

1 BROOKE WEITZMAN SBN 301037  
2 WILLIAM WISE SBN 109468  
3 ELDER LAW AND DISABILITY  
4 RIGHTS CENTER  
5 1535 E 17th Street  
6 Santa Ana, California 92705  
7 t. 714-617-5353  
8 e. bweitzman@eldrcenter.org  
9 e. bwise@eldrcenter.org

6 CAROL A. SOBEL SBN 84483  
7 MONIQUE ALARCON SBN 311650  
8 LAW OFFICE OF CAROL SOBEL  
9 725 Arizona Avenue, Ste 300  
10 Santa Monica, ca 90401  
11 T. 310 393 3055  
12 E carolsobellaw@gmail.com  
13 E. monique.alarcon8@gmail.com

PAUL L. HOFFMAN SBN 71244  
CATHERINE SWEETSER SBN 271142  
SCHONBRUN, SEPLOW, HARRIS &  
HOFFMAN  
11543 Olympic Boulevard  
Los Angeles, California  
T. 310 396-0731  
E. hoffpaul@aol.com  
E. csweetser@sshhlaw.com

11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 HOUSING IS A HUMAN RIGHT, Case No. 8:19-cv-00388 PA JDE  
15 et al.,

16 Plaintiffs,

DECLARATION OF MAURA  
MIKULEC AND EXHIBITS A-H

17 v.

18 COUNTY OF ORANGE, et al.

Date: None  
Time: None  
Ctrm: 9A

19 Defendants.  
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22  
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DECLARATION OF MAURA MIKULEC

1  
2  
3 1. My name is Maura Mikulec, and I am a member of Housing is a  
4 Human Rights Orange County (“HHROC”). I have personal knowledge of  
5 the facts I state below and if called as a witness, I could competently testify  
6 about what I have written in this declaration.

7 2. My professional training is as a social worker. I have a Bachelor of  
8 Science from School of Social Work and an MSW, both from New York  
9 University. My initial internship in college was doing street outreach to  
10 mentally ill homeless people in New York City. After graduation, I worked  
11 in various mental health positions and pediatric social work in a public  
12 hospital in Jersey City, New Jersey. When I returned to Orange County, I  
13 worked in Child Protective Services for the County until I left to raise my  
14 children. I am providing this declaration based on my personal experience  
15 and observations; however, my impressions are informed to a certain degree  
16 by my education, training and prior professional experience, as well.  
17 Although my role with HHROC is purely as a volunteer, I bring my  
18 experience as a social worker to my volunteer work, including my  
19 engagement skills developed in my outreach work early in my career.  
20

21 3. Approximately 14 months ago, I became involved in the homelessness  
22 issue in South County, primarily in San Clemente. I estimate that I have  
23 engaged with the homeless community in San Clemente, on average, five  
24 days a week for this time period. I am aware based on my training as a  
25 social worker and my experience in street outreach positions that it may take  
26 several repeated contacts to gain the trust of a person who is experiencing  
27 homelessness for a variety of reasons, including the individual’s mental and  
28 physical state and, in many instances, embarrassment at their situation. In

1 my experience over several decades, people become homeless for a variety  
2 of reasons and it is important in an outreach to them to recognize that.

3 4. Through my work with HHROC to support the homeless community  
4 and work toward housing solutions, I have gotten to know many of the  
5 homeless residents of San Clemente. Over the past year and continuing to  
6 the present, I regularly visited with the individuals who are unsheltered and  
7 sleep in downtown San Clemente, at North Beach, near the senior center,  
8 and other more private areas. During these visits I provided support in a  
9 variety of ways, including bringing them food, clothing and other supplies,  
10 as well as helping some individuals to connect with services.  
11

## 12 **Facilities**

13 5. My opinions of the homeless community at North Beach are based on  
14 what I observed over the course of slightly more than a year. When people  
15 stayed in North Beach, I saw that they were able to access a public restroom  
16 during the day. I visited that restroom. It was cleaned regularly. A true and  
17 correct copy of a photograph of the public restroom at the beach is attached  
18 at Exhibit A. There was also access to a working water fountain at the  
19 beach. A photograph depicting what I observed as the water fountain at the  
20 beach is attached at Exhibit B. I saw a variety of volunteers regularly come  
21 to the area to provide food, religious support, and other services.  
22

23 6. I observed that the people I visited and assisted at North Beach and in  
24 other areas of the city in this same time period regularly used tents, tarps,  
25 walls, and trees to protect themselves from the elements, including sun, rain,  
26 and wind. For example, I observed that, if the wind or rain was blowing  
27 hard in one direction, unsheltered individuals would sit behind a wall that  
28 blocked the wind or diminished the intensity of the wind or rain driving

1 sideways. The wall provided a barrier that allowed the individuals to  
2 protect themselves from the elements, or go under a tree to get shade. When  
3 it was cold, most people would stay inside their tents during the day because  
4 it was warmer. Depending upon the season and the weather, the unhoused  
5 individuals I assisted would find some way to protect themselves from  
6 extreme weather.

