

**NOTICE TO CEASE AND DESIST
AND DEMAND TO CURE
PURSUANT TO RALPH M. BROWN ACT
CAL. GOV'T CODE §§ 54950 et seq.**

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Dear City of Coachella Officials and Administrators:

The Ralph M. Brown Act prohibits all persons—including elected officials—from disclosing confidential information that has been acquired in a public entity closed session. Cal. Gov't Code §§ 54963(a). In this context, "confidential information" means communications made in a properly agendized closed session discussion. Cal. Gov't Code § 54963(b). Any person who violates this requirement is subject to injunction, disciplinary action, and/or referral to a grand jury for criminal prosecution. Cal. Gov't Code § 54963(c). Moreover, the violating legislative body may be subject to additional court order such as rescission of the underlying decision, or mandatory recordings of future closed session meetings. Cal. Gov't Code §§ 54960; 54960.1.

Any interested person may file an action to seek remedies for these violations, as well as associated costs and attorney fees. Cal Gov't Code §§ 54960.2(a); 54960.5.

It has come to our attention that in the past 24 to 36 hours, if not for a longer period of time, **Coachella officials including but not limited to Steven Hernandez and Stephanie Virgen have made numerous impermissible disclosures and statements in violation of the Ralph M. Brown Act.** Known and documented disclosures include the following:

- Steven Hernandez told the Desert Sun that “Behind closed doors, the council opted by 3-2 votes to move forward with removing Martin and Campos from their positions.”¹
- Steven Hernandez told the Desert Sun that “Mayor Pro Tem Denise Delgado, along with Councilmembers Frank Figueroa and Yadira Perez, supported replacing the city manager and city attorney, while Hernandez and Councilmember Stephanie Virgen were opposed.”
- Steven Hernandez told the Desert Sun that “the move to replace Campos, who works for Best Best & Krieger, was finalized during the January 7 meeting. But the city is keeping the law firm – with a new lawyer being named Coachella’s city attorney—and thus wasn’t required to publicly report that decision.”
- Steven Hernandez told the Desert Sun that “the council was working to finalize its separation agreement with Martin.”
- Steven Hernandez told the Desert Sun that “You’re going to have three members of the executive team that are no longer there. The government is, in a sense, going to be like at a standstill.”
- Steven Hernandez is believed to have communicated with one or more local radio outlets regarding the confidential information identified above sometime between January 7, 2025 and the present.
- Stephanie Virgen posted a social media story sharing publicly the content of the Council’s previous closed session discussions and requesting support and public turnout in support of Martin and Campos.

It is believed that Hernandez and Virgen made additional disclosures of the same confidential information to innumerable individuals from approximately January 7, 2025 to present, in an effort to influence public comments and/or otherwise influence the Council’s final vote on January 14, 2025. In turn, those individuals shared the confidential information with others, creating a ripple of dissemination throughout the region. These disclosures unquestionably violate the Brown Act.

¹ All references to communications with the Desert Sun are evidenced in the article entitled, “Divided Coachella council moves to fire city manager; mayor opposed,” by Tom Coulter, Jan. 13, 2025.

As well, following the public comment period in the January 14, 2025 Special Meeting, Hernandez and Virgen both made responsive comments. Because there was no public agenda item regarding the personnel decision to be considered in closed session (for good reason, given the confidentiality of such matters), the responsive comments of Hernandez and Virgen violated the Brown Act as well. Cal. Gov't Code § 54954.2.

It is our sincere hope that the City will take immediate action to cure these violations by retracting violative statements and issuing public apology. Even more importantly, we demand and expect that the City and all City officials will properly observe and comply with their obligations in the future, in all spaces and at all times.

Please contact us at your convenience to communicate the City's plan to remedy these violations, so that we may determine with our clients whether any further legal action will be necessary.

Our best regards,



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