



October 5, 2007

Ms. Olympia Tveter  
997 Bradford Street  
Pomona, CA 91767

Re: Response to Request for Reconsideration of No Merit Finding by  
Diversity and Compliance on Complaint Concerning Denial of Name  
Change Request

Dear Ms. Tveter,

I am in receipt of your letter of August 31, 2007, wherein you request reconsideration of my findings and conclusions dated June 28, 2007 concerning your complaint of discrimination related to the University's denial of your change of name. In my letter, I concluded that the University properly denied changing your name on student records because you did not submit any supportive government-issued document.

The basis of your request for reconsideration is a right under the U.S. Constitution, Federal and State laws, and the common law to have your University student records changed to reflect your new name. You correctly point out that Section 1275, et seq., of the California Civil Code of Procedure on its face describes the choice available to individuals of either utilizing the state statutory procedure to establish a record of the name change or changing one's personal name under the common law without the necessity of legal proceedings. Just as the California statutory procedure does not abrogate the common law through its court recordation process for a name change, similarly the University's procedure does not abrogate the common law by requiring a government-issued record of the name change.

The purpose in quoting the pertinent Section 1275 attorney general opinion language in my decision was to give the correct context of the opinion, and to reiterate that the University was not questioning the legality of the common law name change you accomplished. While common law may be relevant to the construction of statutes, construction of a legal document typically involves evidence of the author's intent in the specifically authored document, assuming there is an ambiguity. The attorney general's language was not ambiguous and there is no basis to conclude the word "others" in the attorney general's opinion excluded entities. Regardless of language interpretation, the University did not dishonor your common law right. Like the petitioner of In Re Useldinger, 35 Cal App 2d 73 (1939), you also have at all times remained free to call yourself by the name you desire. In fact, you have been recognized as *Olympia* by various campus constituencies.

3801 West Temple Avenue, Pomona, CA 91768

Page 2  
October 5, 2007  
O. Tvester

As you point out, in affirming the common law right the California statutory procedure offers a method for establishing a record of the change. I also call to your attention the statement by the court in the same case: "... *the courts should encourage rather than discourage the filing of petitions for change of name...to the end that such changes may be a matter of public record.*" The establishment of a name change record is neither onerous nor unconstitutional, and the University has demonstrated flexibility by offering a choice as to the kind of record it deems acceptable. You have never been limited to a court order. Under the University's procedure, you could submit other government-issued documents besides a court order (e.g. California driver's license, social security card).

None of the cited cases in your request held that requiring a record documentation of a name change abrogates the common-law right to change one's name or that the requirement violates the U.S. Constitution. You recognize that the state statute is a procedure for the purpose of recordation, or a procedure, according to In Re Useldinger, "...to establish a legal record of that which [the person] had already legally done before" by common law. In your case, the University merely asked for a copy of the *legal record* of that which you had already legally done before by common law.

The cases in your request do not hold that defining the nature of what constitutes an acceptable 'record' is unconstitutional. Again, you may submit a court order or a California driver's license, or a social security card. The requirement for the submittal of a "government-issued" document to support a change of name request is not discriminatory, and does not violate the U.S. Constitution, particularly in light of nationally cognizant issues of national security, identity theft, and fraud.

An appeal of my decision is governed by Executive Order 928. Information on the appeal steps can be found at <http://www.calstate.edu/eo/EO-928.html>.

Sincerely,



Carmen Munoz-Silva  
Director, Diversity and Compliance

Cc: Sharon L. Reiter  
Dr. Douglas R. Freer  
Kathy A. Street