

Date: Jan. 5, 2010

Item No. 25 & 26

File No. 09083

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Ellen Tsang against Department of Building Inspection**
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Completed by: Chris Rustom

Date: Dec. 30, 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.

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 DEC 10 AM 10:28  
RC

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
http://www.sfgov.org/sunshine  
**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission Department of Building Inspection

Name of individual contacted at Department or Commission Mr. William Strawn, Communication Manager

- Alleged violation public records access
- Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section 67.25(a), 67.21(L), etc.  
*(If known, please cite specific provision(s) being violated)*

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

\_\_\_\_\_ see 4 page attachments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you want a public hearing before the Sunshine Ordinance Task Force?  yes  no  
Do you also want a pre-hearing conference before the Complaint Committee?  yes  no

(Optional)<sup>1</sup>  
Name Ellen Tsang Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ E-Mail Address tsangt123@yahoo.com

Date \_\_\_\_\_ Signature \_\_\_\_\_

I request confidentiality of my personal information.  yes  no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

## STATEMENT OF FACTS

I submitted a SUNSINED REQUEST, IMMEDIATE DISCLOSURE REQUEST to Mr. William Strawn, Communication Manager of Department of Building Inspection (DBI) for a public record – a building permit application No. 200910229545 for 2650-52 Hyde Street, by asking him to email this public record to me.

Mr. William Strawn/DBI failed to respond to my immediate disclosure request “no later than the close of business on the day following the day of request” as required by law and refused to email me this public record which is already in electronic format/ digitized. (see attached document)



**Re: request for a public record by email**

Tuesday, December 8, 2009 3:47 PM

**From:** "Ellen Tsang" <tsangt123@yahoo.com>

**To:** "William Strawn" <william.strawn@sfgov.org>

**Cc:** Vivian.Day@sfgov.org, kimo@webnetic.net, dougcoms@aol.com, joelynn114@hotmail.com, tsangt123@yahoo.com, grossman356@mac.com, rwhartzjr@sbcglobal.net, libraryusers2004@yahoo.com, tenants769np@yahoo.com

SUNSHINE REQUEST  
IMMEDIATE DISCLOSURE REQUEST

Dear Mr. William Strawn:

Please email me a copy of building permit application No. 200910229545, for 2650-52 Hyde Street, It is already digitized by DBI's vendor and paid for by the tax payers.

On December 2, 2009 at 2:43 p.m. you informed the public that this permit application was already picked by DBI's "records' digitizing vendor" to convert it and this public record be available to view after 2 p.m. on December 8.

Now is December 8, 2009 at approximately 3:47 p.m.

Please comply with the law and email me this permit application.

Thank you.

Sincerely yours,

Ellen Tsang



**From:** William Strawn (william.strawn@sfgov.org)  
**To:** Tenants 769NorthPoint; SOTF; Vivian Day; Lauren Yim; patty.herrera@sfgov.org  
**Date:** Wed, December 2, 2009 2:43:45 PM  
**Cc:** william.strawn@sfgov.org  
**Subject:** Re: Building Permit Application No. 200910229545 and plans, 2650-52 Hyde Street

December 2, 2009

VIA E-mail to: [Tenants769np@yahoo.com](mailto:Tenants769np@yahoo.com)

Dear Tenants 769 NorthPoint:

Thank you for your immediate disclosure Sunshine request re: building permit application No. 200910229545, and plans for 2650-52 Hyde Street, which we received yesterday afternoon, Dec. 1, via email.

As the head of DBI's Records' section made very clear to Mr. Edgar Brincat in person yesterday, it will take staff a few days to research and retrieve this specific public record, given that Mr. Brincat was unable to obtain it at the Central Permit Bureau, where staff advised him to check since it was not yet in Records. As he reported to staff, he did check and was informed that it was not in CPB, meaning it had already been collected by our records' digitizing vendor, whom we have contacted to locate it.

In as much as this was a regular permit issuance, with no structural addition notification noted on the permit tracking form, it is not held under DBI's "15-day hold." Also, because Mr. Brincat's record request followed that of many other previous customer requests, he was clearly advised that our normal turnaround time to retrieve the record and have it available for viewing is five days. Thus, we expect to have this record and plans available for him to view after 2 p.m. on December 8. It will then be held until Dec. 23rd, close of business, for Mr. Brincat to come and view.

This is normal procedure and one followed by all customers making public records' requests. Mr. Brincat was provided a clear explanation of what the Department is doing to retrieve the record he requested, and was informed it will be made available to him in the order received and ready for his viewing on December 8th after 2 p.m.

Thank you.

