

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 17, 2018**

DATE ISSUED
June 6, 2018

**CASE TITLE – La Playa Neighborhood Association against Supervisor Katy Tang
(File No. 17122)**

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by the La Playa Park Neighborhood Association against Supervisor Katy Tang (Board of Supervisors) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a complete manner.

HEARING ON THE COMPLAINT

On January 23, 2018, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Mike Murphy, La Playa Park Neighborhood Association (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Murphy stated that the Respondent has not provided all responsive records and provide evidence of emails that were not disclosed. In addition, Mr. Murphy alleged the use of unidentified equipment to send undisclosed emails. The Respondent emailed a response to the complaint but was not present at the meeting. A question and answer period occurred.

On February 7, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mike Murphy, La Playa Park Neighborhood Association (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Mr. Murphy provided evidence of records that have not been provided by the Respondent. There were no speakers on behalf of the Petitioner. There was no representative from the Office of Supervisor Katy Tang, Board of Supervisor, present at the meeting. There were no speakers on behalf of the Respondent. A question and

answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF stated that with the lack of a Respondent to respond to questions it is difficult to make a determination and requested that Mr. Murphy provide additional evidence/documentation regarding records that have not been provided by the Office of Supervisor Katy Tang.

The SOTF found that Supervisor Katy Tang, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.21(e), by failing to send an authorize representative to SOTF hearings and continued the matter to the call of the chair.

On June 6, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mike Murphy (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Murphy provided evidence that Supervisor Tang has not provided the requested records. Mr. Murphy provided a summary as to why the requested documents are important. There were no speakers who spoke in support of the Petitioner.

A representative from the Office of Supervisor Katy Tang (Board of Supervisors) was not present at the meeting. There were no speakers who spoke in support of the Respondent. A question and answer period occurred. The parties were provided an opportunity for rebuttals.

The SOTF expressed concern that elected officials have recently decided to not attend meetings.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Supervisor Katy Tang violated Administrative Code (Sunshine Ordinance), Section 67.21.

ORDER OF DETERMINATION

On February 7, 2018, Member J. Wolf, seconded by Member Maass, moved to find that Supervisor Katy Tang, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.21(e), by failing to send an authorize representative to SOTF hearings and continued the matter to the call of the chair.

The motion PASSED by the following vote:

Ayes: 7 – J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe

Noes: 0 – None

Absent: 1 – Chopra

Excused: 2 – Eldon, Hyland

On June 6, 2018, Member Cannata, seconded by Member Hinze, moved to find that Supervisor Katy Tang (Board of Supervisors) violated Administrative Code, Section 67.21, by failing to respond to a request for public records in a complete manner.

The motion PASSED by the following vote:

Ayes: 7 – J. Wolf, Tesfai, Cannata, Fischer, Hinze, Hyland and B. Wolfe

Noes: 0 – None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Mike Murphy (Petitioner/Complainant)
Supervisor Katy Tang, San Francisco Board of Supervisors (Respondent)