7  
8 7. Since the “Transitional Camp” next to the Waste Management Plant  
9 opened approximately a month ago, I have visited the location almost daily.  
10 When I first saw the site, I immediately observed that there is no protection  
11 from extreme weather elements at this location, including sun, rain, or wind,  
12 because there is no shade, no walls, and no other structures that individuals  
13 can use to protect themselves. There is only a slatted fence around the yard.  
14 Exposure to wind, rain, cold, heat and sun are unavoidable at this location.  
15 Attached to my declaration at Exhibit C is a true and correct depiction of  
16 what I observed as the layout of the camp shortly after it opened.

17  
18 8. There is no potable running water for drinking. On multiple occasions  
19 when I visited the campsite, the residents asked if I brought water and told  
20 me that they are desperate for water. When the group was located at North  
21 Beach, there was a water fountain near the public bathrooms and a 7-11 store  
22 just a short distance away where they could buy water and other drinks.  
23 Those facilities are now more than quarter of a mile away, down a hill,  
24 making them inaccessible for many of the people at the campsite because of  
25 their disabilities.

26  
27 9. At the Transitional Camp, there is a hand-washing station outside the  
28 two portable toilets, next to the two dumpsters. Attached to my declaration  
at Exhibit D is a true and correct photograph of the portable toilets,

1 dumpsters and hand-washing station as I observed them at the campsite.  
2 Since the camp opened in late May, and increasingly since the temperature  
3 has risen approaching summer, I have experienced a strong odor emanating  
4 from the toilets. Based on the smell and my discussions with people staying  
5 at the site, I believe that the porta-potties are not serviced as frequently as  
6 needed. There is a notice posted on the outside of one of the toilets that lists  
7 dates of service. Attached to my declaration at Exhibit E is a true and  
8 correct depiction of the notice of service dates posted on the outside of one  
9 of the portable toilets at the camp.  
10

11 10. I have been on site and photographed the human waste in the toilets  
12 on what, according to the schedule in Exhibit E, would be the day after the  
13 porta-potties were supposedly serviced. Consistently, I have observed toilet  
14 bowls full of human waste and toilet paper. Attached to my declaration at  
15 Exhibits F and G are photographs I took of the inside of the toilets. These  
16 photos were taken with my cell phone. The “properties” entry in the digital  
17 photos confirms the date on which they were taken. The first, Exhibit F, was  
18 taken by me on June 4, 2019. The second was taken by me on last Sunday,  
19 June 23, 2019.  
20

21 11. On many days when I have been there, the stench of human waste is  
22 very strong a near the toilets. The city has organized the campsite with 32  
23 marked-off spaces abutting the four walls of the camp. Space 1 and Space  
24 32 abut the toilets on either side. Space 32 also abuts the two dumpsters.  
25 When I was at the location on June 23, 2019, I took the photograph attached  
26 to my declaration at Exhibit H. It depicts one of the dumpsters beginning to  
27 overflow with trash.  
28

12. There are no trees or other shade structures, such as the walls and

1 building I observed unhoused people use at the beach to protect themselves  
2 from the elements. In my experience as a social worker engaged in street  
3 outreach in the past, and in my observations based on assisting the homeless  
4 community in San Clemente for the past 14 months, I observed that  
5 individuals with whom I try to engage are often somewhat disoriented and  
6 distracted by unremitting exposure to sun and heat, in particular. Many of  
7 the individual experiencing homelessness in San Clemente are older and  
8 have various medical and physical disabilities. When they were at North  
9 Beach, they would seek out shade. Some individuals who stay in other areas  
10 of the City would go to the Senior Center or the library because both are air-  
11 conditioned in summer and heated in winter. When I visit the campsite now,  
12 I observed that many people do not leave because of the difficulty of getting  
13 up and down the hill to the beach area.