Sincerely,

3

William Strawn

William Strawn  
Communications Manager  
Department of Building Inspection  
San Francisco, CA 94103  
[william.strawn@sfgov.org](mailto:william.strawn@sfgov.org)  
Tel. 415/558-6250 (O)  
Blackberry: 415/850-9816

William Strawn/DBI/SFGOV

12/23/2009 01:05 PM

To SOTF/SOTF/SFGOV@SFGOV, Vivian  
Day/DBI/SFGOV@SFGOV, Pamela J  
Levin/DBI/SFGOV@SFGOV, patty.herrera@sfgov.org,  
cc william.strawn@sfgov.org

bcc

Subject DBI Response to Complaint No. 09083

Dec, 23, 2009

Members of the Sunshine Task Force/Mr. Rustom:

Per your notification dated December 17, 2009, please find attached below the Department of Building Inspection's response to your Complaint No. 09083, as well as our request that this complaint be dismissed. As our response indicates, this complaint is a repeat of the same fundamental issue -- albeit with a different public records' request by the complainant -- that was reviewed by the Task Force on Jan. 29, 2009, when its Order of Determination found no Departmental violation of the Sunshine ordinance.

Thank you for your consideration and attention to this matter.

Sincerely,

William Strawn



Dec2309FinalLtrHdSOTF.pdf



CityAttorResponseDec2209Tsang.pdf



08054\_AnonTenantsFinalRulingFeb2409 v Dept. of Building Inspection.pdf



Jan2709DBIMemoSOTFLtrHd.pdf



Sept09DBIReply.pdf



DBIReplyLtrHdETsangSep1609.pdf



DBINov1909Reply.pdf



William Strawn  
Communications Manager  
Department of Building Inspection  
San Francisco, CA 94103  
william.strawn@sfgov.org  
Tel. 415/558-6250 (O)  
Blackberry: 415/850-9816



**MEMORANDUM**

DATE: December 23, 2009  
TO: Members, Sunshine Ordinance Task Force  
FROM: Department of Building Inspection (DBI)  
Re: DBI Response to Complaint No. 09083

The Department of Building Inspection (DBI) respectfully requests the Sunshine Ordinance Task Force to **dismiss Complaint No. 09083**. The Department believes it has been fully responsive to this complainant with its email responses sent on December 2, 2009, September 9 (when we offered the complainant the requested record in a hard copy format), September 16 (when we invited the complainant to meet with our Records' staff and myself so that we might explain again our process and respond to any questions the complainant may have), and from November 19, 2009 (See Attached).

This complaint also is at odds with the fact that one of Anonymous Tenants' representatives, Mr. Edward Brincat, did visit the Department's Records' section on December 14, 2009 and viewed the plans requested. When Mr. Brincat illegally began tracing the plans – a violation of State law – DBI staffed had to stop him and reminded him that while he could view these plans, he did not have the owners' permission to copy them.

The complainant appears to have drawn an incorrect conclusion that because we informed the customer that permit application number 200910229545 had been collected by our records' digitizing vendor and would be available to view after 2 p.m. on December 8, that that record also was available in an electronic format and therefore should be emailed to the complainant.

**KEY ISSUE**

This is not correct. The complainant has made three requests for different permit application numbers, all at the same address and all covering the same building project at 2650-52 Hyde Street. These permit application numbers are 200810305471; 200910229545; and 20053086970. The underlying issue raised by the complainant with each of these requests remains exactly the same today as the complaint considered –and dismissed– by the SOTF on January 29, 2009: the Department's lack of technical capacity to provide a specific record in the electronic format demanded by this complainant.

**BACKGROUND**

As was explained to the Task Force, and to the same complainant, at the January 29, 2009 Sunshine Ordinance Task Force, when you reviewed **Complaint No. 08054** concerning the complainant's demand that the Department email her permit application number 200810305471, the Department is not able to provide these public records in an electronic format. The Sunshine Task Force issued its **Order of Determination** on this complaint on **February 24, 2009**, when the motion to find the Department in violation failed for lack of a majority. A motion to reopen the case also failed, per your Order of Determination (See Attached).

As we explained at the January 29, 2009 SOTF Hearing, DBI records are maintained in various types of formats, including 16mm microfilm rolls, 35mm microfilm rolls, aperture cards, Papervision files using a TIFF format, and original paper documents, if scanning has not yet occurred.

To produce a record electronically from any of the previously mentioned non-paper formats, staff must locate the record by researching multiple databases such as DOC INDEX, Permit Tracking System, Papervision, and aperture cards. After the record has been located, DBI staff must make a photocopy from that format, manually scan the printed version through a copy machine, convert the paper copy into a PDF format,

Office of the Director  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6131 – FAX (415) 558-6225 – [www.sfgov.org/dbi](http://www.sfgov.org/dbi)



Page Two/DBI Response to SOTF Complaint No. 09083

save the PDF on the server, and index the file. Once the file has been saved, staff must attach a copy of the converted file into Lotus Notes, and then email it to the customer. If the file is too large to email, it can not be accommodated by the City's systems.

