

Date: Feb. 10, 2009

Item No. 2  
File No. 09001

**SUNSHINE ORDINANCE TASK FORCE**  
**COMPLAINT COMMITTEE**  
**AGENDA PACKET CONTENTS LIST\***

- Anonymous v City Attorney's Office & Matt Dorsey**
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Completed by: Chris Rustom

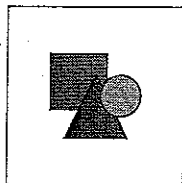
Date: Feb. 5, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.





DENNIS J. HERRERA  
City Attorney

ROSA M. SÁNCHEZ  
Deputy City Attorney

DIRECT DIAL: (415) 554-3928  
E-MAIL: Rosa.Sanchez@sfgov.org

February 4, 2009

Nick Goldman, Chair  
Members of the Complaint Committee

Re: Anonymous v. City Attorney's Office ("CAO") (09001)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Anonymous against the City Attorney's Office ("CAO").

#### **BACKGROUND**

On December 2, 2008, Complainant submitted an Immediate Disclosure Request to the City Attorney's Office with regard to specified personnel information for Deputy City Attorney Ernest Llorente. On December 3, 2008, the City Attorney's Office invoked an extension of time to respond to the request. The City Attorney's Office responded on December 17, 2008.

#### **COMPLAINT**

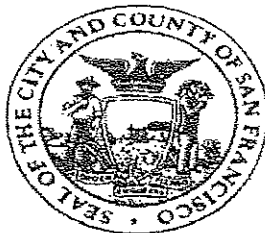
On January 5, 2008, Complainant filed a complaint against the City Attorney's Office alleging violations of the Sunshine Ordinance. Specifically, Complainant alleges violation of an Immediate Disclosure Request made for Ernest Llorente, DCA, files. Complainant alleges violation of Administrative Code sections 67.21(e), 67.24(c), and 67.25(a).

#### **SHORT ANSWER**

The CAO does not contest jurisdiction, however, it is requesting the Complaint Committee hear the matter seeking clarification as to what materials were not provided:

#### **CONCLUSION**

The Task Force has subject matter jurisdiction.



SUNSHINE ORDINANCE TASK FORCE  
 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
 Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission CITY ATTORNEY, CCSF

Name of individual contacted at Department or Commission MATT DORSEY, PIO

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section 67.21(e) 67.24(e) & 67.25(a)  
 (If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

RE: IDR FOR ERNEST MORETE, DCA  
67.21(e) - IF THE CUSTODIAN... INCOMPLETELY REPLIES...  
67.24(c) - INFORMATION PROVIDED WAS INCOMPLETE AND, IN  
SOME CASES, NON-RESPONSIVE  
67.25(a) - FAILURE TO COMPLY WITH IDR ON TIMELY BASIS

Do you wish a public hearing before the Sunshine Ordinance Task Force?  yes  no

(Optional)<sup>1</sup>  
 Complainant Name [REDACTED] Address [REDACTED]  
San Francisco, CA 94109-6131

Telephone No. (415) [REDACTED] E-mail Address [REDACTED]@SBCGLOBAL.NET

Date 1/5/09 Signature [REDACTED]

CONFIDENTIALITY SPECIFICALLY REQUESTED

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. COMPLAINANTS CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEANS OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).

**COPY**



(ii) Years of graduate and undergraduate study, degree(s) and major or discipline: **DORSEY & STUMP - CURRICULUM VITAE** **LLORENTE** **30 YEARS OLD**

(iii) Years of employment in the private and/or public sector: **DORSEY & STUMP - PERSONNEL ACTION REQUEST** **LLORENTE** **NOT PROVIDED**

(iv) Whether currently employed in the same position for another public agency: **DORSEY & STUMP - NO RECORDS RESPONSIVE (NRR)** **LLORENTE** **NOT PROVIDED**  
(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question: **DORSEY & STUMP - CURRICULUM VITAE** **LLORENTE** **NOT PROVIDED** **FOR POSITION IN QUESTION**

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted: **DORSEY & STUMP - CURRICULUM VITAE** **LLORENTE** **30 YEARS OLD**

EXHIBIT A  
(2 OF 3)

(3) The job description of every employment classification: **DORSEY & STUMP - CLASS B1B2 HEAD ATTORNEY** **NOT PROVIDED**

(4) The exact gross salary and City-paid benefits available to every employee: **DORSEY & STUMP - GROSS SALARY / HEALTH / DENTAL / RETIREMENT / LTD** **NOT PROVIDED**

