

**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
TTD/TTY No. (415) 554-5227

**ORDER of DETERMINATION
October 28, 2015**

DATE RECOMMENDATION ISSUED
October 7, 2015

CASE TITLE – Sarah Mars v. Public Works (File No. 15099)

FACTS OF THE CASE

On June 30, 2015, Dr. Sarah Mars (Complainant) made a complaint alleging that Public Works violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and complete manner.

HEARING ON THE COMPLAINT

On September 15, 2015, Dr. Mars appeared before the Complaint Committee and presented her claim. Frank Lee, Public Works (Respondent), provided a summary of the department's position and acknowledged that the response to the request was not timely. He stated that the records request was part of a chain of other communications and was inadvertently not recognized as a public records request by Gene Chan of Public Works. Mr. Lee assured the Task Force that Public Works staff is aware of how public record requests should be handled.

Once the purpose of the records request became evident, during the meeting the Complaint Committee suggested that the Complainant request additional documents that would be useful, which Mr. Lee agreed to provide and accept as a Records Request from Dr. Mars.

Public Works agreed to provide the following to Dr. Mars:

- Copies of the public comments that Public Works received from September 2014 to September 2015 during the Notice Of Intent posting periods for wireless facilities permit applications within the area bounded by Beach Street on the north, Kearny Street on the east, Pacific Avenue on the south, and Polk Street on the west that prompted Public Works hearings and
- Copies of the Director's determinations/results of those hearings, if any.

On October 7, 2015, the SOTF reviewed the recommendation of the Complaint Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF finds that a violation of Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (b), occurred.

DECISION AND ORDER OF DETERMINATION

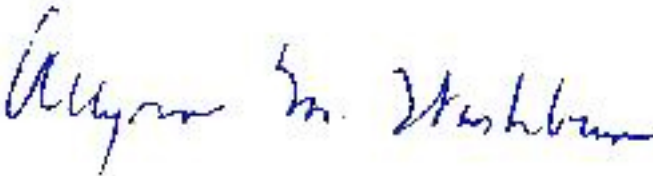
The Sunshine Ordinance Task Force accepts the recommendation of the Complaint Committee and finds Public Works violated Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (b), by failing to respond to public records request in a timely and complete manner.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 7, 2015, by the following vote:

Ayes: 8 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland

Noes: 0 - None

Absent: 3 - Chopra, Hepner, Washburn

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style.

Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Sarah Mars, Complainant
- Frank Lee, Public Works
- Gene Chan, Public Works
- Mohammed Nuru, Public Works
- Jerry Threet, City Attorney's Office