### **DBI RECORDS & REQUESTS' VOLUMES**

Records prior to 2000 are stored primarily on microfilm or aperture cards. Currently, DBI has approximately 3 million aperture cards and 8,000 microfilm rolls. If staff is required to provide electronic records per a customer's request when the document is in microfilm, aperture cards or Papervision, staff must then go through the previously described resource-intensive steps. The burden on the department's resources would be significant due to the high volume of records' requests.

As we noted in the January 27, 2009 Memorandum submitted to the Task Force for its review of Complaint No. 08054, the total volume of public records' requests in fiscal year 2007-2008 was 11,713. A single records' request may involve as many as 900 aperture cards; and each aperture card may hold as many as 10 pages. In response to the 11,713 requests, DBI provided customers with 106,286 copies of applications/job cards/Certificates of Final Completions; 54,020 copies of plans; and 22,729 diazo cards through which customers viewed plans.

### **RECORDS ONLINE**

To make records accessible to the public, DBI also has posted on its website information about its records, including permit applications. These are searchable by permit application number, street address, or block and lot number. See <http://dbiweb.sfgov.org/dbipts/>. The website has a substantial amount of information, including description of work, stages of permit process, City employees who reviewed and approved the project, agents involved with the project -- all of which constitute, essentially, a summary report of the specific permit. This information covers building permits from 1996 to present; and it also covers plumbing and electrical permits, and complaint information, but for shorter time periods, with the time period differing for the differing categories of records. The information posted on the website is available 24 hours a day, 7 days a week. In addition, DBI posts on the website monthly reports for filed, issued, and demolition permits, which also contain the same information.

### **HARD COPY VERSION OF THE REQUESTED RECORD OFFERED SEPTEMBER 9, 2009**

The above details have been provided to the complainant on multiple occasions. In fact, this complainant made a similar request on Sept. 9, 2009, when she requested that we email her permit application number 200503086970, and when we informed her that this document was available only in paper format that we would copy for her at the Sunshine-established copying rate of ten cents per page. At that time, we also reminded the complainant that we are not yet able to provide public records in digital/electronic formats for the reasons detailed above. Even with this explanation, the complainant sent another Immediate Disclosure Sunshine request, dated Oct. 23, 2009, demanding, again, that we email her this same permit application that we had already offered her in September in hard-copy format once she had paid the copying charge.

The customer ignored the Department's offer to pick up her requested information in hard copy format, and on November 19, 2009 the complainant contacted the City Attorney's Supervisor of Public Records, alleging that we 'failed to respond' to her repeated requests that we email her this specific record (See attached City Attorney Memorandum dated December 22, 2009). I responded again on Nov. 19, 2009 and reminded her again of having the hard copy of this record request ready for her to pick up since September. I also repeated

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Page Three/DBI Response to SOTF Complaint No. 09083

that DBI does not have the capacity to provide copies of records in an electronic format for the reasons detailed above and before the Task Force on January 29, 2009.

**Conclusion/Recommendation**

DBI makes every possible effort to be immediately responsive, prompt, courteous and professional to every customer's request for public records – and we do this satisfactorily every year with tens of thousands of requests. Since providing a PDF version of a specifically requested public record is not 'easily available' through the Department's existing computer system, and due to the multiple formats that any given record may be retained within, we have repeatedly explained to this specific complainant why we are unable to meet her specific request to email as a PDF the specific records requested and noted above. We also have offered these records in hard copy format, at the Sunshine-established copying rate of ten cents a page – offers to this day she has refused to accept. Instead, she filed Complaint No. 09083 with the Task Force.

In short, this customer continues to demand separate and unequal treatment provided by the Department's public records' retention and public accessibility processes – treatment we believe is neither reasonable, nor manageable within our existing resources and technical capabilities, nor required by the Sunshine ordinance. We have certainly been responsive to this customer's requests to view all the requested public records, as well as offered the records in hard copy format. Because we are unable to email PDF files of these records to them for the reasons explained above, we are servicing them as effectively as our systems permit.

As detailed above, and with the attachments referred to therein, the Department has been and continues to be completely responsive within all Sunshine requirements and we ask, respectfully, that Complaint No. 09083 be dismissed as being without merit and an unreasonable demand upon departmental resources.

Thank you for your consideration.

