

**SUNSHINE ORDINANCE
TASK FORCE**



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

Referral of Sunshine Ordinance Complaint #10007, Supervisor Chris Daly v. Mayor's Office

This referral from the Sunshine Ordinance Task Force ("Task Force") stems from the Mayor's Office's failure to comply with a March 23, 2010, Order of Determination from the Task Force to provide Supervisor Chris Daly with requested records; the Order of Determination noted that the Mayor's Office had failed to provide the records even after requesting a 10-day extension to respond to Supervisor Daly's Immediate Disclosure Request. The referral is made pursuant to Sunshine Ordinance Section 67.30(c).

Background

On February 4, 2010, Supervisor Daly, through his aide April Veneracion, filed a complaint with the Task Force alleging that the Mayor's Office failed to provide "all written communication between Michael Yarne and the Planning Department, the Mayor's Office of Housing, and the Controller between October 1, 2009, and January 31, 2010."

Task Force Hearing and Order of Determination

The matter was heard on March 23, 2010, and although the Mayor's Office sent a representative, he left before the complaint could be heard, passing a note to the Task Force Administrator that he had to respond to news-media requests and did not return.

After hearing Ms. Veneracion's testimony and discussing the merits of the case, the Task Force found the Mayor's Office in violation of Section(s) 67.21(b) for failure to produce documents, 67.21(e) for not sending a knowledgeable representative to the hearing, and 67.25(b) for invoking the 10-day extension in response to an immediate disclosure request but not responding within the period allowed. The Mayor's Office was instructed to release all non-exempt records requested by Supervisor Daly within five business days after receiving the Order of Determination and to appear before the full Task Force on April 27, 2010, to discuss compliance.

Hearings on compliance and referral by Task Force

The hearing on compliance by the Mayor's Office with the Order of Determination took place on April 27, 2010. Again, no representatives of the Mayor's Office appeared. Ms. Veneracion stated that the ruling from the Task Force did not yield any additional results from the Mayor's Office. Members then voted to refer the matter to the Ethics Commission and the Board of Supervisors for willful failure to comply with an Order of Determination and willful failure to send a representative to the hearing.

This request and referral are made under Sunshine Ordinance Section 67.30(c) 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 Materials

The enclosed CD contains material related to this referral including (1) the March 23, 2010, Task Force Order of Determination, (2) documents regarding this complaint that have been submitted to the Sunshine Ordinance Task Force, and (3) the minutes from the Task Force meetings on March 23, 2010, and April 27, 2010.

If you need any further information, including audio recordings of any of the meetings referenced above, please contact me or the Task Force Administrator at (415) 554-7724.



Richard A. Knee, Chair
Sunshine Ordinance Task Force



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

Sunshine Ordinance Task Force

cc: Jerry Threet, Deputy City Attorney
Supervisor Chris Daly, Complainant
April Veneracion, Complainant
Gavin Newsom, Respondent
Joe Arellano, Respondent

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