

SUNSHINE ORDINANCE  
TASK FORCE



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD/TTY No. (415) 554-5227

August 15, 2011

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

George Gascón, District Attorney  
San Francisco District Attorney's Office  
Hall of Justice, 855 Bryant Street, Room 322  
San Francisco, CA 94103

**Re: Referral for Enforcement of Order and Notice of Official Misconduct  
Sunshine Complaint No. 11013  
Patrick Monette-Shaw v. Controller's Office and Ethics Commission**

The Sunshine Ordinance Task Force ("Task Force") hereby provides notification of willful failure and official misconduct findings against Tonia Lediju of the Controller's Office and John St. Croix of the Ethics Commission for failure to comply with the Order of Determination ("Order") issued on June 14, 2011 in Sunshine Complaint No. 11013, Patrick Monette-Shaw v. Controller's Office and Ethics Commission.

These willful failure and official misconduct findings are noticed for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby the "willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct" and
- (2) San Francisco City Charter Section 15.105(e) (Official Misconduct).

The Task Force further refers the Order for enforcement, and requests Ms. Lediju and Mr. St. Croix be required to produce the public information and documents requested by complainant Patrick Monette-Shaw.

This enforcement referral is made pursuant to:

- (1) Sunshine Ordinance Section 67.21(e) whereby the "Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance" when a custodian of records refuses to comply with an order; and

- (2) Sunshine Ordinance Section 67.30(c) whereby “the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act . . . whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

## **Background**

Patrick Monette-Shaw filed a complaint with the Task Force on March 6, 2011 alleging the Controller’s Office and Ethics Commission failed to provide records responsive to his Immediate Disclosure Request made on January 1, 2011 for correspondence related to the Laguna Honda Hospital Patient Gift Fund whistleblower complaint.

## **Task Force Hearing on Complaint**

On April 26, 2011, the Task Force held a hearing on the complaint.

The Task Force discussed whether the correspondence requested was part of an investigation under the exemptions from disclosure cited by the Controller’s Office and Ethics Commission.

The Task Force further discussed that the Controller had made public its November 2010 audit finding a misappropriation of Laguna Honda Patient Gift Fund money.

A description of the Task Force hearing on the complaint, violations found, and decision are embodied in the Order, a copy of which is attached.

Thank you for your attention to this matter. Please contact the Task Force Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org) or (415) 554- 7724 for any additional information.



Hope Johnson, Chair  
Sunshine Ordinance Task Force



David Snyder, Esq., Member, Seat No. 1\*  
Sunshine Ordinance Task Force

Encl.

cc: Mayor Edwin M. Lee  
San Francisco Civil Grand Jury  
Patrick Monette-Shaw, Complainant  
Tonia Lediju, Respondent  
John St. Croix, Respondent  
Jerry Threet, Deputy City Attorney

\*Sunshine Ordinance Task Force Seat No. 1 is a voting seat held by an attorney specializing in sunshine law.