Sincerely,

William Strawn

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1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6131 – FAX (415) 558-6225 – [www.sfgov.org/dbi](http://www.sfgov.org/dbi)



DENNIS J. HERRERA  
City Attorney

PAULA JESSON  
Deputy City Attorney

DIRECT DIAL: (415) 554-6762  
E-MAIL: paula.jesson@sfgov.org

## MEMORANDUM

TO: Ellen Tsang  
FROM: Paula Jesson  
Deputy City Attorney  
DATE: December 22, 2009  
RE: Petition to the Supervisor of Records – Building Permit Application in Electronic Format

You asked the City Attorney's Office to assist you in obtaining a record that you have requested from the Department of Building Inspection ("DBI"). DBI has the record, a permit application, in "hard copy" and has offered to provide it to you. You have asked for the record in electronic form, which DBI declines to provide. You have informed this office that you consider DBI legally obligated to provide the record in electronic form.

We review your request to this office as a petition to the Supervisor of Records under the San Francisco's Sunshine Ordinance, San Francisco Administrative Code Section 67.21(d) ("Section 67.21(d)"). The role of the Supervisor of Records is limited to determining, in the language of that section, "whether the record requested, or any part of the record requested, is public." Because the scope of this office's role is limited under Section 67.21(d), we generally do not address claims of violations under public record laws other than the claim that a City department is unlawfully withholding, or unlawfully redacting portions of, a record that should be disclosed.

There is no dispute between you and DBI regarding the public nature of the record that you requested. DBI has offered to provide it to you as a "hard copy." You seek the same record in a different format. Therefore, the issue you raise is not one that the Supervisor of Records normally considers under Section 67.21(d).

Nevertheless, in an effort to be of assistance, the Supervisor of Records has sought additional information regarding DBI's procedures for maintaining records and for providing copies to the public.

DBI records are maintained in various types of formats, including 16mm microfilm rolls, 35mm microfilm rolls, aperture cards, Papervision files using a TIFF format, and original paper documents if scanning has not yet occurred. The building permit application that you seek (No. 20053086970) is maintained in Papervision.

To produce a record electronically from microfilm, aperture cards, or Papervision files, DBI staff must locate the record by researching multiple databases such as DOC INDEX, Permit Tracking System, Papervision, and aperture cards. After the record has been located, staff must make a photocopy from that format, manually scan the printed version through a copy machine, convert the paper copy into a PDF format, save the PDF on the server and index the file. Once the file has been saved, staff must attach a copy of the converted file into Lotus Notes and then email it to the customer. If the file is too large to email, it cannot be accommodated by the City's systems.

## Memorandum

TO: Ellen Tsang  
DATE: December 22, 2009  
PAGE: 2  
RE: Petition to the Supervisor of Records – Building Permit Application in Electronic Format

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If DBI were required, when requested by a member of the public, to provide a record in electronic format when the record is maintained in microfilm, aperture card or Papervision, staff would have to go through the steps described above. The burden on the Department's resources would be significant due to the high volume of record requests. For example, in fiscal year 2007-2008, members of the public and City agencies requested 11,713 records maintained by the Department (about 80% of these requests are from members of the public). One request for records may involve as many as 900 aperture cards and each aperture card can hold up to 10 pages. In response to the 11,713 requests, DBI provided the following: 106,286 copies of permits/job cards/CFCs, 54,020 copies of plans, and 22,729 diazo cards for viewing plans.

To make records accessible to the public, DBI has posted on its website information about its records (including permit applications). This is searchable by permit application number, street address or block and lot number. See <http://dbiweb.sfgov.org/dbipts/>. The website has a substantial amount of information including description of work, stages of permit process, City employees who reviewed and approved the project, and agents involved with the project, all of which is basically a summary report of the permit. This information covers building permits from 1996 to the present (it also covers plumbing and electrical permits, and complaint information, but for shorter time periods, with the time period differing for the differing categories of records). The information posted on this website is available 24 hours a day, 7 days a week. In addition, DBI posts on the website monthly reports for filed, issued, and demolition permits, which also contain the same information.

While it may be appropriate in some cases for the Supervisor of Records to make a determination on issues relating to the form of the record sought, even if the department does not dispute that the record is public, there are no compelling circumstances here for the Supervisor of Records to make such a determination. However, we hope that this response has been informative and helpful.

P.J.

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
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TDD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
February 24, 2009

**DATE THE DECISION ISSUED**  
January 29, 2009

*ANONYMOUS TENANTS v. DEPARTMENT OF BUILDING INSPECTION (08054)*

**FACTS OF THE CASE**

Anonymous Tenants state that on November 13, 2008, they made an Immediate Disclosure Request on the Department of Building Inspection ("DBI") through Anita Lee at the Central Permit section of DBI for a copy of the permit application for permit # 200810305471 in PDF form and that it be sent to the Tenants as an e-mail attachment. On November 13, 2008, Alan E. Whiteside, Custodian of Records of the Customer Service Division of DBI responded and stated that DBI could not scan and e-mail the requested permit application and that in the alternative, Mr. Whiteside prepared a record request for the Tenants. The procedure required the Tenants to pick up the hardcopy of the application at DBI and pay a records charge of \$6.50.

