

April 4, 2017

VIA MESSENGER

Michelle Marchetta Kenyon, City Attorney,
City of Pacifica
Burke, Williams & Sorensen, LLP
1901 Harrison Street, Suite 900
Oakland, CA 94612

Kathy O'Connell
City Clerk, City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Re: Councilmember Sue Digre's Legal Residence

Dear Ms. Kenyon:

I am a resident of the City of Pacifica. As a concerned citizen, I felt compelled to bring to the City's attention the unfortunate fact that *since 2012*, Councilmember Sue Digre has not resided at the address currently listed on her voter registration and Councilmember nomination papers.

Councilmember Digre lists 780 Edgemar Avenue as her residence on her voter registration and Councilmember nomination papers. However, Councilmember Digre has not lived at this location since 2012, and instead, from August 2012 to February 2016, she lived in a different residence, located in the Pacific Skies Estates Mobile Home Park. Councilmember Digre personally signed the lease for this residence, was spotted there regularly by her neighbors and others, and even had her City Council agenda packets delivered to this location. There is no doubt that Councilmember Digre's Pacific Skies Estates residence was known by many to be her permanent and only home. Councilmember Digre has since moved to 610 Forest Lake Drive, where she currently resides and takes delivery of her City Council agenda packets.

From the time Councilmember Digre last resided at 780 Edgemar Avenue (August 2012), she has voted in no less than 7 elections, *including an election in which she was on the ballot*. In each of those 7 elections, Councilmember Digre was registered to vote at 780 Edgemar Avenue, however, she permanently was residing in a different location.

The California Elections Code defines the term "residence" for voting eligibility purposes to mean a person's "domicile," which is defined as "that place in which his or her habitation is

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fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.” (Elec. Code § 349(b).) Courts have stated that the test for determining one’s place of domicile is (1) one’s physical presence plus (2) an intent to make that place a permanent home. (*Fenton v. Bd. of Directors* (1984) 156 Cal.App.3d 1107, 1116.)

As mentioned above, there can be no dispute that Councilmember Digre was physically present at her residence in the Pacific Skies Estates Mobile Home Park from August 2012 to February 2016, and her current residence at 610 Forest Lake Drive from February 2016 to the present, going so far as having her City Council agenda packets delivered to those locations. By signing a long term lease and actually residing at the Pacific Skies location full time, her intent was clear – she intended to remain at that residence (as compared with a temporary stay), converting it into her legal residence or domicile. Indeed, the fact that she has now moved to 610 Forest Lake Drive, *not back to 780 Edgemar Avenue*, further shows she has no intent to return 780 Edgemar at any time, which has clearly not been her domicile since 2012.

As a result, I believe that Councilmember Digre has voted illegally at least seven times because she was registered to vote at 780 Edgemar Avenue yet was not legally domiciled at that location. Additionally, by signing her nomination papers and voter registration listing an incorrect residence, Councilmember Digre appears to have committed perjury as well. (*See*, Elec. Code § 10226; Penal Code §§ 118 through 131.)

Before sending this letter, I attempted to obtain a copy of Councilmember Digre’s nomination papers from the City Clerk’s office to include as an attachment, but was prevented from doing so, despite numerous requests from my representative. While my representative was permitted to inspect the nomination papers and confirm that 780 Edgemar Avenue is listed as Councilmember’s Digre’s residence, the City Clerk’s office refused to allow any copies to be made, in clear violation of the California Public Records Act.

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I do not know Councilmember Digre's reasons for not properly changing her address on her voter registration and other materials, but as a community, we should be able to expect honesty from our elected officials. In this instance, in light the fact that an elected official has potentially perjured herself and committed voter fraud in seven elections, I can see no other path for the City than to explore prosecution in order to protect the integrity of City elections and its voters, pursuant to Municipal Code section 2-4.302. As a whistleblower, it is my intention to remain anonymous for fear of retribution to myself and my family.

Sincerely,

A concerned citizen of the City of Pacifica

cc: City of Pacifica City Council
Keith Breskin, City Manager, City of Pacifica
Alex Padilla, Secretary of State
Xavier Becerra, State Attorney General
Don Horsley, President of the San Mateo County Board of Supervisors
Dan Steidle, Pacifica Police Chief
Mark Church, San Mateo County Chief Elections Officer
Mario Dianda, San Jose Mercury News
Jon Mays, San Mateo Daily Journal
Brendan Bartholomew, San Francisco Examiner
Matier & Ross, San Francisco Chronicle
Horace Hinshaw, Pacifica Tribune
Dave Price, Daily Post
Steven Sinai, Fix Pacifica
Victor Spano, Pacifica Chamber of Commerce
Rosanne Foust, SAMCEDA
Joshua Howard, California Apartment Association
Gina Zari, SAMCAR
Gavin Baker, California Common Cause
Ryan Bianculli, Pacifica Police Officers Association
Ellen Ron, Pacifica Library Foundation
Caroline Barba, Pacifica Friends of the Library

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James Ruigomez, San Mateo County Building Trades Council
Cecily Harris, San Mateo County Democratic Central Committee

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Susan Anne Lockard-Digre [Copy to Contact](#) [Edit Person Info](#)

Party	Age	Birth Date	Gender	Ethnicity	Perm VBM	RegDate	Primary ID
Democrat	75	4/5/1942	Female		No	08/23/1990	4141ZC579655

Registration Contact Info & Status

Residence Address [Map](#)
 780 Edgemar Ave - Pacifica, 94044
 Homeowner Aparment Mobile Home NCOA Gated Moved

Mailing Address
 780 Edgemar Ave - Pacifica, CA 94044

Home phone Bad Home phone Mobile phone Bad Mobile phone

Email Address

Registration Info & Status

County Precinct # Birth Place

Mail Ballot Info & Status

Mail Ballot Return Behavior History Mail Ballot Precinct

Current Cycle Status

Household

Household	Vote History	Districts	Models
<u>Digre, Ericks</u>		Party: D	Age: 65 PrimaryID: 4141ZE045134
<u>Digre, Sean</u>		Party: DS	Age: 37 PrimaryID: 4159AV002167
<u>Digre, Scott</u>		Party: D	Age: 34 PrimaryID: 4141ZD898335
<u>Lockard-Digre, Susan</u>		Party: D	Age: 75 PrimaryID: 4141ZC579655





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Home phone Bad Home phone Mobile phone Bad Mobile phone

Email Address

Registration Info & Status

County Precinct# Birth Place

Mail Ballot Info & Status

Mail Ballot Return Behavior History Mail Ballot Precinct

Current Cycle Status

- Household
- Vote History
- Districts
- Models

Election Date	Vote Method
11/08/2016	Polling
06/07/2016	Polling
11/03/2015	Absentee
11/04/2014	Polling
06/03/2014	Polling
11/05/2013	Polling
11/06/2012	Polling
06/05/2012	Polling
11/08/2011	Polling
05/03/2011	Absentee
11/02/2010	Polling
06/08/2010	Polling
05/19/2009	Polling
11/04/2008	Polling
06/03/2008	Polling
04/08/2008	Polling
02/05/2008	Polling