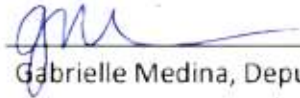


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San Luis Obispo Superior Court

By:


Gabrielle Medina, Deputy Clerk

Counsel for Petitioner/Plaintiff Kathie Walker

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN LUIS OBISPO**

KATHIE WALKER,

Petitioner/Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVER-
SITY,
et al.,

Respondents/Defendants.

Case No. 26CV-0166

Hon. Tana L. Coates

**Notice of Motion and Motion for Judgment
on Verified Petition for Writ of Mandate
and Complaint for Declaratory and Injunc-
tive Relief; Memorandum of Points and
Authorities**

Hearing: November 4, 2026

Time: 9:00 a.m.

Dept.: 4

Action filed: March 18, 2026

TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on November 4, 2026, at 9:00 a.m. or as soon thereafter as the matter may be heard in Department 4 of the above-captioned Court, located at 1050 Monterey Street, Rm. 220, San Luis Obispo, California 93408, Petitioner/Plaintiff Kathie Walker will and hereby does move this Court for judgment on her Verified Petition for Writ of Mandate Ordering Compliance with California Public Records Act and Article I, § 3(b) of the California Constitution and Complaint for Declaratory and Injunctive Relief (the “Petition”). She respectfully requests that the Court issue a writ of mandate, order, and judgment that:

1 1. Directs Respondents Board of Trustees of the California State University and
2 Jeffrey Armstrong, in his official capacity as the President of California Polytechnic State Uni-
3 versity, San Luis Obispo, (collectively, “Respondents”) to promptly and fully disclose the pub-
4 lic records as requested by Walker as set forth in the Petition; and

5 2. Declares that Respondents violated the California Public Records Act
6 (“CPRA”) and California Constitution by failing to disclose public records as required, and
7 within the timeframe required, by the CPRA and California Constitution.

8 Walker also seeks reasonable attorney’s fees and costs under Government Code section
9 7923.115(a) and will file a separate motion and memorandum to support her claim for recovery
10 of those fees and costs.

11 For the reasons discussed more fully in the accompanying Memorandum of Points and
12 Authorities, Walker is entitled to the requested relief because the records she has requested
13 from Respondents are public records subject to the presumption of access enshrined in article
14 I, § 3(b) of the California Constitution and the CPRA. Respondents’ refusal to disclose the
15 records without certain redactions as requested violates those authorities, because they cannot
16 demonstrate that the redactions are allowed by law.

17 This motion is based on this notice, the accompanying Memorandum of Points and
18 Authorities in support, the declaration of Matthew S.L. Cate (“Cate Decl.”), the declaration
19 of Kathie Walker (“Walker Decl.”), the exhibits attached to the Index of Exhibits, the concur-
20 rently filed Request for Judicial Notice, any other matters of which the Court may take judicial
21 notice, the Petition and other pleadings and records on file in this matter, any additional brief-
22 ing that may be submitted in connection with this motion, and any other evidence or argument
23 that may be requested, permitted, or received by the Court.

24 Date: June 12, 2026

LAW OFFICE OF MATTHEW S.L. CATE



Matthew S.L. Cate

Counsel for Petitioner/Plaintiff Kathie Walker

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Memorandum of Points and Authorities

I. Introduction

This case asks whether a public university can facilitate conduct that potentially violates local ordinances while shielding from the community the information it needs to identify that misconduct, effectively demand that its laws be enforced, and seek accountability from those officials and agencies who refuse to do so.

Cal Poly, a public university, is directly involved in overseeing and approving fraternity parties.¹ In that role, it collects and maintains records of every event, on or off campus, hosted by campus-recognized fraternities. Cal Poly also requires fraternities to comply with City of San Luis Obispo ordinances, necessarily including the City's ban on fraternity housing in certain neighborhoods. But the university either knowingly authorizes repeated violations of those ordinances or willingly turns a blind eye to its role in allowing fraternity houses to operate in defiance of City laws. At the same time, Cal Poly refuses to disclose public records that would plainly identify where those fraternity houses are operating and that would thus allow an increasingly frustrated community to advocate for solutions to the very type of party-related disruptions the City's zoning laws are intended to prevent.

The California Constitution and CPRA forbid Cal Poly from hiding evidence of its role in authorizing and approving unlawful behavior. Petitioner Kathie Walker thus brings this action to compel Cal Poly to disclose public records that reveal the addresses of fraternity parties that Cal Poly approves. The Court should provide that relief and declare that Cal Poly's non-disclosures violate the law and cannot be justified by the exemptions from disclosure the university has invoked.

First, the fraternity-party information Cal Poly collects—including specifically the addresses of parties that it approves—is public information contained in public writings to which the right of access attaches. Cal Poly gathers and maintains that information pursuant to both

¹ “Cal Poly” refers to either or both, as context requires, (1) the Respondents (together and separately) and (2) California Polytechnic State University, San Luis Obispo. The terms “fraternity” and “fraternities” include any fraternity or sorority group recognized at Cal Poly.

1 state law and its own policies. The records and information in them are thus related to the
2 university's fraternity-oversight responsibilities, and Cal Poly cannot lawfully withhold them
3 from disclosure unless it demonstrates that specific exemptions, narrowly construed, apply to
4 the information. *See* § III(A).

5 ***Second***, Cal Poly's attempted justifications for nondisclosure of the fraternity-event
6 addresses are unlawful. For one, there are no valid privacy interests in party addresses that are
7 voluntarily given to Cal Poly, disseminated widely in advance, and are maintained in records
8 that do not link any student with any particular address. Even if there were minimal privacy
9 interests at stake, those concerns must give way to the public's substantial interest in enforcing
10 its laws and in identifying whether and to what degree Cal Poly is facilitating fraternity conduct
11 that violates both university policy and City ordinances. *See* § III(B)(1).

