



COMMITTEE FOR EQUITY IN WOMEN'S SURFING

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Wednesday, June 12, 2019

Jennifer Lucchesi, Executive Officer
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento CA 95825

Re: Women Want To Compete in California!

Dear Ms. Lucchesi,

Congrats to everyone who contributed to the State Lands Commission Environmental Justice Policy. <https://www.slc.ca.gov/wp-content/uploads/2018/11/EJPolicy.pdf>

Environmental Justice Violation: Please help protect marginalized athletes from gender discrimination in athletic competitions held on the California coast. The City of Huntington Beach has a history of approving event permits for discriminatory athletic competitions held on state tidelands. It appears that gender discrimination is inconsistent with Section 6.3 of the new Environmental Justice Policy.

On March 22-24, 2019, women were excluded from the Jack's Surfboards Pro competition, a World Surf League 1,500 Qualifying Series event that offers prize money and ranking points, held in Huntington Beach.

On March 20, 2019, the Committee for Equity in Women's Surfing (CEWS) emailed the mayor of Huntington Beach and asked the city council to prohibit gender discrimination. We also asked the city council to require that ALL surfing competitions include a female division and a male division in compliance with civil rights law.

On May 30, 2019, CEWS sent a letter to Coastal Commission Executive Director Jack Ainsworth notifying him about gender discrimination in Huntington Beach.

To-date, CEWS has not received a response from Huntington Beach Mayor Erik Peterson or Interim City Manager Lori Ann Farrell. Please read the March 2019, Orange County Register article that documents gender discrimination at the Jack's Pro: <https://bit.ly/2l2xR9S>

Huntington Beach City Manager Fred Wilson said in a statement to the Orange County Register that there have been no requests from promoters to host a women's qualifying series event in the city. Mr. Wilson also said, "We are not in the practice of dictating amount of prize money/pay distributed by outside promoters for these events."

The World Surf League 2019 Qualifying Series includes 62 competitions for men and only 42 for women.

Professional Surfer Bianca Valenti said, "I would love to see 104 competitions include women and men!"

- WSL QS Women: <https://www.worldsurfleague.com/events/2019/wqs>
- WSL QS Men: <https://www.worldsurfleague.com/events/2019/mqs>

Here's the Problem with Sexism: Discrimination is the biggest challenge facing women professional surfers in California and globally. Gender discrimination results in the exclusion of women from athletic competitions. Women athletes have fewer opportunities to earn prize money and ranking points.

Actual Damages: Gender-based discrimination results in less playing time for women athletes, loss of income, smaller marketing budgets, fewer sponsorship opportunities, substandard facilities, lack of coaching or no coaching, less training or no training, limited safety training or no safety training, second-rate equipment, inadequate healthcare, injuries and prolonged injury recovery. The list goes on...

We Fight Gender Discrimination. The Mavericks big-wave surf competition was founded in 1998. Jeff Clark titled the inaugural event "Men Who Ride Mountains." On Feb 17, 1999, the first Mavericks surf competition was held near Half Moon Bay, San Mateo County. Two decades later, women athletes will have an opportunity to compete for the first time.

Next time the Mavericks competition is held women athletes will compete for equal prize money in a multi-heat women's division.

We asked to be included. Starting in 2015, Sabrina Brennan advocated for the inclusion of women in the Mavericks competition. In 2016, the Committee for Equity in Women's Surfing was co-founded by Brennan, Bianca Valenti, Paige Alms, Keala Kennelly, Andrea Moller and founding counsel Karen Tynan. That year, the California Coastal Commission unanimously required the inclusion of women athletes in the Mavericks competition. Since 2016, CEWS has led the charge for equal access, inclusion, and equality in pro surfing.

We asked for equal pay. Last July, CEWS met with the World Surf League (WSL) at a hotel in Redwood City and presented a proposal for equal prize money. We asked the WSL to end gender-based discrimination. CEO Sophie Goldschmidt said, “No” and threatened to cancel Mavericks rather than pay women equally.

We did not back down. We stood our ground and went back to the Coastal Commission and requested equal access and equal pay at Mavericks. We also got help from Betty Yee and Gavin Newsom and the California State Lands Commission.

Here’s what happened next: Last Sept, the WSL announced global equal prize money for every WSL event, including the Mavericks Challenge, which may be held next season depending on surf conditions.

In 2018, CEWS won the battle for global equal pay in professional surfing. Our work is the subject of two documentary films, and hundreds of news stories including the New York Times Magazine feature published Feb 10, 2019, “The Fight for Gender Equality, In One of the Most Dangerous Sports on Earth.”

- NYT Magazine: <https://www.nytimes.com/interactive/2019/02/07/magazine/women-surf-big-wave.html>

Thank You and Congrats!

Thank you for giving our concerns thoughtful consideration. We applaud the State Lands Commission and staff for all the hard work that went into developing the Environmental Justice Policy approved on December 3, 2018.

Today, we’re continuing the fight for equality, equal access, inclusion, and equal pay.

