

Date: Feb. 9, 2010

Item No. 2  
File No. 09070

**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**AGENDA PACKET CONTENTS LIST\***

- Anmarie Mabbutt v Recreation and Park**
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Completed by: Chris Rustom

Date: Feb. 4, 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.

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
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**ORDER OF DETERMINATION**  
January 4, 2010

**DATE THE DECISION ISSUED**  
December 1, 2009

*ANMARIE MABBUTT v. DEPARTMENT OF RECREATION AND PARK (09070)*

**FACTS OF THE CASE**

Anmarie Mabbutt said she wanted to listen to a digital recording of a Recreation and Park Commission meeting and asked the department for the link and certain emails, none of which was provided.

**COMPLAINT FILED**

On October 21, 2009, Anmarie Mabbutt filed a complaint with the Sunshine Ordinance Task Force.

**HEARING ON THE COMPLAINT**

On December 1, 2009, Complainant Anmarie Mabbutt presented her claim to the Task Force. The Respondent Agency was represented by Olive Gong, who is the Custodian of Records.


**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Ms. Mabbutt told the Task Force that the department responded to her request by saying the audio recording was not available online but she was welcome to visit McLaren Lodge to listen for free on a playback device. That offer does not provide the public with access stipulated in the Ordinance, she said. For example, asking an elderly or a disabled person who wants to listen to a recording of a meeting to visit McLaren Lodge is not acceptable, she said. In her case, she said, the department's policy forces her to hire a babysitter every time she wants to listen to an audio recording. Ms. Gong admitted that the audio files are not online. On the emails, she said she provided the information to the department's information technology officer and forwarded to Ms. Mabbutt all the emails he produced. Ms. Mabbutt said the department has not provided emails regarding a certain Terry Schwartz.

**ORDER OF DETERMINATION****DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Section 67.14 (c) of the Sunshine Ordinance for not making available audio recording available in digital form at a centralized location on the City's web site. The agency was told to attend the January 12, 2010, Compliance and Amendments Committee to report on if and when the department intends to come into compliance with Section 67.14 (c) regarding the audio posting requirement and on whether the department's information technology officer produced the Terry Schwartz-related emails.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 1, 2009, by the following vote: ( Craven-Green / Goldman )  
Ayes: Craven-Green, Washburn, Knoebber, Goldman, Chan, Knee  
Excused: Cauthen, Manneh Johnson, Chu, Chan, Williams



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Anmarie Mabbutt, Complainant  
Olive Gong, Respondent



Anmarie Mabbutt  
<tenniselement@yahoo.com>

02/02/2010 10:19 AM

To SOTF <sotf@sfgov.org>

cc olive.gong@sfgov.org, dennis.kern@sfgov.org

bcc

Subject Re: #09070\_Anmarie Mabbutt v Rec & Park

Chris,

I believe I already submitted such evidence at the original hearing for Complaint #09070. As I specifically stated in my original IMMEDIATE DISCLOSURE REQUEST to the Department and in my complaint to the SOTF, I have proof of written and email correspondence between Terry Schwartz and I regarding illegal, unpermitted activity on the public tennis courts and/or my interest in expanding my summer camp programs to the neighborhood courts. This correspondence began sometime in summer 2006. Dr. Schwartz and I had an initial private meeting at McLaren Lodge in July 2006. Our correspondence began sometime before that meeting.

**I want the original e-version of all electronic correspondence between Dr. Schwartz and I since July 2006. Much of our earlier correspondence regarded the illegal unpermitted tennis camp activity by my male competitors including programs at Dolores Park, Rossi Playground and Alta Plaza and/or my requests for future summer tennis camp permits at Golden Gate Park and other neighborhood locations.**

I submit that having formally denied the existence of these documents in response to a duly and properly submitted public records disclosure request, in any future litigation, the failure of the Department to do so will be deemed in the light most favorable to me. If the Department is willing to comply in full with this IDR, I would appreciate it.

Regarding your request for evidence to proof their non-compliance, my scanner is not working but I do have the details of one such correspondence. I sent an email to [Terry.Schwartz@sfgov.org](mailto:Terry.Schwartz@sfgov.org) from the email address [sportselement@sbcglobal.net](mailto:sportselement@sbcglobal.net) on Tuesday, October 24, 2006 at 8:06 am. This is just one of numerous emails that I sent to or received from Terry Schwartz between July 2006 and June 2009.

Here is a copy of the original IDR:

1. I want a copy of any and all email correspondence between Terry Schwartz and I for the period July 2006 thru June 17th, 2009. As most of this correspondence pertained to the report of illegal activity, all such correspondence should have been maintained per the Department's records retention policy.

To assist the Department in this search, all you need do is enter the following email addresses: [sportselement@sbcglobal.net](mailto:sportselement@sbcglobal.net), [tenniselement@yahoo.com](mailto:tenniselement@yahoo.com) or [golfelement@yahoo.com](mailto:golfelement@yahoo.com). The entire search for the documents should take less than fifteen minutes.

Please let me know if you have any questions.

Anmarie Mabbutt

--- On **Mon, 2/1/10**, SOTF <[sotf@sfgov.org](mailto:sotf@sfgov.org)> wrote:

From: SOTF <[sotf@sfgov.org](mailto:sotf@sfgov.org)>  
Subject: #09070\_Anmarie Mabbutt v Rec & Park  
To: [tenniselement@yahoo.com](mailto:tenniselement@yahoo.com)  
Date: Monday, February 1, 2010, 11:08 AM

Ms. Anmarie Mabbutt,

The Compliance and Amendments Committee is requesting you to submit any evidence, such as copies of emails, that you have from Terry Schwartz that were not included in the department's 43-page response to your request. This is to see what the department has not produced. Attached is what the department said it has produced.

(See attached file: 43 pages.pdf)

Chris Rustom  
Sunshine Ordinance Task Force

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