



**OC Fair & Event Center**  
32nd District Agricultural Association  
88 Fair Drive  
Costa Mesa, California 92626-6598  
(714) 708-1940 – Voice (714) 708-1641 – Fax

October 20, 2009

To Whom It May Concern:

Attached is information for the 2009 Freedom of Expression Demonstration Area for the annual OC Fair. The summer fair dates are July 10-August 09, 2008. Once again, we will offer two designated Freedom of Expression types of locations - inside the fair zone and outside the fair zone.

It is very important to note that you must first obtain an Activity Permit from the California Highway Patrol. You must apply for this permit directly through the California Highway Patrol office in Santa Ana. Please contact the CALIFORNIA HIGHWAY PATROL, 2031 E. Santa Clara Avenue, Santa Ana, CA 92705 at (714) 567-6000. The CHP application process takes a minimum of ten business days, so please plan accordingly. **Both inside and outside fair zone locations require a CHP Activity Permit. The approved permit must be submitted with the application.**

**Freedom of Expression Booths inside the perimeter must be staffed and operational from opening to closing on all dates the 2009 fair is open for business. All rules and regulations in the Commercial Concessions Handbook shall be complied with.**

The approved CHP Activity Permit application will serve as the request to exhibit in the **outside** fair zone location (outside of fair admission gates). These requests will be taken on a first-come first-served basis and exhibit space will be granted, as space is available. If you wish to exhibit the first day of the OC Fair, you should have your application for CHP Activity Permit submitted to the California Highway Patrol, Santa Ana office, no later than June 17, 2009 for outside space.

District policy requires all entities conducting business on the fairgrounds property during the annual OC Fair and Youth Expo will be required to conduct screening of each of that entity's employees, agents, servants, volunteers, and/or independent contractors who will be performing job-related duties on the OCFEC premises. These duties include all paid and volunteer individuals involved in Freedom of Expression activities. Related information is included in the **[MegansLawForm.pdf](#)** attachment on this website.

The Megans Law Certification and Screening form must be filed with the Department of Public Safety prior to any individual performing Freedom of Expression activities.

Please feel free to call me at (714) 708-1940 if you have any questions or concerns. My email address is [jbromberg@ocfair.com](mailto:jbromberg@ocfair.com).

Sincerely,

Janis Bromberg  
Freedom of Expression Liaison  
OC Fair and Event Center

# 32<sup>nd</sup> District Agricultural Association Designated Free Expression Area

## 2009 Agreement for Exhibit Space Exhibit "B"

### Freedom of Expression

The 32nd District Agricultural Association, OC Fair and Event Center (OCFEC), allows within the parameters set forth in its First Amendment Expression Policies and applicable law, access to its grounds for Free Speech Activities protected by the First Amendment of the United States Constitution and by Article I of the California Constitution. The provisions of these policies are limited to reasonable regulation of the time, place and manner of such activities, and are made without reference to the content of any and all protected communications.

An activity permit must be obtained from the California Highway Patrol prior to applying for use of a Designated Free Expression Area.

First Amendment Expression Policies are administered by the Freedom of Expression Liaison of the OCFEC, who may be reached as follows:

Janis Bromberg  
FOE Coordinator  
(714) 708-1940  
jbromberg@ocfair.com

Designated Free Expression Areas are reserved for use by individuals or groups whose expressive activities are protected by the First Amendment of the United States Constitution and by Article I of the California Constitution. They are not appropriate for commercial endeavors or sales of commercial merchandise to the public. All individual or group permit holders intending to use Designated Free Expression Areas must register daily with the OCFEC.

Attached are the OCFEC First Amendment Expression Policies.

## **32ND AGRICULTURAL ASSOCIATION**

### **FIRST AMENDMENT EXPRESSION POLICIES**

#### **FINDINGS**

The 32nd District Agriculture Association, OC Fair and Event Center (OCFEC), hereby finds that these procedures are intended to set forth in writing the Codec's long-standing policies governing the conduct of employees as well as members of the public under the First Amendment of the United States Constitution and Article I of the California Constitution, on the OCFEC (the "Grounds").

