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EXECUTIVE DIRECTOR

July 18, 2011

The Honorable Edwin M. Lee
Mayor, City of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Lee:

On July 11, 2011, the Ethics Commission calendared a Sunshine Ordinance Task Force referral for discussion at its regularly scheduled meeting. The referral stated that the Library Commission, through its representative, Secretary Sue Blackman, violated Sunshine Ordinance sections 67.15(a) and 67.34 for willful failure to allow public comment at a Library Commission meeting which took place on June 4, 2009. Further, the Task Force also cited the Library Commission under section 67.21(e) for failure to send a knowledgeable representative to Task Force hearings held on July 28 and August 13 of 2009.

I have attached the staff memorandum regarding this referral and a copy of the video of the Library Commission meeting for your review.

After publicly discussing the matter and viewing a segment of the video of the Library Commission meeting at issue, the Ethics Commission determined that the Library Commission President, Jewelle Gomez, willfully violated the public testimony requirements of Sunshine Ordinance section 67.15 when she shouted down a member of the public, Sue Cauthen, preventing her from addressing the Library Commission during public comment. The Ethics Commission also determined that Ms. Gomez's actions fell below the standards appropriate for a public official. However, in the absence of clarifying regulations, the Sunshine Ordinance does not provide the Ethics Commission with the ability to impose any specific penalties for a violation of the Ordinance against an appointed official like Ms. Gomez.

Because the Ethics Commission cannot impose any penalties for a willful violation of the Sunshine Ordinance against Ms. Gomez, we are referring this matter to you as the appointing authority.

The Commission voted to recommend that you consider taking steps to remove Ms. Gomez from her appointed office in light of her actions. We recommend referring to

Charter Section 8.102, as well as the Sunshine Ordinance and the Ethics Commission's Enforcement Regulations, in order to reach a decision as to the most appropriate action in this case. Please do not hesitate to contact me or Executive Director John St. Croix should you have any questions or require additional information.

Sincerely,

Benedict Y. Hur, Esq.
Chairperson

Cc: Jewelle Gomez, Library Commission President
Sue Cauthen, Task Force Member
Hope Johnson, Task Force Chair

Enclosures