

**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco CA 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD/TTY No. (415) 554-5227**

**ORDER OF DETERMINATION  
February 10, 2015**

**DATE DECISION ISSUED**  
January 7, 2015

**CASE TITLE - Thomas Peele v. Supervisor Katy Tang, Board of Supervisors (File No. 14047)**

**FACTS OF THE CASE**

Thomas Peele (Complainant) made a complaint alleging that Supervisor Katy Tang, Board of Supervisors (Respondent), violated provisions of the Sunshine Ordinance by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

**COMPLAINT FILED**

On May 20, 2014, Mr. Peele filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the alleged failure to respond to a public records request.

**HEARING ON THE COMPLAINT**

On December 3, 2014, Mr. Peele appeared before the Task Force and presented his complaint. Dyanna Quizon, Aide to Supervisor Katy Tang, Board of Supervisors (Respondent), acknowledged that there was a delay in retrieving and responding to the faxed Immediate Disclosure Request and stated that steps have been taken to prevent future delays. Wilson Ng, Records Manager, Board of Supervisors, answered questions regarding due diligence searches of emails. Mr. Ng stated that the Clerk of the Board is currently working with the City Attorney to develop policies regarding the organization and retention of email.

During the hearing new evidence was discovered in the form of an email dated May 14, 2014, subject to the records request, from Task Force Member Wolf to Ms. Quizon. The email was not provided to the Complainant and is not in the Office of the Clerk of the Board.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.21 (c), 67.25 (a), and 67.29-7 were violated.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the evidence and testimony presented the Task Force finds the testimony of Mr. Peele persuasive and finds Administrative Code (Sunshine Ordinance) Sections 67.21 (c) and 67.25 (a)

applicable in this case. The Task Force does not find the testimony provided by the Respondents persuasive in this case.

#### DECISION AND ORDER OF DETERMINATION

On December 3, 2014, the Task Force found Supervisor Katy Tang, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.25 (a) for failure to assist a requester in identifying the existence, form, and nature of any record and directing a request to the proper office or staff person and failure to respond to a public records request in a timely and complete manner. The motion PASSED by the following vote:

Ayes: 6 - Wolf, Chopra, Hepner, David, Fischer, Washburn  
Noes: 1 - Rumold  
Absent: 4 - Winston, Pilpel, Hinze, Hyland

The Task Force continued the matter to its January 7, 2015, meeting to consider additional possible violations of the Sunshine Ordinance (including but not limited to Section 67.29-7, failure to maintain records in a professional and businesslike manner).

On January 7, 2015, the Task Force heard further testimony but found no additional violations.

The Task Force adopted this Order of Determination on January 7, 2015, by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Recused: 1 - Winston  
Absent: 1 - Chopra

Chair Washburn referred the matter to the Education, Outreach, and Training Committee and requested that Supervisor Tang's office attend the meeting to provide additional details regarding office policy for processing public records requests. In addition, the Task Force, through its Education, Outreach, and Training Committee, will work with the Clerk of the Board's Office to refine/establish policies and procedures regarding email retention and searchability.



Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c: Members, Sunshine Ordinance Task Force
- Nicholas Colla, Deputy City Attorney
- Thomas Peele, Complainant
- Dyanna Quizon, Office of Supervisor Katy Tang, Board of Supervisors, Respondent
- Supervisor Katy Tang, Board of Supervisors, Respondent
- Wilson Ng, Records Manager, Board of Supervisors
- Angela Calvillo, Clerk of the Board, Board of Supervisors