These policies are not intended to enlarge nor create any rights guaranteed by existing law nor waive any defenses or rights available to the OCFEC, nor do they represent an admission that the facilities of the OCFEC are open as a public forum. It is the policy of the OCFEC to allow within the parameters set forth herein, access to its grounds for Free Speech activities protected by the First Amendment of the United States Constitution and Article I of the California Constitution. These provisions are not intended to restrict the content of protected speech but to reasonably regulate the time, place and manner of such activities.

#### **DEFINITIONS**

1. "Free Speech Activities" means any individual or group-expressive activities protected by the First Amendment of the United States Constitution and Article I of the California Constitution.
2. Individuals or groups intending to set up booths or tables for displays and distribution of literature, flyers, or other material will be assigned a "Designated Free Expression Area." The location and availability of Designated Free Expression Areas will be established by the OCFEC, may vary from day to day, and are dependent on Fairground activity and event schedules.
3. No more than one Designated Free Expression Area will be allocated to each California Highway Patrol permit holder.
4. "Sound Devices" include, but are not limited to, loudspeakers, megaphones, or other devices, electrical, mechanical or non-mechanical, which amplify and transmit sound waves.

#### **GENERAL CONDITIONS FOR USE OF FREE EXPRESSION DESIGNATED AREAS**

1. All persons or groups must first obtain a California Highway Patrol Activity Permit prior to applying for use of a Designated Free Expression Area.
2. After obtaining a California Highway Patrol Activity Permit, those persons or groups shall register with the OCFEC Freedom of Expression Liaison in order to be assigned use of a Designated Free Expression Area.

3. Depending on the nature of fairground events taking place, Designated Free Expression Areas may change from day to day. These areas will be located both inside and outside the paid gate.
4. Individuals or groups assigned a Designated Free Expression Area must keep all equipment, booths and tables within the confines of their assigned Free Expression Areas.
5. NOTE: Depending on their location, Designated Free Expression Areas are either six feet by six feet (6' X 6') or ten feet by ten feet (10' X 10') in size. The number of individuals staffing a Designated Free Expression Area, and the amount of equipment or other materials that may be brought into a Designated Free Expression Area, are limited to that which can safely fit within the limited confines of that space.
6. If the assigned Designated Free Expression Area is located within a paid gate, all persons staffing the Designated Free Expression Area, or otherwise entering through a paid gate, will be required to pay the entry fee established by the OCFEC for all patrons.
7. No person or group utilizing Designated Free Expression Areas shall state or imply that the views they express are those of the State of California, the 32nd District Agriculture Association or the OCFEC.
8. No group or person utilizing a Designated Free Expression Area shall physically restrain, block, delay or hinder the free passage or movement of patrons, concessionaires, employees, lessees or those providing emergency services, nor shall they physically restrain, block, delay or hinder the free passage of vehicles or divert the ordinary flow of traffic. Demonstrations immediately adjacent to ticket windows, turnstiles, doorways, and loading areas are not permitted.
9. Patrons declining to listen, converse, provide a donation or signature, or accept any item offered may not be pursued once the individual has clearly indicated he or she wishes to be left alone.
10. No group or person utilizing a Designated Free Expression Area shall use or employ any sound device without prior written approval of the California Highway Patrol.
11. There shall be no sale or offer for sale of any merchandise or services of any kind, including the taking of orders for merchandise or services, nor shall there be any commercial advertising of any kind, verbal or written. Funds will not be demanded or requested in return for any written materials. These prohibitions shall not be construed as preventing authorized non-profit organizations utilizing Designated Free Expression Areas from soliciting voluntary contributions.
12. Groups or persons utilizing Designated Free Expression Areas shall comply with all applicable fairgrounds rules and regulations, as well as all local, state and federal laws and regulations.

