

MEMORANDUM OF LAW

DATE: September 12, 1985

TO: Bill Wilson, Stadium Manager

FROM: City Attorney

SUBJECT: Soliciting in the Stadium Parking Lot

This is in reply to your memorandum to us of August 22, 1985 regarding the above-captioned subject and any changes which might be necessary to Stadium Operating Policy #5 as a result of the 9th U.S. Circuit Court of Appeals decision in *Carreras v. City of Anaheim*, which was reported in the August 14, 1985 edition of the *San Diego Union*. Attached is a thorough analysis of the question by Carol Leimbach, a Senior Legal Intern, which we adopt as our views with respect to the issue.

As you can see, reasonable time, place and manner restrictions may be imposed. However, it would appear that certain elements of the policy should be amended as a result of a 1980 case involving charitable solicitations. (See Ms.

Leimbach's addendum). I also have some questions about the 1981 amendment to the policy that appears on the last page of the policy. I would suggest that you set a meeting with Mr. Lockwood and I to discuss the matter at your earliest convenience.

JOHN W. WITT, City Attorney

By

C. M. Fitzpatrick

Assistant City Attorney

CMF:js:271.25(x043.2)

Attachment

ML-85-57