



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

**Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

**October 17, 2023
5:30 PM**

Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Saul Sugarman

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Chair Schmidt called the meeting to order at 5:31 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Sugarman was noted absent. There was a quorum.

There were no agenda changes.

2. Approval of the September 19, 2023, Complaint Committee meeting minutes.

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the September 19, 2023, minutes as amended.

Public Comment:

Mark Sullivan expressed his appreciation that the SOTF followed its own procedures and wanted to point out that the last time he was before the SOTF his requested records were provided.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein
Noes: 0 - None
Absent: 1 - Sugarman

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Marc Bruno stated that he had been before the Police Commission and understands the challenges that occur and disappointments when going to the police.

Mark Sullivan stated he had no public comment.

4. **File No. 23080** Complaint filed by Marc Bruno against Patrick Hannon and the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner.

Marc Bruno (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bruno stated that he submitted an Immediate Disclosure Request for photographs taken by the Department of Building Inspection of the property where he resides. Mr. Bruno stated he was provided with those records one month after the request was made and two days before a Board of Appeals hearing regarding the property.

Patrick Hannon (Department of Building Inspection) (Respondent) provided a summary of the department's position. Mr. Hannon stated that two sets of 30 to 40 photographs were provided to Mr. Bruno.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the requested records are public, that the Task Force has jurisdiction and referred the matter to the Task Force (Consent Agenda) with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Sugarman

5. **File No. 22115** Complaint filed by Mark Sullivan against Bruce Wolfe (Sunshine Ordinance Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(e) by failing to provide access to the requested records; 67.25 by failing to respond to an Immediate Disclosure Request in a complete and timely manner; California Public Records Act 6253(d) for willful delay and obstruction to access of a public record.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan objected to the suggestion that File Nos. be combined. Mr. Sullivan stated that on January 28, 2022, asking as local media, he requested to be informed of special meetings of the SOTF and requested a copy of the list of those persons on the press list for special meeting. Mr. Sullivan stated he was informed by Administrator Leger that there were no responsive records.

Member Wolfe (Sunshine Ordinance Task Force) (Respondent) provided a summary of his position. Member Wolfe stated that no records were submitted, that the complaint should not be directed to him and requested that the case be dismissed. Member Wolfe noted there was no delay in responding to this request. Member Wolfe stated that on February 3, 2022, at 3:37 PM that Victor Young, Board of Supervisors, responded on the previous day.

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the requested records are public, the SOTF has jurisdiction, and referred the matter to the SOTF with no recommendation because of the violation.

Chair Schmidt withdrew their motion.

Action: Moved by Chair Schmidt, second by Member Stein, to find that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF with no recommendation.

Public Comment:

Patrick Monette-Shaw stated that Victor Young and Administrator Leger should have been named as respondents instead of Member Wolfe so that Mr. Sullivan doesn't have to start over and suggested the change be made today.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein
Noes: 0 - None
Absent: 1 - Sugarman

6. **File No. 22116** Complaint filed by Mark Sullivan against Bruce Wolfe (Sunshine Ordinance Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.1(g) by allowing when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process; 67.21(b) by failing to comply with a request for public information.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that he has local media status and requested notification of special meetings of the SOTF, which was denied.

Bruce Wolfe (Sunshine Ordinance Task Force) (Member) provided a summary of his position. Member Wolfe stated he did not deny the petitioner consideration as local media and found no merit to the allegation. Member Wolfe stated he referred the petitioner to where to get the information. Member Wolfe requested that this case be dismissed.

Action: Moved by Member Stein, seconded by Chair Schmidt, referred the matter to the SOTF with the recommendation that the matter be dismissed and all allegations against Member Wolfe be denied because there is no verifiable request at issue and there is no violation 67.6(f) of the Sunshine Ordinance. The Committee requests that the SOTF create a mailing list of members of local media to receive notice of special meetings.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Sugarman

The meeting recessed at 7:37 PM and reconvened at 7:45 PM. A quorum was present.

7. **File No. 23058** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.5 by failing to allow meetings to be open and public; 67.13 by failing to allow access to an open and public meeting and 67.21 by failing to provide public records in a timely and/or complete manner.

Paul Kniha (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kniha stated that on May 26, 2023, there was a Brown Act violation. Mr. Kniha stated the requirement that an affidavit be prepared and signed during the meeting was initiated by the hearing officer. Mr. Kniha noted that not a single public speaker was timed.

Hank Wilson (San Francisco Municipal Transportation Agency (SFMTA)) (Respondent) provided a summary of his position. Mr. Wilson stated that the part of his job is to facilitate monthly meetings where cases are heard that mostly involve short term parking issues and noted that the Parking Manager is normally required to be present. Mr. Wilson stated that this hearing is not subject to the Brown Act because Mr. Kniha stated that an affidavit be signed and posted to correlate the meeting. Mr. Wilson stated that these items are posted on the SFMTA website and posted on stream for virtual viewing.

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF for hearing. The Committee suggested that the SOTF first determine whether the hearing falls under the Sunshine Ordinance or Brown Act provisions at all. The Committee noted that it appears that certain relevant documents have not yet been provided to match up the specific documents requested at issue with the claims made that certain documents have not been produced.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

8. **File No. 23062** Complaint filed by Stiliyan Bejanski against the Treasurer and Tax Collector's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner.

Stiliyan Bejanski was not present for the hearing and did not notify the Administrator of their absence.

Christopher Tirrell (Treasurer and Tax Collector's Office) (Respondent) was present for the hearing.

Action: Moved by Chair Schmidt, seconded by Member Stein to table the matter per Complaint Procedure 7B.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

9. **Discussion proposing edits to expedite complaint process, per Ordinance requirements.**

The Committee discussed proposed changes to the complaint process to expedite the complaint process.

Public Comment: None.

No action taken.

10. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

Member Stein provided information regarding the Westside and how that process works.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:29 p.m.

APPROVED:

Complaint Committee

Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.