

Date: Dec. 8, 2009

Item No. 3
File No. 09039

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

- Rita O'Flynn v Mayor's Office of Housing
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Completed by: Chris Rustom

Date: Dec. 4, 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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ORDER OF DETERMINATION

October 6, 2009

DATE THE DECISION ISSUED

September 22, 2009

RITA O'FLYNN v. MAYOR'S OFFICE OF HOUSING (09039)

FACTS OF THE CASE

Complainant Rita O'Flynn has been communicating with and submitting record requests to the Mayor's Office of Housing (MOH) regarding, among other issues, a federal Housing and Urban Development (HUD) Department Lead Abatement Grant for lead abatement at a property owned by Ms. O'Flynn and administered by MOH. In March 2008, Ms. O'Flynn requested the opportunity to review the entire HUD Lead Abatement files with respect to her property at the MOH. After she reviewed the files, she requested that they be copied in their entirety. Upon receiving the copies, she realized that the provided records did not include emails regarding 1672/1674 Great Highway that she had reviewed in person, including an email from a tenant at Ms. O'Flynn's property to the MOH. Ms. O'Flynn then submitted a specific request for all email records regarding the lead abatement grant and her property, and she was told that the email records had been deleted since MOH keeps electronic records for only two years. Ms. O'Flynn also alleged that on September 11, 2009, MOH produced a February 2007 email between two employees of the MOH (Mr. Michael Palmer and Ms. Myrna Melgar-Iton) regarding 1672/1674 Great Highway that Ms. O'Flynn claimed was not produced in response to her original request, and should have been produced from Ms. Melgar-Iton's emails at MOH had those emails not been deleted. Mr. Oliver Hack of the MOH indicated that the Palmer/Melgar-Iton email was found as a result of a subsequent search of Mr. Palmer's email and he produced it because he wasn't sure if Ms. O'Flynn had already received it.

COMPLAINT FILED

On July 20, 2009, Complainant Rita O'Flynn filed a complaint against MOH for its deletion of the email records while the records were the subject of a Sunshine Ordinance Request for Records.

HEARING ON THE COMPLAINT

On August 25, 2009, complainant Rita O'Flynn appeared before the Sunshine Ordinance Task Force and Oliver Hack of the Mayor's Office of Housing appeared for the agency. Ms. O'Flynn presented her case that the MOH had failed to produce copies of responsive emails that she had reviewed and requested copies, and then had impermissibly deleted the original emails. Mr. Hack responded that there was no evidence that any responsive emails had in fact been deleted and not produced to Ms. O'Flynn. The Task Force found that, on the record before it, there was insufficient evidence indicating that the MOH had, in fact,

ORDER OF DETERMINATION

failed to produce copies of the emails and then deleted the originals. In light of the lack of evidence, the Task Force continued the matter for a month to allow Ms. O'Flynn to provide evidence to the Task Force substantiating her position.

On September 22, 2009, Ms. O'Flynn and Mr. Hack appeared before the Task Force again. Ms. O'Flynn's amended submission to the Task Force included specific allegations identifying emails within the MOH that were responsive to her request and should have been produced originally, but were not, including the email between Ms. Melgar-Iton and Ms. O'Flynn's tenant and the email between Mr. Palmer and Ms. Melgar-Iton about Ms. O'Flynn's property. Mr. Hack from the MOH did not respond or address Ms. O'Flynn's specific evidence, but reasserted that the MOH had produced all responsive emails from Ms. Melgar-Iton and other members of the MOH staff and that any deleted emails were properly deleted after two years in accordance with the MOH records retention schedule. Mr. Hack also noted that he produced the February 2007 email between Ms. Melgar-Iton and Mr. Palmer from Mr. Palmer's email as a result from a subsequent search for responsive emails regarding her property.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that Ms. O'Flynn had sufficient evidence to support the claim that responsive emails had not been produced and/or were improperly deleted by the MOH and that the MOH did not adequately rebut Ms. O'Flynn's evidence, including explaining why the February 2007 email was found in Mr. Palmer's active email but not Ms. Melgar-Iton's active email. The Task Force also noted that according to the Mayor's Office's record retention policy all correspondence regarding grants and contracts administered by the Mayor's Office should be kept for four years at a minimum. While the lead abatement work at 1672/74 Great Highway may have been completed in 2005, the O'Flynn's were still obligated to comply with various grant requirements, as shown by the February 2007 draft letter from the MOH, records regarding that property and the grant, should not have been deleted in 2009 under the applicable records retention policy. ..


DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Mayor's Office of Housing violated Sunshine Ordinance Sections 67.21 for failure to produce requested records and 67.29-7(a) for failure to maintain records as required by the Administrative Code and Mayor's Office's retention policy. The MOH is directed to ask the Department of Technology to restore Ms. Melgar-Iton's emails that fall within the time frames Ms. O'Flynn requested during her original request. This Order is limited to Ms. Melgar-Iton's emails, as the evidence provided indicated that Ms. Melgar-Iton's emails were not produced and subsequently deleted (as opposed to other members of the MOH as to whom no showing had been made that emails have been improperly deleted). The cost to restore and review Ms. Melgar-Iton's records for responsive emails is to be borne by the MOH. The agency shall appear before the Compliance and Amendments Committee on October 13, 2009, to discuss compliance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 22, 2009, by the following vote: (Craven-Green / Goldman)

ORDER OF DETERMINATION

Ayes: Craven-Green, Cauthen, Knoebber, Chu, Chan, Goldman, Williams, Knee
Excused: Washburn, Johnson



Richard A. Knee, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Rita O'Flynn, complainant,
Oliver Hack, respondent

SUNSHINE ORDINANCE TASK FORCE

Support Documents Replacement Form

The documents this form replaces exceeds 75 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.

File #09039 – Rita O'Flynn vs. Mayor's Office of Housing

FROM: Rita O'Flynn

120209_submission (this document is linked on the website agenda)

This list reflects the explanatory documents provided.

Completed by: Frank Darby

Date: Dec. 4, 2009

O'FLYNN'S vs MOH SUBMISSION TO THE SOTF FOR DECEMBER 2009 COMPLIANCE AND AMENDMENT COMMITTEE HEARING

RE: Sunshine Ordinance Request for Records for 1672/1674 Great Highway

An overview of this matter through September of 2009 as provided to SOTF for its full commission meeting in September 2009 is attached (Attachment A). To re-cap, the committee has already found that MOH improperly destroyed e-mail records in violations of their own record retention policy

In September of 2009, SOTF issued an Order of Determination (Attachment B) for restoration of all of Myrna Melgar Iton's deleted e-mail from 2004 to the present by MOH and at their cost, and scheduled a status update for the Compliance and Amendment Committee Meeting in October of 2009. The afternoon prior to the October 2009 Compliance and Amendment Committee Meeting, Oliver Hack of MOH distributed only 12 e-mails as a response to the September 2009 Order of Determination indicating that these few e-mail were all that were available (Attachment C). The e-mails provided by Oliver Hack were limited to 2007/2008 and did not include a single e-mail from 2004 through 2006 (the period during which all federally mandated due diligence, verification, and execution under this program for 1672/1674 Great Highway took place). MOH did not appear at the Compliance and Amendment Committee in October 2009 and, in the days following, Douglas Shoemaker issued a statement indicating that I had received all e-mail and that MOH considered the matter closed (Attachment D). The Compliance and Amendment Committee issued a response letter, making specific requests for information, and the matter is again in front of the committee for consideration in December of 2009 (Attachment E).

Initially, I was under the impression that the file I reviewed on site contained all e-mail and that MOH had improperly deleted only a few items such as the exchange between Melgar-Iton and my tenant, Susan Suval, regarding means by which the grant amount could be increased and Suval's temporary relocation. As of this today, I have not received any of these missing e-mail, however, as SOTF was informed in September 2009, I received some e-mail from MOH that was not available in the file during my original review which clearly should have been part of the file (Attachment A).

To further support MOH's consistent non-compliance, in May of 2009 I requested records via the Sunshine Ordinance from both MOH and the City Attorney's Office. My request was as follows:
For the past 5 years as is applicable to your specific department:

- *All communications/documentation between the City Attorney's Office and/or the Mayor's Office of Housing, and/or the Mayor's Office, and/or Susan Suval, and/or Rebecca Suval, and/or the Tenderloin Clinic and/or any representative of the Tenderloin Clinic regarding:*
 - *Susan Suval*
 - *and/or Rebecca Suval,*
 - *and/or 1672 Great Highway,*
 - *and/or 1674 Great Highway,*
 - *and/or Mark O'Flynn, and/or Rita O'Flynn;*
 - *and/or the Sunset District Neighborhood Coalition,*
 - *and/or the Sunset Neighborhood Festival*

In response to this, MOH provided 65 pages of information, some of which had not been part of the file at the time of review or provided under previous requests for information. In several cases entire e-mail was been redacted, including To/From/Date/Subject. It is important to note that a month prior to my May 2009 Sunshine Ordinance request, the MOH filed suit against my husband citing 2 separate demand letters for re-payment of the grant however these were not provided by MOH with this or any other request for information nor have we ever received them via mail. To the same request for information, the City Attorney's Office provided over 300 pages including copies of the two demand letters that we never received from MOH as well as a large number of e-mail to and from Melgar-Iton specifically related to 1672 Great Highway that, as of today, has never been provided to us by MOH (Attachment F). These e-mail clearly should have been part of the official record for 1672/1674 Great Highway and should have been made available to me under the Sunshine Ordinance.

I still don't have the missing e-mails that I had seen in the original file and I continue to discover additional emails from other sources which MOH has not provided to me.

The search performed by MOH (Attachment C), producing 12 emails from the 2007/2008 time period does not come close to satisfying my request for all emails relating to my property at 1672/1674 Great Highway. Today, I received a response from MOH to some of the general questions I had regarding the information provided in Attachment C). In this latest response (Attachment G) in response to my question, "*As MOH is well aware, Susan Suval applied for this grant in 2004. MOH then conducted due diligence, program verification, and project execution in 2005. Why are there no e-mail at all from 2004 and 2005 included in your delivery of the e-mail attached below*", MOH replies, "*Because there are no emails in Ms. Melgar's email account that show up as a result of the searches undertaken from that time period.*" I have e-mail from 2005 from MOH and from my husband to show that there were in fact e-mail to, from, or CCing Melgar, a few of which are included here to support the fact that e-mail are being withheld by MOH (Attachment H). Either the search criteria used by MOH was not broad enough and the time periods searched did not go back far enough or there is some other reason why this information is not being provided to me by MOH.

I request that the MOH be compelled to retrieve and restore all of Melgar-Iton's e-mail as per the SOTF Order of Determination of September 2009 (Attachment B) and provide me access to all of the restored emails for this purpose. This is the only way to ensure that all emails responsive to my request are produced pursuant to the SOTF Letter of Determination. I can then specify which emails are pertinent to my request and have copies provided to me.

ATTACHMENT A

O'FLYNN'S SUBMISSION TO THE SOTF FOR 9/22/09 HEARING

RE: Sunshine Ordinance Request for Records for 1672/1674 Great Highway

1672/1674 Great Highway are two separate single family homes sited on a single lot owned jointly by my husband Mark and me. MOH conducted lead abatement on my property in 2005 under HUD's Lead Hazard Reduction Grant program (Notice of Funding Availability (NOFA) for the Lead Hazard Reduction Demonstration Grant Program for Fiscal Year 2003). This program is legislated by Title X to reduce the lead exposure to young children in buildings built prior to 1948 which are occupied by low income owners or tenants who have a child under the age of six residing at or spending at least 6 hours per week at the property. MOH's condition of the grant is that the property is to remain occupied by low income individuals for a period of five years, otherwise the owner may choose to opt out by repaying the grant funds.

In July of 2006 my husband and I attempted an Owner Move-in Eviction at 1672 Great Highway. In January of 2007, during the course of the eviction, we notified MOH in writing of our intention to "opt out" of the Lead Program and return the funding if we were successful in evicting the tenants at 1672 Great Highway; we also advised MOH of our suspicions regarding our tenants' ineligibility for the grant funds under their program due to there being no child under the age of six residing at or spending six hours per week at the property. (See Exhibit 1-O'Flynn correspondence to MOH dated January 9, 2007.) The Tenant we were attempting to evict is a neighborhood activist, recent president of the Sunset Democratic Club, and a San Francisco Taxi Commissioner.

At the owner move-in eviction hearing in March of 2007, Myrna Melgar-Iton of the Mayor's Office testified that MOH never received our opt out letter. (See Exhibit 2, Sworn Testimony of Myrna Melgar-Iton, p. 265, lines 17-20.) We lost at the eviction hearing and as such, did not return the funding. The tenant subsequently sued us for unlawful eviction and her case was settled \$50,000.

As a former federal employee, some of Melgar-Iton testimony regarding our property and the HUD lead abatement grant struck me as atypical for a federal program. After the trial, I was made aware of the availability of record review and receipt under the Sunshine Ordinance and in March of 2008 requested an opportunity to review the files for 1672/1674 Great Highway. My review of the file at the MOH office confirmed the concerns I developed from Melgar-Iton's sworn testimony so I requested a complete copy of the files for 1672/1674 Great Highway. When I went to pick up the copies, I was informed that Melgar-Iton wished to speak with me prior to the release of the copies. I refused this meeting, then paid for and received the copy of the files. At home that same day I noticed that a considerable amount of the communications that I had reviewed at the MOH office was missing. Missing communication included extensive communication between the tenant at 1672 Great Highway and Melgar-Iton regarding grant qualification, relocation, and politics. Specifics include an e-mail from my tenant to Melgar-Iton where she stated she could claim her grandson plays in front of our second free-standing property so that additional funding could be obtained; communication from Melgar-Iton regarding relocating my tenant to the Grovesner Hotel and her subsequent relocation to an all inclusive executive suite hotel outside of the city. I made repeated attempts to get the missing information from MOH however I finally received a letter from Douglas Shoemaker indicating that as MOH considered 1672/1674 Great Highway to have been completed 2 years before my requests, records were destroyed in compliance with their written record keeping policies. This statement is inconsistent with the fact I had reviewed these records at the MOH office and I believe these documented communications were destroyed in violation of MOH's own policies and the Sunshine Ordinance.

In July of 2007, we filed an Ellis Act eviction on 1672/1674 Great Highway. The tenant at 1672 Great Highway claimed to be a "protected tenant" and exercised her right to 1 year notice. In July of 2008 the tenant did not relinquish possession of 1672 Great Highway and an unlawful detainer was filed against the tenant at 1672 Great Highway.

In December of 2008, in response to a subpoena in the Ellis Act eviction, Melgar-Iton produced our opt out letter of January 2007 which she previously denied receiving. (Exhibit 1.) She also produced an unsigned response/demand letter from MOH dated February 26, 2007, requesting repayment of the grant funds. (See Exhibit 3, Michael Palmer's response letter to O'Flynn dated February 26, 2007.) It is important for the SOTF to understand that this response letter was dated prior to her testimony at the owner move-in eviction hearing in March 2007 where she stated under oath and penalty of perjury that she never received our opt-out letter. Melgar-Iton further stated in her response to this subpoena that the Department of Information (DIT) restored all of her deleted e-mail and that there are no additional documents regarding 1672/1674 Great Highway available. (See Exhibit 4, Melgar-Iton subpoena response letter to Greenquist dated December 19, 2008.) DIT, however, has no written record of any requests for restoration of e-mail from MOH or of any materials provided to MOH. (See Exhibit 5, e-mail communication from DIT to Rita O'Flynn dated August 12, 2009.) MOH confirms they made no written request for back ups of deleted e-mail as stated by Melgar-Iton in her response letter to the subpoena. (See Exhibit 6, e-mail communication from MOH to Rita O'Flynn dated August 27, 2009.)

