

Date: Feb. 9, 2010

Item No. 6

File No. 09083

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Ellen Tsang against the Department of Building Inspection**
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

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  
Fax No. 415) 554-7854  
TDD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
January 29, 2010

**DATE THE DECISION ISSUED**  
January 5, 2010

*ELLEN TSANG v. DEPARTMENT OF BUILDING INSPECTION (09083)*

**FACTS OF THE CASE**

Complainant Ellen Tsang said that on December 8, 2009, at 3:47 p.m., she sent an Immediate Disclosure Request (IDR) to William Strawn of the Department of Building Inspection (DBI) requesting that building permit application No. 200910229545 for 2650-52 Hyde Street be provided by email to her in digital format. Ms. Tsang further said Mr. Strawn had previously communicated that this document would be available in digital format as of December 8, 2009, after 2 p.m. Ms. Tsang further said that Mr. Strawn failed to respond to this request by the close of business on December 9, 2009.

**COMPLAINT FILED**

On December 10, 2009, Ms. Tsang filed a complaint with the Task Force alleging a violation of public records and public meeting laws.

**HEARING ON THE COMPLAINT**

On January 5, 2010, Ms. Tsang presented her case. Mr. Strawn represented the respondent agency.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**


Ms. Tang said the document exists in electronic format because another person had seen it on a DBI computer. She also said Mr. Strawn's letter to the Task Force is a response to somebody else's request and not intended for her. She said Mr. Strawn had said a summary of the case was available on the website but the Board of Appeals accepts only copies of permit applications and not summaries.

**DECISION AND ORDER OF DETERMINATION**

The Task Force found that the agency violated Sections 67.21 and 67.25. The respondent is hereby directed to provide the requested building permit application copy to the complainant within 5 business days after receiving this Order of Determination. The matter is referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting, to which the respondent is directed to send a knowledgeable representative.

**ORDER OF DETERMINATION**

This Order of Determination was adopted by the Sunshine Ordinance Task Force on Jan. 5, 2010, by the following vote: ( Washburn / Goldman )  
Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.



Richard A. Knee  
Chair, Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Ellen Tsang, Complainant  
William Strawn, Respondent

This page purposely left blank