The Tenants objected to the procedure as stated by Mr. Whiteside and cited an earlier request in which the secretary of the Director of DBI was able to scan and send as an e-mail attachment a requested document.

**COMPLAINT FILED**

On November 25, 2008, the tenants filed a complaint against DBI and alleged that DBI allegedly violated the Sunshine Ordinance, sections 67.29-2, 67.21(l), 67.21-1 and 67.21 generally.

**HEARING ON THE COMPLAINT**

On January 27, 2009, Complainant Anonymous Tenants appeared before the Task Force and presented his claim. Respondent Agency was represented by Communications Manager William Strawn and Alan Whiteside, the custodian of records, who presented the Agency's defense.

The issue in the case is whether the Agency violated Sections 67.21, 67.25, 67.21-1 and 67.29-2 of the Ordinance and Sections 6253 and 6255 of the California Public Records Act.

**ORDER OF DETERMINATION**

**DECISION AND ORDER OF DETERMINATION**

A Motion to find the department in violation of Sec.67.21-1 (b) (I) (ii) (iii) for failure to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records failed for lack of a majority.

The Motion to find the department in violation presented by Knee/ Cauthen failed on the following vote:

Ayes: Knee, Cauthen, Johnson, Chan, Craven

Noes: Knoebber, Goldman, Chu

Excused: Washburn, Williams

A Motion to reopen the case was forwarded by Cauthen / Chan.

That motion also failed by the following vote

Ayes: Cauthen, Johnson, Chan

Noes, Craven, Knee, Knoebber, Goldman, Chu

Excused: Washburn, Williams



Kristin Murphy Chu, Chair  
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Rosa Sanchez, Deputy City Attorney
- Anonymous Tenants, Complainant
- William Strawn, Communications Manager
- Alan Whiteside, Custodian of Records





**MEMORANDUM**

DATE: January 27, 2009  
TO: Members of Sunshine Ordinance Task Force (SOTF)  
FROM: Department of Building Inspection (DBI)  
RE: DBI PUBLIC RECORDS' PROCEDURES

Because of the volume of public documents generated annually at the Department of Building Inspection (DBI) – please see FY 07-08 statistics below-- and upon the advice of the City Attorney's Office, DBI digitizes and/or micro-films all documents. We do not retain original hard copies.

We make every possible effort to be immediately responsive, prompt and courteous to every customer's request for public documents – which is why we encourage everyone to visit the DBI web site, [www.sfgov.org/dbi](http://www.sfgov.org/dbi), where we provide easy public access to the overwhelming majority of all our public records – and why we established long ago the following departmental procedure:

When a request is made for permit applications and related materials, the Custodian of Public Records locates the requested document(s) on micro-film, and offers the customer the opportunity to come in to view them at our offices at 1650 and 1660 Mission Streets. If the customer wants a printed copy of the micro-filmed record, our staff will then print from that micro-film to provide this record, once a records' request form has been completed and we have had sufficient time (two business days) to fulfill it.

Given the volume of work and requests upon our public records' staff, our procedure makes it transparently clear to everyone that a request to print a single document from micro-film records is a two-day turnaround, and the clock begins after the customer has filled out our Records Request form. The minimum records' charge, as published and made clear in DBI's fee schedule, as adopted unanimously by ordinance in July, 2008, by the San Francisco Board of Supervisors, is \$6.50 (prior to Sept. 2, 2008, when fees changed, that fee had been \$3.50.) As noted in my earlier emails to the SOTF, the DBI web site is [www.sfgov.org/dbi](http://www.sfgov.org/dbi), and the Home Page has a link for the Fee Schedule, as well as to the detailed analyses behind the Fee Schedule (Matrix Report).

This is long-established departmental procedure, and has been reviewed and approved by the City Attorney's Office. In fact, when discussing this again on January 28, 2009 with Deputy City Attorney Judy Boyajian, she made it clear to me that making an exception to this established procedure would mean we no longer have a procedure and thus open the Department to demands by any complainant for the delivery of public records at the whim of the complainant. Would it be reasonable, she asked, if the complainant demanded delivery of the requested public record by messenger or hand-delivery?