12 Moreover, despite Cal Poly's contentions otherwise, the Federal Educational Rights
13 and Privacy Act of 1974 ("FERPA") cannot justify nondisclosure. FERPA regulates the dis-
14 closure of only "education records." The party addresses that Cal Poly is unlawfully redacting
15 simply do not constitute "education records" under FERPA. Moreover, even if the infor-
16 mation at issue here were linked to specific students (and it is not), FERPA expressly allows
17 schools to disclose addresses when—as Cal Poly does—schools provide notice that they may
18 release such "directory information." *See* § III(B)(2).

19 ***Finally***, Cal Poly's refusal to disclose the unredacted records and its invocation of in-
20 applicable exemptions call for declaratory relief to prevent similar issues and assertions from
21 arising in the future. As the California Supreme Court has recently explained, the CPRA pro-
22 vides for exactly that type of relief in response to an agency's violations of the CPRA that are
23 likely to recur. Given Cal Poly's repeated refusal to provide the records and information as
24 requested, the Court should declare, among other things discussed below necessary to prevent
25 this dispute from arising again, that the party-registration records are public records subject to
26 disclosure and that FERPA does not apply to them or justify redactions to the address infor-
27 mation at issue.

II. Factual Background

A. Off-campus fraternity parties generate concerns and complaints in San Luis Obispo neighborhoods.

As the City of San Luis Obispo has formally recognized in its municipal code, the presence and operation of fraternity houses can be “detrimental to the neighborhood in which they are located due to excessive noise, inadequate off-street parking,” and other concerns. *See* Ex. 1 at 5.² To try to minimize those issues and keep the peace, the City forbids fraternity houses—defined as any residence where members of a Cal Poly-affiliated “social or educational association” reside and hold “meetings or gatherings”—from operating in areas zoned for low- and medium-density residential use. *Id.* at 3, 8. Even in higher-density areas, the City allows residences to operate as fraternity housing only pursuant to permits imposing conditions on occupancy, noise, and other matters. *Id.* at 3. If those conditions are violated, the City can revoke that permit. For example, the Planning Commission in June 2025 voted unanimously to revoke three fraternities’ conditional use permits over repeated noise violations and other permit violations. Ex. 2 at 1–11. It revoked two other fraternities’ permits, for similar reasons, in March 2026. *Id.* at 12–19.

Community complaints about off-campus fraternity housing and parties have become such a concern that the issue prompted a recent investigation by the San Luis Obispo County Civil Grand Jury. *See* Pet. ¶ 30; Pet. Ex. 1. In June 2025, that body issued a report asserting that “noise and frequent partying” at off-campus fraternity housing have “disrupted . . . once-quiet residential areas” in “neighborhoods traditionally occupied by families.” Pet. Ex. 1 at 1. The report also claimed that perhaps more than 40 fraternity houses were operating either without required permits or in residential areas where they are banned altogether. Pet. Ex. 1 at 10. Alleging that the City has failed to effectively enforce restrictions on fraternity housing, the grand

² Except for citations to exhibits attached to the Petition (identified as “Pet. Ex. ____”), the exhibits cited in this memorandum (“Ex. ____”) are to the materials attached to the Index of Exhibits filed concurrently with and in support of this motion.

1 jury blamed that “inaction” as contributing to circumstances that are making some neighbor-
2 hoods “almost unlivable for most residents.” *Id.* at 15.

3 Meanwhile, in late May 2026 the City asserted that enforcing fraternity-house “regu-
4 lations has become one of the fastest growing areas of code enforcement in the past three
5 years.” *See* Ex. 3 at 3. Code enforcement staff reported “a dramatic increase in the number of
6 requests for investigation” of alleged land-use violations by suspected fraternity houses. *Id.*
7 Specifically, the City received only eight total requests for investigation from 2015 through
8 2023, but requests for investigation surged in 2024 and have only continued to increase, with
9 nearly 70 requests for investigation in the first four months of 2026 alone. *Id.* at 5. The City has
10 thus determined that “fraternity enforcement has evolved from an occasional land use issue
11 into a major operational category requiring sustained investigative, administrative, and en-
12 forcement resources.” *Id.*

13 **B. Cal Poly collects fraternity-event addresses and decides whether and un-**
14 **der what conditions fraternity parties occur at all.**

15 Cal Poly develops and maintains a record of addresses of every event hosted or pro-
16 moted by every fraternity it deems a university-recognized fraternity.³ Pet. ¶ 6; Answer ¶ 6. It
17 does this as a matter of both state law and university policy, including in its role directly over-
18 seeing whether, when, where and under what circumstances fraternity parties may occur in
19 compliance with Cal Poly rules.

20 **1. Cal Poly collects fraternity event addresses pursuant to state law.**

21 Enacted in 2022, Assembly Bill 524 requires a California college or university to condi-
22 tion its recognition of a fraternity on the fraternity’s agreement to annually give the school
23 certain information about its organization and events. *See* Educ. Code § 66312(b)(1)(A). As the
24 bill advanced through the Legislature, its author explained that the law was meant to help

25 _____
26 ³ Cal Poly oversees student organizations—including fraternities—by offering, or denying,
27 university recognition of those groups that comply with its policies. *See generally* Ex. 4. Uni-
28 versity recognition comes with several benefits, including the right to use the Cal Poly name
and marks and the ability to access to university facilities, funding for certain events or pro-
grams, university event-scheduling and promotion resources, and more. *See* Ex. 4 at 7.

