

Date: Sept.9, 2008

Item No. 2
File No. 08033

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

Complaint by: Charles Pitts against the Human Services Department for not providing information in a timely manner, withholding documents.

- _____
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- _____

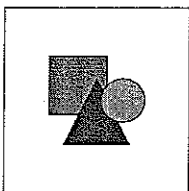
Completed by: Chris Rustom

Date: Sept 4, 2008

***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

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

September 3, 2008

Nick Goldman, Chair
Members of the Complaint Committee

Re: Charles Pitts (08033) v. the Department of Human Services

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 Charles Pitts against the San Francisco Department of Human Services.

BACKGROUND

On June 10, 2008, Complainant Charles Pitts made an Immediate Disclosure Request ("IDR") with Dariush Kayhan of the Department of Human Services ("DHS"). Charles Pitts in his IDR request all documents regarding the closing of Ella Hill Hutch Center and a copy of the contract of Ella Hill Hutch and the Next Door Shelter on 1001 Polk Street. On June 10, 2008, Pamela Tebo of the Office of the Executive Director responded to the IDR with a letter that stated that each contract with attachments total 50 pages and that copying of these documents would require payment of \$10.00 plus postage. Ms. Tebo offered to produce the documents for inspection at a date and time mutually convenient for Charles Pitts and her.

COMPLAINT

On June 19, 2008, Charles Pitts filed a complaint against DHS alleging violations of the Sunshine Ordinance.

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.

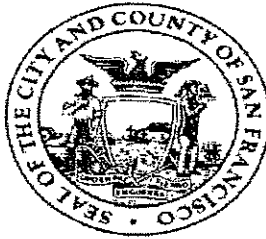
Letter to the Complaint Committee

Page 2

September 3, 2008

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.

In this case, Charles Pitts made an IDR and DHS responded the same day. Charles Pitts alleges that DHS did not respond in timely fashion, set up a wall for those trying to get information and did not provide information on how and where to pay for information. Based on the allegations, the Task Force has jurisdiction to hear this complaint and will determine whether DHS violated the Ordinance and/or the Public Records Act.



01-19-2008 RCVD

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 Department of Human Services

Name of individual contacted at Department or Commission DARLUS H KAYHAN

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

Sunshine Ordinance Section _____
(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.

did not get info and not in timely fashion
set up "wall" to get information
no information provided how and/or where to pay for information

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

(Optional)¹
Complainant Name CHARLES PITTS Address SAN FRANCISCO, CA 94164

Telephone No. 1-415-_____ E-Mail Address _____

Date 9/19/2008 [Signature]
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).

IMMEDIATE DISCLOSURE REQUEST

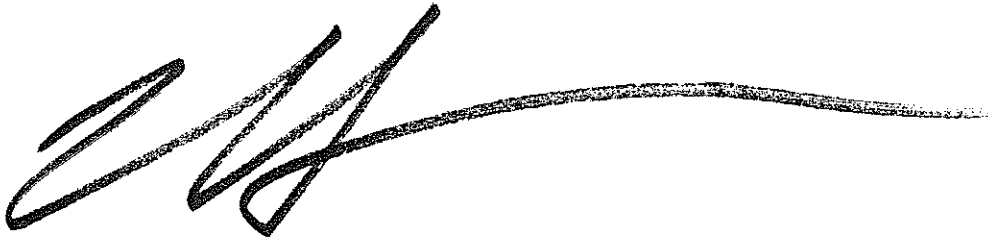
SAN FRANCISCO SUNSHINE ORDINANCE SAN FRANCISCO ADMINISTRATIVE CODE 67.25.A

June / 10 / 2008

Dariush Kayhan

I am requesting
All documents regarding
The closing of Ella hill hutch
And I want a copy of the contract of
ella hill hutch
and
next door /1001 polk
all parts of it

RECEIVED
CCSF/DHS
2008 JUN 10 AM 8:17



1-415 [REDACTED]

Charles Pitts
P.O. Box [REDACTED]
San Francisco Ca, 94164



Gavin Newsom, Mayor

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

June 10, 2008

Charles Pitts
P.O. Box [REDACTED]
San Francisco, California 94164

Dear Charles,

I am writing in response to your public records request in which you seek copies of the contracts the Human Services Agency has with Ella Hill Hutch and 1001 Polk (Next Door) shelters.

As you know, the Human Services Agency strictly abides by Admin Code 67.28(c), Fees for Copies, which states, "For documents assembled and copied to the order of the requester, a department may charge no more than 10 cents per page" (plus postage).

Each contract, plus attachments, is a total of approximately 50 pages. Therefore, we would require payment of at least \$10.00 for the documents plus postage. Please let me know if you would like us to proceed with your request. These documents are available for inspection. If you would prefer to view these documents, please contact me to set up a mutually convenient time for you to stop by my office.


If you have any questions, I can be reached at (415) 557-6540.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Tebo".

Pamela Tebo
Office of the Executive Director

Pamela Tebo/DHS/SFGOV
06/27/2008 02:41 PM

To SOTF/SOTF/SFGOV@SFGOV, Chris
Rustom/BOS/SFGOV@SFGOV
Caroline Serrano/DHS/SFGOV@SFGOV, Dariush
cc Kayhan/MAYOR/SFGOV@SFGOV,
SOTF/SOTF/SFGOV@SFGOV
bcc
Subject Re: Sunshine Complaint Received: #08033_Charles Pitts vs
Human Services 

Mr. Charles Pitts has submitted a false complaint to the Sunshine Task Force.