Please end gender discrimination in athletic competitions held on California Public Trust lands. The City of Huntington Beach has a history of approving event permits for discriminatory athletic competitions held on state tidelands. This is inconsistent with Section 6 of the Environmental Justice Policy and a violation civil rights law.

Please read our attached paper on California civil rights law and see the attached photos that depict gender discrimination in Huntington Beach.

Sincerely,

Bianca Valenti, Co-Founder & Professional Big Wave Surfer
Keala Kennelly, Co-Founder & Professional Big Wave Surfer
Andrea Moller, Co-Founder & Professional Big Wave Surfer
Paige Alms, Co-Founder & Professional Big Wave Surfer
Sabrina Brennan, Co-Founder

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COMMITTEE FOR EQUITY IN WOMEN'S SURFING

Karen Tynan | July 9, 2018

The World Surf League's Discrimination Against Women Athletes Violates Civil Rights Law

California's Unruh Civil Rights Act provides harsh penalties, including attorney's fees, for any California business that discriminates against individuals based on a broad list of protected categories including gender. California Civil Code Sections 51 through 52.1 provide broad protections and severe penalties for those businesses that discriminate in the accommodations, advantages, facilities, privileges, or services of the business establishment.

Below is a compendium of important California civil rights cases:

- The Department of Alcoholic Beverage Control properly determined to revoke the license of a business establishment licensed to sell liquor on public premises based on a finding that the licensee had engaged in a sexually discriminatory admittance policy. Apart from testimony of the licensee's own personnel which chronicled their conceded attempts to dissuade potential male customers, the testimony of the department investigators and the licensee's advertisements placed in a newspaper clearly constituted substantial evidence upon which to base a finding of a sexually discriminatory admittance policy. Such discrimination having been established, the department's authority to revoke the liquor license was clear. The apposite public policy is set forth in CC §51 (the Unruh Civil Rights Act), which provides that "all persons within the jurisdiction of this state are free and equal, and no matter what their sex ... are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." *Easebe Enterprises, Inc. v. Alcoholic Bev. etc. Appeals Bd. (Cal. App. 2d Dist. Apr. 18, 1983), 141 Cal. App. 3d 981.*
- "Ladies Day" and "Ladies Night" discounts offered by various car wash facilities and nightclubs violate the provisions of the Unruh Civil Rights Act (CC §§51, 51.5). The Legislature established that arbitrary sex discrimination by business is per se injurious and that differential pricing based on sex may be generally detrimental to both men and women, because it reinforces harmful stereotypes. *Reese v. Wal-Mart Stores, Inc. (Cal. App. 3d Dist. Aug. 3, 1999), 73 Cal. App. 4th 1225.*
- Text of the Unruh Civil Rights Act, CC §51 et seq., does not support the assertion that, in order to recover under the Act, plaintiffs who are discriminated against when they present themselves at a business establishment and pay the price of admission also must demand equal treatment and be refused. It is not consistent with the policy of the Act, or with California case law, to read such a requirement into the language of the Act. *Angelucci v. Century Supper Club (Cal. May 31, 2007), 41 Cal. 4th 160.*

- By passing the Unruh Civil Rights Act (CC §§51, 52) the Legislature established that arbitrary sex discrimination by businesses is per se injurious: §51 provides that all patrons are entitled to equal treatment, and § 52 provides for minimum statutory damages of \$250 for every violation of §51, regardless of the plaintiff's actual damages. *Koire v. Metro Car Wash (Cal. Oct. 17, 1985), 40 Cal. 3d 24, 219.*
- The Unruh Civil Rights Act (CC §51, prohibiting arbitrary discrimination by business establishments) proscribed not only the direct discrimination against women by an international organization of local professional and businessmen's clubs but also discrimination by the organization against a local member club on account of its having admitted women to its membership. *Rotary Club of Duarte v. Board of Directors (Cal. App. 2d Dist. Mar. 17, 1986), 178 Cal. App. 3d 1035.*
- In an action by a woman who was in the business of procuring and selling scrap metal to scrap metal processing and distribution centers against the owners and operators of a scrap metal processing and distribution facility, in which plaintiff alleged defendants retaliated against her by denying her access to their property due to her previous gender discrimination lawsuit against them (which was settled), the trial court erred in sustaining defendants' general demurrer to her cause of action for violation of the Unruh Civil Rights Act (CC §§51 et seq.). The act is not restricted to persons who have been identified as members of a particular class; an individual has the right to be free from discrimination by business establishments. The act must be liberally construed with a view to effecting its object and to promote justice, and allowing defendants to discriminate against plaintiff because of her gender discrimination suit would be contrary to the primary purpose of the act, which is to compel recognition of the equality of all persons and the right to the particular service offered by an organization or entity covered by the act. Further, permitting defendants to discriminate against plaintiff in retaliation for exercising a statutory right would be contrary to public policy. *Vaughn v. Hugo Neu Proler International (Cal. App. 2d Dist. Sept. 25, 1990), 223 Cal. App. 3d 1612.*
- Defendants' motion to dismiss plaintiff student's claim under Civ C §§51, 51.5, and 52(a) was denied, in an action against the school district, superintendent, and principal for sex discrimination after plaintiff, a female junior high school student, was harassed by male students. Public schools are business establishments under the Unruh Act. Allegations of inadequate action on the part of a school district and its officials can rise to the level of intentional discrimination. *Nicole M. v. Martinez Unified Sch. Dist. (N.D. Cal. Apr. 14, 1997), 964 F. Supp. 1369.*
- In a case alleging sexual orientation discrimination in violation of the Unruh Civil Rights Act, physicians at a medical clinic who refused to perform an intra-uterine insemination for a lesbian patient could not assert affirmative defense based on the free exercise of religion and free speech. *North Coast Women's Care Medical Group, Inc. v. Superior Court (Cal. Aug. 18, 2008), 44 Cal. 4th 1145.*