(5) Any memorandum of understanding between the City or department and a recognized employee organization: **DORSEY & STUMP - PROVIDED** **PROVIDED**

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved: **DORSEY & STUMP -> NRR** **LLORENTE** **NOT PROVIDED**

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public: **DORSEY & STUMP -> NRR** **LLORENTE** **NOT PROVIDED**

COPY

funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

EXHIBIT A  
(3 of 3)

COPY



City and County of San Francisco

DENNIS J. HERRERA  
CITY ATTORNEY

Office of the City Attorney

ADMINISTRATIVE SERVICES

October 30, 2007

[REDACTED]

San Francisco CA 94109

RE IMMEDIATE DISCLOSURE REQUEST OF OCTOBER 29, 2007 RE MOLLY STUMP

Dear Mr. [REDACTED]

I am writing in response to your immediate disclosure public records request of October 29, 2007. The City Attorney's Office received your request on October 29, 2007.

In your request you ask for the information set forth below regarding Molly Stump, Deputy City Attorney. I have provided below the information requested or described the responsive documents, which are enclosed, for each part.

1. The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

See Personnel Action Request. Please note that age and ethnic group have been redacted because of privacy. See discussion of the legal grounds for withholding information based on privacy further in this response. Information on sex has been included, with Ms. Stump's consent.

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

See Ms. Stump's curriculum vitae.

(iii) Years of employment in the private and/or public sector;

See Personnel Action Request for years of employment with the City and County of San Francisco and Ms. Stump's curriculum vitae for other previous employment.

(iv) Whether currently employed in the same position for another public agency;

We have no records responsive to this request.

EXHIBIT B (1 OF 3)

COPY



October 30, 2007

Page Two

- (v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

See Ms. Stump's curriculum vitae.

2. The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

See Ms. Stump's curriculum vitae.

3. The job description of every employment classification.

See Class Specifications for Class 8182 Head Attorney.

4. The exact gross salary and City-paid benefits available to every employee.

Ms. Stump's current gross salary is \$175,578.00. The City contributes the following amounts to Ms. Stump's employee benefits:

▪ Health Insurance	\$ 4,837.56
▪ Dental Insurance	1,252.94
▪ Retirement	10,525.58
▪ Long Term Disability	1,074.00

5. Any memorandum of understanding between the City or department and a recognized employee organization.

See The Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys Association.

6. The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

We have no records responsive to this request.

7. The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

We have no records responsive to this request.

Please note that we have not provided or have redacted from the above documents personal identifying information such as home addresses, home phone numbers, personal e-mail address, social security numbers, age, and ethnicity in order to protect the individual's right to privacy. See Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is

EXHIBIT B (2 OF 3)

**COPY**

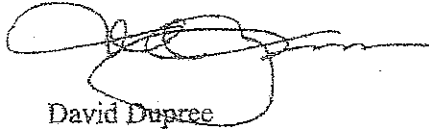
October 30, 2007

Page Three

"mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances).

If you have further questions about this matter, please feel free to contact me.

Sincerely



David Dupree  
Director  
Administrative Services

EXHIBIT B (3 of 3)

COPY



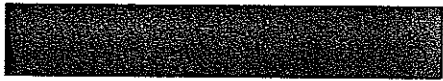
City and County of San Francisco

DENNIS J. HERRERA  
CITY ATTORNEY

Office of the City Attorney

ADMINISTRATIVE SERVICES

October 30, 2007



San Francisco CA 94109

RE IMMEDIATE DISCLOSURE REQUEST OF OCTOBER 29, 2007 RE MATT DORSEY

Dear Mr. Hartz

I am writing in response to your immediate disclosure public records request of October 29, 2007. The City Attorney's Office received your request on October 29, 2007.

In your request you ask for the information set forth below regarding Matt Dorsey, Public Information Officer. I have provided below the information requested or described the responsive documents, which are enclosed, for each part.

1. The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:
  - (i) Sex, age and ethnic group;  
See Personnel Action Request. Please note that age and ethnic group have been redacted because of privacy. See discussion of the legal grounds for withholding information based on privacy further in this response. Information on sex has been included, with Mr. Dorsey's consent.
  - (ii) Years of graduate and undergraduate study, degree(s) and major or discipline;  
See Mr. Dorsey's résumé.
  - (iii) Years of employment in the private and/or public sector;  
See Personnel Action Request for years of employment with the City and County of San Francisco and Mr. Dorsey's résumé for other previous employment.
  - (iv) Whether currently employed in the same position for another public agency;  
We have no records responsive to this request.

