

ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CONFIDENTIAL

SUSAN J. HARRIMAN
CHAIRPERSON

EMI GUSUKUMA
VICE-CHAIRPERSON

EILEEN HANSEN
COMMISSIONER

JAMIENNE S. STUDLEY
COMMISSIONER

CHARLES L. WARD
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

Sent via interoffice mail

November 5, 2008

Frank Darby Jr., Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

Re: Ethics Complaint No. 14-080424

Dear Mr. Darby:

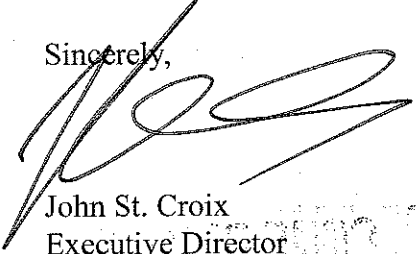
Pursuant to Section V.A.3. of the San Francisco Ethics Commission's Regulations for Investigations and Enforcement Proceedings ("the Regulations"), the Ethics Commission conducted an investigation into the above-referenced complaint, referred by the Sunshine Ordinance Task Force ("SOTF").

After conducting the investigation, the Ethics Commission finds that the Respondents did not willfully violate any section of the Sunshine Ordinance. Although Respondents inadvertently failed to respond within the required timeframe to inform the requester that there were no documents responsive to his request, the requested department head calendar was not yet available at the time the request was made.

Further, the SOTF erroneously concluded that the Sunshine Ordinance requires disclosure of calendars created and maintained in addition to those created under section 67.29-5. The City Attorney has determined that disclosure is required only of those non-privileged meetings that pertain to official duties, available after the calendar entry date. As legal counsel to the City and County of San Francisco, the City Attorney is a higher authority than the SOTF when it comes to determining the legal duties of City departments, boards and commissions; the Ethics Commission recognizes the City Attorney's conclusion in this matter.

For these reasons, the Ethics Commission has dismissed this complaint. Pursuant to the Regulations, no further action is contemplated in regard to this complaint. If you have any questions, please contact enforcement staff at (415) 252-3100.

Sincerely,

A handwritten signature in black ink, appearing to read 'John St. Croix', written over the printed name.

John St. Croix
Executive Director

01/10/2003 11:00