In January of 2009 we received a unanimous 12-0 jury verdict in the Ellis Act eviction hearing. Our tenant has filed an appeal and has received a stay of her eviction pending her appeal. As of this hearing, the tenant remains in possession of the property.

Based on my request for restoration of records that had been inappropriately destroyed, the Sunshine Ordinance Task Forces issued an Order of Determination on 1 April 2009 indicating that the documents regarding 1672/1674 Great Highway that had been destroyed/deleted by MOH should be restored and provided to me.

On April 20, 2009 MOH sued Mark (but not me) for Breach of Contract, Specific Performance, Money Had and Received, Equitable Estoppel, Declaratory Relief, Unjust Enrichment, and Breach of Covenant of Good Faith and Fair Dealing regarding 1672 Great Highway. The basis for this complaint is the January 2009 jury decision in our favor, however the complaint fails to state that the eviction is stayed and that the tenant remains in possession of 1672 Great Highway. The complaint also alleges non-responsiveness of Mark to 2 demand letters sent by MOH. Mark and I never received either of the alleged demand letters nor were any demand letters ever provided by MOH in response to any Sunshine Ordinance Request for Information for 1672/1674 Great Highway.

The SOTF should also be aware that the tenant is being represented by the Tenderloin Housing Clinic, a non-profit legal aid organization which receives a substantial portion of their funding from the MOH and that Melgar-Iton made a personal referral of our tenant to the THC for free legal representation in the eviction proceedings. (See Exhibit 7, Melgar's letter to the editor of BeyondChron, dated January 13, 2009.)

In addition to the missing documentation referred to above, my review of the files for 1672/1674 Great Highway to date revealed the following:

- MOH accepted an application from the tenant at 1672 Great Highway who signed under penalty of perjury as owner of the property without owner's review or approval.

- No application was submitted by either the tenant of 1674 Great Highway or us as owners of 1672/1674 Great Highway.
- MOH did not document that a child under the age of 6 resides at both 1672 and 1674 Great Highway in violation of the grant agreement between MOH and HUD for this grant.
- No lead testing of any alleged children was performed per HUD's Notice of Funding Availability (NOFA), Section V (N) (1) (c) (see Exhibit 9) ; HUD's Policy Guidance Number 2000-04 (See Exhibit 10); and the grant agreement between MOH and HUD for this grant, Section 31 (i).
- MOH has no or incomplete documentation or verification that the households of 1672 or 1674 Great Highway met or continues to meet the income requirements set forth by the Title X, NOFA, HUD's Policy Guidance Number 2005-01 for this grant as follows:
 - According to the tenant's application, there were 3 adults residing at 1672 Great Highway, all of whom were receiving income. MOH increased the occupancy to 4 to include a child who doesn't spend at least 50% of their time in the. Furthermore, MOH only documented the income from only one household member.
 - Income from a business being run out of 1672 Great Highway and that from another tenant residing at 1672 Great Highway was not included in the income verification by MOH.
 - Verification of income for 1672 Great Highway was not done by MOH within 6 months of abatement as required by HUD.
 - The qualifying income limits used by MOH exceed the maximum income limits established by HUD for this grant.
 - There was no verification of income whatsoever for 1674 Great Highway.
 - There was no documentation of a child under the age of six residing or spending at least 6 hours per week at 1674 Great Highway.

Thus, without adequate due diligence or verification of program eligibility, a grant was approved for \$27,215 for 1672 Great Highway. This grant amount is in excess of the maximum \$25,000 per unit lead reduction activities allowed per Title X. Title X requires units that receive in excess of \$25,000 in HUD grant funds be abated and that pre-approval from HUD is obtained prior to abatement. Complete lead abatement was not performed nor was there pre-abatement approval for 1672 Great Highway from HUD as is required by the NOFA Section IV (C) (1) (b) ii.

MOH, specifically Melgar-Iton, made misrepresentations including that the required due diligence and verification of grant eligibility had been performed for 1672 Great Highway; specifically that the tenants at 1672 Great Highway met HUD's requirements for income eligibility, that a child under the age of 6 resided at, or spends at least 6 hours per week at, 1672 Great Highway, and that all pre-abatement/reduction environmental reviews had been satisfied. Based on these misrepresentations, Mark executed an "Owner's Agreement" provided by MOH for the abatement of lead at 1672 Great Highway.

After lead-related demolition at 1672 Great Highway began, MOH requested that owner sign a new Owner's Agreement for HUD funding of \$10,950.00 for the separate single family residence at 1674 Great Highway. Mark refused to execute this agreement and therefore did not enter into any agreement for lead abatement or reduction activities at 1674 Great Highway. This

unsigned agreement is not on file with MOH and MOH now claims to have "verbal agreement" for this funding and its expenditure.

We did not approve of, or authorize any payments to the lead abatement contractor selected by MOH. In addition, we were not made aware of, approved of, nor authorized payment for the 3 changes in scope submitted by the lead abatement contractor.

In addition to problems with documentation noted above, there were numerous instances of project mismanagement, including but not limited to serious violations of city, state, and federal law regarding lead abatement at 1672/1674 Great Highway. Owner brought these issues to the attention of MOH. Specific violations/mismanagement included, but were not limited to the following:

1. The lead abatement contractor demolished a large portion of 1672 Great Highway with a bulldozer without lead containment of any sort. Mark reported this to MOH, however they did not document his report.
2. The lead abatement contractor did not obtain all lead abatement permits prior to abatement as required by the City of San Francisco for abatement.
3. The lead abatement contractor performed exterior dry hand and mechanical sanding without HEPA filtration as required by HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines), Chapters 11 and 12.
4. The lead abatement contractor performed services which he was not licensed to perform including demolition, structural modification, and window replacement.
5. There was no Historic Preservation Review or Rehabilitation Environmental Review (RER) conducted for 1674 Great Highway.
6. A required concurring letter of from the State Historical Preservation Officer (SHPO) was not sought by MOH until after grant funds were expended.
7. The lead certification of Michael Palmer of MOH was expired for a significant amount of the time he was designing the lead abatement/reduction plan for 1672 Great Highway.
8. MOH notified the tenants in writing that it was "safe to return" to 1672 Great Highway in early September 2005. This was done prior to the completion of lead-related construction including MOH-specified window replacement and without a final lead clearance in violation of 24 CFR Part 35, subpart A, 40 CFR Part 745, and HUD Policy Guidance #99-01.
9. The Rehabilitation Environmental Review (RER) for 1672 Great Highway was prepared after the funding was expended on the project and after Melgar-Iton declared the unit "safe to re-occupy" as noted above.
10. The lead-related construction was complete on 31 January 2006. The tenants re-occupied the property on 1 February. As of this notice, there is no final clearance per 24 CFR Part 35, subpart A, 40 CFR Part 745, and HUD Policy Guidance #99-01 for 1672/1674 Great Highway.
11. MOH has just provided additional financial records for 1672/1674 Great Highway that differ from those originally provided which include payments made to the painting contractor well into 2007, long after MOH states the project was completed. MOH has been non-responsive to my formal requests for clarification of these expenditures.

Most egregious is the evidence provided to me by MOH on September 11, 2009. Specifically, MOH provided me e-mail from Michael Palmer regarding 1672/1674 Great Highway that was not part of the file for 1672/1674 Great Highway when I did my on-site review or provided under any of my previous requests for information. This is an e-mail from Michael Palmer to Melgar-Iton on 14 February 2007 with an attached draft letter. (See Exhibit 8, email from Palmer to Melgar with attached draft letter to O'Flynn dated February 13, 2007.) Although Melgar-Iton denied having

received our opt-out letter under penalty of perjury, she was clearly aware of our letter and we assume MOH was taking action to assist the tenant and Tenderloin Housing Clinic to defeat our Owner Move-In eviction. I believe Melgar-Iton and others in the MOH continue to engage in inappropriate activities to cover up the repeated illegal actions on their part.

We have filed a formal complaint regarding 1672/1674 Great Highway with HUD in August of 2009.

I respectfully request that the Sunshine Ordinance Task Force make a determination that the MOH should have the requested emails restored by DIT at MOH's costs and that redaction of records be addressed by an independent third-party to minimize the bias that has been clearly demonstrated by the MOH. I also request that SOFT refer this matter to the Ethics Commission and the District Attorney's Office for further investigation.

Respectfully,

Rita O'Flynn

**EXHIBIT 1:
O'FLYNN CORRESPONDENCE TO MOH DATED
JANUARY 9, 2007**

Mark O'Flynn
1766 Union Street, Suite E
San Francisco CA 94123-4423
Office (415) 775-6011
Facsimile (415) 921-3991

January 9, 2007

LHR Program Manager
Mayor's Office of Housing
25 Van Ness Avenue, Suite 600
San Francisco CA 94102

Dear LHR Program Manager,

I am writing regarding my July 7, 2005 Agreement Regarding Lead Hazard Reduction Activities (the "Agreement") at 1672 Great Highway (the "Premises") for a grant in the amount of \$27,215.00 .

It has come to my attention that my tenant, Susan Suval, may have misrepresented in her grant application that a child under the age of 6 years resides at or spends 6 hours or more a week on the Premises. I request your office to investigate whether Ms. Suval did in fact make such misrepresentations in her grant application and inform me of the repercussions if a child under the age of 6 is in fact not spending at least 6 hours a week on the Premises.

I am in the process of pursuing an owner-move-in eviction of the Premises and if successful will opt out of the Agreement pursuant to section 1 (d) (1).

Sincerely,



Mark O'Flynn

MARK O'FLYNN
ATTORNEY AT LAW
1766 UNION ST STE E
SAN FRANCISCO, CA 94123



stamps
\$0.390
JAN 08 2007
US POSTAGE
FIRST-CLASS MAIL
MAILED FROM 94123



STAMPS.COM
06250000945445

RECEIVED

Mayor's Office of
Housing

MARK PROGRAM MANAGER
MAYOR'S OFFICE OF HOUSING
25 VAN NESS AVE STE 600
SAN FRANCISCO CA 94109 4064



MAY0025* 841 N1 1 206 C 30 01/31/07
NOTIFY SENDER OF NEW ADDRESS
MAYORS OFFICE OF HOUSING
1 S VAN NESS AVE FL 5
SAN FRANCISCO CA 94103-5416
BC: 94103541605 *1240-02090-08-08

9410276064 0024
9410375416



**EXHIBIT 2:
SWORN TESTIMONY OF MYRNA MELGAR-ITON**

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APPELLATE DIVISION OF THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

-000-

ENDORSED
FILED
San Francisco County Superior Court

JUN 11 2007

MARK O'FLYNN, et al.,
Plaintiffs/Appellants,
versus
SUSAN SUVAL, et al.,
Defendants/Respondents.

GOHDLON HARRIS, Clerk
BY: _____ Deputy Clerk

CASE NUMBER
CUD-06-620331

COPY

ON APPEAL FROM THE JUDGMENT
OF THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
LIMITED JURISDICTION

BEFORE THE HONORABLE DIANE ELAN WICK, JUDGE

REPORTER'S TRANSCRIPT ON APPEAL

FRIDAY, MARCH 9, 2007 AND MONDAY, MARCH 12, 2007

VOLUME II OF II (Pages 247 - 490)

-000-

FOR PLAINTIFFS/APPELLANTS: DAVID P. WASSERMAN, ESQUIRE
DANIEL R. STERN, ESQUIRE
Wasserman-Stern
2960 Van Ness Avenue
San Francisco, CA 94109
(415) 567-9600

FOR DEFENDANTS/RESPONDENTS: DEAN PRESTON, ESQUIRE
RAQUEL FOX, ESQUIRE
Tenderloin Housing Clinic
126 Hyde Street, 2nd Floor
San Francisco, CA 94102
(415) 771-9850

1 (Thereupon Myrna Melgar Iton was duly
2 and regularly sworn by the courtroom
3 clerk.)
4 THE WITNESS: I do.
5 THE CLERK: Please be seated.
6 Please state your full name and spell it for
7 the record.

8 THE WITNESS: My name is Myrna Melgar Iton,
9 M-y-r-n-a, M-e-l-g-a-r, I-t-o-n.

10 TESTIMONY OF

11 MYRNA MELGAR ITON,

12 called as a witness by the defendants, having been first
13 duly and regularly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY RAQUEL FOX:

17 Q Good morning.

18 A Good morning.

19 Q Could you tell us where you're employed?

20 A I work for the City and County of San
21 Francisco.

22 Q And in what capacity?

23 A I am the Director of Home Ownership Programs
24 at the Mayor's Office of Housing.

25 Q And prior to having that role where were you
26 working?

27 A I was also working at the Mayor's Office of
28 Housing as the Lead Program Manager.

1 Q Could you tell the jury what type of training
2 you received to be able to qualify for that position.

3 A Yes. I have a bachelor of arts from Regents
4 College at the University of the State of New York. I
5 have a master's degree in urban planning from Columbia
6 University in New York. I'm a Certified Urban Planner.
7 I am also a Lead in Construction Lead Risk Assessor
8 certified by the Department of Health Services in
9 California.

10 Q Thank you.

11 I want to direct your attention back to 2005.
12 Did you receive a call from Mark O'Flynn?

13 A I actually received a call from Mark O'Flynn
14 in 2004.

15 Q Okay. Could you tell the jury about that.

16 A Yes. Mr. O'Flynn called me because the City
17 had just received a large award from the Department of
18 Housing and Urban Development. It was a \$3 million
19 grant to do lead abatement in properties occupied by
20 low-income families with children. And HUD put out a
21 press release; and my name as the Lead Program Manager,
22 since I wrote the grant proposal, was on the website
23 with my contact information.

24 And he found us and called me and we had a --
25 you know, maybe a 20-minute conversation. It was very
26 amicable, and he was interested in the program. He did
27 question me as to why he hadn't heard of it through
28 local sources but, rather, learned of it from the HUD

1 website. And I explained to him that we do very
2 targeted marketing in neighborhoods where there are high
3 rates of lead-poisoned children, which is usually very
4 poor neighborhoods, the Mission, Bayview/Hunters Point,
5 you know.

6 So he told me that he had a tenant in his
7 property who was low income and who had a child who
8 visited, and he thought she was qualified for the
9 program. And we left it at that.

10 Q At some point in time were you contacted by
11 Susan Suval to apply for this lead program?

12 A Yes. Shortly thereafter -- and I don't
13 remember exactly how long thereafter -- I got a call
14 from Susan. And she was -- she had talked to Mr.
15 O'Flynn about the program. And she told me she had a
16 grandson who would spend a period of time during the
17 summer with them. He -- the grandson lived with his
18 mother but would come and visit, and she was concerned
19 about the lead in the property, but also wanted to know
20 what kind of tenant protections we could provide, you
21 know, while the work was going on, because she was
22 afraid of -- you know, of the environmental issues.

23 We had a fairly long conversation, and I
24 learned she was disabled and that she was a very active
25 member of the community, so we -- it was a long
26 conversation.

27 Q Okay. Did she also express concern to you
28 about tenant protection if she were to move out, about

1 being able to come back in?

2 A Yes, she did. And so what our standard policy
3 is to help with relocation, we pay for the relocation of
4 the tenants while the work is being done. We make sure
5 that they are housed and fed.

6 She was concerned that she was a
7 rent-controlled, protected tenant and that this was a
8 new landlord. She wasn't sure about the relationship
9 she had with the landlord. She was concerned that if
10 she moved out, she wouldn't be able to come back in.

