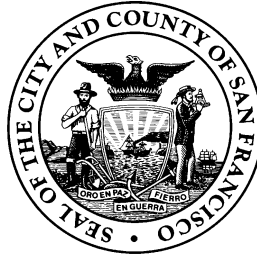


**SUNSHINE ORDINANCE
TASK FORCE**



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April 30, 2012

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

**Re: Referral for Failure to Comply with Order of Determination
Sunshine Complaint No. 11042, Cynthia Carter v. San Francisco Municipal
Transportation Agency**

The Sunshine Ordinance Task Force (“Task Force”) hereby refers Caroline Celaya from the San Francisco Municipal Transportation Authority (“SFMTA”) for continued violation of Sunshine Ordinance Sections 67.21(b) and (c) and failure to comply with the Order of Determination (“Order”) issued on September 2, 2011 in Sunshine Complaint No. 11042, Cynthia Carter v. San Francisco Municipal Transportation Agency.

This referral is made for enforcement and appropriate action pursuant to:

- (1) 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 and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts”;
- (2) San Francisco City Charter Section 15.102 which provides that the Ethics Commission “may adopt rules and regulations relating to carrying out the purposes and provisions of ordinances regarding open meetings and public records”; and
- (3) Sunshine Ordinance Section 67.35(d) whereby “any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a city or state official 40 days after a complaint is filed.

Background

Cynthia Carter filed a complaint with the Task Force on May 31, 2011 alleging that the SFMTA failed to adequately respond to her public records request made on May 12, 2011.

Task Force Hearing on Complaint

On August 23, 2011, the Task Force held a hearing on the complaint, finding Caroline Celaya in violation of Sunshine Ordinance public records provisions. Ms. Celaya and the SFMTA were ordered to produce the requested records to Ms. Carter no later than September 9, 2011.

On October 11, 2011, the Task Force's Compliance and Amendments Committee held a hearing on compliance with the Order to produce the records, finding that Ms. Celaya and the SFMTA had failed to comply. The matter was returned to the Task Force for further action with a recommendation that the Task Force refer the matter to the Ethics Commission.

On October 25, 2011, the Task Force held a hearing to further monitor compliance and consider the committee's recommendation. The Task Force found that Caroline Celaya and the SFMTA continued to fail to produce the records and had not referred Ms. Carter to appropriate department contacts with relevant information.

A description of the first Task Force hearing, violations found, and decision are described in the attached Order.

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



Hope Johnson, Chair
Sunshine Ordinance Task Force

Encl.

cc: Cynthia Carter, Complainant
Caroline Celaya, SFMTA, Respondent
David Hill, SFMTA, Respondent
Jerry Threet, Deputy City Attorney

