



ORDER OF DETERMINATION
June 12, 2014

DATE THE DECISION ISSUED
June 4, 2014

CASE TITLE – MICHAEL PETRELIS V. MAYOR EDWARD M. LEE AND MATTHEW GOUDEAU,
MAYOR'S OFFICE (File No. 14010)

FACTS OF THE CASE

Michael Petrelis (Complainant) made a complaint alleging that Mayor Edwin M. Lee, Matthew Goudeau, and Charlotte Schultz, Mayor's Office (Respondent), violated provisions of the public records law by failing to adequately respond to a December 26, 2013, and January 13, 2014, request for public records.

COMPLAINT FILED

On January 21, 2014, Mr. Petrelis filed a complaint against Mayor Edwin M. Lee, Matthew Goudeau, and Charlotte Schultz, Mayor's Office, alleging that the Mayor's Office failed to adequately respond to a request for public records.

HEARING ON THE COMPLAINT

On June 4, 2014, Mr. Petrelis appeared before the Task Force and presented his claim. Kristen Macaulay, Mayor's Office, presented the department's defense.

The issue in the case was whether the Mayor's Office violated Sunshine Ordinance Sections 67.21 and 67.25 and California Government Code Sections 6253 and 6253.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Petrelis to be persuasive and finds Sunshine Ordinance Sections 67.21(c) and 67.21(e) to be applicable to this case. The Task Forces does not find the testimony provided by Ms. Macaulay persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds Mayor Edwin M. Lee and Mathew Goudeau, Mayor's Office, in violation of Sunshine Ordinance Sections 67.21(c) and 67.21(e) for failure to assist a requester in identifying the existence, form, and nature of the record and directing the request to the proper office or staff person; and failure to provide a knowledgeable representative to testify before the Sunshine Ordinance Task Force. The Mayor's Office shall appear before the Compliance and Amendments Committee (CAC). The Task Force requests that Mr.

Goudeau, Mayor's Office, appear before the CAC to provide additional information on the matter. It is requested that the Mayor's Office provide documents regarding the SF Host Committee's December diplomat's party; any additional documents responsive to the request made by Mr. Petrelis; and contact information to any party who may have documents related to Mr. Petrelis' request. It is requested that the Mayor's Office provide budget information and relevant index codes in relation to funding for the Office of Protocol and information regarding the relationship between the Office of Protocol and the SF Host Committee.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 4, 2014, by the following vote: (Washburn/Knee)

Ayes: 6 – Knee, Washburn, David, Hyland, Oka, Fischer

Noes: 1 – Pilpel

Absent: 1 – Sims

A handwritten signature in black ink, appearing to read "L. E. Fischer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Louise Fischer, Vice-Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
Michael Petrelis, Complainant
Kirsten Macaulay, Mayor's Office
Mathew Goudeau, Mayor's Office
Mayor Edwin M. Lee, Mayor's Office