11 So what I explained to her is that our program
12 provides grants for the property owners to do the work,
13 and in the grant agreement they must agree to keep the
14 property rented to a low-income household with children
15 who either live or visit for a period of five years. If
16 they somehow want to get out of the grant, they must
17 repay it. But then, also, if the property becomes
18 vacant, they have to agree to give priority in rerenting
19 to another low-income family with a child under six
20 years old.

21 Q Okay. Now, the lead program itself has two
22 compartments, components?

23 A Yes. Well, we -- yes. Roughly, we have a
24 financing period where we make sure we're complying with
25 all the federal, state, and local laws that deal with
26 lead and the environmental hazards. And during that
27 phase of the project, we go through historic review; we
28 do a full risk assessment; and then we approve the

1 funding for the project.

2 During the second phase we actually do the
3 construction and we do the construction management. And
4 it's a very work-intensive period, because the law
5 requires us to go out there and do very regular
6 inspections to make sure that the containment is being
7 done properly, that the guys who are working are wearing
8 their masks and their gloves, and that things are being
9 done properly.

10 Q Now, in this particular instance, you were the
11 finance person?

12 A Yes. So I am in charge of the first phase, so
13 I order the historic review and the environmental
14 review. I order the risk assessment, review the scope
15 of work, approve the funding, and make sure that the
16 property owner signs all the paperwork.

17 Q Let's go step by step. So in this case you
18 did a historical check of the property?

19 A Yes. The first thing we did with this
20 property is have a risk assessor from the Public Health
21 Department go out and see if there was lead in the
22 property, which there was. There was very high lead
23 levels.

24 Then we ordered a more thorough risk
25 assessment from a company named Benchmark. They came in
26 and tested for lead in every wall, every window,
27 interior, exterior, and soil.

28 And then our construction project manager,

1 Michael Palmer, went out with the report from Benchmark
2 and wrote a scope of work. So he looked at the risk
3 assessment and saw where the levels of lead were high,
4 and then he looked at the actual condition of the
5 building and saw whether things needed to be replaced or
6 they could actually just be fixed, you know, contained
7 and then repainted.

8 And after the scope of work was written and I
9 approved it, he bid the project out. We had three
10 bidders on this project, and the one we selected was
11 Rhapsody, Rhapsody Environmental and Painting Company.

12 Q Now, do you recall what the scope of the work
13 was supposed to be?

14 A Yes. We were supposed to do exterior
15 containment, repainting, and some demolition on the
16 front side of the building, the back side, and the
17 side -- so if you're facing the house, it's on the left
18 side. So that was the exterior work.

19 The interior work was pretty extensive.
20 Almost every surface needed some kind of either scraping
21 and painting and replacement, and then we replaced most
22 of the windows.

23 The back of the house had a laundry porch that
24 was -- had structural issues. And it was also covered
25 in lead paint on the inside and on the outside, and it
26 was peeling. And so we called for demolition of that
27 altogether because there was no way to fix it.

28 Q Okay. So once you had the scope of the work,

1 sent out bids, and you eventually picked Rhapsody, did
2 you pick Rhapsody because that was the lowest bid?

3 MR. STERN: Objection, your Honor. Related to
4 the motion in limine.

5 THE COURT: I'm going to sustain it. I think
6 you need to move away from there.

7 MS. FOX: Q Did you pick Rhapsody because
8 Mr. Ruiz was someone that was employed through that
9 company?

10 A We have about ten contractors who regularly
11 bid on our projects. We have them because in order to
12 do lead work in California, you must be certified by the
13 Department of Health Services, which requires extensive
14 training and tests. It's not just anyone who can do
15 this work.

16 Mr. Ruiz has had a history with the lead
17 program. We have a relationship with him through the
18 lead program, and we picked him because, among other
19 things, he's very good with tenants who need a little
20 more hand-holding. So whenever we have residents who
21 are either limited English-speaking or elderly or
22 disabled or have small children, Mr. Ruiz, in our
23 experience, is very sensitive to their issues. So that
24 was one of the reasons why we picked him for this job.

25 Q Okay. And once you had Mr. Ruiz as the
26 contractor, did you then meet with Mr. O'Flynn to have
27 some paperwork signed?

28 A Yes. Mr. O'Flynn came into our office at 25

1 Van Ness and signed an owner's agreement. We met for
2 between 45 minutes and an hour. It was a very amiable
3 meeting. We went through the program, through all the
4 stipulations of the program, and he signed the owner's
5 agreement, and he initialed and signed the scope of work
6 with Joseph Ruiz.

7 Q Okay. Now, was he required to put up some
8 money into escrow for the rebuilding phase?

9 MR. STERN: Objection, your Honor; again
10 related to the motion in limine.

11 THE COURT: I'll sustain that.

12 MS. FOX: Q The stipulation is the one you've
13 spoken about, about renting out for five years?

14 A Yes.

15 MR. STERN: Objection; leading question.

16 THE COURT: I'll allow it.

17 MS. FOX: Q Now, have you received any kind
18 of letter from Mr. O'Flynn telling you that he's opting
19 out of the program?

20 A No, I have not.

21 Q Now, did you monitor the program while it was
22 in progress?

23 A Oh, yes. We are required to do that.

24 Q And at some point in time did you become
25 suspicious that he was trying to do work outside the
26 scope?

27 A Well, we always knew he was doing work outside
28 the scope. We actually required him to do some work

1 outside the scope.

2 We started having disagreements about the
3 length of the work and how it was being done in
4 conjunction with the lead program.

5 We often have property owners who do work
6 that's not lead related while we do the lead-related
7 work because it just makes sense. You know, we have
8 already a contractor; we have containment; we have all
9 these things in place; so we encourage that. But we
10 require that it be done in coordination, because it
11 might jeopardize the environmental containment. And
12 also, it may jeopardize the timing of the project, so we
13 require that things be done in coordination and be
14 closely watched.

15 In this instance, the project stretched on way
16 longer than we had agreed to.

17 Q Okay. If you recall, was there anything --
18 strike that.

19 At some point in time did you write a letter
20 to Susan letting her know that she could return?

21 A Yes. In September of '05. I had gotten
22 several faxed letters from Mr. O'Flynn. There was a
23 disagreement about a window in the bathroom.

24 When we did the historic review of the
25 property, the architectural historian that we hired
26 found that this project was extremely historic. It was
27 originally part of the little village called Oceanside,
28 which wasn't even part of San Francisco; it was a

1 settlement on the other side of the sand dunes.

2 And the architectural historian was concerned
3 that we replace everything on the property with in kind
4 to preserve the architectural integrity of the building,
5 so we did amend the scope of work. We upgraded the
6 windows. They are wooden windows and in keeping, you
7 know, with the character of the building.

8 In the bathroom there was two windows, one
9 double-hung and one casement window. There was a
10 disagreement -- when Mr. O'Flynn remodeled the bathroom,
11 one of those windows was removed, and the window that
12 was replaced by the lead program was a casement window.
13 Mr. O'Flynn was not happy with that.

14 There was also a disagreement about the
15 timing, because Mr. O'Flynn's contractor was doing some
16 work with the foundation, and our contractor was
17 concerned that if the window was put in while the
18 structure was being messed with, that the window might
19 be cracked.

20 So there was some disagreement about both the
21 timing and the particular window that was going in. Mr.
22 O'Flynn had wanted a different type of window, which was
23 ordered at the contractor's expense; the lead program
24 did not pay for it. And that, you know, stretched out
25 the project because the window didn't come in right
26 away.

27 As I remember, Mr. O'Flynn had wanted his
28 contractor to replace the siding outside that window.

1 And there was some plumbing work that needed to be
2 redone, and his contention was that until we replaced
3 that window, his contractor could not do the work that
4 Mr. O'Flynn had wanted to.

5 However, there was no danger to the occupant
6 from any of that work, because it was exterior work; it
7 was done with proper containment. So my stipulation to
8 Ms. Suval was that there was no longer any lead hazard;
9 she could come and reoccupy the property.

10 We had by this time not only finished the work
11 and cleaned up the work, but we had done lead wipe
12 samples that had come back from the laboratory that said
13 that the property was free of lead hazards and it was
14 safe for her to reoccupy.

15 Q There should be a folder up there. Could you
16 turn to Exhibit 32, please.

17 A Okay.

18 Q Is this a letter that you're referring to
19 where you let Susan know that she could return to her
20 home because it was now safe to return?

21 A Yes.

22 Q And could you for the jury let them know the
23 date of this letter.

24 A It's September 13, 2005.

25 Q Okay. And could you read what the letter
26 states.

27 A Um-hmm.

28 "Dear Susan: After our

1 conversation over the phone this
2 morning, the lead hazard remediation
3 in your home was finished last week.
4 Thus, the wipe samples taken confirm
5 that the dust lead levels are within
6 the safe limits allowable by the
7 Environmental Protection Agency.
8 This letter serves to inform you that
9 it is now safe to reoccupy your unit.
10 Any further delay in your reoccupancy
11 is not due to the activities of the
12 lead program. If you have any
13 questions about your rights as a
14 tenant, please refer to San Francisco
15 Administrative Code, Chapter 7,
16 particularly Section 37.911 and 14,
17 which deal with temporary evictions
18 for capital improvement activities.
19 You can also consult the San
20 Francisco Rent Board staff at area
21 code 415-252-4647, or in person at 25
22 Van Ness, Suite 300, between eight
23 and five. Please let me know if I
24 can assist you further, Susan. And I
25 hope that you now have greater peace
26 of mind that your grandson can stay
27 with you and be safe."
28 Q And was this cc'd to Mark O'Flynn, also?

1 A Yes, it was.

2 Q And to Maggie Davis?

3 A Yes, and to Supervisor Fiona Ma, who had
4 called me and expressed interest in this case.

5 Q Okay. And prior to today had you ever
6 actually met Susan Suval in person?

7 A No, actually, I had not. I spent hours on the
8 phone with her, but I had never met her in person.

9 Q Okay. Did you find Mr. O'Flynn to be very
10 difficult to deal with?

11 MR. STERN: Your Honor, objection.

12 THE COURT: Sustained.

13 MS. FOX: Q Did you find that he was less
14 than truthful?

15 MR. STERN: Your Honor, objection.

16 THE COURT: Sustained.

17 MS. FOX: Q Did Mr. O'Flynn start stretching
18 and making excuses as to why the work was taking longer?

19 MR. STERN: Your Honor, same objection.

20 THE COURT: I'll sustain. You can rephrase.

21 MS. FOX: Q Did you find -- well, strike
22 that.

23 Did Mr. O'Flynn start extending the scope of
24 the work that had been agreed upon initially?

25 MR. STERN: Your Honor, asked and answered.

26 THE COURT: I'll allow it.

27 THE WITNESS: A Yes.

28 MS. FOX: Q Could you tell the jury how that

1 started taking place.

2 A So the work that Mr. O'Flynn was doing really
3 presented access problems and containment problems for
4 our contractor, so I must stress that our grant funds
5 from HUD are very restricted in how the work needs to be
6 performed. We need to do containment. The workers need
7 to wear protective equipment. And we need to monitor
8 the things that are being done.

9 We found that Mr. O'Flynn's contractor did not
10 use proper containment and was jeopardizing the way that
11 we were doing our work. For example, when he removed
12 the back siding that was needed to be done in order to
13 rebuild the porch, a lot of the work was done very
14 sloppily without any containment; there were lead-based
15 paint chips all over the backyard so that it took our
16 contractor quite a bit more time and effort to clean it
17 up so that we could then pass clearance at the end of
18 our project.

19 So it seemed that not only during the work,
20 but after the work was done, Mr. O'Flynn had a lot of
21 problems with the work that was being done. We received
22 a long -- our contractor -- our project manager, Michael
23 Palmer, wrote down an extensive list of things that Mr.
24 O'Flynn wanted our contractor to come back and do that
25 were mostly cosmetic that stretched out the amount of
26 time that we were involved in this project.

27 MR. STERN: Your Honor, I'm going to strike.
28 That was well beyond the scope of the question.

1 Moreover, it contained hearsay.

2 THE COURT: I'll overrule it at the moment.
3 Ask more distinct questions that don't require a
4 narrative answer, please.

5 MS. FOX: Yes, your Honor.

6 THE COURT: And again, if you would please
7 listen to the question and answer only what the question
8 asks for.

9 MS. FOX: Q. Did you have an opportunity to
10 look at the bathroom after it had -- the property had
11 been remodeled?

12 A I did not.

13 Q Okay. Did it ever come to your attention that
14 the work in the bathroom was not suitable for someone
15 that was handicapped?

16 A Yes. Ms. Suval --

17 Q Okay. Go ahead.

18 A Ms. Suval mentioned to me that it was not
19 usable by her because of her disability.

20 Q And did she explain what was missing?

21 A The towel bar -- or the bar that she would
22 hold onto when, you know, taking a shower.

23 Q Did you find Mr. O'Flynn to be super smart,
24 very highly -- just highly intelligent?

25 MR. STERN: Your Honor, I'm going to object.

26 THE COURT: Sustained.

27 MS. FOX: Q If Mr. O'Flynn had applied for
28 this program as an owner occupant, would he have

1 qualified?

2 A I don't know, because Mr. O'Flynn never
3 presented his own income. The program is only available
4 to households that are low income and who either have
5 children who reside at the property or visit for six
6 hours in a week or more.

7 Q Now, just getting back -- without mentioning
8 the amount of the grant, Mr. O'Flynn did receive a
9 grant?

10 A Yes, he did.

11 Q And he used that grant money not only for the
12 front property, but for the back property?

13 MR. STERN: Objection, your Honor; calls for
14 speculation.

15 THE COURT: Well, it calls for a "yes" or
16 "no," I believe, so if you can answer with a "yes" or
17 "no."

18 THE WITNESS: A Yes.

19 MS. FOX: Q Okay. And was he required, as
20 part of the agreement, to pay for the rebuilding of the
21 laundry porch?

22 A Yes.

23 Q And the City paid for the demolition and
24 cleanup?

25 A Yes.

26 Q And the City paid for most of those windows to
27 be replaced?

28 A Yes.

1 Q And the City paid for all the painting in the
2 exterior?
3 A Yes.
4 Q And the City paid for the interior of the
5 front house?
6 A Yes. Let me clarify --
7 MR. STERN: Your Honor, objection; leading
8 question.
9 THE COURT: Avoid the leading questions.
10 THE WITNESS: It was just a clarification
11 that -- you said all the painting of the exterior, and
12 it was not all the exterior that was done; it was three
13 sides.
14 MS. FOX: Q Three sides. Okay. Could you
15 explain which sides were repainted.
16 A It was the front; the -- if you're standing in
17 front of the property, the right-hand side; and then the
18 back.
19 Q Okay. Thank you.
20 A You're welcome.
21 MS. FOX: I have nothing further.
22 THE COURT: Mr. Stern?
23 CROSS-EXAMINATION
24 BY DANIEL R. STERN:
25 Q Ms. Melgar, directing your attention to
26 Exhibit 32, at this time the exterior painting hadn't
27 been completed, correct, when you sent this letter?
28 A I have to check the project log. I don't

1 remember exactly.