Ms. Boyajian also asked if the complainant was disabled or out of the City and thus unable to follow our established procedure? We know that the answer to both questions is no. Since providing a PDF version of the requested document is not 'easily available' through the department's existing computer system, this was fully and repeatedly disclosed to this customer in Mr. Whiteside's email to the customer dated the same day the request was received, Nov. 13, 2008. Mr. Whiteside repeated the information on Nov. 14, and again on Nov. 20. The customer continued to insist upon

contesting DBI's established procedure and demanded a separate process that is not available to all customers, specifically, an e-mail with a PDF attachment, even though Mr. Whiteside made it clear that that is not DBI records' procedure, nor within our existing technical capacity.

Because DBI's electronically archived public records' files are not readily available in a PDF format, it is a hardship and unfair to every other customer who follows our established procedure to meet this single demand from one complainant – and what's more, from a complainant who requests public records on a frequent basis and who is thus not only completely familiar with the procedure but who also has followed the procedure on numerous occasions.

As reported during our testimony to the Task Force on January 27, 2009, to fulfill this specific request would have required our staff to find the requested document on micro-film; then print a copy from the film; then scan the printed version in order to convert it to the PDF format; and then rename and restore this same document that already exists as a micro-film record. With the volume of records' request received, and with existing staff resources, this departure from our established procedure is simply not practical, not fair to all other customers who do follow the department's established procedure, and not reasonable.

We offered an immediate response, per Sunshine requirements, to this customer and explained clearly what our procedure is, the timeline to produce the document and the fee established by law. This customer demanded separate, customized, treatment which we do not believe is reasonable and which, based upon the City Attorney's advice given to us, is not required by the Sunshine laws.

We appreciate the Task Force's finding of no violation, and respectfully offer the above background in the hope that your members are fully apprised of DBI's established procedures in managing voluminous public records' requests and understand the Department's complete commitment to providing the public with all public records upon request and in meeting both the spirit and legal requirements under the Sunshine ordinance.

#### **SUMMARY STATISTICS (FY 07 -08 Numbers)**

- Received a total of **11,713** microfilm requests.
- These microfilm requests produced a total of:
  - o **106,286** copies of applications/job cards/CFC's
  - o **54,020** copies of plans
  - o **22,729** diazos

Thank you for your attention, and for your consideration.

Sept. 9, 2009

Ms. Tsang:

Permit Application #200503086970 is available only in paper format. If you would like to obtain a photocopy, please let us know and we will produce one for you at the Sunshine-established copying rate of ten cents per page. We are not yet able to provide digital/electronic formats, though we are making changes in our systems to include this capability in the future.

As you know from your frequent visits to our Records Department -- I believe you have requested to view/print permits and to view the plans for the property at 2650-2652 Hyde Street on numerous previous occasions -- if you would like only to view this permit, you may view the summary description on our Permit Tracking System via online ([www.sfgov.org/dbi](http://www.sfgov.org/dbi)), or at the ground floor lobby customer service desk. Or, you also may request to view this permit on our Papervision system, which is at our Records Management Public Counter in Room 3036 at 1660 Mission Street (Third Floor).

Please let me know if you would a photocopy of PA No. 200503086970, and I will let you know how quickly we can make this available to you.

Thank you.

Sincerely,

William Strawn

Dear Mr. Kornfield, Deputy Director, Permit Services and  
Mr. Strawn, Communication Manager:

Please provide me with a copy of one permit application PA#200503086970, 2650-52 Hyde Street in PDF format to me.

Thank you in advance for your help.

Sincerely yours,

Ellen Tsang



Sept. 16, 2009

[Tsangt123@yahoo.com](mailto:Tsangt123@yahoo.com)

Dear Ms. Tsang:

Thank you for your immediate disclosure request, received via email yesterday at the Department of Building Inspection.

Section 67.21 of the Sunshine Ordinance, which stipulates the "process for gaining access to public records," states clearly that any custodian of a requested public record, when not in possession of the record requested, "...shall assist a requester in directing a request to the proper office or staff person..."

Because the Department of Building Inspection receives thousands of requests for public records annually, we have established specific procedures to be responsive to these requests in a fair, first-come, first-served and orderly manner. Your original request of Sept. 2, 2009 for a copy of Permit No. 200503086970 requires that you fill out our standard Records Request form. Depending upon how many other requests are already being handled, we make every effort to respond to these within two business days after receiving your form.

Would you be available to come in and meet with me, and with our Records staff, on Thursday, Sept. 24, 2009 at 8:30 or 9 a.m., so that we might explain the Department's process to you? We would welcome the opportunity to talk with you, and to answer your questions in person.

Please let me know if next Thursday morning would be possible in your calendar.

Thank you. I look forward to hearing from you and to meeting with you.