13. While conducting activities at a Designated Free Expression Area, each *permit* holder shall maintain in his/her immediate possession, a copy of their California Highway Patrol Activity Permit, and shall present it for verification when requested to do so by any peace officer or OCFEC Fair staff member.
14. Groups or persons utilizing Designated Free Expression Areas shall conduct their activities on the grounds at their own risk and shall exercise all reasonable diligence and precaution to avoid damage to property or injury to persons.
15. Groups or persons utilizing Designated Free Expression Areas shall exercise care to maintain the area in a safe and slightly condition.

**SPECIAL CONDITIONS FOR USE OF FREE EXPRESSION DESIGNATED AREAS DURING THE ANNUAL FAIR**

During those dates when the annual OCFEC is in progress, the following policies shall govern use of Designated Free Expression Areas:

1. **GENERAL POLICIES**

- a) Permit holders or one of their Security Monitors shall sign in daily at the Department of Public Safety prior to occupying Designated Free Expression Areas located outside the paid gate.
- b) A Designated Free Speech area will be available for the time period described in the CHP permit. If the OCFEC plans an activity that will occupy the site where a Designated Free Expression Area is located, a permit holder will be assigned a secondary location for use when the primary location is not available.
- c) All activity in Designated Free Expression Areas shall be limited to the hours the Fair is open to the public.

2. **DESIGNATED FREE EXPRESSION AREAS OUTSIDE PAID ADMISSION GATES**

- a) Designated Free Expression Areas outside paid admission gates are available for use free of charge and are assigned on a first come, first served basis.
- b) Designated Free Expression Areas located outside the paid gate must be completely vacated and all equipment removed during non-business hours. As these hours can change daily, please check with The Freedom of Expression Liaison.

3. **DESIGNATED FREE EXPRESSION AREAS INSIDE PAID ADMISSION GATES**

- a) Designated Free Expression Areas inside paid admission gates must be rented from the OCFEC. In doing so, a CHP permit holder must complete and abide by additional exhibitor rules, terms and conditions set forth in the OCFEC rental agreement.

- b) During the annual Fair, the number of Designated Free Expression Areas available within the paid gate may be limited. In order to insure fairness in their distribution, the following policies are established:
- i) Rental applications for Designated Free Expression Areas within the paid gate must be submitted to the Freedom of Expression Liaison, Commercial Exhibits & Concessions Department and must be accompanied by an approved California Highway Patrol Activity Permit.
  - ii) The Freedom of Expression Liaison and Department of Public Safety will accept applications for rental of Designated Free Speech Areas within the paid gate for the 2009 Fair at 10:00 AM on Wednesday, May 13, 2008.
  - iii) If the number of rental applications received at 10:00 AM does not exceed the number of available spaces and there is no conflict as to dates and times of space requests, rental agreements will be drawn up and mailed.
  - iv) If the number of rental applications received at 10:00 AM exceeds the number of available spaces or there is conflict as to dates and times of space requests, The Public Safety Department shall hold a public drawing to award these spaces at 11:15 AM on Wednesday, May 13, 2009 in the lobby of the OCFEC Administration Building.
  - v) After all spaces have been awarded, a drawing of the remaining applications will be held to create a stand-by list and establish access priority should a space within the paid gate become available.
  - vi) In order to insure equal access, occupation of a rented space shall not exceed the time period for which applicant's California Highway Patrol Activity Permit is valid.
  - vii) Exhibits, booths and equipment used in connection with Designated Free Expression Areas within the paid gate may remain up for the duration of their rental agreement. Load in, set up, tear down and move out of Designated Free Expression Areas within the paid gate may only take place during the hours listed in the rental agreement for that space.
- c) Each Designated Free Expression Areas within the paid gate must be staffed by at least one individual during all hours the fair is open to the public.