1 “shed light on individual Greek Life organizations which historically have struggled to comply
2 with laws and university policies.” Ex. 5 (Assembly Floor Analysis, Concurrence in Sen.
3 Amendments to AB 524 (2021-2022 Reg. Sess.) as amended Aug. 15, 2022) at 2. Lawmakers
4 were told the legislation was meant to ensure “students and their families [can] better under-
5 stand the history and culture of a particular social organization on campus to make a more in-
6 formed decision about their education, health and safety.” *Id.*

7 Among the information AB 524 requires fraternities to provide their schools is “the
8 location, date, and time of any” event that features their name or any event paid for at least in
9 part with fraternity funds. *Id.* § 66312(a)(7), (b)(1)(A)(x). It also requires universities to publish
10 online, on at least an annual basis, a report containing information submitted by the fraternities
11 (the “AB 524 Report”). *Id.* § 66312(d)(1)(A). In addition to providing location information for
12 every fraternity event, the AB 524 Report is also required to include the “addresses” of any
13 fraternity-sanctioned events during the prior academic year where certain specified miscon-
14 duct, including hazing, occurred. *Id.* § 66312(d)(3)(B).

15 As a public university, Cal Poly obtains the information required by AB 524, including
16 event location information and information that would be necessary to publish the address of
17 any fraternity event involving specified misconduct. *See, e.g.*, Pet. ¶ 20; Answer ¶ 20. Cal Poly
18 has published an AB 524 Report each year since and including October 2023. *See* Pet. ¶ 20;
19 Answer ¶ 20.

20 **2. Cal Poly collects fraternity event addresses as a matter of its own**
21 **policies, which require fraternities to comply with local laws.**

22 In addition to collecting fraternity event addresses in response to AB 524, Cal Poly
23 gathers them pursuant to its own policies.

24 Specifically, and as part of its effort to help fulfill “the mission of both the Dean of
25 Students and the institution” overall, Cal Poly’s Fraternity & Sorority Life Office (“FSL Of-
26 fice”) has implemented and enforces “a party registration process” for fraternities to follow.
27 *See* Ex. 6 at 2–3. Under those procedures, all fraternity events must be registered with and
28 approved by the FSL Office in advance. Ex. 7 at 6–7; *see also* Pet. ¶ 6; Answer ¶ 6. To obtain

1 Cal Poly’s approval to host an event, fraternities must complete and submit a standardized
2 form (the “FSL Event Registration”). *See* Ex. 7 at 7; Ex. 8; Pet. Ex. 16. The FSL Office thus
3 obtains information about the date, time, and address of the event, the number of anticipated
4 attendees,⁴ and the names of “sober monitors” who are required to be present for events with
5 alcohol. Ex. 7 at 4, 7; *see also, e.g.*, Ex. 8. When it is satisfied the information complies with Cal
6 Poly policies, the FSL Office formally approves the party. *See* Exs. 7–8. In all cases, meanwhile,
7 Cal Poly mandates that “any activity sponsored or endorsed by the” fraternity must comply
8 with all laws, including local ordinances. Ex. 7 at 3–4. Violation of Cal Poly’s event policies
9 could subject fraternity members or their organizations to discipline or sanction by the univer-
10 sity. *Id.* at 7–8.

11 In addition to submitting information to Cal Poly through the FSL Event Registration
12 process, fraternities of course publicize their events. One way they have often done that is
13 through an event-planning application called DoorList. *See* Walker Decl. ¶¶ 8–10; Ex. 9. Posts
14 to DoorList often include some of the same basic information the fraternity submits in support
15 of its FSL Event Registration, including the specific address of the party. Ex. 9. Fraternities
16 have also publicized events, and event addresses, via social media. *See* Ex. 10. And they also
17 may promote their events through Cal Poly’s own online event calendar. *See* Ex. 11.

18 **C. After the City uses fraternity address information to support code-en-**
19 **forcement efforts, Cal Poly revises its first AB 524 Report to remove ad-**
20 **dress information and ceases to provide address information to the City.**

21 In its first AB 524 Report, published in October 2023, Cal Poly disclosed the addresses
22 of all fraternity-sanctioned events that occurred in the prior year. *See* Pet. ¶ 20; Answer ¶ 20.

23 Soon after those disclosures, the City began issuing notices of violation and code-en-
24 forcement warning letters to properties suspected of unlawfully operating as fraternity houses.
25 *See* Pet. ¶ 28; Pet. Ex. 2 at 26. By July 2024, however, and amid the 2024 surge in community
26 complaints to the City about allegedly unlawful fraternity houses, Cal Poly stopped publishing

27 ⁴ Event planners frequently submit attendance figures to the FSL Office estimating more than
28 100 attendees, sometimes on back-to-back days. *See, e.g.*, Ex. 8 at 1–2, 6–7.

1 and sharing event addresses. *See, e.g.*, Pet. ¶ 21; Answer ¶ 21; Pet. Ex. 2 at 7. In particular, Cal
2 Poly took down its previously published AB 524 Report and replaced it with a version that
3 swapped out most address information for off-campus events with a generic designation that
4 now revealed only that the events had occurred in “San Luis Obispo.” Pet. ¶ 21; Answer ¶ 21.
5 The university’s later AB 524 Reports continued the same practice. *See* Pet. ¶ 21; Answer ¶
6 21. At about the same time, meanwhile, Cal Poly appears to have stopped sharing party address
7 information with the City Police Department, which it had been doing since approximately
8 February 2022. *See* Walker Decl. ¶¶ 11–12 (averring that City-produced public records reflect
9 Cal Poly sharing addresses with police department from approximately February 2022 to
10 March 2024); Ex. 12 (emails reflecting address sharing).