Sincerely,

William Strawn

Office of the Director  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6131 – FAX (415) 558-6225 – [www.sfgov.org/dbi](http://www.sfgov.org/dbi)

Nov. 19, 2009

Ms. Tsang:

Thank you for your email earlier today, and your request to "...email you permit application number 20053086970...."

As you may remember from my September 11, 2009 email to you about your request for this document, we do have a hard copy of the record at our Records' Department counter, Third Floor, 1650 Mission Street. You need only come by and pay the copying charges, and we will give you the record. If you do not want to come to DBI, or you are unable to come to DBI, provide us with your phone number and we will call you, let you know the copying charges and, once we receive your payment, we will mail the copy to you at the address you provide.

As I have explained to you, and to the Sunshine Task Force, on previous occasions, we are not able to provide copies of records in an electronic format. While the Department is in the process of scanning new public records and thus digitizing these as we move forward in modernizing our records' storage, we do not yet have most public record files readily available in an electronic format.

Thank you.

Sincerely,

William Strawn



Ellen Tsang  
<tsangt123@yahoo.com>  
12/29/2009 03:48 PM

To SOTF <sotf@sfgov.org>  
cc kimo@webnetic.net, dougcoms@aol.com,  
tsangt123@yahoo.com, grossman356@mac.com,  
rwhartzjr@sbcglobal.net, libraryusers2004@yahoo.com,  
bcc  
Subject Re: Case #09083, My reply to Mr. William Strawn/DBI's  
response with his 7 PDF attachments

Dear Mr. Rustom:

Would you please include the following and 5 attachments in Jan. 5, 2009 hearing package for SOTF complaint #09083. Thank you very much. Ellen

Dear Members:

Mr. William Strawn is trying to mislead the members of SOTF in his response to SOTF#09083. I address some of his misstatements which are relevant to this complaint #09083 for permit application #200910229545.

1) Mr. William Strawn/DBI mixed up my two requests for public record. My request for permit application #20053086970 is not subjected to this SOTF complaint #09083. This SOTF complaint #09083 is for a different public record - permit application #200910229545.

2) City attorney Paula Jesson was involved in a different public record that I requested: permit #20053086970 which should not be considered and argued before you on Jan. 5, 2009 hearing.

Each public request has different facts and circumstances and should not be allowed to mix them up for the purpose to confuse the members.

3) Mr. William Strawn informed Ms. Jesson: . a summary report of the permit" is in DBI's website. However, the information for the summary is entered by staff at DBI at his/her discretion (how much details that she/he is willing to enter and/or space availability or by instruction to enter only certain information). In many cases only a portion of the complete description of work is in the summary.

Board of Appeals does not accept the summary of a permit application downloaded from

DBI's website and only accepts a copy of the original permit application. There is an Agent's authorization and Disclosure Form attached to the permit application and it is not available on the DBI's website. In many summaries, "Contact details", "Contractor's details" are not in DBI's website. Particularly, the permit expeditors' information is not provided in DBI's website and concealed from the public.

4) This is the first time I/Ellen Tsang filed Sunshine Complaint vs. DBI and filed in December 2009.

I did exercise my right to express my support in a couple of SOFT cases. I was not the complainant in these other cases as Mr. Strawn repeatedly misled you.

5) Mr. Strawn stated in his Memorandum of December 23, 2009 to the members of SOFT : providing a PDF version of public record is not easily available. through the Department's existing computer system and .To produce a record electronically. staff must locate the record by researching multiple databases .. After the record has been located, DBI staff must make a photocopy form that format, manually scan the printed version through a copy machine, convert the paper copy into a PDF format.. There is no law that permits Mr. Strawn/DBI's refusal to provide the public record requested in PDF format for reason not easily available. given by Strawn. In any event, DBI cannot use the difficulty of retrieving record in a system they designed by them to prevent public access. We the tax payers have been paying DBI's staff's salary and paying Mr. William Strawn over \$100,000/annual salary.

6) Mr. Strawn stated that in 2007-2008 members of the public and city agency's requested 11,713 records maintained and about 80% are from the public. SOFT record proves in 2007-2008 DBI charged the public \$6.50 for one page copy of public record and it has been determined that such outrageous charge is in violation of the law and is illegal. DBI and Mr. Strawn had been breaking the law for years. (see attached)

7) Mr. Strawn/DBI is not disputing that they did not response to my Sunshine Immediate Request of 12/8/2009 for permit # 200910229545 which was digitized and in DBI's computer and paid for by the tax payers.

Mr. Strawn/DBI did not offer me a copy of this particular public record and did not

even bother to inform me that he/DBI intended to use their responses to different public record requested as their responses to my 12/8/09 Sunshine Immediate Request. Their responses to different public record requested should not be considered at Jan. 5, 2009 hearing. They should have responded to my Sunshine Immediately on the next business day as required by law but did not.