## **SPECIAL CONDITIONS FOR USE OF DESIGNATED FREE EXPRESSION AREAS OUTSIDE THE DATES OF THE ANNUAL FAIR**

Permit holders shall sign in daily prior to occupying their Designated Free Expression Area. During the annual Fair and during normal business hours, sign in will take place at the Department of Public Safety near Gate 5 off of Arlington Avenue. Outside of the annual Fair sign-ins will also take place at the Department of Public Safety Office (DPS).

## **VIOLATIONS OF RULES AND REGULATIONS**

If a group or person engages in any activity in violation of these Policies or any applicable statute, law, ordinance or regulation, the California Highway Patrol may revoke the permit issued to the group or individual. Violators may be reported to the authorities, or may be ejected from the fairgrounds.

Permit holders shall be responsible for all actions of their employees, agents or representatives. Failure to maintain control of employees, agents or representatives may result in ejection of the entire organization and revocation of the California Highway Patrol Activity Permit and the privilege to occupy a Designated Free Expression Area.

Nothing in these provisions regarding violations of policies shall require the OCFEC to exhaust any remedies, to give any oral warning, or to compromise or limit in any way, any remedies provided by law.



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**A P P L I C A T I O N**  
**FOR INSIDE FAIR ZONE**  
**FREEDOM OF EXPRESSION DEMONSTRATION AREA**

We will accept applications for **INSIDE FAIR ZONE FREEDOM OF EXPRESSION DEMONSTRATION AREAS** at 10:00 AM ON WEDNESDAY, May 13, 2009. Please do not bring your application before this designated time, as it will be refused. If the number of FOE applications received at 10:00 AM exceeds the number of available spaces or there is conflict as to dates and times of space requests, the Freedom Of Expression Liaison shall hold a public drawing to award these spaces at 11:15 AM ON WEDNESDAY, May 13, 2009 in the lobby of the OC Fair Administration Building.

PLEASE PRINT

DATE: \_\_\_\_\_

ORGANIZATION:

\_\_\_\_\_

APPLICANT NAME:

\_\_\_\_\_

APPLICANT'S TITLE:

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

TELEPHONE#: \_\_\_\_\_ FAX#: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ PERMIT# \_\_\_\_\_

DESCRIPTION OF ACTIVITY:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SPECIFY PREFERRED LOCATION:

\_\_\_\_\_

SPECIFY DESIRED DATES:

\_\_\_\_\_

ALTERNATE INDIVIDUAL RESPONSIBLE FOR EXHIBIT SPACE:

NAME:

\_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS:

\_\_\_\_\_

TELEPHONE:

\_\_\_\_\_ EMAIL: \_\_\_\_\_

It is very important to note that when applying for either an Inside or outside Fair Zone Freedom of Expression Demonstration Area space you must first obtain an Activity Permit from the California Highway Patrol. Please contact California Highway Patrol, 2031 E. Santa Clara Avenue, Santa Ana, CA 92705 AT (714) 567-6000. The CHP Activity Permit application process takes a **MINIMUM OF TEN BUSINESS DAYS**, so please plan accordingly.



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**A P P L I C A T I O N**  
**FOR OUTSIDE FAIR ZONE**  
**FREEDOM OF EXPRESSION DEMONSTRATION AREA**

It is very important to note that when applying for either an Inside or outside Fair Zone Freedom of Expression Demonstration Area space you must first obtain an Activity Permit from the California Highway Patrol. Please contact California Highway Patrol, 2031 E. Santa Clara Avenue, Santa Ana, CA 92705 AT (714) 567-6000. The CHP Activity Permit application process takes a MINIMUM OF TEN BUSINESS DAYS, so please plan accordingly.