2 Yes, that is correct; the exterior had not
3 been finished. I have in the project --

4 Q No; that's just -- we wanted to find out --

5 THE COURT: Just answer what the question asks
6 for.

7 MR. STERN: Q And also at this time when you
8 sent this letter, the windows hadn't been replaced,
9 either; had they?

10 A That is correct.

11 Q Okay. And Mr. O'Flynn spent a substantial
12 amount of his own money on this project, as well; did he
13 not?

14 THE COURT: Without going into any amounts.

15 THE WITNESS: It's the word "substantial."
16 I'm not sure what --

17 THE COURT: Why don't you rephrase the
18 question, then.

19 MR. STERN: Q A large amount of Mr. O'Flynn's
20 own money was used on this project, as well; correct?

21 A Yes.

22 MR. STERN: I have nothing further.

23 THE COURT: All right. And within that very
24 limited scope, Ms. Fox?

25 MS. FOX: Yes.

26 **REDIRECT EXAMINATION**

27 BY RAQUEL FOX:

28 Q When you sent the letter on September 13,

1 2005, it was your professional opinion, based on your
2 training and experience with the lead program, that it
3 was safe for Mrs. Susan Suval to return?

4 A Yes. The law does not require relocation for
5 exterior lead work.

6 Q And do you know why?

7 A Because it can be done with proper
8 containment.

9 MS. FOX: Thank you. Nothing further.

10 THE COURT: Within that limited scope, Mr.
11 Stern?

12 MR. STERN: Nothing further, your Honor.

13 THE COURT: Is the witness excused?

14 MR. STERN: Yes, your Honor.

15 MS. FOX: Yes, your Honor.

16 THE COURT: Thank you very much for your
17 testimony, Ms. Melgar. You may step down, and you're
18 free to leave.

19 THE WITNESS: Thank you.

20 THE COURT: Please call your next witness.

21 MR. PRESTON: Your Honor, defendants call Ian
22 Wallace.

23 THE COURT: Sir, if you would please come up
24 to the witness stand.

25 Remain standing.

26 (Thereupon Ian Wallace was duly and
27 regularly sworn by the courtroom
28 clerk.)

**EXHIBIT 3:
MICHAEL PALMER'S RESPONSE LETTER TO
O'FLYNN DATED FEBRUARY 26, 2007**

**MAYOR'S OFFICE OF HOUSING
CITY AND COUNTY OF SAN FRANCISCO**



**GAYIN NEWSOM
MAYOR**

**MATTHEW O. FRANKLIN
DIRECTOR**

February 26, 2007

Mark O'Flynn
1766 Union Street
San Francisco, CA 94123

RE: 1672-1674 Great Highway

Dear Mr. O'Flynn:

This letter is response to your letter dated January 9, 2007. We have reviewed our files and have determined that the Ms. Susan Suval was in compliance with the requirements of our program at the time the grant was made.

Regarding the owner move in eviction, since you are no longer renting the property under the terms of your agreement with the Lead Program and intend to occupy the property yourself, you are now obliged to repay the entire sum of the grant. This payment became due at the time the property was removed from the rental market. The grant amount you are obliged to repay is \$38,185.00. Please remit this amount payable to the City and County of San Francisco. Payment should be delivered to the address below.

Should you have any questions or concerns, please submit all inquiries in writing to:

Lead Program
Mayor's Office of Housing
City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Sincerely,

Michael Palmer
Lead Program Manger

cc: Myrna Melgar, MOH

1 South Van Ness Ave. 5th Floor, San Francisco, CA 94103
Phone: (415) 701-5500 □ FAX: (415) 701-5501 □ www.sfgov.org/moh

**EXHIBIT 4:
MELGAR-ITON SUBPOENA RESPONSE LETTER TO
GREENQUIST DATED DECEMBER 19, 2008**

**MAYOR'S OFFICE OF HOUSING
CITY AND COUNTY OF SAN FRANCISCO**



**GAVIN NEWSOM
MAYOR**

**DOUGLAS SHOEMAKER
ACTING DIRECTOR**

December 19, 2008

Kevin P. Greenquist, Esq
Wiegel and Fried
414 Gough St
San Francisco CA 94102

Mr. Greenquist,

As per our conversation, I am enclosing a full copy of the hard file for the lead remediation project at 1672 Great Highway, as well as printouts of all documents in my electronic files pertaining to this project. In addition I was provided with backups of my e-mails by the Department of Information Technology, and I have searched for any additional emails pertaining to this project between myself and Fiona Ma, Susan Suval and Michael Palmer. There are no other documents other than those enclosed and already provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Myrna Melgar".

Myrna Melgar
Director of Homeownership Programs

1 South Van Ness Ave. 5th Floor, San Francisco, CA 94103
Phone: (415) 701-5500 FAX: (415)701-5501 www.sfgov.org/moh

**EXHIBIT 5:
E-MAIL COMMUNICATION FROM DIT TO RITA
O'FLYNN DATED AUGUST 12, 2009**

RE: Request for Immediate Disclosure-Sunshine Ordinance Request
From: Rita August O'Flynn (rita_august@msn.com)
Sent: Tue 8/11/09 6:49 PM
To: barry.fraser@sfgov.org
Cc: ron.vinson@sfgov.org

Have you been able to find any record of backup e-mail being provided to Iton as indicated in the e-mail string below? I would like to wrap this up this week and am looking for something from your department, either the backups that were provided to Iton or confirmation that no such request was made of your department.

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

From: rita_august@msn.com
To: barry.fraser@sfgov.org
CC: ron.vinson@sfgov.org
Subject: RE: Request for Immediate Disclosure-Sunshine Ordinance Request
Date: Tue, 4 Aug 2009 17:26:11 -0700

Dear Mr. Fraser:

If ultimately, your office has not record of providing Melgar with backups, will you state so in writing?

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

Subject: Re: Request for Immediate Disclosure-Sunshine Ordinance Request
From: Barry.Fraser@SFGOV.ORG
To: rita_august@msn.com
CC: ron.vinson@sfgov.org
Date: Tue, 4 Aug 2009 16:49:56 -0700

Ms. O'Flynn:

I'm still researching your request, but so far I've found no records of any written request from the Mayor's Office of Housing (MOH) for the back-up email your reference. We are investigating whether any oral requests were made and fulfilled.

If any back-ups were provided, they would have consisted of all restored user accounts for the time period requested. DT would make the restored accounts available under terms of the service level agreement with the client department (MOH). The client department would then have to bear the costs of searching through the user accounts and identifying the specific emails.

As you know, we cannot provide the raw user account files to the public because they contain a very large number of emails, some of which may be exempt from disclosure under state law or local ordinance.

If I find additional information or records, I will notify you.

Barry Fraser
Telecommunications Policy Analyst
City and County of San Francisco
Department of Technology
One South Van Ness, 2nd Floor
San Francisco, CA 94103

Phone: 415-581-3976
Fax: 415-581-3970
barry.fraser@sfgov.org

-----Rita August O'Flynn <rita_august@msn.com> wrote: -----

To: <barry.fraser@sfgov.org>, <soff@sfgov.org>, <chris.rustom@sfgov.org>
From: Rita August O'Flynn <rita_august@msn.com>
Date: 08/03/2009 04:50PM
Cc: <ron.vinson@sfgov.org>
Subject: Request for Immediate Disclosure-Sunshine Ordinance Request

Dear Mr. Fraser:

In preparing for my case against the Mayor's Office of Housing for retrieval of records illegally destroyed by MOH, I found correspondence from Myrna Melgar to my attorney dated 19 December 2008 in which she states, "...I was provided with a backups of my e-mails by the Department of Information Technology..."

This e-mail serves as my request for the following:

1. All the backup e-mail provided to Melgar per MOH's request.
2. Any and all charges from DIT to MOH for the retrieval of the back up e-mail and its conversion into a format that Melgar could review.
3. Any and all communication between MOH and DIT regarding Melgar's back up e-mail.

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

**EXHIBIT 6:
E-MAIL COMMUNICATION FROM MOH TO RITA
O'FLYNN DATED AUGUST 27, 2009**

Re: Sunshine Ordinance Request for Records

From: Oliver Hack (Oliver.Hack@sfgov.org)
Sent: Thu 8/27/09 3:32 PM
To: Rita August O'Flynn (rita_august@msn.com)
Cc: dsnoemaker@sfgov.org; markoflynn@msn.com; myrna.melgar@sfgov.org; sonia.delgado-schaumberg@sfgov.org

Ms. O'Flynn:

The Mayor's Office of Housing has no records responsive to this request.

Best,
Oliver Hack

Oliver Hack
Chief Operating Officer
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
(415) 701-5512
oliver.hack@sfgov.org

Rita August
O'Flynn
<rita_august@msn.com>

08/26/2009 05:37
PM

To
<dsnoemaker@sfgov.org>,
<sonia.delgado-schaumberg@sfgov.org>,
<myrna.melgar@sfgov.org>
cc
<markoflynn@msn.com>,
<oliver.hack@sfgov.org>
Subject
Sunshine Ordinance Request for
Records

Please provide documentation of MOH's request to DIT for restoration of deleted e-mail referred to Melgar's letter of 19 December 08 regarding MOH records for 1672/1674 Great Highway. Include what was requested, when it was requested, amount paid for retrieval, and amount paid for review or indicate that you do not have documents responsive to my request.

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

**EXHIBIT 7:
MELGAR'S LETTER TO THE EDITOR OF
BEYONDCHRON DATED JANUARY 13, 2009**

To the Editor:

In response to your article today calling for the suspension of the lead and rehab programs at the Mayor's Office of Housing, I'd like to point out a few facts that are missing from your analysis.

The lead abatement program was created as a response to childhood lead poisoning - not to Ellis Act evictions. The primary purpose of the program is to protect children under the age of 6 from childhood lead poisoning. Lead is a toxin - ubiquitous in San Francisco, that permanently and irreversibly damages children's neurological systems- regardless of whether the child's landlord is low income or not.

Because our primary purpose is to protect low income children during those early years when they are most vulnerable physically- the income qualifications that are used are for the tenants, not the landlord's. There is strong statistical correlation between family income and childhood lead poisoning rates. No such correlation exists between lead poisoning rates and landlord income.

San Francisco's lead program is entirely funded by grants from HUD, and the primary purpose of the program as well as the guidelines for income qualifications were mandated by Congress when they set up the program. We recognize the fact that landlords are getting work done on their properties with taxpayer money - and in exchange, we are getting housing for families in which children can grow up free of lead hazards - where they will have a chance to succeed in school without having physical impediments to their neurological systems and IQ.

Nowhere in your analysis do you acknowledge the fact that the program did serve that purpose. Ms Suval's grandchild, who was a toddler at the time the work was done, has been able to visit with his grandmother and father free of the danger of becoming permanently brain damaged - as the house had significant lead hazards, which were abated by the program.

Ms Suval's landlord moved to evict Ms Suval in violation of his agreement with the lead program but also in violation of the City's Rent Stabilization ordinance. Your expectation then is that the lead abatement program should do not only what is its primary purpose, but additionally to take on what even the Rent Stabilization Ordinance cannot do - prevent Ellis Act evictions- and that if it cannot, it should cease to exist. I would argue that this is an unreasonable mandate.

Someday, perhaps, our Rent Stabilization ordinance will protect children against lead poisoning. Someday, perhaps, our Public Health Department will have enough inspectors, and they will be empowered enough with legislation to find all of the substandard housing with lead hazards in San Francisco and protect all our children. Someday, perhaps even the Tenderloin Housing Clinic will represent clients to enforce the lead poisoning prevention laws that we do have on the books.

That day is not today - not by a long shot. And until then the lead program is absolutely needed- to keep serving the folks that we serve- to keep protecting low income families with children. Overwhelmingly, the lead abatement program does its work in rental housing occupied by Latino and African American families earning below 30% of the AMI. To invalidate the public good that has come from the remediation of over 1500 units in San Francisco because of the bad actions of 1 landlord is ill-informed at best, and irresponsible at worst.

As Ms. Fox can attest to, the staff at the Lead Program has also logged in countless hours on this particular case. Your portrayal of our non-involvement in this particular eviction is patently false; as a matter of fact it was I who referred Ms Suval to the Tenderloin Housing Clinic. We not only monitor these units for compliance- we take strong action against those who do not.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing



O'Flynn draft

Michael Palmer | Myrna Melgar

02/14/2007 09:20 AM



02-13-07 Lr.doc

Michael Palmer
(415) 701-5630

Lead Program
Mayor's Office of Housing
City of San Francisco

**MAYOR'S OFFICE OF HOUSING
CITY AND COUNTY OF SAN FRANCISCO**



**GAVIN NEWSOM
MAYOR**

**MATTHEW O. FRANKLIN
DIRECTOR**

DRAFT

February 13, 2007

Mark O'Flynn
1766 Union Street
San Francisco, CA 94123

RE: 1672-1674 Great Highway

Dear Mr. O'Flynn:

This letter is response to your letter dated January 9, 2007. We have reviewed our files and have determined that the Ms. Susan Suval was in compliance with the requirements of our program at the time the grant was made.

Regarding the owner move in eviction, the Lead Program has been informed by XXXXXXXXXXXX that you are asserting that Ms Suval is currently occupying the residence at 1672 Great Highway illegally and that you are refusing to accept any rental payments from her based on the argument that there is no legal tenant at this time. If this is true, and the property is legally vacant, and you have not rented the property under the terms of your agreement, you were obliged to repay the entire sum of the grant at the time the property became legally vacant. The grant amount you are obliged to repay is \$38,165.00. Please remit this amount payable to the City and County of San Francisco. Payment should be delivered to the address below.

Should you have any questions please submit all inquiries or concerns in writing to:

Lead Program
Mayor's Office of Housing
City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Sincerely,

Michael Palmer
Lead Program Manger

cc: Myrna Melger, MOH

\$27,215.00+\$10,950.00

1 South Van Ness Ave. 5th Floor, San Francisco, CA 94103
Phone: (415) 701-5500 □ FAX: (415) 701-5501 □ www.sfgov.org/moh

ATTACHMENT B

**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

October 6, 2009

DATE THE DECISION ISSUED

September 22, 2009

RITA O'FLYNN v. MAYOR'S OFFICE OF HOUSING (09039)

FACTS OF THE CASE

Complainant Rita O'Flynn has been communicating with and submitting record requests to the Mayor's Office of Housing (MOH) regarding, among other issues, a federal Housing and Urban Development (HUD) Department Lead Abatement Grant for lead abatement at a property owned by Ms. O'Flynn and administered by MOH. In March 2008, Ms. O'Flynn requested the opportunity to review the entire HUD Lead Abatement files with respect to her property at the MOH. After she reviewed the files, she requested that they be copied in their entirety. Upon receiving the copies, she realized that the provided records did not include emails regarding 1672/1674 Great Highway that she had reviewed in person, including an email from a tenant at Ms. O'Flynn's property to the MOH. Ms. O'Flynn then submitted a specific request for all email records regarding the lead abatement grant and her property, and she was told that the email records had been deleted since MOH keeps electronic records for only two years. Ms. O'Flynn also alleged that on September 11, 2009, MOH produced a February 2007 email between two employees of the MOH (Mr. Michael Palmer and Ms. Myrna Melgar-Iton) regarding 1672/1674 Great Highway that Ms. O'Flynn claimed was not produced in response to her original request, and should have been produced from Ms. Melgar-Iton's emails at MOH had those emails not been deleted. Mr. Oliver Hack of the MOH indicated that the Palmer/Melgar-Iton email was found as a result of a subsequent search of Mr. Palmer's email and he produced it because he wasn't sure if Ms. O'Flynn had already received it.

COMPLAINT FILED

On July 20, 2009, Complainant Rita O'Flynn filed a complaint against MOH for its deletion of the email records while the records were the subject of a Sunshine Ordinance Request for Records.

