

# LOUNSBERY FERGUSON ALTONA & PEAK LLP

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June 29, 2021

VIA EMAIL/FEDERAL EXPRESS

Linda Greer, RN  
Chair  
Palomar Health Board of Directors  
2185 Citracado Parkway  
Escondido, CA 92029  
[linda.greer@palomarhealth.org](mailto:linda.greer@palomarhealth.org)

Dear Mrs. Greer:

This law firm represents a group of concerned citizens entitled “Citizens to Save Palomar Health” in connection with Palomar Hospital’s recent *ultra vires* attempt to contract with Emergency Medical Associates (“EMA”) to provide for Hospitalist, Critical Care Physician, and Emergency Department Physician services. The foregoing proposed transaction is a substantial violation of the Brown Act and Article I, Section 3 of the California Constitution, which renders the agreement null and void.

Specifically, the Board of Directors of Palomar Health did not conduct itself with the requisite transparency required under California law and may not have provided proper notice. The meeting in question occurred on June 16, 2021, wherein the Palomar Health Board of Directors took action to award the aforementioned service agreements to EMA. We are informed and believe that the process, beginning with the RFP and ending with a vote to approve the contract with EMA, was unlawful, lacked transparency, and ran counter to the interests of the health, welfare, and safety of the citizens of this community.

The action taken was not in compliance with the Brown Act and Article I, Section 3 of the California Constitution because it occurred as the culmination of a discussion in closed session, or through the course of serial meetings, of a matter that the Act does not permit to be discussed in closed session. To be sure, we are informed and believe that certain members of the Board of Directors engaged in serial meetings, as defined by Government Code section 54952.2(b)(1), in the deliberation and ultimate approval of the EMA contract.

Pursuant to Government Code Section 54960.1, we demand that the Palomar Health Board of Directors formally and explicitly withdraw from any commitment or agreements made with

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EMA concerning the provision of Hospitalist, Critical Care Physician, and Emergency Department Physician services. This withdrawal must be coupled with a disclosure at a subsequent meeting of the reasons why individual members of the board took the positions that they did, with the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action, or inform this firm of your decision not to do so. If you fail to cure or correct as demanded, our client will seek judicial invalidation of the action pursuant to Section 54960.1, and we will seek recovery of court costs and reasonable attorney fees pursuant to Section 54960.5.

Your immediate attention to this matter is requested.

Sincerely,

*Chandra E. Kiamilev*

CHANDRA E. KIAMILEV

cc: Jeff Griffith, EMT-P, Vice Chair  
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