



Board of Trustees
Michael Allman
Phan Anderson
Jane Lea Smith
Rimga Viskanta
Jodie Williams

UNCONDITIONAL COMMITMENT LETTER

Pursuant to Government Code Section 54960.2

To: Trustee Michael Allman

The Governing Board (“Board”) of the San Dieguito Union High School District (“District”) has received your cease and desist letter dated September 15, 2026, alleging that the following described past action of the Board violates the Ralph M. Brown Act: On or about August 30, 2026, from approximately 3:00 p.m. to 5:00 p.m., at a private RSVP “Super School Board Meet and Greet”, a majority of this Board — three of five sitting Trustees: President Jane Lea Smith, Vice President Rimga Viskanta, and Clerk Jodie Williams — congregated at the same time and location and heard and discussed items within this Board’s subject-matter jurisdiction, including Board agenda control, majority “guardrails” over classroom observation and curriculum oversight, and related governance of the San Dieguito Union High School District, without the notice and open-meeting requirements of Government Code sections 54952.2 and 54953.

The Board hereby acknowledges and expressly admits that the August 30, 2026 gathering described above was a meeting of the Board as defined in Government Code section 54952.2(a), was not conducted as an open and public meeting as required by Government Code section 54953(a), and therefore constituted a violation of the Ralph M. Brown Act.

Therefore, in order to avoid unnecessary litigation, and with the admission stated above, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above — specifically, the congregation of a majority of the members of this Board outside a meeting authorized by the Brown Act to hear, discuss, deliberate, or take action on any item within the Board’s subject-matter jurisdiction.

The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.



Board of Trustees
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Please be advised that this letter is to be approved by the Board of Trustees in open session at its special Board meeting on September 24, 2026, as a separate item of business and not on its consent agenda, consistent with Government Code section 54960.2(c)(2).

Sincerely,

Jane Lea Smith
Board President
San Dieguito Union High School District

Additional Supporting Materials

Board Backup — Item 2.A — September 24, 2026 Special Meeting

1. Sep 15 Notice — Ecke Aug 30 (with its embedded exhibits)
2. Sep 23–24 Counsel-access email thread — legal memo / equal access (Gmail print; continuous)



Board of Trustees

Michael Allman
Phan Anderson
Jane Lea Smith
Rimga Viskanta
Katrina Young

Superintendent

Anne L. Staffieri, Ed.D.

710 Encinitas Boulevard, Encinitas, CA 92024
Telephone (760) 753-6491
www.sduhsd.net

Michael Allman

Trustee

San Dieguito Union High School District

michael.allman@sduhsd.net

September 15, 2026

VIA EMAIL

To: Members of the Board of Trustees, San Dieguito Union High School District — Jane Lea Smith, President (janelea.smith@sduhsd.net); Rimga Viskanta, Vice President; Jodie Williams, Clerk; Phan Anderson, Trustee (phan.anderson@sduhsd.net); and Anne L. Staffieri, Ed.D., Superintendent (anne.staffieri@sduhsd.net)

Re: Notice of Ralph M. Brown Act Violation — Unnoticed Majority Meeting on August 30, 2026 (Ecke “Super School Board Meet and Greet”)

Dear President Smith, Vice President Viskanta, Clerk Williams, Trustee Anderson, and Superintendent Staffieri:

I write to place on the record that a majority of this Board conducted an unnoticed meeting in violation of the Ralph M. Brown Act, Government Code sections 54950–54963, on Sunday, August 30, 2026, from approximately 3:00 p.m. to 5:00 p.m., at 1450 Paseo De Las Flores, Encinitas, California 92024 (the Ecke residence). This letter asserts that violation. Nothing herein waives any right or remedy under Government Code sections 54960 and 54960.2 or otherwise.

I. Facts

The gathering was organized by Bob Ayers as a “Super School Board Meet and Greet” for school-board candidates, with an express request that attendees bring a checkbook to contribute to campaigns. Attendance required RSVP (Google Form or email of names to Mr. Ayers). It was not a District-noticed Board meeting. See Exhibits C1 and C2.

Three of this Board’s five members — President Jane Lea Smith, Vice President Rimga Viskanta, and Clerk Jodie Williams — attended at the same time and place. I did not attend.

2.A. Supplemental Document - Created and Submitted by Trustee Allman

While a Board majority was present, Vice President Viskanta addressed the gathering concerning this Board's control of agenda placement and voting. See Exhibit G1 (5139 — Rimga Viskanta — August 30, 2026). She stated:

“And the things that have been brought forward, wanting to be put on the agenda and voted on, and they haven't been - it's only because we have a majority.”

She also stated that “the three of us see behind the scenes what it takes to put safeguards on really destructive, deceptively-minded board members,” and referred to classroom observation, curriculum, and the “guardrails of a majority board that says no, that's not okay.” Exhibit G2 is a still photograph of Vice President Viskanta speaking with President Smith and Clerk Williams present.

