www.oceanocsd.org

EMPLOYEE OATH OF OFFICE

"I, Carey Casciola, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."



Employee Signature

Carey Casciola

(Print Name)

12/10/2020

Date

Witnessed by: 

(Board Secretary or Board Clerk)

*Must be read before the Board Secretary or Board Clerk.



OCEANO COMMUNITY SERVICES DISTRICT

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www.oceanocsd.org

EMPLOYEE OATH OF OFFICE

"I, Tony, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

[Redacted Signature]

Employee Signature

Tony Nawada

(Print Name)

12-9-2020

Date

Witnessed by: [Redacted]

(Board Secretary or Board Clerk)

**Must be read before the Board Secretary or Board Clerk.*