14  
15 13. I am aware that the City allows tents and shade structures at other  
16 locations in the City without similar limitations as are crimes at the  
17 campsite. For example, I visited the San Clemente Farmers Market on May  
18 26, 2019 and observed that the vendors had shade structures to protect all the  
19 people and food from the direct sunlight even though it was only open for a  
20 half day. Attached at Exhibit I is a true and correct depiction of what I  
21 observed at the Farmer's Market.

22  
23 14. I also visited the beach area on June 23 and observed that many  
24 people had erected tents and other shade structures to protect them from the  
25 sun. In addition, the City of San Clemente had similar shade protection for  
26 several mobile displays it had at the pier this past weekend. Attached at  
27 Exhibit J and K are two photographs I took on June 23 that depict various  
28 shade protections erected by the City and visitors to the beach area. Exhibit

1 K also includes photographs of thatched structures that are on the beach to  
2 provide shade to visitors.

3 **Operations**

4 15. When I initially observed the layout of the campsite in late May, I  
5 became concerned that there was no plan for emergencies. There is only one  
6 narrow gate left open in one side of the four sides of the fence. The other  
7 two wider gates – one on the west side of the lot and one next to the narrow  
8 gate - are chained and padlocked. Attached to my declaration at Exhibit L-1  
9 and L-2 are photographs that depict what I observed of the two chained and  
10 padlocked gates at the site.  
11

12 16. Through my interactions with those at the camp, I am aware that there  
13 are two individuals staying at the site who are legally blind and have  
14 difficulty navigating the camp topography even without the added pressure  
15 of an emergency situation. I saw individuals with low vision and others  
16 with mobility impairments trip over a rise of several inches just inside the  
17 entrance to the site. I also observed residents with low vision struggle to  
18 figure out the direction to the toilets because there are no guide rails or  
19 physical indicators that could be used to get a sense of direction and distance  
20 to the toilets, for example, or the exit for a person with extremely low vision.  
21 Based on these observations in non-emergency circumstances, and the  
22 number of individuals at the site with mobility, medical, psychological and  
23 visual disabilities, I am concerned that residents of the camp would be  
24 injured in the panic of attempting to exit during an emergency situation.  
25

26 17. On my most recent visit, I observed that approximately 40 individuals  
27 are staying at the camp. There are 32 spaces marked off around the  
28 perimeter of the site.

1 **Disability Accommodations**

2 18. On May 28, 2019, I visited the site as I had done each day since it  
3 opened on May 24, to bring donations and check on the people I help. On  
4 that date, I was present when Michael O'Malley arrived by car to seek  
5 access to the campsite. Attached to my declaration at Exhibits M and N are  
6 photographs I took of Mr. O'Malley's vehicle and his DMV disability  
7 placard hanging from the mirror. I was able to observe Mr. O'Malley as he  
8 walked toward the security guard and could see that he had significant,  
9 obvious mobility issues.

10  
11 19. As I was standing with Mr. O'Malley and talking with him and the  
12 security guard, a law enforcement officer arrived at the scene. Both Mr.  
13 O'Malley and I had parked our cars next to the campsite. There is no  
14 parking, including no disability parking, adjacent to the campsite. Attached  
15 to my declaration at Exhibit O1 and O-2 are aerial photographs I recognize  
16 as a true and correct depictions of the campsite lot and the roads surrounding  
17 it, looking toward the beach. The photograph depicts chalked off areas,  
18 which I observed at the campsite. The toilets and dumpsters are also shown  
19 on the left side of the photograph. Exhibit O-1 shows the bicycle lane, which  
20 is the white stripe running on Avenida Pico on the left side of the  
21 photograph. There is no parking or stopping lane, even for drivers with a  
22 disability placard. Exhibit O-2 shows the campsite from a different vantage  
23 point on the same day.

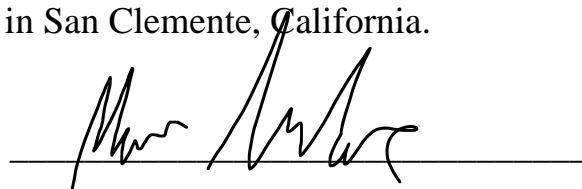
24  
25 20. On that occasion, I parked pulled up on the sidewalk near the walk-in  
26 entrance at the location because I was dropping off donations. Both Mr.  
27 O'Malley and I were issued citations for parking violations. A true and  
28 correct copy of the citation issued to me is attached at Exhibit P. Attached at