II. Law

Government Code section 54952.2(a) defines a “meeting” as any congregation of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action on any item within the body's subject-matter jurisdiction. A school district board is a legislative body of a local agency. Gov. Code §§ 54951, 54952(a). Three of five is a majority.

All meetings shall be open and public except as otherwise provided. Gov. Code § 54953(a). Deliberations must be conducted openly. Gov. Code § 54950. Formal action is not required; a majority's gathering to hear or discuss agency business is enough. See *Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors* (1968) 263 Cal.App.2d 41, 50–51.

The exceptions in section 54952.2(c) do not apply. Subdivision (c)(3) requires an open and publicized community meeting; an RSVP-controlled private-home event is not open. Subdivision (c)(5) covers purely social or ceremonial occasions; it does not cover discussion of this Board's agenda and voting practices. California Attorney General Opinion No. 23-102 (Apr. 18, 2024) confirms that majority attendance at a privately hosted event concerning the agency's business is a section 54952.2(a) meeting where live public access is conditioned, that “hear” alone satisfies the statute, and that the conference, community-meeting, and purely social exceptions fail on such facts.

III. Violation

Each element of section 54952.2(a) is satisfied. A Board majority congregated at the Ecke residence. That majority heard and discussed items within this Board's subject-matter jurisdiction: agenda access, voting, and related governance of the San Dieguito Union High School District. No Brown Act notice or agenda under sections 54953 and 54954.2 was provided for a meeting of this Board at that place and time.

The Ecke Gathering therefore was a meeting of this Board under Government Code section 54952.2(a). Conducting it outside the Act's open-meeting requirements violated Government Code sections 54952.2 and 54953.

IV. Demand

Within fourteen (14) days of this letter, I demand that the Board and Superintendent:

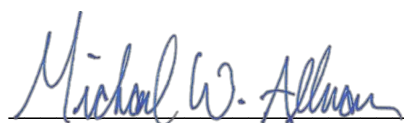
1. Acknowledge in writing that Trustees Smith, Viskanta, and Williams attended the Ecke Gathering on August 30, 2026, and that Vice President Viskanta's remarks on agenda placement and voting occurred while that majority was present;
2. Cease and desist from any further congregation of a Board majority outside a Brown Act-authorized meeting to hear, discuss, deliberate, or take action on District business;
3. Provide an unconditional commitment, in substantially the form set forth in Government Code section 54960.2(c), that the Board will cease, desist from, and not repeat the past action of participating in an unnoticed majority meeting of the kind described here; and
4. Preserve all recordings, photographs, notes, and communications concerning the Ecke Gathering, and any communications among Trustees Smith, Viskanta, and Williams regarding agenda control, voting, or the Ecke Gathering.

Absent timely and satisfactory response, I reserve all rights under Government Code sections 54960 and 54960.2, including referral to the San Diego County District Attorney and any other available remedy.

Open deliberation is not optional. A Board majority may not use a private RSVP event to hear and discuss how it will control this Board's agenda and votes. That is what occurred on August 30, 2026, and it violated the Brown Act.

Please send the Board's written response to michael.allman@sduhsd.net, with a copy to the Superintendent.

Respectfully submitted,



Michael Allman

Trustee

San Dieguito Union High School District

Exhibits:

C1 (Ayers invite / RSVP)

C2 (Ayers reminder)

G1 (5139 — Rimga Viskanta — August 30, 2026 — Transcript from the Ecke Meet and Greet)

G2 (Still — Rimga Viskanta, Jane Lea Smith, and Jodie Williams — August 30, 2026 — Ecke Meet and Greet)

2.A. Supplemental Document - Created and Submitted by Trustee Allman

Exhibit C1 — Community outreach from Bob Ayers (To: Bob Ayers, with blind copies)

Inner message extracted from a received copy. Original send time and subject were not on that copy. BCC recipients are not shown.

Super School Board Meet and Greet invite

From: BOB AYERS <bobayers@cox.net>

To: Bob Ayers <bobayers@cox.net>

Bcc: undisclosed recipients (blind copies)

Date: On or before Monday, August 24, 2026 (original send time not on this copy)

Subject: (not captured on the received copy)

Hello friends. So glad you can attend this unique event.

Thank you for RSVPing.

The event will be from 3-5pm on Sunday, August 30.

It will be at the beautiful home of Lizbeth Ecker: 1450 Paseo De Las Flores Encinitas CA 92024.

The event will be outside and it's going to be warm so bring your hat and dress accordingly. We have activities for the kids.

Light snacks and beverages will be provided.

We'll take some group pictures. Only a few Education Leaders will speak briefly and we'll get on to hear from the 6 wonderful candidates. A little Q&A after.