11 And when a City code enforcement supervisor submitted a public records request to
12 the university in fall 2024 seeking records reflecting fraternity party registrations at 18 specific
13 addresses it suspected of violating City ordinances, Cal Poly refused—now claiming that the
14 information it previously gave freely to the City was exempt from disclosure due to privacy
15 interests and under FERPA. Pet. ¶¶ 47–48; Pet. Ex. 12.

16 Later, in response to the Civil Grand Jury’s June 2025 report criticizing the City’s code-
17 enforcement efforts, the City blamed Cal Poly for withholding “event location information”
18 needed to more effectively enforce City codes. *See* Pet. Ex. 2 at 7–8. The City indicated that
19 obtaining that information would improve the city’s “ability to address repeated violations
20 linked to campus-affiliated groups residing off campus.” *Id.* at 8. By the end of 2025, while
21 complaints to the City continued to grow, Cal Poly’s refusal to provide address information
22 left at least one City code-enforcement supervisor reduced to begging the university to initiate
23 its own investigation into whether fraternities were violating Cal Poly policies, if not the City’s
24 zoning ordinances. *See* Pet. Ex. 3.

25 **D. After repeatedly denying Walker’s requests for FSL Registration records,**
26 **Cal Poly discloses them while unlawfully redacting event addresses.**

27 Walker is among the City residents who have submitted complaints to the City about
28 fraternity parties being held where fraternity housing is ostensibly banned. Walker Decl. ¶ 5.

1 She previously lived in one of the City’s lighter-density neighborhoods where fraternity houses
2 are ostensibly not allowed to operate. Pet. ¶ 11. For more than a decade after moving into that
3 neighborhood in 2009, Walker’s family generally was not disturbed by fraternity-related activ-
4 ity. Walker Decl. ¶¶ 2–4. Starting in fall 2021, however, Walker began noticing what appeared
5 to be fraternity parties hosted near her home, and fraternities have thrown parties nearby with
6 increasing regularity ever since. *Id.* ¶ 4. The noise, disruptions, and harassment forced Walker
7 and her family to move to another neighborhood in 2025. *Id.*

8 Hoping to confirm whether and where fraternity houses were operating near her home
9 and elsewhere in the City in violation of local ordinances, Walker has spent years trying to
10 obtain the address information Cal Poly collects as part of its efforts to oversee fraternities and
11 approve and monitor their off-campus events. *See* Pet. ¶¶ 35–49; Answer ¶¶ 35, 41, 49. She
12 has submitted multiple requests to Cal Poly under the California Constitution and CPRA for
13 access to the public records it develops and maintains that reflect the address information of
14 university-approved fraternity events. Pet. ¶¶ 35–49; Answer ¶¶ 35, 41, 49.

15 Cal Poly refused to disclose any records in response to requests Walker submitted in
16 October 2023 (the “2023 Request”) and July 2024 (“2024 Request”). Walker submitted an-
17 other request to Cal Poly in November 2025 seeking disclosure of records reflecting the ad-
18 dresses of each fraternity event registered with the FSL Office on and since July 1, 2023 (“2025
19 Request”). Pet. ¶ 49; Pet. Ex. 13. In February 2026, Cal Poly disclosed to Walker copies of FSL
20 Event Registration records for fraternity-sanctioned events held in 2023 through 2025. Pet. ¶
21 51; Answer ¶ 51. But, with limited exceptions, those records have been redacted to conceal the
22 address information submitted to and maintained by the FSL Office. Pet. ¶ 51; Answer ¶ 51.

23 **III. Argument**

24 **A. Cal Poly has the burden to demonstrate the legality of its redactions.**

25 The Legislature enacted the CPRA in 1968, declaring “that access to information con-
26 cerning the conduct of the people’s business is a fundamental and necessary right of every per-
27 son in this state.” *Id.* California voters have since elevated that right to one of constitutional
28

1 magnitude. Cal. Const., art. I, § 3(b)(1). The right of access to public records under these au-
2 thorities applies to “any writing containing information relating to the conduct of the public’s
3 business prepared, owned, used, or retained by any state or local agency regardless of physical
4 form or characteristics.” Gov. Code § 7920.530(a); Cal. Const., art. I, § 3(b)(1) (“the writings
5 of public officials and agencies shall be open to public scrutiny”). Any record “kept by an of-
6 ficer because it is necessary or convenient to the discharge of his official duty is a public record”
7 to which there is “a presumptive right of access.” *City of San Jose v. Superior Ct.*, 2 Cal. 5th
8 608, 618 (2017);⁵ *see also Sander v. State Bar of California*, 58 Cal. 4th 300, 323 (2013) (“The
9 CPRA establishes a presumptive right of access to any record created or maintained by a public
10 agency that relates in any way to the business of the public agency, and the record must be
11 disclosed unless a statutory exception is shown.”).

12 The FSL Event Registration records, and the information contained within them, con-
13 stitute public records that are presumptively subject to full disclosure.

14 **First**, state law mandates that Cal Poly collect and maintain address and location infor-
15 mation of every event sanctioned by a campus-recognized fraternity. *See* Educ. Code §
16 66312(b)(1)(A)(ix)–(x) (requiring collection of addresses of chapter houses and location of
17 sanctioned events); *id.* § 66312(d)(3)(B) (necessarily requiring collection of event addresses
18 given requirement to publicize “addresses of . . . sanctioned events where misconduct oc-
19 curred”). That address and location information must also be published on at least a yearly
20 basis. *See id.* § 66312(d)(1)(A), (d)(3)(B). The Legislature has thus deemed the collection and
21 publication of addresses an important part of university oversight of fraternity events.

