

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
February 10, 2015**

**DATE DECISION ISSUED**  
January 7, 2015

**CASE TITLE – Craig Gold v. Office of the City Attorney (File No. 14100)**

**FACTS OF THE CASE**

Craig Gold (Complainant) made a complaint alleging that the Office of the City Attorney (Respondent) violated provisions of the Sunshine Ordinance by failing to respond to a public records request in a timely and complete manner.

**COMPLAINT FILED**

On October 29, 2014, Mr. Gold filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the alleged failure to adequately respond to his public records request.

**HEARING ON THE COMPLAINT**

On December 16, 2014, the Task Force's Compliance and Amendments Committee heard the matter.

Mr. Gold appeared and presented his claim, stating that his request for the policy regarding how much is spent on specific legal cases and certain types of legal cases had not been fulfilled. Mr. Gold acknowledged that the Office of the City Attorney has been responsive and helpful in responding to his request but believes that additional documents regarding the referenced policy have not been provided.

Matt Dorsey, Communications Director, Office of the City Attorney (Respondent), acknowledged that the Office of the City Attorney did not respond to Mr. Gold's public records request in a timely manner (i.e. required within 10 days of the request). However, Mr. Dorsey stated that a written response was provided to Mr. Gold on November 5, 2014, and that Mr. Gold was contacted on several occasions to address various aspects of his public records request. Mr. Dorsey further stated that the Office of the City Attorney does not have a policy regarding what funds will be spent on any specific legal actions. He stated that the Office of the City Attorney does not make a decision to take legal action on a cost/benefit basis as there are other issues involved such as precedence. Mr. Dorsey stated that the San Francisco Charter, the California Business and Professions Code, and the Rules of Professional Conduct govern the legal and fiduciary responsibilities of the City Attorney, and that the relevant sections were provided to

Mr. Gold. Otherwise, Mr. Dorsey stated that there are no written procedures as to how a specific case will be handled, as each case is evaluated on an individual basis. Finally, he stated that the Office of the City Attorney believes that all of Mr. Gold's requests have been addressed.

The issue in this case was whether Administrative Code (Sunshine Ordinance), Section 67.21 (b) was violated.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Compliance and Amendments Committee found the testimony of the parties to be persuasive and that Administrative Code (Sunshine Ordinance), Section 67.21 (b), was applicable in this case.

#### DECISION AND ORDER OF DETERMINATION

The Compliance and Amendments Committee recommended that the Task Force find the Office of the City Attorney in violation of Administrative Code (Sunshine Ordinance), Section 67.21 (b) for failure to respond to a public records request in a timely manner. The Committee found that the requested public records have been provided, do not exist, or are exempt from disclosure.

The Task Force considered the recommendation of the Compliance and Amendments Committee on January 7, 2015, and accepted it by the following vote:

Ayes: 10 - Rumold, Winston, Wolf, Pilpel, Hepner, David, Fischer, Hinze, Hyland, Washburn  
Noes: 0 - None  
Absent: 1 - Chopra



Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c: Members, Sunshine Ordinance Task Force
- Nicholas Colla, Deputy City Attorney
- Craig Gold, Complainant
- Matt Dorsey, Communications Director, Office of the City Attorney, Respondent