HEARING ON THE COMPLAINT

On August 25, 2009, complainant Rita O'Flynn appeared before the Sunshine Ordinance Task Force and Oliver Hack of the Mayor's Office of Housing appeared for the agency. Ms. O'Flynn presented her case that the MOH had failed to produce copies of responsive emails that she had reviewed and requested copies, and then had impermissibly deleted the original emails. Mr. Hack responded that there was no evidence that any responsive emails had in fact been deleted and not produced to Ms. O'Flynn. The Task Force found that, on the record before it, there was insufficient evidence indicating that the MOH had, in fact,

ORDER OF DETERMINATION

failed to produce copies of the emails and then deleted the originals. In light of the lack of evidence, the Task Force continued the matter for a month to allow Ms. O'Flynn to provide evidence to the Task Force substantiating her position.

On September 22, 2009, Ms. O'Flynn and Mr. Hack appeared before the Task Force again. Ms. O'Flynn's amended submission to the Task Force included specific allegations identifying emails within the MOH that were responsive to her request and should have been produced originally, but were not, including the email between Ms. Melgar-Iton and Ms. O'Flynn's tenant and the email between Mr. Palmer and Ms. Melgar-Iton about Ms. O'Flynn's property. Mr. Hack from the MOH did not respond or address Ms. O'Flynn's specific evidence, but reasserted that the MOH had produced all responsive emails from Ms. Melgar-Iton and other members of the MOH staff and that any deleted emails were properly deleted after two years in accordance with the MOH records retention schedule. Mr. Hack also noted that he produced the February 2007 email between Ms. Melgar-Iton and Mr. Palmer from Mr. Palmer's email as a result from a subsequent search for responsive emails regarding her property.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that Ms. O'Flynn had sufficient evidence to support the claim that responsive emails had not been produced and/or were improperly deleted by the MOH and that the MOH did not adequately rebut Ms. O'Flynn's evidence, including explaining why the February 2007 email was found in Mr. Palmer's active email but not Ms. Melgar-Iton's active email. The Task Force also noted that according to the Mayor's Office's record retention policy all correspondence regarding grants and contracts administered by the Mayor's Office should be kept for four years at a minimum. While the lead abatement work at 1672/74 Great Highway may have been completed in 2005, the O'Flynn's were still obligated to comply with various grant requirements, as shown by the February 2007 draft letter from the MOH, records regarding that property and the grant, should not have been deleted in 2009 under the applicable records retention policy. ...

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Mayor's Office of Housing violated Sunshine Ordinance Sections 67.21 for failure to produce requested records and 67.29-7(a) for failure to maintain records as required by the Administrative Code and Mayor's Office's retention policy. The MOH is directed to ask the Department of Technology to restore Ms. Melgar-Iton's emails that fall within the time frames Ms. O'Flynn requested during her original request. This Order is limited to Ms. Melgar-Iton's emails, as the evidence provided indicated that Ms. Melgar-Iton's emails were not produced and subsequently deleted (as opposed to other members of the MOH as to whom no showing had been made that emails have been improperly deleted). The cost to restore and review Ms. Melgar-Iton's records for responsive emails is to be borne by the MOH. The agency shall appear before the Compliance and Amendments Committee on October 13, 2009, to discuss compliance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 22, 2009, by the following vote: (Craven-Green / Goldman)

ORDER OF DETERMINATION

Ayes: Craven-Green, Cauthen, Knoebber, Chu, Chan, Goldman, Williams, Knee
Excused: Washburn, Johnson



Richard A. Knee, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Rita O'Flynn, complainant,
Oliver Hack, respondent

ATTACHMENT C

Susan
Cleveland-Knowles/CTYATT
@CTYATT

03/05/2007 10:40 AM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc

bcc

Subject Re: lead grant agreement

Myrna-

Sorry I didn't get to this before my vacation. I have looked at the lead grant agreement. It is my understanding that MOH believes the property owner now owes \$27,215.00 if the property owner is not going to commit to rent to a low income tenant. Please send me the notice sent to Mr. O'Flynn and his return correspondence.

We will probably have to sue him to collect the money. Was there some other issue related to this that you wanted me to look into?

Thanks,
Susan

Susan Cleveland-Knowles
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
tel: (415) 554-6769
fax: (415) 554-4757

Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV



Myrna
Melgar/OCDHH/MAYOR/SF
GOV@SFGOV

02/12/2007 04:59 PM

To susan.cleveland-knowles@sfgov.org

cc

Subject lead grant agreement

Hi Susan,

As per our conversation this morning, here is the agreement with the owner. The attorney representing the tenant is Dean Preston at the Tenderloin Housing Clininc. Thanks!



OWNER AGREE.doc


Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness, 5th floor
San Francisco CA 94103
(415)701-5531



"Dean Preston"
<Dean@thclinic.org>
06/04/2007 04:51 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc
bcc

Subject 1672-1674 Great Highway

History:  This message has been forwarded.

Myrna:

After the jury rejected Mark and Rita O'Flynn's "owner move in" eviction, the O'Flynnns have now invoked the Ellis Act. On May 31, 2007, the O'Flynnns filed with the Rent Board a Notice of Intent to Withdraw Residential Units from the Rental Market, and sent eviction notices to Rebecca and Susan Suval. The O'Flynnns specified 1672 and 1674 Great Highway as the units to be withdrawn, and noted that they had served notices to terminate all tenancies at these units.

Mark O'Flynn's removal these units from the rental market places him in direct violation of his lead abatement contract with the city. Fortunately, the Ellis Act contains a provision that preserves the City to enforce the agreement under these circumstances:

"Nothing in this Chapter ... Prevents a public entity from enforcing any contract or agreement by which an owner of residential real property has agreed to offer the accommodations for rent or lease in consideration for a direct financial contribution or, with respect to written contracts or agreements entered into prior to July 1, 1986, for any consideration." Gov. Code section 7060.1(a).

I hope the City will consider to suing to enforce the provisions of the contract, specifically the agreement to rent for five years.

Please let me know if you need any further information. Many thanks.

Dean Preston
Staff Attorney
Tenderloin Housing Clinic
126 Hyde Street
San Francisco, CA 94102

tel: (415) 771-9850
fax: (415) 771-1287
dean@thclinic.org



"Dean Preston"
<Dean@thclinic.org>
07/05/2007 11:10 AM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc
bcc
Subject 1672 Great Highway

Myrna:

Is there any update on possible City Attorney action regarding the Suval/O'Flynn matter? Please let me know if you need any further information. Thanks.

Dean Preston
Staff Attorney
Tenderloin Housing Clinic
126 Hyde Street
San Francisco, CA 94102

tel: (415) 771-9850
fax: (415) 771-1287
dean@thclinic.org

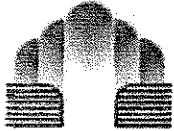
Venessa
Henlon/CTYATT@CTYATT
07/09/2007 02:38 PM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV
cc
bcc
Subject Re: Fw: 1672-1674 Great Highway...

Hi Myrna. I left a voicemail message for you regarding this. Please call me.

E. Venessa Henlon
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
Telephone: (415) 554-4738
Facsimile: (415) 554-4755
E-mail: venessa.henlon@sfgov.org

Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV



Myrna
Melgar/OCDHH/MAYOR/SFG
OV@SFGOV
07/09/2007 11:15 AM

To Venessa Henlon/CTYATT@CTYATT
cc
Subject Fw: 1672-1674 Great Highway

Hi Venessa,

This is the lead project that I talked to you about. The attorney for the tenant, Susan Suvall, is Dean Preston at the Tenderloin Housing Clinic. If you want to get in contact with him, his contact info is below. Call me if you have any questions -

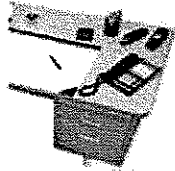
Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness, 5th floor
San Francisco CA 94103
(415)701-5531

----- Forwarded by Myrna Melgar/OCDHH/MAYOR/SFGOV on 07/09/2007 11:12 AM -----



"Dean Preston"
<Dean@thclinic.org>
06/04/2007 04:51 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc
Subject 1672-1674 Great Highway



Lorene De Los
Reyes/OCDHH/MAYOR/SFG
OV

03/11/2008 11:30 AM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc karna.l.wong@hud.gov

bcc

Subject re: 1672 Great Highway

History:

☞ This message has been replied to.

Myrna,

Karna was hoping to meet for a conference call in regards to 1672 Great Highway. Rita O'Flynn called to make a complaint regarding Susan Suval's involvement in the lead program. Karna is available today at 2:30 and/or 4:30, anytime after lunch on Wednesday & Thursday. Thanks.

Lorene L. Delos Reyes
Program Intake Coordinator
Mayor's Office of Housing
Housing Rehab & Lead Hazard Control Programs
1 South Van Ness Avenue, 5th Flr.
San Francisco, CA 94103
Tel. (415) 701-5541
Fax (415) 701-5501



"Wong, Karna L"
<karna.l.wong@hud.gov>
03/11/2008 11:49 AM

To "Myrna Melgar" <myrna.melgar@sfgov.org>, "Lorene De Los
Reyes" <Lorene.DeLosReyes@sfgov.org>
cc
bcc

Subject RE: 1672 Great Highway

History:  This message has been replied to.

Hello Myrna, I can meet at 2:30 p.m. Lorene has the questions/issues about the project, so hopefully she can brief you before the call. I can call you at 2:30 p.m. Thanks, Karna

Karna Wong
U.S. Dept. of Housing and Urban Development
Office of Community Planning and Development
600 Harrison St., 3rd Fl., San Francisco, CA 94107
Tel. (415) 489-6568 and Fax (415) 489-6601

-----Original Message-----

From: Myrna Melgar [mailto:myrna.melgar@sfgov.org]
Sent: Tuesday, March 11, 2008 11:42 AM
To: Lorene De Los Reyes
Cc: Wong, Karna L
Subject: re: 1672 Great Highway

Hi Karna,

I am available to talk at 2:30 today. Should I call you or do you want to call me? There is no reason for Lorene to be on the call, (unless you really want to, Lorene!). Thank you

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415) 701-5531

Lorene De Los
Reyes/OCDHH/MAYOR
/SFGOV

To

Myrna

03/11/2008 11:30
AM

Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc

karna.l.wong@hud.gov



"Wong, Karna L"
<karna.l.wong@hud.gov>
03/11/2008 05:10 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc
bcc

Subject RE: 1672 Great Highway

Myrna, thank you for this information. I will provide it to Steve Sachs and will call Rita O'Flynn back. I appreciate the assistance. --Karna

Karna Wong
U.S. Dept. of Housing and Urban Development
Office of Community Planning and Development
600 Harrison St., 3rd Fl., San Francisco, CA 94107
Tel. (415) 489-6568 and Fax (415) 489-6601

-----Original Message-----

From: Myrna Melgar [mailto:myrna.melgar@sfgov.org]
Sent: Tuesday, March 11, 2008 3:41 PM
To: Wong, Karna L
Subject: RE: 1672 Great Highway

Hi Karna,

I am enclosing the page in the NOFA that says that for rental properties, the units must be occupied or priority given to families with children under six. I am also enclosing the project log, and the agreement with the owner. Notice that under paragraph A, the owner himself certified that a child under 6 "resides at or spends 6 hours a week or more on the premises". This agreement was signed July 7, 2005. On page 3, the owner agreed to give priority in renting vacant units to families with children under 6.

(See attached file: Karna.pdf)

and a link to a story that was written about this in the paper:

<http://www.beyondchron.org/news/index.php?itemid=4290>

Please call if you need anything else.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415) 701-5531

"Wong, Karna L"


Douglas
Shoemaker/OCDHH/MAYOR/
SFGOV


03/28/2008 03:55 PM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc

bcc

Subject Re: Rita and Mark O'Flynn 

History:  This message has been forwarded.

Will you ask lise to send this from my computer. I may not be back in the office.

Myrna Melgar

----- Original Message -----

From: Myrna Melgar
Sent: 03/28/2008 02:21 PM PDT
To: Douglas Shoemaker
Subject: Rita and Mark O'Flynn

Here is the letter. All documents are ready for pick up at the front desk.

[attachment "Sunshine request march 24.doc" deleted by Douglas Shoemaker/OCDHH/MAYOR/SFGOV]

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531



Michael
Palmer/OCDHH/MAYOR/SFG
OV
04/10/2008 09:27 AM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV
cc
bcc
Subject Fw: 1672 Great Hwy-relocation

Michael Palmer
(415) 701-5530
Mayor's Office of Housing
City of San Francisco

----- Forwarded by Michael Palmer/OCDHH/MAYOR/SFGOV on 04/10/2008 09:28 AM -----



susan suval
<ssuval@sbcglobal.net>
06/10/2005 01:39 PM

To Michael Palmer <Michael.Palmer@sfgov.org>
cc
Subject Re: 1672 Great Hwy-relocation

Thanks, I have talked to the rent bd. and I think it would cost him so much and bring such grief that I really doubt if he would try and not let us back in. However, I have many well meaning friends that keep coming up with these questions.

Any news though on the time-frame?
Thanks, Susan

--- Michael Palmer <Michael.Palmer@sfgov.org> wrote:

>
>
>
>
> Hi Susan, The agreement does not continue if the
> property is sold but Mark
> would have to pay us back for the work we did. If
> you are concerned about
> your continuing to live there you should check with
> the rent board about
> your status as a "protected tenant". Hope this
> helps, --Mike

>
>
>
>
> susan suval
>
> <ssuval@sbcglobal
>
> .net>
> To

>
 > michael.palmer@sfgov.org
 > 06/10/2005 01:06
 > cc
 > PM
 >
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 > Subject
 > 1672 Great
 > Hwy-relocation
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 >
 > Hi Mike, I just wanted to check in and ask if you
 > have
 > any idea yet of a time frame for the lead and
 > remodeling work to be done here. As you well know,
 > it
 > is hard to do much planning until we know where and
 > when we are going and what we need to take with us,
 > store etc.
 > I also have a question. It is my underatanding that
 > Mark has to sign an agreement with the City to rent
 > to
 > low income tenants for five years. If he sells the
 > property does this agreement stay in force?
 > Thanks, Susan
 >
 >
 >



Sonia
Delgado-Schaumberg/OCDH
H/MAYOR/SFGOV

04/14/2008 12:29 PM

To Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV

cc Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

bcc

Subject O'Flynn sunshine

Doug,

Rita O'Flynn called to make a tentative appointment for this Friday at 10 AM. We asked her for a list of the things that she wants to review so that we can make them available to her. She sent quite a hefty list. Anything that we should keep in mind? Doug, I'll come by and show you the list...

Sonia

Sonia Delgado-Schaumberg
Lead and Property Rehab Programs
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
701.5540 direct line
701.5501 fax

Douglas
Shoemaker/OCDHH/MAYOR/
SFGOV

04/30/2008 04:09 PM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc

bcc

Subject Fw: Information Request Per the Sunshine Ordinance

Doug Shoemaker
Mayor's Office of Housing
1 South Van Ness, Fifth Floor
San Francisco, CA 94103
415-701-5509

----- Forwarded by Douglas Shoemaker/OCDHH/MAYOR/SFGOV on 04/30/2008 04:10 PM -----



Rita August O'Flynn
<rita_august@msn.com>

04/30/2008 12:33 PM

To <douglas.shoemaker@sfgov.org>

cc "markoflynn@msn.com" <markoflynn@msn.com>

Subject Information Request Per the Sunshine Ordinance

Attached please find a copy of a faxed request made of the MOH on 25 April 2008.

With Kind Regards,

Rita O'Flynn 415-386-8224 Cell: 415-260-7608



FAX_Mayor'sOfficeofHousing_5.docx



Sonia
Delgado-Schaumberg/OCDH
H/MAYOR/SFGOV

06/30/2008 09:56 AM

To Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV

cc Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

bcc

Subject Re: Fw: public records request

Doug,

My understanding is that she has not been coming in on a regular basis.