22 **Second**, Cal Poly’s own policies directly and separately involve the university in regu-
23 lating and approving every fraternity event that occurs—on or off campus. *See, e.g.*, Pet. ¶ 6;
24 Answer ¶ 6; *see also* Ex. 7. By potentially imposing discipline against fraternities or their mem-
25 bers who do not comply with Cal Poly event and registration policies, *see* Ex. 7 at 7–8, the uni-
26 versity retains substantial authority to prevent fraternity events from proceeding at all. How

27 _____
28 ⁵ Internal citations, quotation marks, ellipses, and brackets are omitted from the citations in
this memorandum.

1 the university wields that authority, and specifically whether and to what extent it does so in
2 service of Cal Poly’s requirement that fraternity parties comply “with all applicable laws,”
3 including “[l]aws local to San Luis Obispo,” *see id.* at 3, are matters of “the business of [Cal
4 Poly]” and the public that funds it. *See, e.g., City of San Jose*, 2 Cal. 5th at 618.

5 Put simply: the public has a right to know whether Cal Poly has been or is formally
6 approving fraternity events in violation of City ordinances that university policies require fra-
7 ternities to follow. The address information Cal Poly collects in connection with its event-ap-
8 proval role is necessarily required to obtain that knowledge. Because the FSL Event Registra-
9 tion records and material within them are public records, Cal Poly can lawfully justify nondis-
10 closure of the address information only by proving that one of the limited statutory exceptions
11 to disclosure applies. *See, e.g.,* Gov. Code § 7923.000 (requiring agency to justify withholding);
12 *Int’l Fed’n of Pro. & Tech. Eng’rs v. Superior Ct.*, 42 Cal. 4th 319, 337 (2007) (“The burden is
13 on the agency maintaining the records to demonstrate that the record in question is exempt.”).

14 **B. Cal Poly cannot demonstrate that any exemption justifies nondisclosure**
15 **of the addresses of fraternity events that it approves.**

16 When assessing an agency’s assertion that material is exempt from disclosure, courts
17 must broadly construe statutes that “further[] the people’s right of access” to public records.
18 Cal. Const., art. I, § 3(b)(1). And they must narrowly construe statutes whose application
19 would limit that right, striving in all events for *maximum* disclosure of records of the conduct
20 of the people’s business. *See id.; Sierra Club v. Superior Ct.*, 57 Cal. 4th 157, 175 (2013) (any
21 ambiguity in a statute limiting disclosure must be construed “in a way that maximizes the pub-
22 lic’s access to information”). Thus, any doubts over whether a statute allows for nondisclosure
23 “must always be resolved in favor of disclosure.” *Essick v. Cnty. of Sonoma*, 81 Cal. App. 5th
24 941, 950 (2022).

25 Cal Poly claims it is allowed to redact addresses from the FSL Event Registration rec-
26 ords because the public’s interest in nondisclosure “clearly outweigh[s] any public interest
27 served by disclosure” in light of alleged privacy rights in that information and because the in-
28 formation implicates FERPA. *See, e.g.,* Pet. Ex. 15. Cal Poly is wrong on both fronts.

1 **1. Cal Poly cannot demonstrate that the balance of interests clearly**
2 **favours nondisclosure of the address information.**

3 The CPRA allows agencies to withhold material when “on the facts of the particular
4 case the public interest served by not disclosing the record *clearly outweighs* the public interest
5 served by disclosure of the record.” Gov. Code § 7922.000 (emphasis added). Similarly, an
6 agency may withhold public records pursuant to the state constitutional right to privacy only
7 when protection of the privacy interest at stake outweighs the public’s interest in obtaining the
8 material and “the strong public policy supporting transparency in government.” *See Marken v.*
9 *Santa Monica-Malibu Unified Sch. Dist.*, 202 Cal. App. 4th 1250, 1271 (2012) (quoting *Interna-*
10 *tional Federation*, 42 Cal. 4th at 331). Cal Poly cannot carry its burden to demonstrate the bal-
11 ance of interests clearly favors nondisclosure of the address information in the FSL Event Reg-
12 istration records.

13 **First**, contrary to Cal Poly’s assertions, there are no significant “privacy interests” at
14 stake here. Even assuming that every withheld address is a residential address, which Cal Poly
15 has not demonstrated, there is nothing in the FSL Event Registration records that would link
16 any of the addresses to any particular student. *See, e.g.*, Ex. 8; Pet. Ex. 16.

17 **Second**, even if addresses in the FSL Event Registration records could be linked to a
18 student or any other person through use of other sources, the address information is voluntarily
19 provided to Cal Poly in exchange for university approval to host a fraternity-sanctioned event.
20 The parties, and their exact addresses, are often widely promoted, including through Cal Poly’s
21 own website for student-organization events. *See* Exs. 9–11. And the events frequently draw
22 more than 100 partygoers. Ex. 8 (registering events with as many as 250 expected attendees);
23 *see* Ex. 9 at 3, 5 (DoorList posts noting more than 300 and 600 attendees as planning to attend).
24 Meanwhile, fraternities also surely know that AB 524 requires public disclosure of the “loca-
25 tion” and/or “address” of (1) their “chapter” houses,⁶ (2) any fraternity-sanctioned event,
26 and (3) any fraternity-sanctioned event where misconduct occurs. *See* Educ. Code §

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28 ⁶ Chapter houses are owned by the university or a fraternity. *See* Educ. Code § 66312(a)(3).

1 66312(b)(1)(A)(ix)–(xi). In other words, when a fraternity throws a university-approved party,
2 it knows that the event address is subject to public disclosure—by the fraternity itself and its
3 members, any of the many attendees, and by Cal Poly.