1 Exhibit Q is a photograph I took of Mr. O'Malley's citation, issued at the  
2 same time as mine.  
3

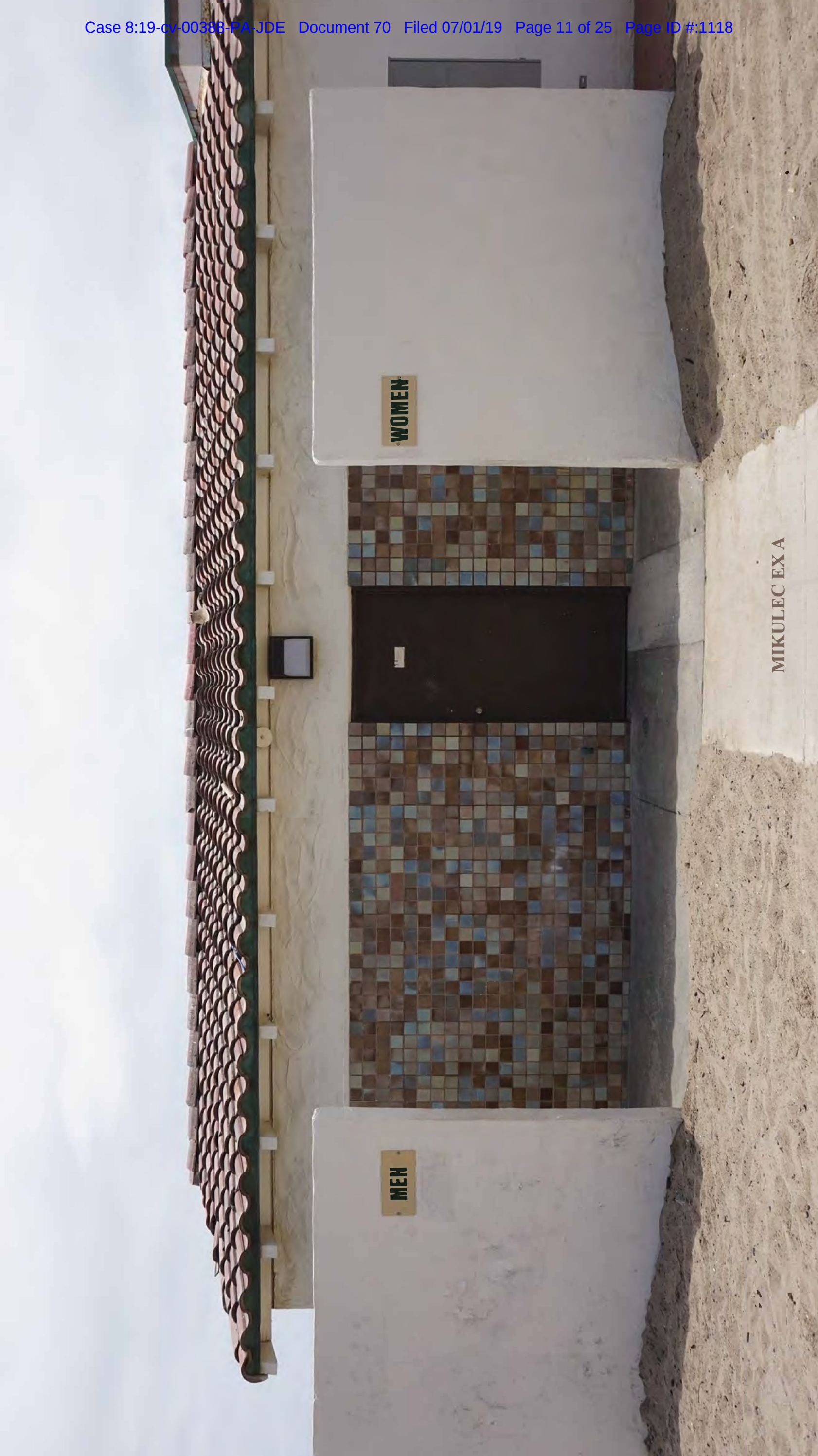
4  
5 I declare under penalty of perjury that the forgoing is true and correct.

6 Execute on this 27<sup>th</sup> day of June 2019 in San Clemente, California.

7  
8 A handwritten signature in black ink, appearing to read 'Maura Mikulec', is written over a solid horizontal line.

9 Maura Mikulec  
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28

**EXHIBIT A**



WOMEN

MEN

MIKULEC EX A

**EXHIBIT B**

**EXHIBIT B**



**EXHIBIT C**



**EXHIBIT      D**





**EXHIBIT E**

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**EXHIBIT F**













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