

**SUNSHINE ORDINANCE  
TASK FORCE**



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October 19, 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, Order of Determination from the Sunshine Ordinance Task Force against Human Services Agency employee Pamela Tebo for willfully violating the Sunshine Ordinance. The referral is made pursuant to Sunshine Ordinance Section 67.30(c).

On June 4, 2010, Michael Wright filed a complaint with the Sunshine Ordinance Task Force alleging that he was prevented from attending the San Francisco Human Services Agency Housing and Homeless Division Shelter and Resource Center Director's group which met at 77 Otis Street on May 17, 2010.

Mr. Wright presented his claim to the Task Force on August 28, 2010. The Human Services Agency was not represented. No one in the audience presents facts and evidence in support of the Human Services Agency.

Ms. Tebo of the Human Service Agency's Executive Director's Office in a June 21, 2010, email to the Task Force said that the Directors' group was not a passive meeting body "so the Sunshine Laws do not apply." She also said that the courts have granted a restraining order against Mr. Wright protecting Human Service Agency staff Joyce Crum and Briana Moore.

The Task Force found that under the Sunshine Ordinance, it is the Task Force, and not Ms. Tebo or any other agency employee, which decides whether and how the city's sunshine laws apply. A unilateral decision by Ms. Tebo or any other respondent that the Sunshine Ordinance does not apply does not, and cannot, justify failure to appear.

The failure of the Human Services Agency to send a knowledgeable person to the hearing was in violation of Section 67.24(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 other Human Services Agency staff members could have represented the department.

The Task Force found that Ms. Tebo 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.

### **Supporting Material**

Attached is a copy of the Task Force's August 28, 2010, Order of Determination and a copy of the email Ms. Tebo sent to the Task Force on June 21, 2010.

If you need any further information, including the audio recording of the meeting referenced above, please feel free to contact me, 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: Michael Wright, complainant  
Pamela Tebo, respondent  
Joyce Crum, Director, Housing and Homeless Division, Human Services Agency  
Trent Rhorer, Executive Director, Human Services Agency  
Jerry Threet, Deputy City Attorney  
Jana Clark, Deputy City Attorney

\*Seat #1 on the Task Force is designated for an attorney nominated by the Society of Professional Journalists, Northern California Chapter.