4 **Finally**, even if there were some theoretical privacy interests implicated in the disclo-
5 sure of the party addresses voluntarily provided and promoted by the fraternities, Cal Poly
6 bears the burden of demonstrating—as to *each* address it is choosing to withhold—that there
7 is a “clear overbalance on the side of confidentiality” here. *See California State University v.*
8 *Superior Ct.*, 90 Cal. App. 4th 810, 835 (2001); *see also, e.g., City of San Jose*, 2 Cal. 5th at 616
9 (when an agency is asked to disclose public records, “[e]very such record must be disclosed
10 unless a statutory exemption is shown” justifying its nondisclosure); *L.A. Cnty. Bd. of Supervi-*
11 *sors v. Superior Ct.*, 2 Cal. 5th 282, 292 (2016) (the CPRA “requires public agencies to use the
12 equivalent of a surgical scalpel to separate those portions of a record subject to disclosure from
13 privileged portions”). In other words, Cal Poly must account for—and clearly overcome—the
14 public’s interest in knowing whether and how fraternity houses may be operating within San
15 Luis Obispo in violation of local zoning ordinances. Just as critically, it also must clearly over-
16 come the public’s substantial interest in understanding whether and how the university is au-
17 thorizing fraternity-sanctioned events that may not comply with “all applicable laws,” as re-
18 quired by Cal Poly policy. *See Ex. 7 at 3.* Cal Poly cannot make that showing.

19 The California Supreme Court’s analysis and decision in *CBS, Inc. v. Block*, 42 Cal. 3d
20 646 (1986), are particularly instructive. There, a TV news station asked a sheriff to disclose
21 copies of concealed-weapons permit applications. *See id.* at 649. The trial court ordered disclo-
22 sure of the licenses but allowed the sheriff to redact licensees’ home addresses. *Id.* The Cali-
23 fornia Supreme Court reversed, holding that the addresses had to be released. *Id.* The Court
24 reasoned that while the sheriff asserted generic concerns that disclosure of the addresses could
25 theoretically lead to harm, full disclosure “enables the press and public to ensure that public
26 officials are acting properly in issuing licenses for legitimate reasons.” *Id.* at 654. In other

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1 words, the public was entitled to access the name and address information of licensees to “as-
2 certain whether the law is being properly applied,” and that interest outweighed any theoretical
3 privacy and safety concerns arising from the disclosure of addresses. *Id.* at 656.

4 Similarly, in *New York Times Company v. Superior Court*, a newspaper wanted the names
5 and addresses of water district customers who exceeded their usage allotment under a water-
6 rationing ordinance. *See* 218 Cal. App. 3d 1579, 1581 (1990). The trial court denied the news-
7 paper’s CPRA petition, concluding that disclosure of those identities could lead to embarrass-
8 ment and potential harm from angry neighbors. *Id.* at 1583. The Court of Appeal reversed. It
9 recognized that disclosure of the names and addresses may intrude on customers’ privacy in-
10 terests. *Id.* at 1584. But it explained that the CPRA requires those interests to be assessed
11 against the public’s concerns about water conservation and its “right to review the govern-
12 ment’s conduct of its business.” *Id.* (citing *CBS*, 42 Cal. 3d at 654). And since the water district
13 “should not be allowed to exercise absolute discretion, shielded from public accountability” in
14 assessing which customers had violated the ordinance, the Court of Appeal concluded that the
15 district’s vaguely asserted privacy interests had to give way to the public interest in disclosure.
16 *Id.* at 1585–86.

17 The same conclusion should follow here. There is substantial public concern not only
18 over the conduct of fraternity parties held in off-campus neighborhoods (across the United
19 States, in fact), but also over whether fraternities are operating within the City of San Luis
20 Obispo in compliance with zoning laws. *See* Ex. 5 (reflecting AB 524 author statement); Ex. 13
21 (news coverage across the country); Pet. Exs. 1–2 (June 2025 Civil Grand Jury Report and City
22 response). As in *CBS* and *New York Times*, access to the address information that Cal Poly
23 collects and reviews before authorizing fraternity events is needed to ensure that “the law is
24 being properly applied” and to determine whether, by issuing what are essentially licenses to
25 throw a fraternity party within the City, Cal Poly is knowingly or arbitrarily facilitating the vi-
26 olation of San Luis Obispo zoning ordinances—and, if so, how the public might demand and
27 obtain accountability for that conduct.

1 Because Cal Poly’s vague assertion of privacy interests in the addresses of fraternity
2 parties does not and cannot “clearly outweigh” the public interests in disclosure, the Court
3 should declare Cal Poly’s refusal to provide the address information unlawful and order the
4 FSL Event Registration records to be redisclosed without redactions to the event addresses.

5 **2. FERPA does not prohibit disclosure of the FSL Event Registration**
6 **records or the address information within them.**

7 While the CPRA allows an agency to withhold material when disclosure “is exempted
8 or prohibited” by federal or state law, *see* Gov. Code § 7927.705, Cal Poly’s invocation of
9 FERPA to try to excuse nondisclosure is without merit.

10 **(a) The records and addresses of fraternity parties are not “edu-**
11 **cation records” meant to be protected by FERPA.**

12 “FERPA conditions federal educational funding on maintaining the privacy of educa-
13 tion records other than directory information.” *Poway Unified Sch. Dist. v. Superior Ct.*, 62 Cal.
14 App. 4th 1496, 1506 (1998). Specifically, it provides that no federal funds will be provided to
15 any educational institution that “has a policy or practice of permitting the release of education
16 records (or personally identifiable information contained therein other than directory infor-
17 mation . . .) of students” without consent. 20 U.S.C. § 1232g(b)(1); *see also id.* § 1232g(b)(2)
18 (similar funding condition tied to policy or practice of allowing access to “any personally iden-
19 tifiable information in education records other than directory information”). FERPA cannot
20 justify nondisclosure of the address information here because the records and information at
21 issue are not “education records” for the purposes of that law.

