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**MVCSD Claim Denial**

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**From** Brittany Chavez <b.chavez@morongovalleyfire.org>

**Date** Thu 1/8/2026 6:32 PM

**To**

**Cc** Roberto Lozano <rlozano@sdrma.org>

**Bcc** Christina Gorke <c.gorke@mvcgsdboard.org>; Steve Kennedy <skennedy@bmklawplc.com>

 1 attachment (200 KB)

mv-cross.claim2.pdf;

Mr. Cross:

Please be advised that your public comments will be included in the Minutes for the special Board meeting of January 7, 2026.

I do want to clarify an important point. It was never the District's intent to use the video or audio as leverage, nor to withhold records improperly. Our intent has always been to provide you with the requested material within the limits of the law. As you know, the CPRA does NOT require unconditional and absolute disclosure of all District records; the law contains at least 76 different exemptions. Each exemption requiring non-disclosure must be given just as much consideration by the District as any obligation requiring release.

Consequently, once you elected to file a tort claim with the District on December 10, 2025, you also elected to immediately activate the CPRA exemptions expressly set forth in Government Code Section 7927.200(b). At that point, the CPRA "does not require disclosure of any ... [r]ecords pertaining to a claim made pursuant to [the Government Claims Act] until the pending claim has been finally adjudicated or otherwise settled." Thus, the District's hands were tied the moment you presented your tort claim to the District.

As reflected in the letter attached hereto, the Board rejected your claim and referred the matter to SDRMA, the District's risk management administrator. Thus, the processing of your claim is now in the hands of SDRMA. I believe that you have already communicated with Roberto Lozano at

**SDRMA. PLEASE BE ADVISED THAT THE DISTRICT DOES NOT OBJECT TO SDRMA  
RELEASING ANY VIDEO OR AUDIO OF THE ALLEGED INCIDENT THAT IS THE SUBJECT  
OF YOUR CLAIM.**

Additionally, it is the District's understanding that a criminal proceeding is currently pending concerning this matter. If requested by law enforcement, the District's CPRA obligations for materials relating to the case would be subject to the special provisions applicable to the District Attorney's office under Government Code Sections 7921.700-7921.710. To date, the District has not received any such request from any law enforcement agency. **PLEASE BE ADVISED THAT THE DISTRICT WILL NOT OBJECT TO THE RELEASE BY ANY LAW ENFORCEMENT AGENCY OF ANY VIDEO OR AUDIO OF THE ALLEGED INCIDENT.**

Working collaboratively with you to navigate these various issues was always part of the District's plan. Following your e-mail of December 18, 2025, wherein you graciously agreed to extend the pending CPRA deadlines, I have been in constant consultation with the District's legal counsel to formulate a good faith plan to present to the Board at its meeting of January 7, 2026, and then – upon receiving due authorization from the Board – coordinating with you a mutually-acceptable resolution for satisfaction of your CPRA requests in the context of the District's competing obligations – as is expressly contemplated in the CPRA pursuant to Government Code Section 7922.600(a).

**IT WAS NEVER AT ANY TIME THE INTENT OF THE DISTRICT TO LEVERAGE THE VIDEO OR AUDIO FOR ANY PURPOSE WHATSOEVER - NOR WERE YOU EVER ONCE COERCED, PRESSURED, OR REQUIRED TO GIVE UP ANY RIGHTS IN EXCHANGE FOR RECORDS AS ABSOLUTELY NO RELEASE OR WAIVER OF ANY KIND WAS EVER PREPARED OR PRESENTED TO YOU IN ANY MANNER.**

Nevertheless, please be advised that the District remains willing to work in good faith with you to identify any lawful path forward with respect to satisfying its various obligations under the CPRA and to resolve your outstanding requests as efficiently as possible. At a minimum, I look forward to discussing with you a due date for the District to respond to your remaining CPRA requests.

Sincerely,

*Brittany Chavez*

General Manager  
Morongo Valley CSD | Morongo Valley Fire Department



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