Women Are Not Invited To Compete In The Jack's Pro in Huntington Beach



sabrina brennan

Sent - sa...a@dfm.com

March 20, 2019 at 1:24 PM



Jack's Pro: March 22-24 2019 Huntington Beach Pier

[Details](#)

To: erik.peterson@surfcity-hb.org, Cc: Lyn.Semeta@surfcity-hb.org & 10 more

Hello Mayor Peterson,

I'm co-founder of the Committee for Equity in Women's Surfing. This morning, we learned that the Jack's Pro surfing competition held near the Huntington Beach Pier does not include women. After checking with City staff it's my understanding that your agency is responsible for permitting the event.

We would greatly appreciate it if the City Council would consider adding language to your permits that prohibits gender-based discrimination. We support the inclusion of gendered categories (a women's division and men's division) at all surfing competitions. We also support requiring equal pay/prize parity in all professional surfing competitions.

Here's a couple stories about our work:

New York Times Magazine: <https://nyti.ms/2VvJ5GI>

New York Times Newspaper: <https://nyti.ms/2UilykB>

Please let me know if we can provide additional information. Thank you for considering our request.

Sabrina Brennan
Co-Founder, Committee for Equity in Women's Surfing
Cell 415-816-6111

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Before 2019, The World Surf League Routinely Paid Women Less Than Men

In Nov 2016, Paige Alms made history as the first Woman Big Wave Champion at the Pe'ahi Challenge and in Oct 2017 Alms successfully defended her title. The WSL paid Alms **\$15,000** in prize money per event. Her counterpart in the men's division received **\$25,000** per event. The female winner earned 40% less than the male winner at the past two Pe'ahi competitions.

Last summer, the Puerto Escondido Cup first place winner, Bianca Valenti earned **\$1,750** while her counterpart in the men's division took home **\$7,000**. We've done the math. Valenti earned **75% less** than her male counterpart surfing the same wave.

The World Surf League (WSL) has a history of gender-based discrimination

On June 26, 2018, the San Francisco Chronicle published an article on the Puerto Escondido Cup that included an interview with WSL Big Wave Tour Organizer Gary Linden and remarks by women competitors:

"This is the best event that's ever happened for women...Even better than the two events we had at Pe'ahi" Hawaii in 2016 and '17. The women really stepped it up. The surfing level was so good, we didn't have to change the criteria; we judged them equally as the men. The winner (Valenti) surfed well enough to have gotten through a men's heat. This is a huge step in the right direction."

—Gary Linden, WSL Big Wave Tour Organizer, 2018

"All the athletes, male and female crushed it and put on a great show. It was rad! The entire town was stoked, the men, the women, the boys, the girls, everyone! We're all in this together. Women-up!"

—Bianca Valenti, Professional Surfer, 2018

"The chicks showed up and blowed up. So how about that equal pay?"

—Keala Kennelly, Professional Surfer, 2018

"The risks are the same so why aren't the prizes the same? I think we deserve it."

—Emily Erickson, Professional Surfer, 2018

Puerto Escondido Cup first place winner, Bianca Valenti earned \$1,750 while her counterpart in the men's division took home \$7,000.



Bianca Valenti earned 75% less than Lucas (Chumbo) Chianca.



Meet the 2018 Billabong Junior Series Ballito Pro Junior winners, Rio Waida (Indonesia) and Zoe Steyn (East London, SA) who claimed their victory on June 24, 2018 in medium sized onshore conditions at Willard Beach, Ballito.

Zoe Steyn earned 50% less than Rio Waida. The WSL paid the top male athlete double what they paid the top female athlete. This is gender-based discrimination.



SURFER | The WSL's Gender Prize Money Gap Sparks Controversy and Donations

The event organizers and sponsor, Billabong, were quick to realize the public relations issue they had on their hands-and they were equally quick to toss that hot potato squarely into the WSL's hands.

"Billabong has always been actively invested in and supportive of women's surfing in South Africa," wrote Chad D Arcy, event license holder of the Billabong Junior Series in a statement. "We've proudly watched women's surfing grow over the years, in part thanks to the host of women's events we've run. For many years, we've sponsored a team of female athletes, nurturing their careers in surfing from an early age....In order for any professional surf event to be internationally accredited, it has to be sanctioned by the WSL. The WSL also determines the allocation of prize money and points for each event."