

**SUNSHINE ORDINANCE
TASK FORCE**



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November 21, 2013

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: Compliance and Amendments Committee recommendation for referral to the Ethics Commission in the case of Allen Grossman against John St. Croix, for failure to provide disclosable records. (Sunshine Ordinance Complaint No. 12056, Allen Grossman vs. John St. Croix, Ethics Commission)

Dear Board of Supervisors,

On June 5, 2013, the Task Force heard Complaint No. 12056, by Allen Grossman ("Complainant") against John St. Croix, Executive Director of the Ethics Commission ("Respondent"). The Complainant alleged that Respondent violated public records laws in his role as Executive Director by not fully responding to his public records request dated October 3, 2012.

Complainant Allen Grossman appeared before the Task Force and presented his claim. Respondent, John St. Croix, Executive Director, Ethics Commission, presented the Ethics Commission's defense. The issue in the case was whether the Respondent violated Sections 67.21, 67.24, and 67.27 of the Ordinance and/or Sections 6253 and 6254 of the California Public Records Act. Mr. Grossman alleges John St. Croix, Executive Director, Ethics Commission, failed to justify withholding unidentified public records by demonstrating that each such unidentified withheld record is exempt under provisions of the Sunshine Ordinance.

Based on the testimony and evidence presented, the Task Force found the testimony of Mr. Grossman to be persuasive and finds Sections 67.21(b) and 67.24(b)(1) of the Ordinance to be applicable in this case. The Task Force found that the records requested from the Ethics Commission are disclosable public records and found that Respondent has violated Section 67.21(b) of the Sunshine Ordinance for failure to provide the records within ten days following receipt of a request and Section 67.24(b)(1) of the Sunshine Ordinance for withholding records subject to disclosure. An Order of Determination was issued on June 24, 2013 asking John St. Croix, Executive Director, Ethics Commission, to release the records requested within 5 business days of the issuance of the Order and to appear before the Compliance and Amendments Committee on August 20, 2013.

On August 20, 2013 the Compliance and Amendments Committee heard Allen Grossman

(Complainant) provide an update on the June 24th order of determination from the June 4, 2013 full SOTF meeting. The Respondent (John St. Croix) provided an update that no additional records had been provided and responded to questions. The committee moved to refer the matter back to the Task Force with a recommendation that it be forwarded to the Ethics Commission.

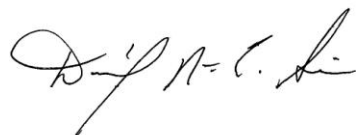
At the September 4, 2013 SOTF meeting the Task Force found John St. Croix in violation of the Sunshine Ordinance and voted to refer the complaint to the Board of Supervisors and the Ethics Commission for violating Sections 67.21(b), 67.27 (a)(b) and 67.24 (b)(1) (i)&(iii).

This request and referral is made under Section 67.30 (c) whereby the Task Force shall make referrals to a municipal office with enforcement power under the Sunshine 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.

Thank you for your timely attention to this matter. A description of the Task Force hearing, violations found, and decision are described in the attached Order of Determination. Please contact the Sunshine Ordinance Task Force Administrator at sotf@sfgov.org or (415) 554-7724 with any questions or concerns.



Kitt Grant, Chair
Sunshine Ordinance Task Force



David Sims, Member Attorney
Sunshine Ordinance Task Force

Encl.

cc: Allen Grossman, Complainant
John St. Croix, Respondent
Angela Calvillo, Clerk of the Board
Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney



ORDER OF DETERMINATION

June 24, 2013

DATE THE DECISION ISSUED

June 5, 2013

ALLEN GROSSMAN VS. JOHN ST. CROIX, ETHICS COMMISSION (CASE NO. 12056)

FACTS OF THE CASE

Allen Grossman ("Complainant") alleges that John St. Croix, in his role as Executive Director of the Ethics Commission ("CAO"), violated public records laws by failing to fully respond to his public records request dated October 3, 2012.

COMPLAINT FILED

On November 19, 2012, Complainant filed this complaint against St. Croix, alleging violations of the public records laws, including specifically Sunshine Ordinance ("Ordinance") Sections 67.21(b), 67.27(a) & (b), and 67.24(b)(1)(i) & (iii).

HEARING ON THE COMPLAINT

On June 5, 2013, Complainant Allen Grossman appeared before the Task Force and presented his claim. Respondent, John St. Croix, Executive Director, Ethics Commission, presented the Ethics Commission's defense.

The issue in the case is whether the Respondent violated Sections 67.21, 67.24, and 67.27 of the Ordinance and/or Sections 6253 and 6254 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Grossman to be persuasive and finds Sections 67.21(b) and 67.24(b)(1) of the Ordinance to be applicable in this case. The Task Force does not find the testimony provided by John St. Croix, Executive Director, Ethics Commission, persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the records requested from the Ethics Commission are disclosable public records and finds that Respondent has violated Section 67.21(b) of the Sunshine Ordinance for failure to provide the records within ten days following receipt of a request and Section 67.24(b)(1) of the Sunshine Ordinance for withholding records subject to disclosure. John St. Croix, Executive Director, Ethics Commission, shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 20, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 5, 2013, by the following vote:

(Washburn/Knee) (Violation 67.21(b))

Ayes: Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, David

Absent: Grant

(Fischer/David) (Violation 67.24(b)(1))

Ayes: Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, David

Absent: Grant



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Allen Grossman, Complaint
John St. Croix, Executive Director Respondent