PLEASE PRINT

DATE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

APPLICANT'S TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE#: \_\_\_\_\_ FAX#: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ PERMIT# \_\_\_\_\_

DESCRIPTION OF ACTIVITY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SPECIFY PREFERRED LOCATION: \_\_\_\_\_

SPECIFY DESIRED DATES: \_\_\_\_\_

ALTERNATE INDIVIDUAL RESPONSIBLE FOR EXHIBIT SPACE:

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

# **OC Fair & Event Center Megan's Law Screening**

**The OC Fair & Event Center (OCFEC) is committed to the public safety of all who attend the annual OC Fair and Youth Expo.**

**In accordance with District policy, all entities conducting business on the fairgrounds property during the annual OC Fair and Youth Expo will be required to conduct screening of each of that entity's employees, agents, servants, volunteers, and/or independent contractors who will be performing job-related duties on OCFEC premises. This screening must, at a minimum, include searches for sex offender registration. Entities will certify in writing that they have conducted the required screening, and will indemnify OCFEC for any negligence arising out of or connected with their obligations pertaining to the required screening.**

**Any individual who is a registered sex offender and/or whose name appears on the California Department of Justice's Megan's Law database will not be eligible to work or volunteer on OCFEC premises.**

**For additional information on California's Megan's Law database, please refer to: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). This is a free service provided by the California Department of Justice.**

The following background screening services offer employment criminal background screening services on a fee basis. Inclusion of service providers does not constitute endorsement by OCFEC.

ApScreen	(800) 277-2733
HireRight	(800) 400-2761
Intelius	(877) 974-1500
Screening One	(888) 327-6511
USIS	(866) 405-USIS
Verifications, Inc.	(866) 455-0779

# OC Fair & Event Center Megan's Law Screening Certification and Listing

**This form must be completed legibly, with all information requested. Typewritten or computer-generated forms or reports may be substituted provided that: all required information is included in columnar form, and the listing report is attached to this form. The certification section must be signed by an authorized representative of the contractor.**

**Company/Organization**

**Name:** \_\_\_\_\_

**Contact**

**Name:** \_\_\_\_\_ **Contact Telephone #:** \_\_\_\_\_

<b>Type of Company / Organization</b>	<b>Contractor</b>	<b>Consultant</b>	<b>Concessionaire</b>
<b>(circle one):</b>	<b>Entertainer</b>	<b>Exhibitor</b>	<b>Volunteer</b>

**Other/Explanation if Needed:** \_\_\_\_\_

The undersigned represents and warrants that attached to this Megan's Law Screening Certification and Listing is a full, true, correct, complete, and accurate listing of all persons scheduled to work or volunteer for the company/organization identified above ("Contractor") during the annual OC Fair or Youth Expo. If any other or additional individuals will be performing work, labor, or services, I understand that my company/organization is required to submit a supplemental listing(s) identifying those individuals.

The undersigned represents and warrants that all persons and individuals performing services on behalf of Contractor, including, but not limited to, its agents, employees, subcontractors, and volunteers have been screened for sex offender registration before each individual commenced work, services, and/or was present at the OCFEC facility. The undersigned represents and warrants that no individual who is a registered sex offender will be assigned or permitted to perform services on behalf of Contractor at or on OCFEC premises.

To the fullest extent permitted by law, Contractor will defend, indemnify, and hold harmless OCFEC from and against all claims, damages, losses, and expenses, of every kind, nature and description (including, but not limited to, attorneys fees, expert fees, and costs of suit), directly or indirectly arising from, or in any way related to the performance or nonperformance of Contractor's obligations under this Megan's Law Screening Certification and Listing, regardless of responsibility of negligence; by reason of death, injury, property damage, however caused or alleged to have been caused, and even though claimed to be due to the negligence of the OCFEC. Provided, however, that in no event shall Contractor be obligated to defend or indemnify the OCFEC with respect to the sole negligence or willful misconduct of the OCFEC, its employees, or agents (excluding the Contractor, or any of its employees or agents).

The undersigned represents and warrants that he/she is fully authorized to execute this Megan's Law Screening Certification and Listing on behalf of Contractor.

\_\_\_\_\_  
Company/Organization Representative's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