As to missing information, we are providing the information she requested. We have a checklist for each file. The files that were **rejected projects** will not have a lot of this information she is requesting for that reason alone - they were rejected for missing information, non-responsiveness, unwilling to cooperate, etc.... In short rejected files = not complete files!

I'll check in with Ruth today to make sure we are on track. BUT there is no way that we can have the remaining COMPLETED projects available by this Friday...that amounts to 21 files. We can do 5 by this Friday since the original agreement was to have 10 files ready every two weeks, NOT 10 files every week.

We have Ruth working on this project for us.....Ruth is also helping Ruby with Sunshine stuff.

YIKES Doug, this lady is killing me!

Sonia

Sonia Delgado-Schaumberg
Lead and Property Rehab Programs
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
701.5540 direct line
701.5501 fax
Douglas Shoemaker/OCDHH/MAYOR/SFGOV

Douglas
Shoemaker/OCDHH/MAYOR/
SFGOV

06/29/2008 09:50 PM

To "Sonia Delgado-Schaumberg"
<Sonia.Delgado-Schaumberg@SFGOV.ORG>

cc

Subject Fw: public records request

Can you let me know what is happening with this

----- Original Message -----

From: Rita August O'Flynn [rita_august@msn.com]

Sent: 06/29/2008 07:18 PM MST

To: Douglas Shoemaker

Subject: RE: public records request

San Francisco CA 94103
(415)701-5531

Sonia Delgado-Schaumberg/OCDHH/MAYOR/SFGOV



Sonia
Delgado-Schaumberg/OCDH
H/MAYOR/SFGOV
07/14/2008 09:28 AM

To Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV
cc Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV, Ruth
Lewis/OCDHH/MAYOR/SFGOV@SFGOV
Subject Re: Fw: Sunshine Request_1

Doug,

Ruth asked Rita to come in a little later because she was unable to finish copying because the copier was acting up. As for the file in particular, I'm not sure, but I'll check into it.

Again, the agreement was to produce 10 files every two weeks or 5 every week. So when she comes to pick up two weeks worth, that will be 10 files.

Sonia

Sonia Delgado-Schaumberg
Lead and Property Rehab Programs
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
701.5540 direct line
701.5501 fax
Douglas Shoemaker/OCDHH/MAYOR/SFGOV

Douglas
Shoemaker/OCDHH/MAYOR
/SFGOV
07/14/2008 07:56 AM

To "Sonia Delgado-Schaumberg"
<Sonia.Delgado-Schaumberg@SFGOV.ORG>
cc
Subject Fw: Sunshine Request

??

----- Original Message -----

From: Rita August O'Flynn [rita_august@msn.com]
Sent: 07/13/2008 05:39 PM MST
To: Douglas Shoemaker
Subject: Sunshine Request

Dear Mr. Shoemaker:

I am sure that you were made aware that when I arrived at the offices of MOH last Friday, no records were available for pick up. I am planning on coming by the Friday to pick up at least 2 weeks worth of documents and hope that they will be available as per previous agreement.

I have reviewed the previously received file for 49-53 Columbus. The file was missing the requested applications for each tenant (as required by HUD) and income verifications (also as required by HUD) and had a table of units with their description and current rent that was illegible. Please include these missing documents and a cleaner copy of the unit/rental table with my next pick up.

With Kind Regards,

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

Douglas
Shoemaker/OCDHH/MAYOR/
SFGOV

07/14/2008 09:43 AM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV
cc Ruth Lewis/OCDHH/MAYOR/SFGOV@SFGOV, Sonia
Delgado-Schaumberg/OCDHH/MAYOR/SFGOV@SFGOV
bcc

Subject Re: Fw: Sunshine Request [1]

OK. can one of you respond to her email to me
Doug Shoemaker
Mayor's Office of Housing
1 South Van Ness, Fifth Floor
San Francisco, CA 94103
415-701-5509
Myrna Melgar/OCDHH/MAYOR/SFGOV



Myrna
Melgar/OCDHH/MAYOR/SFG
OV

07/14/2008 09:35 AM

To Sonia
Delgado-Schaumberg/OCDHH/MAYOR/SFGOV@SFGOV
cc Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV,
Ruth Lewis/OCDHH/MAYOR/SFGOV@SFGOV

Subject Re: Fw: Sunshine Request [1]

Doug,

Ms. O'Flynn is NOT a HUD auditor. We will copy what is available in the file - we will not produce additionally documents for her. The 53 Columbus file has all the required documentation. We do not need to justify or explain to her why it does not look how she expects. Please relay this to her. Thank you

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531

Sonia Delgado-Schaumberg/OCDHH/MAYOR/SFGOV



Sonia
Delgado-Schaumberg/OCDH
H/MAYOR/SFGOV

07/14/2008 09:28 AM

To Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV
cc Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV, Ruth
Lewis/OCDHH/MAYOR/SFGOV@SFGOV

Subject Re: Fw: Sunshine Request [1]

Doug,

Ruth asked Rita to come in a little later because she was unable to finish copying because the copier was acting up. As for the file in particular, I'm not sure, but I'll check into it.

Again, the agreement was to produce 10 files every two weeks or 5 every week. So when she comes to

pick up two weeks worth, that will be 10 files.

Sonia

Sonia Delgado-Schaumberg
Lead and Property Rehab Programs
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
701.5540 direct line
701.5501 fax
Douglas Shoemaker/OCDHH/MAYOR/SFGOV

Douglas
Shoemaker/OCDHH/MAYOR
/SFGOV

07/14/2008 07:56 AM

To "Sonia Delgado-Schaumberg"
<Sonia.Delgado-Schaumberg@SFGOV.ORG>

cc

Subject Fw: Sunshine Request

??

----- Original Message -----

From: Rita August O'Flynn [rita_august@msn.com]

Sent: 07/13/2008 05:39 PM MST

To: Douglas Shoemaker

Subject: Sunshine Request

Dear Mr. Shoemaker:

I am sure that you were made aware that when I arrived at the offices of MOH last Friday, no records were available for pick up. I am planning on coming by the Friday to pick up at least 2 weeks worth of documents and hope that they will be available as per previous agreement.

I have reviewed the previously received file for 49-53 Columbus. The file was missing the requested applications for each tenant (as required by HUD) and income verifications (also as required by HUD) and had a table of units with their description and current rent that was illegible. Please include these missing documents and a cleaner copy of the unit/rental table with my next pick up.

With Kind Regards,

Rita O'Flynn 415-386-8224 Cell: 415-260-7608



Sonia
Delgado-Schaumberg/OCDH
H/MAYOR/SFGOV

07/14/2008 09:47 AM

To Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV

cc Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV, Ruth
Lewis/OCDHH/MAYOR/SFGOV@SFGOV

bcc

Subject Re: Fw: Sunshine Request

yes, I will

Sonia Delgado-Schaumberg
Lead and Property Rehab Programs
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
701.5540 direct line
701.5501 fax
Douglas Shoemaker/OCDHH/MAYOR/SFGOV

Douglas
Shoemaker/OCDHH/MAYOR/
SFGOV

07/14/2008 09:43 AM

To Myrna Melgar/OCDHH/MAYOR/SFGOV@SFGOV

cc Ruth Lewis/OCDHH/MAYOR/SFGOV@SFGOV, Sonia
Delgado-Schaumberg/OCDHH/MAYOR/SFGOV@SFGOV

Subject Re: Fw: Sunshine Request

OK. can one of you respond to her email to me

Doug Shoemaker
Mayor's Office of Housing
1 South Van Ness, Fifth Floor
San Francisco, CA 94103
415-701-5509
Myrna Melgar/OCDHH/MAYOR/SFGOV



Myrna
Melgar/OCDHH/MAYOR/SFG
OV

07/14/2008 09:35 AM

To Sonia

Delgado-Schaumberg/OCDHH/MAYOR/SFGOV@SFGOV

cc Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV,
Ruth Lewis/OCDHH/MAYOR/SFGOV@SFGOV

Subject Re: Fw: Sunshine Request

Doug,

Ms. O'Flynn is NOT a HUD auditor. We will copy what is available in the file - we will not produce additionally documents for her. The 53 Columbus file has all the required documentation. We do not need to justify or explain to her why it does not look how she expects. Please relay this to her. Thank you

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor

ATTACHMENT D

Re: FW: Sunshine Request Response- MMeigar Email

From: **Douglas Shoemaker** (douglas.shoemaker@sfgov.org)

Sent: Thu 11/12/09 9:09 AM

To: Rita August O'Flynn (rita_august@msn.com)

Cc: adine.varah@sfgov.org; all@prosf.org; amwashburn@comcast.net;
andy.blue@yahoo.com; asumchai@hotmail.com;
attystevengruel@sbcglobal.net; begelko@sfchronicle.com;
bmw@greencampaigns.com; board.of.supervisors@sfgov.org;
bruce@sfbg.com; chaffeej@pacbell.net; community@mail.civicdb.org;
david.noyola@sfgov.org; deetje@aol.com;
dgreene@thefirstamendment.org; dougcoms@aol.com;
doylegenie@gmail.com; dpwaggoner@gmail.com; dshoemaker@sfgov.org;
ecravengreen@gmail.com; eddie@eddie.com; editor@fogcityjournal.com;
eve@sfappeal.com; geoffwking@gmail.com; grossman356@mac.com;
h@ludd.net; home@prosf.org; hopeannette@earthlink.net;
jacksonwest@gmail.com; jay.ccsf@gmail.com; joelynn114@hotmail.com;
kimo@webnetic.net; kimocrossman@gmail.com; kristin@chu.com;
libraryusers2004@yahoo.com; mail@csrsf.com; marc@cybre.net;
marc@foodhacking.com; Mark O'Flynn (markoflynn@msn.com);
martin.macintyre@juno.com; melissagriff@gmail.com; mpetrelis@aol.com;
oliverlear@yahoo.com; oliver.hack@sfgov.org; paul@beyondchron.org;
paula.jesson@sfgov.org; ps@cfac.org; rachel.matteo-boehm@hro.com;
rak0408@earthlink.net; rbhauptman@aol.com; rebeccab@sfbg.com;
rick.galbreath@sfgov.org; rita_august@msn.com; ross.mirkarimi@sfgov.org;
rwhartzjr@sbcglobal.net; sarah@sfbg.com; scau1321@aol.com;
sfbroadband@lists.sfbroadband.com; sfwtrail@mac.com; sonia.delgado-
schaumberg@sfgov.org; sotf@sfgov.org; splawrence@sbcglobal.net;
steve@sfbg.com; steven.fyffe@abc.com; strickla@earthlink.net;
stusmith97@aol.com; sunshine.posse@gmail.com; terry@calaware.org;
tr@sfbg.com; w_lanier@pacbell.net

Ms. O'Flynn,

Your email is incredibly inaccurate and we feel the necessity to correct you since you have copied so many people on your email. We have satisfied the Order of Determination by providing you with all of the emails that you requested covering the time frame you requested.

The fact that you received new emails this week is the result of our staff

broadening the search criteria beyond that which you requested. Specifically you have now received emails that were not cited in your previous request. As you can see, the emails have nothing to do with your claims that you were misled in accepting the Lead Grant.

You continue to reference a "mystery email" that we have no evidence to suggest even exists. We have completely exhausted your dozens of Sunshine Requests and satisfied the ruling of the Sunshine Task Force. We now consider this issue closed.

Doug Shoemaker
Director, San Francisco Mayor's Office of Housing
1 South Van Ness, Fifth Floor
San Francisco, CA 94103
415-701-5509

From: Rita August O'Flynn <rita_august@msn.com>

To: <oliver.hack@sfgov.org>

Cc: <rak0408@earthlink.net>, <scaul321@aol.com>, <doylegenie@gmail.com>, <kristin@chu.com>, <sotf@sfgov.org>, <rbhauptman@aol.com>, <ecravengreen@gmail.com>, <sonia.delgado-schaumberg@sfgov.org>, <dshoemaker@sfgov.org>, Mark O'Flynn <markoflynn@msn.com>, <home@prosf.org>, <all@prosf.org>, <sfbroadband@lists.sfbroadband.com>, <kimo@webnetic.net>, <community@mail.civicdb.org>, <jay.ccsf@gmail.com>, <mail@csrsf.com>, <sunshine.posse@gmail.com>, <grossman356@mac.com>, <begelko@sfcchronicle.com>, <editor@fogcityjournal.com>, <h@ludd.net>, <dougcoms@aol.com>, <dpwaggoner@gmail.com>, <joelynn114@hotmail.com>, <chaffeej@pacbell.net>, <libraryusers2004@yahoo.com>, <hopeannette@earthlink.net>, <marc@foodhacking.com>, <melissagriff@gmail.com>, <oliverlear@yahoo.com>, <marc@cybre.net>, <andy.blue@yahoo.com>, <eddie@eddie.com>, <jacksonwest@gmail.com>, <eve@sfappeal.com>, <strickla@earthlink.net>, <sfwtrail@mac.com>, <splawrence@sbcglobal.net>, <rwartzjr@sbcglobal.net>, <tr@sfbg.com>, <steve@sfbg.com>, <steven.fyffe@abc.com>, <rachel.matteo-boehm@hro.com>, <ps@cfac.org>, <terry@calaware.org>, <amwashburn@comcast.net>, <bmw@greencampaigns.com>, <geoffwking@gmail.com>, <dgreene@thefirstamendment.org>, <david.noyola@sfgov.org>, <board.of.supervisors@sfgov.org>, <ross.mirkarimi@sfgov.org>, <rick.galbreath@sfgov.org>, <adine.varah@sfgov.org>, <paula.jesson@sfgov.org>, <paul@beyondchron.org>, <rebeccab@sfbg.com>, <sarah@sfbg.com>, <bruce@sfbg.com>, <attystevengruel@sbcglobal.net>, <asumchai@hotmail.com>, <stusmith97@aol.com>, <mpetrelis@aol.com>, <rita_august@msn.com>, <deetje@aol.com>, <kimocrossman@gmail.com>, <martin.macintyre@juno.com>, <w_lanier@pacbell.net>

Date: 11/09/2009 05:20 PM

Subject: FW: Sunshine Request Response- MMelgar Email

Dear Mr. Hack:

I have reviewed the document provided and still do not see the e-mail I am looking for. You have, however, provided a great deal of new e-mail that was neither in the file when I reviewed it in 2008 nor provided in response to any of my numerous previous requests for disclosure nor to discovery and subpoenas requests. At each step, MOH claims that there are no more documents responsive to my requests yet in the past few months, new e-mail have been turned over to me. It begs the question as to why these "new" e-mails were not in the file for my initial review and why these are only being provided at this time; it also places in question any statements by MOH that this is all that is available.

I also noted several serious inaccuracies in the documentation provided. Please note that at no time did I ever contact MOH or HUD to report or complain about Ms. Suval as has been documented in an e-mail exchange you provided. I am simply trying to understand the circumstances under which this grant was awarded and managed at my property.

It is apparent that this matter is far from settled. We have an Amendment and Compliance Committee Hearing tomorrow during which I will bring up the questionable manner in which material is being stored, restored, and provided.

Also, please provide me with the documentation of your request of DIT to restore these e-mail and any and all costs associated with the "restoration".