COPY

EXHIBIT C (10/3)

October 30, 2007

Page Two

- (v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

See Mr. Dorsey's résumé.

2. The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

See Mr. Dorsey's résumé.

3. The job description of every employment classification.

See Class Specifications for Class 0931 manager III.

4. The exact gross salary and City-paid benefits available to every employee.

Mr. Dorsey's current gross salary is \$120,042.00. The City contributes the following amounts to Mr. Dorsey's employee benefits:

▪ Health Insurance	\$ 5,974.80
▪ Dental Insurance	1,252.94
▪ Retirement	7,094.36

5. Any memorandum of understanding between the City or department and a recognized employee organization.

See The Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association.

6. The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

We have no records responsive to this request.

7. The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

We have no records responsive to this request.

Please note that we have not provided or have redacted from the above documents personal identifying information such as home addresses, home phone numbers, personal e-mail address, social security numbers, age, and ethnicity in order to protect the individual's right to privacy. See Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is

EXHIBIT C (2 of 3)

COPY

October 30, 2007

Page Three

"mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances).

If you have further questions about this matter, please feel free to contact me.

Sincerely



David Dupree

Director

Administrative Services

COPY

EXHIBIT C (3 of 3)



Re: Sunshine Request - Immediate Disclosure

Tuesday, December 16, 2008 4:21 PM

From: "Matt Dorsey" <Matt.Dorsey@sfgov.org>

To: [redacted]@sbcglobal.net

LLORENTE-RECORDS.PDF (281KB)

Mr. [redacted]

This email responds in full to your Immediate Disclosure Request dated December 2, 2008 with regard to specified personnel information for Deputy City Attorney Ernest Llorente. On December 3, 2008, this office invoked an extension of time to respond to the request. Accordingly, this response is being made prior to the December 17, 2008 due date.

With regard to your requests numbered 1 and 2, the attached document, containing three resumes and an employment application, entitled LLORENTE-RECORDS.PDF is responsive. Personal information the disclosure of which would constitute an unwarranted invasion of privacy has been redacted. (California Constitution, Article I, Section I; California Government Code Sections 6254(c) and 6254(k).)

With regard to your request number 3, the job description for an 8177 attorney, Mr. Llorente's classification, has already been provided to you.

With regard to your request number 4, as an 8177, step [12], Mr. Llorente's gross salary is described here: <http://216.103.100.45/cgi-bin/dhr/findClass.cgi?class=8177&title=&salaryRange=&exempt=&fifthStepEntry=&unionOnly=>

City benefits are described in the City Charter and may also be referenced in the MOU between the City and the Municipal Attorneys Association. Please see sections A8.420, A8.426 and A8.587. The Charter is available online here: <http://www.municode.com/content/4201/14130/HTML/index.html>

The summary plan description for the SFERS miscellaneous plan for miscellaneous employees who became employees on or after November 2, 1976 is available here:

<http://www.sfgov.org/site/uploadedfiles/sfers/Charter%20Section%20A8.587.pdf>; further information about employee health service system benefits can be found at the Health Services System website at: <http://www.sfgov.org/site/uploadedfiles/sfers/Charter%20Section%20A8.587.pdf>

With regard to your request number 5, the MOU between the City and the Municipal Attorneys Association, you received a link and subsequently informed me you do not need the information.

With regard to your requests number 6 and 7, there are no responsive documents.

SEE ATTACHMENT (A)  
NOT AUTHORIZED TO VIEW THIS PAGE

CODE OF CITY ATTACHMENT (B)

1/25  
1/25  
ATTACHMENT (C)

COPY

## You are not authorized to view this page

You do not have permission to view this directory or page using the credentials that you supplied.

---

Please try the following:

- Contact the Web site administrator if you believe you should be able to view this directory or page.
- Click the [Refresh](#) button to try again with different credentials.

HTTP Error 403 - Forbidden: Access is denied.  
Internet Information Services (IIS)

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Technical Information (for support personnel)

- Go to [Microsoft Product Support Services](#) and perform a title search for the words **HTTP** and **403**.
- Open **IIS Help**, which is accessible in IIS Manager (inetmgr), and search for topics titled **About Security, Authentication, and About Custom Error Messages**.

