

Date: October 13, 2009

Item No. 3

File No. 09031

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*



**Kenneth Kinnard against the Human Rights Commission**



Completed by: Chris Rustom

Date: Oct. 7, 2009

**\*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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TDD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
August 31, 2009

**DATE THE DECISION ISSUED**  
August 25, 2009

*KENNETH KINNARD v. HUMAN RIGHTS COMMISSION (09031)*

**FACTS OF THE CASE**

Complainant Kenneth Kinnard alleges that on March 4, 2009, he made an Immediate Disclosure Request of all records of certification and decertification for Westbay Trucking, reference number 47101. To this request, Mr. Kinnard alleges that the Human Rights Commission responded and stated that they were ordering the documents from the warehouse. As of the date of the filing of the complaint, Mr. Kinnard alleges that he has not received the requested records.

**COMPLAINT FILED**

On June 3, 2009, Mr. Kinnard filed a complaint against the HRC alleging violations of the Sunshine Ordinance and the Public Records Act.

**HEARING ON THE COMPLAINT**

On August 25, 2009, Complainant Kenneth Kinnard did not appear before the Task Force to present his claim. There was no one in the audience to present facts and evidence in support of the complainant. Respondent Agency was represented by Melinda Kanios, Manager of the Certification Unit at the Human Rights Commission.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Ms. Kanios told the Task Force that she received Mr. Kinnard's Immediate Disclosure Request on March 4, 2009, and did not respond before the end of the next day of business as the Ordinance requires. The Task Force was also told that the Commission was able to respond only on April 7, 2009, because Mr. Kinnard's request was unclear and clarifications were required. Ms. Kanios admitted that on April 7, 2009 Mr. Kinnard was provided only with a data log sheet and not the application or other supporting materials for the certification, which were in storage and would take three weeks to retrieve.

**ORDER OF DETERMINATION**

Ms. Kanios admitted that, despite Mr. Kinnard's request, no effort had been made to retrieve the responsive documents from remote storage in order to respond to Mr. Kinnard's request.

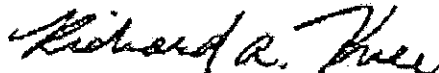
**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Section 67.21 for failure to produce the requested documents in a timely fashion and Sec 67.25 for failure to respond to the Immediate Disclosure Request by immediately seeking clarification and/or explaining why the agency would need additional time to respond to the request. The agency shall retrieve the responsive documents from storage and appear before the Compliance and Amendments Committee on September 8, 2009 to discuss the status

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 25, 2009, by the following vote: ( Craven-Green / Goldman )

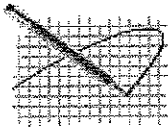
Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Johnson, Goldman, Williams

Excused: Chan, Chu



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney  
Kenneth Kinnard, Complainant  
Melinda Kanios, respondent  
Rosa Sanchez, Deputy City Attorney



Melinda Kanios/HRC/SFGOV

09/08/2009 11:40 AM

To SOTF/SOTF/SFGOV@SFGOV

cc Kraykinnard@yahoo.com, hrc.info@sfgov.org, Janel Wong/HRC/SFGOV@SFGOV, Chris Iglesias/MAYOR/SFGOV@SFGOV

bcc

Subject Re: SOTF Hearing Reminder: #09031\_Kenneth Kinnard v Human Rights Commission

Dear Mr. Rustom/SOTF:

I am not able to attend this meeting. I have ordered the file from Storage.

Melinda Kanios  
Local Business Enterprise Program  
Manager, Certification Unit  
ph: 415.252.2530  
fax: 415.437.5764  
[www.sfgov.org/sfhumanrights](http://www.sfgov.org/sfhumanrights)

-----SOTF/SOTF/SFGOV wrote: -----

To: Kraykinnard@yahoo.com, Melinda Kanios/HRC/SFGOV@SFGOV, hrc.info@sfgov.org, Janel Wong/HRC/SFGOV@SFGOV, Chris Iglesias/HRC/SFGOV@SFGOV  
From: SOTF/BOS/SFGOV  
Sent by: SOTF/SOTF/SFGOV  
Date: 09/03/2009 03:53PM  
Subject: SOTF Hearing Reminder: #09031\_Kenneth Kinnard v Human Rights Commission

This is a reminder that a hearing is scheduled with the Compliance and Amendments Committee of the Sunshine Ordinance Task Force regarding the above titled complaint, to review the status of and to ascertain compliance with the Task Force's Order of Determination.

Date: Tuesday, September 8, 2009  
Location: City Hall, Room 406  
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.

To access the agenda please click on the link below . Then click on the associated item number to access the packet material related to your item.

[http://www.sfgov.org/site/sunshine\\_page.asp?id=110375](http://www.sfgov.org/site/sunshine_page.asp?id=110375)

Chris Rustom  
Sunshine Ordinance Task Force  
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