22 Under FERPA, “education records” are “those records, files, documents, and other
23 materials” that (1) “contain information directly related to a student” and (2) “are maintained
24 by an educational agency or institution or by a person acting for such agency or institution.”
25 *Id.* § 1232g(a)(4)(A). In construing a “nearly identical” provision of the state Education Code
26 by analyzing FERPA, the Court of Appeal explained that the term “education record” “does
27 not encompass every document that relates to a student in any way and is kept by the school in
28 any fashion.” *BRV, Inc. v. Superior Ct.*, 143 Cal. App. 4th 742, 754 (2006) (emphasis added)

1 (citing *Owasso Indep. Sch. Dist. No. I-011 v. Falvo*, 534 U.S. 426 (2002)). Instead, the term ap-
2 plies to records such as “registration forms, class schedules, grade transcripts, discipline re-
3 ports, and the like.” *Id.* at 754. So, a record that is “not directly related to the private *educa-*
4 *tional interests* of the student” does not qualify as an “education record” under FERPA. *See id.*
5 at 754–55 (emphasis added).

6 Other courts have reached a similar conclusion, repeatedly holding that when the con-
7 text and content of a record do not implicate a student’s *educational* interests, FERPA cannot
8 be overstretched to apply to it. *See, e.g., Clark Cnty. Sch. Dist. v. Eighth Jud. Dist. Ct. in & for*
9 *Cnty. of Clark*, 581 P.3d 407, 411 (Nev. 2025) (education records are those that “affect the
10 course of a student’s education”); *Jacobson v. Ithaca City Sch. Dist.*, 39 N.Y.S.3d 904, 908
11 (N.Y. Sup. Ct. 2016) (“[t]o constitute an educational record, information must relate to an
12 individual student’s educational performance”) (citing cases); *Red & Black Pub. Co. v. Bd. of*
13 *Regents*, 427 S.E.2d 257, 261 (Ga. 1993) (holding that FERPA “is intended to protect . . . those
14 [records] relating to individual student academic performance, financial aid, or scholastic pro-
15 bation”).

16 Thus, to determine whether FERPA applies to a record and the information within it,
17 courts must assess the nature of the material to determine whether it “directly relate[s]” to
18 the student in the way envisioned by FERPA. And while personally identifiable information
19 (*e.g.*, a name) may relate to the student it identifies, the cases are clear that mere reference to
20 an identifiable student is not enough, on its own, to trigger FERPA. *See, e.g., Kirwan v. The*
21 *Diamondback*, 721 A.2d 196, 204 (Md. 1998) (“The legislative history of the Family Educa-
22 tional Rights and Privacy Act indicates that the statute was not intended to preclude the release
23 of any record simply because the record contained the name of a student.”).

24 For example, *Poway Unified School District* involved a newspaper’s request for records
25 reflecting tort claims a minor presented to his school district over a hazing incident. *See* 62 Cal.
26 App. 4th at 1499–1500. The records necessarily identified a specific student, related to his sta-
27 tus as a student, and described an incident that occurred on campus. *See id.* But the Court of
28 Appeal rejected the argument that the record of his pre-suit demand implicated FERPA and

1 could not be disclosed. *Id.* at 1506. That position, the court concluded, “defies logic and com-
2 mon sense” given the language and purpose of FERPA. *Id.* at 1507.

3 Similarly, in *Kirwan*, the Maryland Court of Appeals held that a student newspaper was
4 entitled to records of parking tickets received by members of the men’s basketball team at the
5 University of Maryland.⁷ *See* 721 A.2d at 198. It rejected the university’s argument that the
6 parking-ticket records implicated FERPA, emphasizing that the congressional record demon-
7 strates that the “types of information or education records that were” discussed on the floor
8 of Congress in connection with its passage were “student IQ scores, medical records, grades,
9 anecdotal comments about students by teachers, personality rating profiles,” and similar ma-
10 terial that “relate to academic matters or status as a student.” *Id.* at 204. The court also em-
11 phasized that part of the intent underlying FERPA (which has certain provisions requiring ac-
12 cess to education records) was “to prevent educational institutions from operating in secrecy.”
13 *Id.* And it concluded that if universities were able to designate material that merely identified a
14 student as an “education record,” they could avoid disclosing information regarding unlawful
15 activity when convenient or desirable to do so. *See id.* That outcome, the court concluded,
16 would subvert the purpose of FERPA and legislative intent underlying it while “keeping very
17 important information from other students, their parents, public officials, and the public.” *Id.*

18 The same analysis applies here. For one, even when the address information in the FSL
19 Event Registration records is disclosed, it reveals *nothing* about any particular student.⁸ *See*,
20 *e.g.*, Ex. 8; Pet. Ex. 16. The material does not implicate any student’s academic records, status
21 as a student, or any other type of information actually relating to *academic* concerns. These are
22 records about *fraternity parties*. Cal Poly creates and compiles the information to help it oversee
23 campus-recognized fraternities and, ostensibly, to ensure their compliance with university pol-
24 icies and City ordinances. *See* Ex. 7. These records are not the type of material that FERPA
25 protects from disclosure.

26 ⁷ At the time, the Court of Appeals was the name of the state’s highest court.

27 ⁸ Names of the people who submit registration information are redacted in the disclosures
28 Walker has received. Without conceding that those redactions are lawful, Walker’s 2025 Re-
quest expressly disclaimed access to those names, and she does not seek their disclosure.