With Kind Regards,

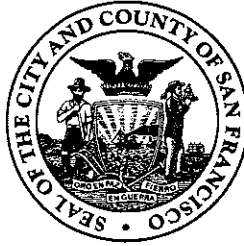
Rita O'Flynn 415-386-8224 Cell: 415-260-7608

> Subject: Sunshine Request Response- MMelgar Email
> To: rita_august@msn.com
> From: Oliver.Hack@sfgov.org
> Date: Mon, 9 Nov 2009 16:08:21 -0800
>
>
> Ms. O'Flynn:
>
> Attached, please find all of Myrna Melgar's emails pertaining to your
> property since 2004. Beyond the attached, our office has no further
> responsive documents.
>
> As a courtesy, I am informing you of the following in relation to Ms.
> Melgar's emails:
> I searched over 15,000 emails from 2004 to the present
> I searched using the following search criteria: "1672 Great Highway",
> "1674 Great Highway" "Susan Suval", "Fiona Ma" , "Rita O'Flynn", "Mark
> O'Flynn" "Michael Palmer"
>

> The results of all the above searches are contained in the attachment.
>
> Best,
> Oliver
>
> (See attached file: melgar emails.pdf)
>
> Oliver Hack
> Chief Operating Officer
> Mayor's Office of Housing
> 1 South Van Ness Avenue, 5th Floor
> San Francisco, CA 94103
> (415) 701-5512
> oliver.hack@sfgov.org

ATTACHMENT E

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

November 12, 2009

Douglas Shoemaker
Oliver Hack
Mayor's Office of Housing

Re: Compliance with Order of Determination 09039 *Rita O'Flynn v. Mayor's Office of Housing*

Mr. Shoemaker and Mr. Hack:

I write to follow up on the September 22, 2009 Order of Determination referenced above.

The Compliance and Amendments Committee of the Sunshine Ordinance Task Force held a hearing on the status of the compliance with the O'Flynn Order of Determination on November 10, 2009. Ms. O'Flynn was present to update us on her view of the MOH's compliance. Unfortunately, no one from the MOH was present to respond. As such, we only heard one side of the story and have unanswered questions about the MOH's compliance efforts.

For example, the Committee wanted to know:

1. On what date did MOH ask the Department of Technology to provide backups and/or restore Ms. Melgar-Iton's email pursuant to the Task Force's Order of Determination?
2. What, specifically, did the MOH ask the Department of Technology to provide and how was that request communicated (phone, email, letter, etc.)
3. When did the Department of Technology comply with the MOH's request and what did the Department of Technology provide to the MOH (e.g., emails backed up on specific dates on CD or other medium, for which specific dates).
4. How did the MOH restore the emails to search them (i.e., by specific date or otherwise), and
5. Whether or not the MOH withheld any emails from production and, if so, how many and on what grounds (e.g., attorney client privilege).

As it stands now, without this missing information, the Compliance and Amendments Committee cannot determine whether there was compliance with the O'Flynn Order of Determination. In light of that fact, the Compliance and Amendments Committee continued this item to our next meeting on December 8, 2009.

In conclusion, your office may well be in full compliance with the Order of Determination, but by failing to send a representative to the November 10, 2009, meeting, we were not able to conclude this item.

We expect to hear from a knowledgeable representative at our next meeting and, hopefully, conclude this item or, if we find there has not been substantial compliance, send this matter back to the full Task Force for potential referral to the Ethics Commission or another appropriate body.

Sincerely

A handwritten signature in black ink, appearing to read 'e l c', written in a cursive style.

Erica L. Craven-Green
Chair, Compliance and Amendments Committee

cc: Rita O'Flynn

ATTACHMENT

F

Re: O'Flynn
Raquel Fox to: Myrna Melgar

RE: BEYOND CHRON
ARTICLE (ATTACH
A)

01/20/2009 02:11 PM

History: This message has been replied to.

Hi Myrna,

Randy told me that he did not mean to attack the City in his article. He just feels that there should be an anti-Ellis Act provision in the contract.

If there is anything I can do to help with Lead Abatement contract, please let me know. I would hate for people to be laid off.

Thanks for your continued support of Susan Suval.

This email also went into junk folder.

Raquel Fox
Tenderloin Housing Clinic

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>>> Myrna Melgar <myrna.melgar@sfgov.org> 1/16/2009 12:43 PM >>>

Hi Raquel,

I got your messages and the declaration from Vicky. I will edit it a bit, sign and send it back to you.

I called you the other day, because I must say I felt more than a little stung by that article. I know it wasn't just that English is not my first language and I misinterpreted the meaning, because I got many supportive e-mails from folks out there curious at how come we'd pissed Randy off so much.

Then, that afternoon, I got a call from Rachel at Supervisor Avalos' office telling me that he was interested in holding hearings into whether we should suspend the Lead program at MOH for causing Ellis Act evictions. John is a friend, so I was able to talk it through, but you can see how I feel like on top of O'Flynn retaliating against me and my staff for the past three years, I really don't need trouble with the Tenderloin Housing Clinic too! (By the way, Rita O'Flynn has now filed a new complaint against me with the Sunshine Task Force). The litigation folks at the City attorney estimate it will cost us about \$100,000 to sue O'Flynn for breach of contract - MOH really doesn't have this money, but we're going to explore all our legal options.

We are getting ready to submit a new application to HUD for lead money this month. It's extremely competitive, and if awarded, we will have to go to the Board of Supervisors for an accept and expend resolution. Not getting

this grant means that I have to lay off 4 people on my staff. You can see how this is all problematic.

Anyway, I'll try to get this back to you by COB today or Tuesday at the latest. Have a good weekend.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531



Myrna
Melgar/OCDHH/MAYOR/SFG
OV@SFGOV

03/18/2009 02:36 PM

To Victoria Wong/CTYATT@CTYATT
cc "Raquel Fox" <Raquel@thclinic.org>

bcc

Subject Re: Order Granting Stay Pending Appeal

History: This message has been replied to.

Yes thank you both.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531

Victoria Wong Thank you, Raquel. Victoria Wong

03/18/2009 02:32:00 PM

From: Victoria Wong/CTYATT@CTYATT
To: "Raquel Fox" <Raquel@thclinic.org>
Cc: "Myrna Melgar" <myrna.melgar@sfgov.org>
Date: 03/18/2009 02:32 PM
Subject: Re: Order Granting Stay Pending Appeal

Thank you, Raquel.

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox" Raquel Fox

03/17/2009 06:14:01 PM




"Raquel Fox"
<Raquel@thclinic.org>
03/17/2009 06:13 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc "Victoria Wong" <Victoria.Wong@sfgov.org>
Subject Re: Order Granting Stay Pending Appeal

Raquel Fox
Tenderloin Housing Clinic

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Victoria Wong /CTYATT
03/18/2009 02:33 PM

To "Raquel Fox" <Raquel@thclinic.org>
cc "Myrna Melgar" <myrna.melgar@sfgov.org>
bcc
Subject Re: Order Granting Stay Pending Appeal 

Thank you, Raquel.

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox" Raquel Fox

03/17/2009 06:14:01 PM



"Raquel Fox"
<Raquel@thclinic.org>
03/17/2009 06:13 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc "Victoria Wong" <Victoria.Wong@sfgov.org>
Subject Re: Order Granting Stay Pending Appeal

Raquel Fox
Tenderloin Housing Clinic

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Scanned_Document_For_Raquel103.PDF



"Raquel Fox"
<Raquel@thclinic.org>
03/17/2009 06:13 PM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc "Victoria Wong" <Victoria.Wong@sfgov.org>
bcc

Subject Re: Order Granting Stay Pending Appeal

History:

 This message has been replied to.

Raquel Fox
Tenderloin Housing Clinic

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Scanned_Document_For_Raquel103.PDF



"Raquel Fox"
<Raquel@thclinic.org>
03/06/2009 11:00 AM

To "Myrna Melgar" <myrna.melgar@sfgov.org>
cc "Victoria Wong" <Victoria.Wong@sfgov.org>
bcc
Subject Re:1672-1674 Great Highway

Hi Myrna,

Is this property zoned for mixed use? Can the O'Flynn's use 1674 Great Highway as personal office and the Suvals use 1672 Great Highway for residential use?

I argued that O'Flynn should mitigate alleged damages by using 1674 Great Highway for their office. Clifford Fried stated zoning prohibited that kind of use.

Raquel Fox
Tenderloin Housing Clinic

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"Raquel Fox"
 <Raquel@thclinic.org>
 01/28/2009 12:08 PM

To "Victoria Wong" <Victoria.Wong@sfgov.org>
 cc
 bcc

Subject Re:Mark O'Flynn and Rita O'Flynn's declarations

It was denied without prejudice. The logic being that a notice of appeal had not been filed. I explained that we could not file the notice of appeal before having the motion heard because once the notice of appeal was filed, he lost jurisdiction. He said the statute CCP 1176 created an exception and that he would have jurisdiction.

I predict on March 2 that he will claim he cannot hear motion because he has lost jurisdiction.

The judge has been intellectually dishonest all along.

Raquel Fox
 Tenderloin Housing Clinic

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>>> Victoria Wong <Victoria.Wong@sfgov.org> 1/28/2009 11:57 AM >>>
 What was the motion that was denied today--the motion for a stay pending appeal? If so, how is it that that motion will be heard again on March 2? thanks.

Victoria Wong
 Deputy City Attorney
 Office of the City Attorney
 City Hall, Room 234
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102
 tel: (415) 554-4721
 fax: (415) 554-4757

"Raquel Fox"
 <Raquel@thclinic.org>
 01/28/2009 11:53 AM

"Victoria Wong"
 <Victoria.Wong@sfgov.org>

To
 cc

Subject
 Re:Mark O'Flynn and Rita O'Flynn's declarations

The motion was denied without prejudice. A motion for CCP 918 was granted and there is a stay in place through March 13.

We have rescheduled the motion for a stay pending appeal for March 2, 2009.

Raquel Fox
Tenderloin Housing Clinic

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>>> Victoria Wong <Victoria.Wong@sfgov.org> 1/27/2009 4:43 PM >>>
I just spoke with Myrna and we will get something to you shortly.

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox"
<Raquel@thclinic.
org>

01/27/2009 10:55
AM

"Myrna Melgar"
<myrna.melgar@sfgov.org>, "Victoria
Wong" <Victoria.Wong@sfgov.org>

To

cc

Subject
Re:Mark O'Flynn and Rita O'Flynn's
declarations

Could you add a paragraph to existing declaration which states as follows:

The City is not involved and has never been involved in any conspiracy/complicity with Susan Suval or Tenderloin Housing Clinic. The O'Flynn declarations contain numerous errors and incorrect allegations.

For example in Mark O'Flynn' declaration on page 12, in paragraph 37, he states that there is no final lead clearance report issued as required by HUD. Yet in paragraph 38, he states that a Lead Hazard Evaluation Report was filed for the interior (that is the final lead clearance report). Both Federal and State regulations require interior wipe sample clearance for the interior, but for the exterior, only a visual examination by a risk assessor is required - and that visual examination was conducted for 1672-1674 Great Highways..

Raquel Fox
Tenderloin Housing Clinic

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>>> Myrna Melgar <myrna.melgar@sfgov.org> 1/26/2009 1:36 PM >>>
Hi Raquel,

I'm not sure it's necessary - he contradicts himself in the declaration - look on page 12. In paragraph 37, he states that there is no final lead clearance report issued as required by HUD and then in paragraph 38, he says that a Lead Hazard Evaluation Report was filed for the interior (that is the final lead clearance report). Both Federal and State regulations require interior wipe sample clearance for the interior, but for the exterior, only a visual examination by a risk assessor is required - and that's what we did.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531

Victoria
Wong/CTVATT@CTYAT
T

01/26/2009 01:12
PM

"Raquel Fox"
<Raquel@thclinic.org>@SFGOV

To

cc

01/26/2009 01:12
PM

<Raquel@thclinic.org>@SFGOV

cc

"Myrna Melgar"
<myrna.melgar@sfgov.org>

Subject

Re:Mark O'Flynn and Rita O'Flynn's'
declarations(Document link: Myrna
Melgar)

We can add that statement to the declaration.

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox"
<Raquel@thclinic.
org>

To

01/26/2009 12:47
PM

"Myrna Melgar"
<myrna.melgar@sfgov.org>

cc

<Victoria.Wong@sfgov.org>

Subject

Re:Mark O'Flynn and Rita O'Flynn's'
declarations

He is using this to try to defeat our motion for stay pending appeal.
Could you revise the old declaration to refute his comments in the
declaration? For example, that you have wipe samples from the lab for
clearance of the property.

Raquel Fox
Tenderloin Housing Clinic

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confidential, and protected from disclosure under applicable law. If you

are not the addressee, or a person authorized to accept documents on behalf of the addressee, you are hereby notified that any review, disclosure, dissemination, copying, or other action based on the content of this communication is not authorized. If you have received this document in error, please immediately reply to the sender and delete or shred all copies.

>>> Myrna Melgar <myrna.melgar@sfgov.org> 1/26/2009 10:07 AM >>>
Geez, I don't even know what to say. Conspiracy to commit Federal Fraud? Where does he get this stuff? So much of this is easily disprovable by evidence, like the fact that we have the wipe samples from the lab for the clearance of the property- His whole conspiracy is that I went out of my way to help Susan - and of course I did - that's my JOB, and in not way prompted by Fiona Ma.

Anyway, I really don't see how any of this matters. He signed the grant agreement.

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415) 701-5531

"Raquel Fox"
<Raquel@thclinic.org> To
01/26/2009 09:32 AM
"Myrna Melgar"
<myrna.melgar@sfgov.org> cc
<Victoria.Wong@sfgov.org> Subject
Re:Mark O'Flynn and Rita O'Flynn's
declarations

Hello Myrna and Victoria,

The O'Flynn's continue to claim complicity by the City.

Raquel Fox
Tenderloin Housing Clinic

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fax: (415) 554-4757

"Raquel Fox"
<Raquel@thclinic.
org>

02/25/2009 09:50
AM

"Myrna Melgar"
<myrna.melgar@sfgov.org>

To

"susan suval"
<:ssuval@sbcglobal.net>, "Victoria
Wong" <Victoria.Wong@sfgov.org>

cc

Subject

Re: Today's Beyond Chron Story re:
Mark O'Flynn

Hello Myrna, Susan and Vicky,

Please read story in today's Beyond Chron.

Raquel Fox
Tenderloin Housing Clinic

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(See attached file: SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT.doc) (See attached file: MEMO IS SUPPORT OF Motion for summary judgment.doc) (See attached file: OPPOSITION TO MOTION FOR SUMMARY JUDGMENT.doc) (See attached file: RESPONSE TO SEPARATE STATEMENT OF UNDISPUTED FACTS.doc) (See attached file: MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT.doc) (See attached file: OPPOSITION TO PLAINTIFFS MOTION FOR JNOV AND NEW TRIAL2.doc) (See attached file: SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT.doc) (See attached file: RESPONDENTS BRIEF2.doc)

Hello Myrna and Vicky,

Could I get a copy of demand letter sent to Mark O.? Thanks. We want to keep story alive regarding Susan's plight.

Raquel Fox
Tenderloin Housing Clinic

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Subject Re: Demand Letter to O'Flynn

To "Myrna Melgar"
<myrna.melgar@sf.gov.org>, "Victoria Wong"
<Victoria.Wong@sf.gov.org>
cc

"Raquel Fox"
<Raquel@thclinic.org>
02/19/2009 07:12 PM



"Raquel Fox"
<Raquel@thclinic.org>
01/20/2009 02:14 PM

To "Victoria Wong" <Victoria.Wong@sfgov.org>
cc "Myrna Melgar" <myrna.melgar@sfgov.org>
bcc
Subject Re: Fw: Proposed declaration support of appeal (Susan Suval)

Okay, I will wait for corrected version. Thanks!