We have room for about 35 more - and a week to go - so please spread the word. Feel free to use the attached flyers and the RSVP QRcode (this link also works to RSVP:

<https://forms.gle/4UaiWBXWpExp9kHu7>)

If you have someone you really want to attend but they don't want to RSVP (I get it) please email me directly with the name(s).

Thanks again and see you next Sunday. Bob

Bob Ayers

Attorney

bobayers@cox.net

(760) 753-9086

2.A. Supplemental Document - Created and Submitted by Trustee Allman

Exhibit C2 — Community outreach from Bob Ayers (To: Bob Ayers, with blind copies)

Inner headers and body extracted from a received copy. BCC recipients are not shown.

Super School Board Meet and Greet tomorrow (Sun) 3-5pm

From: BOB AYERS <bobayers@cox.net>

To: Bob Ayers <bobayers@cox.net>

Bcc: undisclosed recipients (blind copies)

Date: Saturday, August 29, 2026, 2:38 PM PT

Subject: Super School Board Meet and Greet tomorrow (Sun) 3-5pm

Hello friends:

Just a reminder and a few notes about the event tomorrow:

3 to 5 pm at the home of Lizbeth Ecke: 1450 Paseo De Las Flores Encinitas

Parking will be a little tight so come early. Carpool, bike, walk if possible.

We'll be outside. A little drop in the temp but still humid. Hat, sunscreen, loose clothes. Flip flips acceptable :)

Kids are welcome. We'll have some volunteers with crafts and games and even a chance to feed the two horses.

Plenty of snacks, cold drinks (no alcohol) and friends to see and make.

The program will start 3:45ish with only a few speaker so we hear directly from the 6 candidates attending:

Encinitas Union School District (EUSD) elementary schools:

- Chris Hargrave <https://hargrave4eusd.com/>
- Jillian Cocayne <https://www.jillian4eusd.com/>
- Bill Shen <https://billshen.com/>

San Dieguito Union High School District (SDUHSD):

- Amy Flicker <https://www.flickerforschoolboard.com>
- Helen Doyle <https://www.doyleforsandieguito.com/>
- Justin Moodie <https://www.justinmoodie.com/>

Bring your attention and questions. And be sure to bring your checkbook or other method to contribute to their campaigns if you are so inclined.

See you tomorrow. Bob

Bob Ayers

Attorney

bobayers@cox.net

(760) 753-9086

2.A. Supplemental Document - Created and Submitted by Trustee Allman

Exhibit G1 — 5139 — Rimga Viskanta — August 30, 2026 — Transcript from the Ecke Meet and Greet.

Rimga Viskanta

I cannot tell you how critical these races are, and how frightening it is when the wrong people get in those seats. He just really hit the surface there, because I think the three of us see behind the scenes what it takes to put safeguards on really destructive, deceptively-minded board members. Before we were elected to the board, poor Katrina Young was holding the fort alone against on a very, very divisive board.

Grace, you know, grace under fire. But you can't do much if you're just one voice. You can keep speaking your truth and and saying good things, but you don't have that control. When we were elected, and before we were elected, there were, was it six superintendents in seven years? The turnover. I remember a principal saying, "I just feel like we lost the joy in teaching." We have a trustee who would want to go into the classrooms, observing, looking at curriculum. It's really dangerous. And if he doesn't have, ... he, what am I talking about?... He who shall not be named ... Without the guardrails of a majority board that says no, that's not okay. It will happen, and it will happen again.

And the things that have been brought forward, wanting to be put on the agenda and voted on, and they haven't been - it's only because we have a majority.

I guarantee you, if that side gets in charge again, it is gonna go. It's gonna go wrong. And the best way I can summarize is, our school district a really great school district. It always has been. Our parents are great ...

2.A. Supplemental Document - Created and Submitted by Trustee Allman

Exhibit G2 — Still — Rimga Viskanta, Jane Lea Smith, and Jodie Williams — August 30, 2026 — Ecke Meet and Greet.

Photographic still from the Ecke Meet and Greet: Vice President Rimga Viskanta speaking, with President Jane Lea Smith and Clerk Jodie Williams present (three of five sitting trustees).



Source still: Rimga speaking w JL and Jodie.png

Fwd: Brown Act violation agendized and legal memo

From: michael.allman@sduhsd.net
To: janelea.smith@sduhsd.net
Cc: anne.staffieri@sduhsd.net
Date: Wednesday, September 23, 2026, 4:23 PM PT
Subject: Fwd: Brown Act violation agendized and legal memo

President Smith,

I see that a special meeting has been called for tomorrow at 5pm to discuss one of the recent alleged Brown Act violations. However, I have not seen the legal analysis from our attorneys. Please forward their written legal opinion to all the members of the Board as soon as you can. It is unacceptable to expect us as Board Trustees to review a legal opinion on something as important as our public meeting laws with less than 24 hours notice.

Please let me know when we can expect a copy of their opinion.

Regards,

Mike