Mr. Pitts faxed a public records request on June 10, 2008. I replied to his request that same day with the attached letter.



Pitts 6.10.08.doc

Mr. Pitts did not respond to my letter. Instead of contacting me to arrange to either stop by my office to pick up the documents or stop by my office to view the documents, Mr. Pitts contacted Mr. Rustom to file a complaint with the Sunshine Task Force. On June 24, 2008, Mr. Rustom contacted me to let me know that Mr. Pitts was trying to file a complaint against me and the Human Services Agency. Mr. Rustom also stated that Mr. Pitts wanted copies of the documents and did not want to view them first.

On June 24, 2008, I sent Mr. Pitts the following letter.



Pitts 6.24.08.doc

I still have not heard from Mr. Pitts.

I called him today. He plans to stop by my office on Tuesday, July 1, 2008 to pick up the documents.

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax
SOTF/BOS/SFGOV

City and County of San Francisco



Gavin Newsom, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

June 10, 2008

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P.O. Box: _____
San Francisco, California 94164

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Sincerely,

Pamela Tebo
Office of the Executive Director

City and County of San Francisco



Gavin Newsom, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

June 24, 2008

Charles Pitts
P.O. Box _____
San Francisco, California 94164

Dear Charles,

I am writing in response to your public records request in which you seek copies of the contracts the Human Services Agency has with Ella Hill Hutch and 1001 Polk (Next Door) shelters.

On June 10, 2008, I sent you the attached response. I have not heard back from you. Mr. Rustom, from City Hall phoned me today to inform me that you would like to pick up the documents.

As you know, the Human Services Agency strictly abides by Admin Code 67.28(c), Fees for Copies, which states, "For documents assembled and copied to the order of the requester, a department may charge no more than 10 cents per page" (plus postage).

The number of pages to respond to the Ella Hill Hutch request is 69; the number of pages to respond to the Next Door Shelter request is 54. The total is 123 pages. Please contact me at your earliest convenience to set up a time to stop by my office to pick up the documents. Bring with you a check or money order payable to the Human Services Agency in the amount of \$12.30. We prefer a check or money order, but cash is acceptable.

If you have any questions, I can be reached at (415) 557-6540.

Sincerely,

Pamela Tebo
Office of the Executive Director

attachment

Pamela Tebo/DHS/SFGOV
07/03/2008 05:14 PM

To SOTF/SOTF/SFGOV@SFGOV, Chris
Rustom/BOS/SFGOV@SFGOV
cc Caroline Serrano/DHS/SFGOV@SFGOV,
Dariush.Kayhan@sfgov.org
bcc
Subject Fw: Sunshine Complaint Received: #08033_Charles Pitts vs
Human Services

This email is a following up to my response below. As you requested, I responded within 5 days, to the false claim filed by Charles Pltts. On Tuesday, July 1, Charles stopped by my office to pick up the documents.

I am requesting that this item be removed from the agenda for two reason:

- 1) The claim Mr. Pitts filed is without merit and is false.
- 2) I will be on vacation on July 22 and I will not be available to attend the hearing.

Please let me know if you will remove this item from the agenda. Thanks -

Pamela Tebo
Office of the Executive Director
SF Human Services Agency
P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax

----- Forwarded by Pamela Tebo/DHS/SFGOV on 07/03/2008 05:03 PM -----

Pamela Tebo/DHS/SFGOV
06/27/2008 02:41 PM

To SOTF/SOTF/SFGOV, Chris Rustom/BOS/SFGOV
cc Caroline Serrano/DHS/SFGOV@SFGOV, Dariush
Kayhan/MAYOR/SFGOV@SFGOV,
SOTF/SOTF/SFGOV@SFGOV
Subject Re: Sunshine Complaint Received: #08033_Charles Pitts vs
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Pitts 6.24.08.doc

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Pamela Tebo
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P.O. Box 7988
San Francisco, CA 94120
(415) 557-6540 - Phone
(415) 431-9270 - Fax
SOTF/BOS/SFGOV

SOTF/BOS/SFGOV

Sent by: SOTF

06/27/2008 10:45 AM

To: Pamela Tebo/DHS/SFGOV@SFGOV, Dariush
Kayhan/MAYOR/SFGOV@SFGOV, Caroline
Serrano/DHS/SFGOV@SFGOV

cc

Subject: Sunshine Complaint Received: #08033_Charles Pitts vs
Human Services

This e-mail is to confirm that the attached complaint and support documents have been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #08033 when submitting any new information and/or supporting documents pertaining to this complaint.

If the Department contests jurisdiction or if the parties request a prehearing conference a hearing will be scheduled with the Complaint Committee of the Sunshine Ordinance Task Force who will determine whether the Task Force has jurisdiction over this matter, and/or to focus the complaint or to otherwise assist the parties to the complaint.

Date: Tuesday, August 12, 2008
Location: City Hall, Room 406
Time: 4:00 P.M.

If the Department does not contest jurisdiction or if the parties don't request a prehearing conference a hearing will be scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, July 22, 2008
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Any support document to be considered by the Complaint Committee prior to the meeting, must be submitted by 4:00 P.M. Tuesday, August 5, 2008, if jurisdiction is contested or Tuesday, July 15, 2008, if jurisdiction is not contested.

Also, attached is the Sunshine Ordinance Task Force's complaint procedures.



1_Complaint Procedures_3-25-08_Final.pdf



08033_Complaint.pdf

Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org