Raquel Fox
Tenderloin Housing Clinic

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>>> Victoria Wong <Victoria.Wong@sfgov.org> 1/20/2009 2:11 PM >>>
Raquel,

That version of Myrna's declaration has an error. Please discard that declaration. I will forward you a corrected version shortly. thanks.

Vicki

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox"
<Raquel@thclinic.org>

01/20/2009 02:08
PM

To
"Myrna Melgar"
<myrna.melgar@sfgov.org>, "Victoria
Wong" <Victoria.Wong@sfgov.org>

cc

Subject
Re: Fw: Proposed declaration
support of appeal (Susan Suval)

Thanks. For some reason this went into my junk folder.

Raquel Fox
Tenderloin Housing Clinic

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>>> Myrna Melgar <myrna.melgar@sfgov.org> 1/16/2009 4:23 PM >>>
Here you go, Raquel,

I edited a little for accuracy and fixed a couple of typos. Have a good weekend,

(See attached file: suval dec jan 08.pdf)

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531

Victoria
Wong/CTYATT@CTYAT
T

01/16/2009 11:55
AM

Myrna
Melgar/OCDHH/MAYOR/SFGOV@SFGOV

To

cc

Subject
Fw: Proposed declaration support of
appeal (Susan Suval)

PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION

Myrna,

Raquel got your email address wrong. She is asking whether you would sign a declaration in support of Susan Suval's appeal (see attached). Please give me a call after you've had a chance to take a look. If you do want to sign something, we can change the language to whatever you feel is appropriate.

Thanks,
Vicki

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

----- Forwarded by Victoria Wong/CTYATT on 01/16/2009 11:50 AM -----

"Raquel Fox"
<Raquel@thclinic.
org>

01/16/2009 10:24
AM

"Victoria Wong"
<Victoria.Wong@sfgov.org>

<myrna.melgar@sf.gov.org>

To

cc

Subject
Re: Proposed declaration support of
appeal (Susan Suval)

Raquel Fox
Tenderloin Housing Clinic

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>>> Victoria Wong <Victoria.Wong@sfgov.org> 1/16/2009 10:06 AM >>>
Raquel,

There is no attachment to your email.

-Vicki

Victoria Wong
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
tel: (415) 554-4721
fax: (415) 554-4757

"Raquel Fox"
<Raquel@thclinic.
org>

01/14/2009 05:47
PM

<myrna.melgar@sf.gov.org>,
<victoria.wong@sfgov.org>

To

cc

Subject
Proposed declaration support of
appeal (Susan Suval)

Hi Myrna and Victoria,

I am attaching a proposed declaration. Susan's motion for stay pending appeal is due on Friday, Jan. 16.

I have been swamped preparing for yet another trial on Jan. 20

Raquel Fox
Tenderloin Housing Clinic

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[attachment "DECLARATION OF MYRNA MELGAR ITON.doc" deleted by Myrna Melgar/OCDHH/MAYOR/SFGOV]



"Raquel Fox"
<Raquel@thclinic.org>
01/14/2009 01:21 PM

To <victoria.wong@sfgov.org>
cc
bcc

Subject Fwd: Re: SUPPLEMENTAL DECLARATION OF MARK
O'FLYNN.pdf

History: This message has been forwarded.

Raquel Fox
Tenderloin Housing Clinic

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>>> 1/4/2009 3:05 PM >>>
Outrageous. I'll see you tomorrow- I have to let my City Attorney know.

Sent via BlackBerry by AT&T

-----Original Message-----

From: "Raquel Fox" <Raquel@thclinic.org>

Date: Sun, 04 Jan 2009 15:30:54

To: <myrna.melgar@sfgov.org>;

Subject: SUPPLEMENTAL DECLARATION OF MARK O'FLYNN.pdf

Hi Myrna,
I just wanted you to see crazy Mark's declaration.

Raquel Fox
Tenderloin Housing Clinic



"Raquel Fox"
 <Raquel@thclinic.org>
 01/26/2009 12:43 PM

To "Victoria Wong" <Victoria.Wong@sfgov.org>
 cc "Myrna Melgar" <myrna.melgar@sfgov.org>
 bcc

Subject Re: O'Flynn

Could the declaration state that Susan Suval and her daughter Rebecca Suval were the tenants residing at 1672 Great Highway at time the contract was entered into in July 2005?

Raquel Fox
 Tenderloin Housing Clinic

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>>> Victoria Wong <Victoria.Wong@sfgov.org> 1/26/2009 10:55 AM >>>
 Raquel,

That term is a legal conclusion that MOH can't state in a declaration. Myrna cannot attest to whether Susan Suval was a third party beneficiary and therefore had a legal right to enforce the contract between MOH and O'Flynn. However, she can declare that through its Lead Abatement Program, the City enters into agreements like its Owner's Agreement with Mr. O'Flynn in order to encourage landlords to maintain rental units as affordable, lead-safe units for low-income tenants.

Also, my understanding is that only Susan was identified as a low-income tenant, not any other members of her family.

Victoria Wong
 Deputy City Attorney
 Office of the City Attorney
 City Hall, Room 234
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102
 tel: (415) 554-4721
 fax: (415) 554-4757

"Raquel Fox"
 <Raquel@thclinic.org>

01/23/2009 06:13
 PM

"Myrna Melgar"
 <myrna.melgar@sfgov.org>

<Victoria.Wong@sfgov.org>

Re: O'Flynn

To

cc

Subject

Is it possible to get a declaration which states that the Suvals were intended 3rd parties at the time the contract was entered into in July 2005.

Raquel Fox
Tenderloin Housing Clinic

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>>> Myrna Melgar <myrna.melgar@sfgov.org> 1/21/2009 2:21 PM >>>
Hi Raquel,

Here you go.

(See attached file: Suval declaration jan 21.pdf)

Myrna Melgar
Director of Homeownership Programs
Mayor's Office of Housing
1 South Van Ness Ave., 5th Floor
San Francisco CA 94103
(415)701-5531

ATTACHMENT G

Re: FW: Sunshine Request Response- MMeigar Email

From: **Oliver Hack** (Oliver.Hack@sfgov.org)

Sent: Tue 12/01/09 12:30 PM

To: Rita August O'Flynn (rita_august@msn.com)

Cc: dshoemaker@sfgov.org; markoflynn@msn.com; myrna.melgar@sfgov.org;
sotf@sfgov.org

Attachments:

melgar emails.pdf (710.6 KB)

Ms. O'Flynn:

As you well know, I am not required by the Sunshine Ordinance to answer a series of questions such as you have asked below.

Nevertheless, as a courtesy, here are answers:

Regarding you e-mail below-did your search of the "over 15,000" e-mail include the body of e-mail and attachments?
Yes, as far as I understand how the search function of Lotus Notes works.

I would also like to know whether your search included the specific email addresses for Ms. Melgar, Susan Suval, Mark O'Flynn, and Michael Palmer. The searches undertaken used the criteria exactly how I described them in the email you received with our response.

Why are there no e-mail at all from 2004 and 2005 included in your delivery with the e-mail attached below?

Because there were no emails in Ms. Melgar's email account that showed up as a result of the searches undertaken that were from that time period.

Best,
Oliver Hack
Chief Operating Officer
Mayor's Office of Housing
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
(415) 701-5512
oliver.hack@sfgov.org

Rita August
O'Flynn
<rita_august@msn.com>
<oliver.hack@sfgov.org>
cc
11/30/2009 01:10 <markoflynn@msn.com>,
PM <sotf@sfgov.org>,
<dshoemaker@sfgov.org>,
<myrna.melgar@sfgov.org>
Subject

FW: Sunshine Request Response-
MMelgar Email

Dear Mr. Hack:

Regarding you e-mail below-did your search of the "over 15,000" e-mail include the body of e-mail and attachments? I would also like to know whether your search included the specific email addresses for Ms. Melgar, Susan Suval, Mark O'Flynn, and Michael Palmer. As MOH is well aware, Susan Suval applied for this grant in 2004. MOH then conducted due diligence, program verification, and project execution in 2005. Why are there no e-mail at all from 2004 and 2005 included in your delivery with the e-mail attached below?

With Kind Regards,

Rita O'Flynn 415-386-8224 Cell: 415-260-7608

> Subject: Sunshine Request Response- MMelgar Email
> To: rita_august@msn.com
> From: Oliver.Hack@sfgov.org
> Date: Mon, 9 Nov 2009 16:08:21 -0800
>
>
> Ms. O'Flynn:
>
> Attached, please find all of Myrna Melgar's emails pertaining to your
> property since 2004. Beyond the attached, our office has no further
> responsive documents.
>
> As a courtesy, I am informing you of the following in relation to Ms.
> Melgar's emails:
> I searched over 15,000 emails from 2004 to the present
> I searched using the following search criteria: "1672 Great Highway",
> "1674 Great Highway" "Susan Suval", "Fiona Ma" , "Rita O'Flynn", "Mark
> O'Flynn" "Michael Palmer"
>
> The results of all the above searches are contained in the attachment.
>
> Best,
> Oliver
>
> (See attached file: melgar emails.pdf)
>
> Oliver Hack
> Chief Operating Officer
> Mayor's Office of Housing
> 1 South Van Ness Avenue, 5th Floor
> San Francisco, CA 94103

> (415) 701-5512
> oliver.hack@sfgov.org(See attached file: melgar emails.pdf)

ATTACHMENT H

Michael
Palmer/OCDHH/MAYOR/SFG
OV

04/04/2005 10:59 AM

To Myrna Iton/OCDHH/MAYOR/SFGOV

cc

bcc

Subject Project summary for funding (Gr. Hwy)



Project summary.doc



Scope of Work-1672 Great Hwy.doc

Michael
Palmer/OCDHH/MAYOR/SFG
OV

05/05/2005 11:00 AM

To markoflynn@msn.com
cc rhapsodyin2003@yahoo.com
bcc Myrna Iton/OCDHH/MAYOR/SFGOV@SFGOV
Subject Porch rebuilding

Hi Mark, I spoke to Joseph this morning and he said that he expects the plans to be out of Planning some time next week. He will then bid on the rebuild. The new news is that the City needs to have the rebuild channeled through us. This is a relatively simple process and should not cost you anything additional.

1. I will include the rebuild in our scope of work that both parties will sign.
2. You will give the City a check for the rebuild portion that we will deposit into an escrow account.
3. We will pay Joseph out of the escrow account.

If you have any questions or concerns call or email me. Mike (415) 252-3102

----- Forwarded by Michael Palmer/OCDHH/MAYOR/SFGOV on 05/19/2005 04:17 PM -----



"Mark O'Flynn"
<markoflynn@msn.com>
05/19/2005 11:42 AM

To Michael.Palmer@sfgov.org
cc

Subject RE:1672 Great Highway

Hi Mike,

I have given my tenant, Susan Suval, her 60 day notice to temporarily vacate the property at 1672 Great Highway. I expect that she will have vacated the premises on or before July 17, 2005. I have communicated this information to Joseph Ruiz.

I still have not received the contract from your office. Would you please follow up.

Thanks

Mark O'Flynn

Hi Mike,

I got the permit approved this morning for rebuilding the porch.

I have not received the contract from Lorene. Could you please follow up with her.

Thanks

Mark O'Flynn
Attorney at Law
1766 Union St Ste E
San Francisco CA 94123
Office: (415) 775-6011
Fax: (415) 921-3991

>From: Michael Palmer <Michael.Palmer@sfgov.org>

>To: "Mark O'Flynn" <markoflynn@msn.com>

>Subject: RE: Porch rebuilding

>Date: Mon, 9 May 2005 15:42:31 -0700

>

>

>

>

>

>Mark I forwarded this on to Lorene, she should be emailing them to you.

>Please let me know if you do not have them by Tue. PM. --Mike

>

> >
> >
> >
> > "Mark O'Flynn"
> > <markoflynn@msn.c
> > om>
>To
> >
> > Michael.Palmer@sfgov.org
> > 05/05/2005 11:25
>cc
> > AM
> >
>Subject
> >
> > RE: Porch rebuilding
> >
> >
> >
> >
> >
> >
> >
> >
> >
> >
> >
> >
> >Hi Mike,
> >
> >To follow up on our telephone conversation this morning, the status of
>rear
> >
> >porch reconstruction is as follows:
> >
> >I submitted floor plans to the planning department and have their
>approval.
> >
> >The dept of building inspection has requested a set of construction plans
> >and elevations which are currently being prepared. If all goes well, I
> >hope
> >to have the building permit in hand by the end of next week. I will
> >forward
> >a copy of the construction plans to Joseph in addition to two other
> >contractors for bidding. I hope to have bids returned by the end of this
> >month at the latest. We can then discuss the details of funding the
>escrow
> >account for construction of the rear porch.
> >
> >When would you be able to provide me with the documents I will need to
> >sign?
> > I would like to review them and address any questions I may have
>sooner
> >rather than later.
> >
> >Thanks,
> >
> >
> >
> >Mark O'Flynn
> >Attorney at Law
> >1766 Union St Ste E
> >San Francisco CA 94123
> >Office: (415) 775-6011
> >Fax: (415) 921-3991

Michael
Palmer/OCDHH/MAYOR/SFG
OV

08/15/2005 10:27 AM

To Myrna Iton/OCDHH/MAYOR/SFGOV

cc

bcc

Subject 1672 Great Hwy

The cost of Change Order # 1(Marvin windows and additional painting) is \$4,100.00. Change Order 2 (rear unit) is \$6,850.00. Total \$10,950

Michael Palmer
(415) 252-3102

City of San Francisco
Mayor's Office of Housing
Lead Hazard Reduction Program

Myrna
Iton/OCDHH/MAYOR/SFGOV
05/19/2005 04:37 PM

To Michael Palmer/OCDHH/MAYOR/SFGOV@SFGOV
cc Lorene De Los Reyes/OCDHH/MAYOR/SFGOV@SFGOV
bcc
Subject Re: Fw: RE:1672 Great Highway

History: This message has been forwarded.

Good afternoon, Mr. O'Flynn

I am attaching the template we use for the owner's agreement, and a template for the commitment letter you will receive from us. It is NOT a contract; the contract will be between you and Mr. Ruiz with our commitment to pay for those things approved in the scope of work. I cannot give you a commitment letter or owner's agreement because this project has not been approved for funding from the Mayor's Office of Housing. As I understand from Mike, we are waiting for you to submit your plans and bids for the re-construction of the back porch that will be demolished as part of the lead remediation portion of this project. As soon as you get that to us, I can submit the project for funding, get a commitment and provide you with a signed agreements. Then, when you give us a check for the reconstruction of the porch, we will issue a notice to proceed.



Owner's Committ-Ltr.doc



OWNER AGREEMENT LETTER TEMPLATE^{new}.DOC

Myrna Melgar Iton
Lead Program Manager
Mayor's Office of Housing
25 Van Ness Ave. Ste 600
San Francisco CA 94102
(415)252-3123
myrna.iton@sfgov.org

Michael Palmer/OCDHH/MAYOR/SFGOV

Michael
Palmer/OCDHH/MAYOR/SFGOV
05/19/2005 04:18 PM

To Lorene De Los Reyes/OCDHH/MAYOR/SFGOV@SFGOV
cc Myrna Iton/OCDHH/MAYOR/SFGOV@SFGOV
Subject Fw: RE:1672 Great Highway

Lorene, please send Mark (email is OK) the various contracts and agreements this morning.

----- Forwarded by Michael Palmer/OCDHH/MAYOR/SFGOV on 05/19/2005 04:17 PM -----



"Mark O'Flynn"
<markoflynn@msn.com>
05/19/2005 11:42 AM

To Michael.Palmer@sfgov.org
cc
Subject RE:1672 Great Highway