

Date: Sept. 14, 2010

Item No. 4

File No. 10045

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

- ~ Determination of jurisdiction on complaint filed by Randall Evans
- against Mo' Magic
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Completed by: Chris Rustom

Date: Sept. 9, 2010

**\*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

JANA CLARK  
Deputy City Attorney

Direct Dial: (415) 554-3968  
Email: jana.clark@sfgov.org

**MEMORANDUM  
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force  
FROM: Jana Clark  
Deputy City Attorney  
DATE: September 7, 2010  
RE: 10045 *Randall Evans v. Mo' Magic (Public Defender)*

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**Background**

Complainant Randall Evans alleges that Mo' Magic violated the Ordinance by failing to respond to an Immediate Disclosure Request for copies of notes or minutes of its Board meetings, copies of financial statements, lists of vendors, lists of employees, and lists of all rental or lease agreements. Sheryl Davis, executive director of Mo' Magic, responds that it is contesting the request because its funding totals less than 250,000, and the organization has no Board.

**Complaint**

It appears that Complainant filed a complaint with the Task Force on July 29, 2010, and that the substance of the complaint is a public records violation.

**Discussion and Analysis**

San Francisco Administrative Code § 12-L.3(e) provides that a non-profit agency that receives more than \$250,000 per year in City funds may be subject to the requirements of that statute. Thus, the Task Force would have jurisdiction to hear the complaint if Mo' Magic received more than \$250,000 per year in City funds. However, such determination cannot be made based on the information presented with the complaint.



<complaints@sfgov.org>

08/19/2010 12:45 PM

To <soft@sfgov.org>

cc

bcc

Subject Sunshine Complaint

To:soft@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:Mo Magic

CONTACTED:Sheryl Davis

PUBLIC\_RECORDS\_VIOLATION:Yes

PUBLIC\_MEETING\_VIOLATION:No

MEETING\_DATE:

SECTIONS\_VIOLATED:

DESCRIPTION:On July 27, 2010 a formal request was made to Mo Magic for specific documents itemize in a letter. The letter was copied to the primary funding agent for Mo Magic, the SF Public Defender's Office, and to the fysical agent, the SF African American Cultural Center. The Task Force also received a copy of the letter. To date, there has been no compliance with the request, nor any communication from Mo Magic requesting an extension. Mo Magic is apparently ignoring the mandate of the SF Sunshine Ordinance, a violation of the law.

HEARING:Yes

PRE-HEARING:No

DATE:8/19/10

NAME:Randall Evans

ADDRESS:950 McAllister St

CITY:San Francisco

ZIP:94115

PHONE:415 374-1007

CONTACT\_EMAIL:solberg@saintpaulus.org

ANONYMOUS:

CONFIDENTIALITY\_REQUESTED:No

# SAN FRANCISCO AFRICAN AMERICAN UNFINISHED AGENDA CORPORATION

Board of Directors  
and Officers

Randall Evans,  
President

Daniel Solberg,  
Secretary/ Treasurer

Asha Bahati

Paul Domingo

Liberty Greene

Bonnie Lee

Derek Reagans

Morris Phillips

## IMMEDIATE DISCLOSURE REQUEST

SUNSHINE ORDINANCE, SECTION 67

To: Mo'Magic

Sheryl Davis, Executive Director  
1290 Fillmore St.  
San Francisco, CA 94111

Today's date: July 27, 2010

Under the authority provided by the San Francisco Sunshine Ordinance, I request a copy of the following information from the Mo'Magic:

1. Copies of all notes or minutes of meetings of the Board of Directors, formal or informal, from January, 2009, through June, 2009.
2. Copies of the financial statements (including income vs. expenses; balance sheet, and statement of financial position) for 2009 and year to date 2010..
3. List of vendors in 2009 and year to date 2010.
4. List of employees, per diem, part-time, and full-time and contracted compensation for each.
5. List of all rental/lease agreements in 2009 and year to date 2010, and the details of each agreement as to amount and conditions.

Please send or deliver the documents to the SFAAUACorporation office at 950 McAllister St., San Francisco, CA. If there is any clarification needed as to the items requested please make such a request in writing. However, such a request should not be seen as extending the 10 day mandate.

Thank you.

Sincerely,

Randall Evans, President

Cc Administrator Sunshine Ordinance Task Force  
Jeff Adachi, Office of the Public Defender  
Executive Director, African American Cultural Center

BY

AK

2010 JUL 29 AM 10: 58

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO



Sheryl Davis  
<sheryl@momagic.org>  
08/27/2010 09:57 AM

To sott@sfgov.org  
cc jeff.adachi@sfgov.org, info@momagic.org,  
solberg@saintpaulus.org  
bcc

Subject Re: Fw: Sunshine Complaint Received: #10045\_Randall  
Evans vs Mo' Magic (Public Defender)

History:  This message has been forwarded.

We will be contesting this request on behalf of Mo' MAGIC. Mo' MAGIC receives funding for its work through various partnerships, the combination of funds received through those partnerships totals less than \$250,000, that revenue includes private donations, grants and city funds.

There is not a board of directors for Mo' MAGIC. Mo' MAGIC is a collaboration of organizations working together in the Western Addition, facilitated by a staff member of the Public Defender's office.

In addition I am currently scheduled to be out of town September 28 and would be unavailable for hearing on this date.

Sincerely,  
Sheryl Davis