1 Cal Poly’s past treatment of the registration records also demonstrates that they are not
2 the type of records governed by FERPA. Its FSL Office spent approximately two years collect-
3 ing addresses from students and either forwarding them to Cal Poly’s Police Department to
4 forward to the City or directly giving the information to the City itself. *See* Walker Decl. ¶¶ 11–
5 12; Ex. 12. Cal Poly may have ceased sharing that information after the City began using it to
6 enforce its zoning ordinances, but nothing about the information Cal Poly previously disclosed
7 has changed: The registration records and address information within them were not “educa-
8 tion” records covered by FERPA then, and they are not education records covered by it now.

9 The Court should therefore rule that the FSL Event Registration records and infor-
10 mation within them do not constitute “education records” under FERPA. And because
11 FERPA thus does not prohibit disclosure of the addresses, the Court should order Cal Poly to
12 redisclose the previously disclosed records without those redactions.

13 **(b) Addresses are “directory information” FERPA allows Cal**
14 **Poly to disclose, and it tells students it has discretion to do so.**

15 Even if the FSL Event Registration records and address information constitute “edu-
16 cation records” under FERPA, that statute still does not prohibit disclosure for a separate rea-
17 son: Addresses are “directory information” that the university tells students it has discretion
18 to release (and that, it bears repeating, Cal Poly released for at least two years).

19 FERPA penalizes only the nonconsensual disclosure of education records “*other than*
20 *directory information*” as defined by the statute. *See* 20 U.S.C. § 1232g(b)(1), (b)(2) (emphasis
21 added). The statute, in turn, provides that a student’s name and address are among the types
22 of “directory information” that may be disclosed without prior consent. 20 U.S.C. §
23 1232g(a)(5)(A); *see also* 34 C.F.R. § 99.3(a) (similar definition in applicable U.S. Department
24 of Education regulations). Thus, so long as a university notifies students of the directory infor-
25 mation it may choose to release, that directory information may be released, freely, without

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1 penalty. *See* 20 U.S.C. § 1232g(a)(5)(B); *see also Elec. Priv. Info. Ctr. v. U.S. Dep’t of Educ.*, 48
2 F. Supp. 3d 1, 5 (D.D.C. 2014) (“Under the directory information exception, certain basic stu-
3 dent information, such as name, address, telephone number, etc.—referred to as ‘directory
4 information’—may be released without prior consent.”).

5 Cal Poly notifies students that while they may opt out of the release of directory infor-
6 mation, “[t]he default is UNPROTECTED” and that their addresses may be released by Cal
7 Poly “at its discretion.” Ex. 14 at 1–2. It further notifies students that Cal Poly defines “[d]irec-
8 tory information . . . as information which would not generally be considered harmful to the
9 student, or an invasion of privacy, if disclosed.” *Id.* at 2. And it identifies students’ names and
10 mailing addresses as among the types of information falling within that definition. *Id.*

11 Indeed, in its correspondence with Walker, Cal Poly has explained that the addresses
12 in the FSL Event Registration records constitute “[s]tudent directory information.” *See* Pet.
13 Ex. 15 at 1. Cal Poly’s attempt to justify nondisclosure of that directory information depended
14 on its assertion that while FERPA allows disclosure of that directory information, “it is not
15 mandatory to disclose directory information.” *Id.* at 2. But the question is not whether FERPA
16 *mandates* disclosure of the addresses; the question is whether FERPA *prohibits* disclosure. It
17 does not. And, as discussed above, the California Constitution and CPRA mandate disclosure
18 unless an express exemption applies. Because none does, the Court should rule that Cal Poly’s
19 address-concealing redactions to the FSL Event Registration records violate those authorities
20 and order the university to disclose that information.

21 **C. Walker is entitled to a judicial declaration that Cal Poly’s repeated, im-**
22 **proper exemption claims violate the CPRA and California Constitution.**

23 The CPRA provides for declaratory relief deeming an agency’s nondisclosures in vio-
24 lation of the law “in situations in which an agency is reasonably likely to repeat past conduct
25 that allegedly violates the CPRA in response to future records requests.” *See City of Gilroy v.*
26 *Superior Ct.*, 19 Cal. 5th 38, 54 (2026). There is every reason to believe that, absent such relief
27 here—particularly in the form of a declaration that FERPA does not justify nondisclosure of
28

1 the type of address information at issue—Cal Poly will continue to withhold addresses of fra-
2 ternity events after this case is resolved. It has spent years denying access to the material based
3 on an unlawful application of FERPA and the CPRA. It not only rejected or failed to make any
4 disclosures in response to Walker’s 2023 Request and 2024 Request, it denied the City’s sim-
5 ilar records request outright as well. *See* Pet. ¶¶ 40, 44–45, 47–48; Pet. Exs. 7, 12. Further,
6 when it eventually released the FSL Event Registrations in response to the 2025 Request, it did
7 so only while redacting the critical address information on legally improper grounds. *See* Pet.
8 Ex. 15.

9 To “help guide the parties’ future conduct and inform their rights and responsibilities
10 under the CPRA,” *City of Gilroy*, 19 Cal. 5th at 54, the Court should accordingly (1) declare
11 that the FSL Event Registration records and information within them are public records subject
12 to disclosure under the California Constitution and CPRA, (2) declare that Cal Poly records
13 that reflect addresses of Cal Poly-sanctioned or fraternity-sanctioned events must be disclosed
14 under those authorities, (3) declare that FERPA does not apply to the FSL Event Registration
15 records and address information within them or otherwise justify their withholding, and (4)
16 declare that Cal Poly violated the California Constitution and CPRA by refusing to disclose the
17 public records as requested.

18 **IV. Conclusion**

19 For the foregoing reasons, the Court should grant Walker’s Petition, provide the re-
20 quested declaratory relief, and order Cal Poly to disclose the requested FSL Event Registration
21 Records without redactions to the event addresses within them.

22
23 Date: June 12, 2026

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