ATTACHMENT (A)

COPY



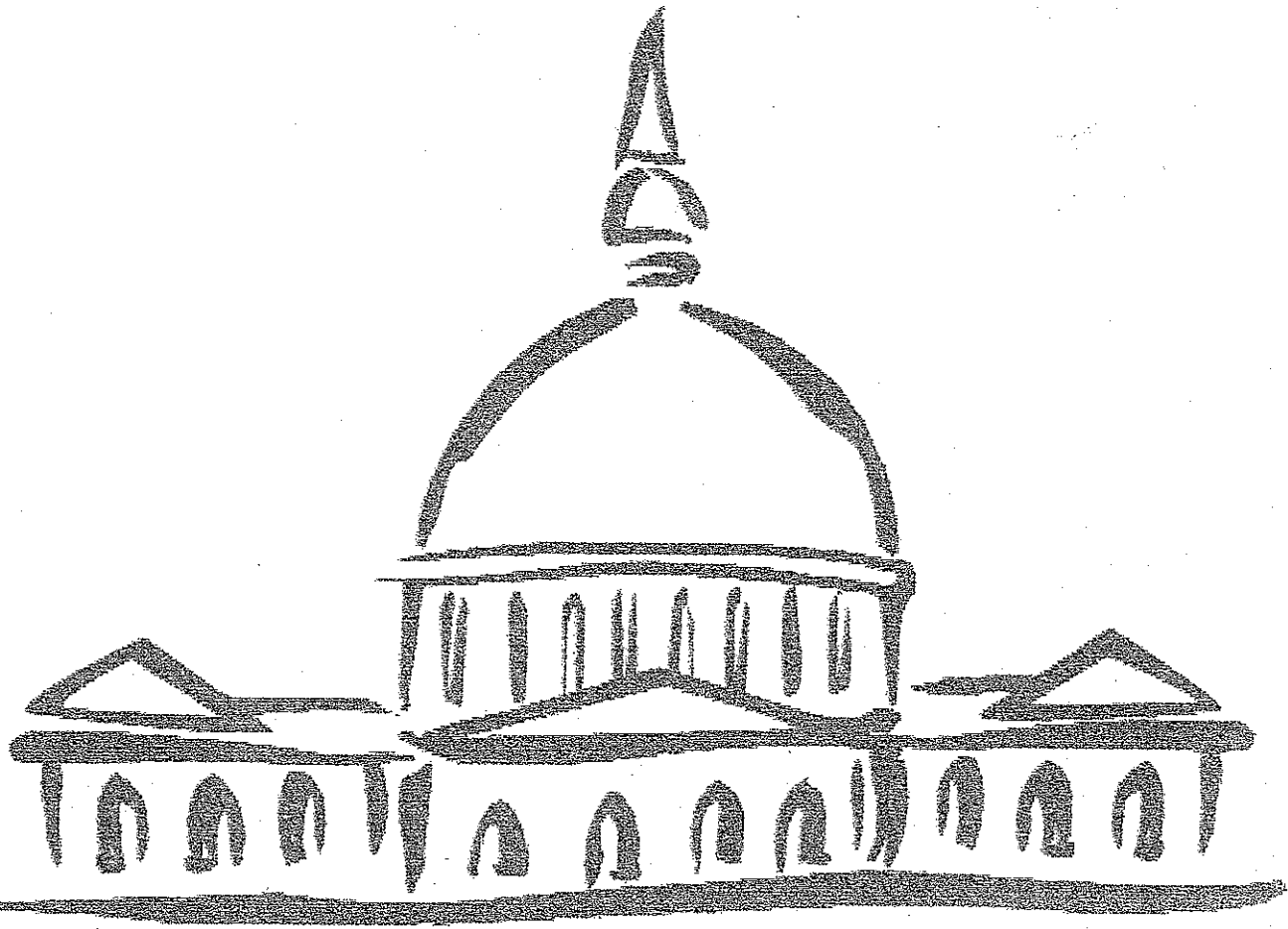
## The Code of the City of San Francisco, California

