

**SUNSHINE ORDINANCE  
TASK FORCE**



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May 16, 2011

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

**Referral of Violation of the Sunshine Ordinance**

This is a referral from the February 22, 2011, hearing of the Sunshine Ordinance Task Force (“Task Force” or “SOTF”) against Mayor’s Office of Economic & Workforce Development (“OEWD”) employees Martha Cohen and Myisha Hervey (“Respondents”) for failure to comply with the Order of Determination (“Order”) stemming from a complaint filed by Debra Benedict (SOTF Case No. 10063). The referral is made pursuant to Sunshine Ordinance Section 67.30(c).

The complaint, filed with the Task Force on November 16, 2010, alleges that the OEWD failed to respond to Ms. Benedict’s request to see a contract related to the San Francisco Giants (“Giants”) World Series championship celebration held outside of City Hall on November 3, 2010.

A hearing before the full Task Force was scheduled for January 25, 2011. Ms. Hervey told the Task Force that she was representing Ms. Cohen and her office did not have any documents related to the celebration because the contract was a signed by Hartman Studios and the Giants, which are private-sector entities.

However, during the hearing Ms. Benedict said the document she really wanted to see related to the federal Americans with Disabilities Act (“ADA”) because she believed that facilities provided at the event for the disabled were substandard.

Task Force members agreed that while a contract between Hartman Studios and the Giants was not necessarily subject to sunshine law, it was highly unlikely that Hartman could have staged the celebratory event without signing a City form or a text agreement with the City stipulating to Hartman’s and the City’s responsibilities, liabilities, and waivers or exemptions therefrom. The Task Force issued its Order based on that finding, and the Order instructed Ms. Cohen and Ms. Hervey to appear at the March 8 Compliance and Amendments Committee (“CAC”) meeting. Through Ms. Hervey, Ms. Cohen was told to direct Ms. Benedict under Sunshine Ordinance Section 67.21(c) to the

proper office or staff person who was in possession of the document she sought. At its regular meeting on February 8, the CAC reviewed the case to determine if the Order had been met. Ms. Benedict said there had been no progress. Ms. Hervey said nothing had changed because her office did not have the document that Ms. Benedict was seeking. The committee referred the matter to the full Task Force with the recommendation that it be forwarded to the Ethics Commission because of inaction on the Order.

The Task Force met March 22 and heard from Ms. Benedict that there was no progress. Ms. Hervey and Ms. Cohen were not present but in an earlier email to the Task Force, Ms. Hervey asked for a continuance to allow Ms. Cohen's appearance at the April 12, 2011, CAC meeting. The Task Force denied the request and voted as recommended by the committee.

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 the Task Force's January 25, 2011, Order of Determination.

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: Debra Benedict, Complainant  
Martha Cohen, Office of Economic & Workforce Development, Respondent  
Myisha Hervey, Office of Economic & Workforce Development, Respondent  
Jerry Threet, Deputy City Attorney

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