

Date: 02-12-08

Item No. 8

File No. 08008

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

- Complaint by: Stephen Worshey v Dept. of Recreation and Parks
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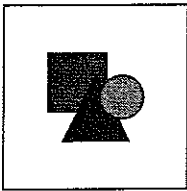
Completed by: Chris Rustom

Date: 02-07-08

***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.



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City Attorney

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February 4, 2008

Sue Cauthen, Chair
Members of the Complaint Committee

Re: Stephen Worsley v. Recreation & Park Department (08008)

Dear Chair Cauthen 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 Stephen Worley against the San Francisco Recreation and Park Department ("Rec & Park").

BACKGROUND

Complainant Stephen Worsley states that for three months he has requested the following: 1) The procedure use to select Coit Partner III and areas of background investigation; 2) All of those finding on all the partners; and 3) Complete review and acceptance signatures.

COMPLAINT

On January 14, 2008, Stephen Worsley filed a complaint against Rec & Park alleging violations of the Sunshine Ordinance and the Public Records Act.

SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under 67.21 and 67.25) of the Ordinance.

DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code. Section 67.21 generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests. CPRA Section 6253 generally covers Public Records Requests.

Letter to the Complaint Committee

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In this case, based on Stephen Worsley's allegations that Rec and Park failed to respond to his public records request, the Task Force has jurisdiction to hear this case under the provisions of 67.21 and 67.25 of the Sunshine Ordinance. The Task Force will determine whether Rec & Park violated the Ordinance and/or the Public Records Act.

Rose Dennis/RPD/SFGOV
02/05/2008 09:23 AM

To SOTF@sfgov.org
cc
bcc
Subject complaint pending #08008

Dear Frank Darby and Esteemed Members of the Task Force:

The San Francisco Recreation and Park Department is in receipt of complaint # 08008 Worsley vs Recreation and Park regarding Coit Tower. After a thorough examination of the last several months of attempts to accommodate Mr. Worsely, we are quite certain that this complaint has no merit and should be dropped if possible.

We have a large file of documents which detail the many steps we have taken to provide not only documents via the Sunshine Ordinance, but information and customer service to assist Mr. Worsely in better understanding the status of our RFP process that is associated with the concession operation at Coit Tower.

It appears as though we are unable to satiate Mr. Worsely despite all of our efforts. Yesterday, per my phone conversation, with you, Mr. Darby, I will await you or your colleagues' reply as to the status of the complaint before I forward any documents associated with this complaint to you.

In addition, after review of many of the emails that Mr. Worsely has sent to my coworkers, it is our impression that Mr. Worsely continues to patronize in particular, one of my coworkers, Ms. Shaub and is increasingly inappropriate to her in writing and on the phone.

We have taken an inordinate amount of time to accommodate Mr. Worsely and are confident that we have upheld not only the spirit of the Sunshine Ordinance but exceeded any reasonable third parties' expectations regarding customer service.

Please feel free to contact us to discuss the matter further if necessary and thank you for your assistance.

Respectfully,
Rose Marie Dennis
Recreation and Park Department



SUNSHINE ORDINANCE TASK FORCE
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<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Rec + PANK
 Name of individual contacted at Department or Commission MARGOT STRAUB
TOM HART

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section _____
 (If known, please cite specific provision being violated)

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

FOR 3 MONTHS I HAVE REQUESTED: THE PROCEDURE
USED TO SELECT COIT PARTNER ILL AND AREAS
OF BACKGROUNDS INVESTIGATION
ALL OF THOSE FINDING ON ALL THE PARTNERS.
COMPLETE REVIEW AND ACCEPTANCE SIGNATURES

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

(Optional)¹
 Your name Stephen Vorshay Address 25 Kingston 94110
 Date 1-14-08

Telephone 916-281-8268 If anonymous, please let us know how to contact you.

Thank you SUNSHINE Signature _____

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).