- THE CHARTER AND THE GENERAL ORDINANCES OF THE CITY
- CH000.HTML
- ARTICLE I: EXISTENCE AND POWERS OF THE CITY AND COUNTY
- ARTICLE II: LEGISLATIVE BRANCH
- ARTICLE III: EXECUTIVE BRANCH- OFFICE OF MAYOR
- ARTICLE IV: EXECUTIVE BRANCH- BOARDS, COMMISSIONS AND DEPARTMENTS
- ARTICLE V: EXECUTIVE BRANCH- ARTS AND CULTURE
- ARTICLE VI: OTHER ELECTIVE OFFICERS
- ARTICLE VII: JUDICIAL BRANCH
- ARTICLE VIII: EDUCATION AND LIBRARIES
- ARTICLE VIIIA: THE MUNICIPAL TRANSPORTATION AGENCY
- ARTICLE VIIIB: PUBLIC UTILITIES
- ARTICLE IX: FINANCIAL PROVISIONS
- ARTICLE X: PERSONNEL ADMINISTRATION
- ARTICLE XI: EMPLOYER-EMPLOYEE RELATIONS SYSTEM
- ARTICLE XII: EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEMS
- ARTICLE XIII: ELECTIONS
- ARTICLE XIV: INITIATIVE, REFERENDUM AND RECALL
- ARTICLE XV: ETHICS
- ARTICLE XVI: MISCELLANEOUS PROVISIONS
- ARTICLE XVII: DEFINITIONS
- ARTICLE XVIII: TRANSITION PROVISIONS
- CHA0.HTM.HTML
- APPENDIX A: EMPLOYMENT PROVISIONS
- APPENDIX B: PORT AGREEMENTS
- APPENDIX C: ETHICS PROVISIONS
- APPENDIX D: BUILDING INSPECTION PROVISIONS
- APPENDIX E: SUPERVISORIAL DISTRICT BOUNDARIES
- APPENDIX F: AUTHORITY AND DUTIES OF CITY SERVICES AUDITOR

ATTACHMENT (B)

COPY





**City and County of San Francisco**

**Employees' Retirement System**

**Charter Section A8.587 - Miscellaneous Plan**

For Miscellaneous Employees Who Became Members on or after November 2, 1976



August 2004

ATTACHMENT (C)

COPY



DENNIS J. HERRERA  
City Attorney

MATT DORSEY  
Public Information Officer

Direct Dial: (415) 554-4662  
Email: matt.dorsey@sfgov.org

January 12, 2009

Honorable Members  
Sunshine Ordinance Task Force  
ATTENTION: Frank Darby, Jr., Administrator  
Office of the Clerk, Board of Supervisors  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Complaint No. 90001 (Anonymous v. City Attorney's Office)

Dear Task Force Members:

We believe that the above-entitled complaint is without merit. This Office has fully responded to the complainant's public records request in accordance with the law.

But, upon reviewing the complaint and its attachments, we cannot determine the specific allegations that are being made against this Office. In other words, we do not know what aspect or aspects of our response to the public records request the complainant considers legally inadequate. Accordingly, while we do not contest the Task Force's jurisdiction over the complaint, we do not waive the scheduled hearing before the Complaint Committee. Rather, the February 10 hearing before the Complaint Committee should proceed, for the purpose of a prehearing conference to identify the issues in dispute. Fairness dictates that this Office be better informed of the specific allegations against it so that we may properly respond.

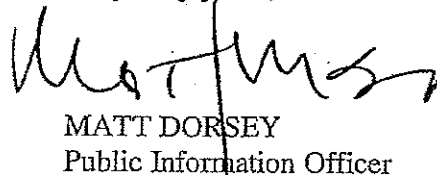
In addition, the Complaint Committee should consider whether it is appropriate for the complainant to pursue this complaint anonymously. It is highly unusual, other than in very limited circumstances, for a policy body that hears complaints in an open meeting to provide anonymity to a complainant. And the purpose of the complainant's seeking anonymity here is unclear, since the department that is the subject of the complaint – this Office – knows the complainant's identity. The public has the right to monitor the operations of all policy bodies, including the Task Force, and of all laws, including the Sunshine Ordinance. Part of this monitoring function involves knowing who is bringing complaints before the Task Force, because that question implicates larger questions of how the Task Force and Sunshine Ordinance are functioning; how the Task Force is expending its limited resources, and the circumstances under which City departments must expend their limited resources to respond to Sunshine complaints.

January 12, 2009  
Page 2

In reviewing the attachments to this complaint, it appears that the complainant is saying that one link which this Office identified in response to the public records request could not be opened. The first we heard of this problem is when we received the Sunshine complaint. We will review this matter and if appropriate provide the record to the complainant through an alternative method.

Thank you for your consideration of this letter. This Office reserves the right to submit an additional letter or letters in response to the complaint.

Very truly yours,



MATT DORSEY  
Public Information Officer

