

**SUNSHINE ORDINANCE
TASK FORCE**



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September 13, 2010

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Referral of Willful Violation of the Sunshine Ordinance

This is a referral from the August 28, 2010, hearing of the Sunshine Ordinance Task Force (“Task Force” or “SOTF”) against a Department of Public Health (“DPH”) employee for willfully violating the Sunshine Ordinance. The referral is made pursuant to Sunshine Ordinance Section 67.30(c).

On July 9, 2010, Jason Grant Garza filed a complaint with the Sunshine Ordinance Task Force alleging that the DPH through Eileen Shields failed to respond to an Immediate Disclosure Request.

The DPH was informed of the complaint and was asked to provide a response within five business days. The complainant and respondent were also informed that a hearing on the matter had been set for the Task Force’s regular meeting of August 24, 2010.

On August 9, 2010, Ms. Shields informed the Task Force that she was submitting a statement in lieu of sending a representative to the hearing because of “Mr. Garza’s history of rude and hostile behavior towards me and other DPH staff.”

Mr. Garza presented his claim to the Task Force at the hearing on August 24, 2010. The DPH was not represented. No one in the audience presented facts and evidence in support of the respondent.

By not sending a knowledgeable representative to the hearing, the DPH violated Section 67.21(e) of the Ordinance which states: “An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.”

The Task Force said that if the DPH had concerns for the safety of its staff members, it could have requested the presence of security personnel and/or could have sent an

alternate representative(s) to the Task Force hearing.

The Task Force found that the DPH through Ms. Shields, willfully violated Section 67.21(e). This request and referral are made under Section 67.30(c) of the Sunshine Ordinance, whereby the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance whenever it concludes that any person has violated any provision of this Ordinance.

Attached is a copy of Ms. Shields's August 9, 2010, email to the Task Force.

If you need any further information, including the audio recording of the meeting referenced above, please feel free to contact us, or the Task Force Administrator at (415) 554-7724.



Richard Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

cc: Jason Grant Garza, complainant
Eileen Shields, respondent
Mitchell H. Katz, Director of Public Health
Jerry Threet, Deputy City Attorney
Jana Clark, Deputy City Attorney

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.