

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

June 2, 2009

DATE THE DECISION ISSUED

May 26, 2009

PETER GREEN v. DEPARTMENT OF PUBLIC HEALTH (09016)

FACTS OF THE CASE

On March 6, 2009, Complainant Peter Green made an Immediate Disclosure Request to Dr. John Brown of the Emergency Medical Services of the San Francisco Department of Public Health for all communications, including hard copies and emails, regarding the proposed Emergency Medical Services ("EMS") Regulations. Dr. Brown requested a 10 day extension.

Peter Green alleges that no emails or other communications from companies, public or city agencies were provided. On March 20, 2009, Dr. Brown stated that documents had been produced and the only communications that had been withheld were "protected Attorney-Client" communications. After conducting a second search, responsive emails were found and produced.

COMPLAINT FILED

On March 23, Peter Green filed his complaint against Emergency Medical Services and the Department of Public Health for violations of the State Public Records Act and the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On May 26, 2009, Complainant Peter Green was not present and was not represented before the Task Force to present his claim. Respondent Agency was represented by Dr. John Brown, the Medical Director of the San Francisco EMC agency.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. John Brown said Peter Green requested information on the development of the Ambulance Ordinance and was provided with 21 documents including worksheets that were used in developing the fee section. Dr. John Brown said additional emails were provided when Mr. Peter Green alerted him to the fact that no emails had been provided. The only documents not produced were emails between the department and the City Attorney that are exempt from disclosure under the attorney-client privilege.

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DECISION AND ORDER OF DETERMINATION

The Task Force found that Dr. John Brown and the Department of Health did not violate the Sunshine Ordinance. The Task Force reminded Dr. Brown that when responding to future information requests, as part of the initial response, he must search for responsive documents, including emails, from all employees who could reasonably be expected to have responsive information. Dr. John Brown acknowledged that responsibility and agreed to do so in the future.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 26, 2009, by the following vote: (Knoebber / Knee)
Ayes: Craven-Green, Knee, Washburn, Knoebber, Johnson, Goldman, Williams, Chu
Excused: Cauthen, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

cc: Peter Green, complainant
Dr. John Brown, respondent
Ernie Llorente, Deputy City Attorney