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Via Email [[priya.priyamathur@gmail.com](mailto:priya.priyamathur@gmail.com)] and By Fax [(800 959-6545)]

Ms. Priya Mathur,  
President, Board of Administration, CalPERS  
400 Q Street  
Sacramento, CA 95811

Re: Demand for immediate restoration of rights and cessation of interference with state official Margaret Brown.

Dear Ms. Mathur:

I write on behalf of my client Margaret Brown ("Brown") to demand the immediate revocation of your illegal lockout of Brown from CalPERS facilities, as described in more detail in her March 19, 2018 e-mail to you. I have instructed her that because your action is procedurally improper, unlawful, and interferes with her performance of official and fiduciary duties as a CalPERS Board Member, that she may ignore your improper and unenforceable directive.

In addition, the CalPERS Board Services unit, which is under your direction, has been placing impermissible restrictions on Brown's access to past closed session transcripts. She has repeatedly requested the complete and unredacted transcripts for the full year prior to her joining the board. There is no legal justification for denying a trustee access to any document of the organization over which they have oversight and fiduciary responsibility. You may not limit her access to only cherry picked sections, with text redacted, only at the convenience of one CalPERS staffer, during extremely limited hours. You may not require the presence of a staff minder. Neither you nor a mere staff member have any authority to restrict the times or extent of Brown's access to board records.

Brown has been repeatedly stymied in her desire to make prudent and informed decisions. The possible motives for this stonewalling do not reflect well on CalPERS, in that this harassment is at best a petty campaign against a reformer who succeeded in

ousting an incumbent, and at worst is a reflection of your personal desire to keep your and CalPERS “dirty laundry” so well secret that Brown cannot even conduct needed oversight in future closed sessions.

Board staff has improperly interfered with mail addressed to her by, for example, opening her mail, and by possibly rerouting or answering mail addressed to her on her behalf. Also, her email should not be delayed, reviewed, or answered prior to delivery to her. The Board must respect her privacy and her ability to conduct her official business free from interference.

Brown has been subjected to harassment since she took office, including but not limited to:

Denied CalPERS stationery and templates for producing correspondence and presentations (CalPERS is not permitted to exercise prior restraint over the communications of an elected official, which appears to be the intent of insisting that CalPERS produce, and therefore get an advanced look, at her correspondence and slides);

Denied subscriptions to financial and healthcare publications even though she provided a list of the publications she required nearly four months ago;  
Delayed response or no response to requests for information.

I have instructed Brown to ignore your procedurally invalid lockout that directly interferes with her fiduciary duties, particularly the library. Please take care not to restrict her access to these areas by force or defame her by contacting the media as you risk personal liability. Any resulting litigation will lead to discovery and public and legislative scrutiny regarding your campaign to undermine Brown.

Finally, please instruct the head of the Board Services unit, Karen Perkins, to prepare a disk copy of all of the closed session transcripts to give to Brown by the end of the business day on Monday, April 16, when she will be at the CalPERS board meeting or alternatively, to deliver it to her on her CalPERS-issued equipment by that date. Please immediately cease all other forms of harassment.

Kindest Regards,

/s/ James A. Moody

James A. Moody,  
Counsel