

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
February 10, 2015**

DATE DECISION ISSUED
December 3, 2014

CASE TITLE - San Francisco Urban Forest Coalition v. Tom C. Hui and the Department of Building Inspection. (File No. 14101)

FACTS OF THE CASE

Allen Grossman, San Francisco Urban Forest Coalition (Complainant) made a complaint alleging that Director Tom C. Hui and the Department of Building Inspection (Respondent) violated provisions of the Sunshine Ordinance by failing to adequately respond to a request for public records and by failing to justify the withholding of records relevant to the request.

COMPLAINT FILED

On November 3, 2014, Mr. Grossman filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding alleged failure to timely and adequately respond to a request for public records.

HEARING ON THE COMPLAINT

On December 3, 2014, Mr. Grossman appeared before the Task Force and presented his claim. William Strawn, Department of Building Inspection, appeared before the Task Force and presented the department's defense. Mr. Strawn stated that the new database system is still under construction and the requested sample reports are not yet available for distribution.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, and 67.27 and California Government Code, Section 6254, were violated.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Grossman to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.21(b), to be applicable to this case. The Task Force does not find the testimony provided by the Respondents persuasive to this case.

DECISION AND ORDER OF DETERMINATIONS

The Task Force finds Director Tom C. Hui and the Department of Building Inspection in violation Administrative Code (Sunshine Ordinance), Section 67.21(b), for failure to respond to a public records request in a timely and complete manner.

Chair Washburn referred the matters to the Compliance and Amendments Committee for monitoring of the implementation of the new computer database. The Department of Building Inspection is ordered to provide sample documents, screenshots, and interface (mockup) requested by Mr. Grossman when they become available. The Task Force Administrator shall consult with Mr. Grossman to clarify the nature of the requested sample documents. In addition, the Task Force requests a timeline for the implementation of the new computer system.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 3, 2014, by the following vote:

Ayes: 7 - Rumold, Wolf, Chopra, Hepner, David, Fischer, Washburn

Noes: 0 - None

Absent: 4 - Winston, Pilpel, Hinze, Hyland



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Members, Sunshine Ordinance Task Force
 - Nicholas Colla, Deputy City Attorney
 - Allen Grossman, SF Urban Forest Coalition, Complainant
 - Director Tom C. Hui, Department of Building Inspection
 - William Strawn, Department of Building Inspection