CONCLUSION

I asked for a copy of original public record not a summary report of the public record from DBI's website which was created and became a different document. DBI should comply with the law by emailing me a copy of permit application #200910229545 which is in DBI's computer. Mr. Strawn/DBI has capability to do the task. (see attached) Mr. Strawn emailed his response to this SQFT complaint #09083 with 7 PDF files attached. He did not complaint he needed to take intensive steps. to create and email these 7 PDF files to you but refuses to provide the public records requested in PDF format to the public.

Law should be complied equally and not at Mr. Strawn/DBI's description.

Respectfully submitted,

Ellen Tsang



PaperFlow Lite & PaperVision 1.JPG



PaperFlow Lite & PaperVision 2.JPG



PaperFlow Lite & PaperVision 3.JPG



PaperFlow Lite.docx



Order of Determination 1.JPG



Order of Determination 2.JPG



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

From: Alex Stewart <[alex@scanstore.com](mailto:alex@scanstore.com)>

To: [ejbconstruction@aol.com](mailto:ejbconstruction@aol.com)

Sent: Thu, Feb 26, 2009 12:47 pm

Subject: ScanStore Digitech Software Follow-up

All version of PaperFlow can output to PDF format, but only the versions that have export can sent the PDF image to a location other than PaperVision. This means that if you are not using PaperVision to retrieve then you have to have a version of PaperFlow with Export to output the PDF file. Below are the different version of PaperFlow and what they include:

Lite: Export Only

Standard: Choice of 2 of the 3 - Zonal OCR, Barcode and Export

Pro: Zonal OCR, Barcode & Export

You can however output to PaperVision and then export the PDF file from it. If you have any other questions please feel free to ask me at your convenience.

Thank you!

Alex Stewart, CDIA+

ScanStore

Toll Free: 877-355-4141 x101

International/Local: 865-637-8986

Fax: 865-673-9296

Email: [Alex@ScanStore.com](mailto:Alex@ScanStore.com)

[www.ScanStore.com](http://www.ScanStore.com) / [www.SimpleIndex.com](http://www.SimpleIndex.com) / [www.SimpleOCR.com](http://www.SimpleOCR.com)

Click for Live Support Chat with me:

<http://www.scanstore.com/livesupport/aisemail.aspx?getstatus=1&u=2&bypass=1>

Customer :

Ed

E-mail :

[ejbconstruction@aol.com](mailto:ejbconstruction@aol.com)

Dept :

ScanStore Sales

Topic :

PaperFlow software

Hello Edgar,

Yes, this is correct.

If you have any other questions please ask me. Thank you!

Alex Stewart, CDIA+  
ScanStore  
Toll Free: 877-355-4141 x101  
International/Local: 865-637-8986  
Fax: 865-673-9296  
Email: [Alex@ScanStore.com](mailto:Alex@ScanStore.com)  
[www.ScanStore.com](http://www.ScanStore.com) / [www.SimpleIndex.com](http://www.SimpleIndex.com) / [www.SimpleOCR.com](http://www.SimpleOCR.com)

Click for Live Support Chat with me:  
<http://www.scanstore.com/livesupport/alsemail.aspx?getstatus=1&u=2&bypass=1>

**From:** [ejbconstruction@aol.com](mailto:ejbconstruction@aol.com) [<mailto:ejbconstruction@aol.com>]  
**Sent:** Tuesday, September 15, 2009 9:31 AM  
**To:** Alex Stewart  
**Subject:** Re: ScanStore Digitech Software Follow-up

Hi Alex;  
One more question, in your paragraph below:

"All version of PaperFlow can output to PDF format, but only the versions that

have export can sent the PDF image to a location other than PaperVision.

This means that if you are not using PaperVision to retrieve then you have to have a version of PaperFlow with Export to output the PDF file."

If I understand correctly is that lite version of PaperFlow can export to PDF format and send over the internet if you use PaperVision with PaperFlow lite? is this correct?

Thank you.

Edgar



**RE: Information Request**

Tuesday, December 29, 2009 12:39 PM

**From:** "Alex Stewart" <[alex@scanstore.com](mailto:alex@scanstore.com)>

**To:** "Elen Tsang" <[tsangt123@yahoo.com](mailto:tsangt123@yahoo.com)>

Hello Ellen,

Yes, with PaperFlow Lite and PaperVision Enterprise you can convert an image to PDF and export it to a file that you can email. With PaperVision Enterprise you can email directly from the program even.

Here is a shopping cart that has pricing for one of each of these (you have to log in to see pricing):

[http://www.scanstore.com/Cart/default.asp?ITEM\\_ID=16288,17284,16080,17283&qty=1,1,1,1](http://www.scanstore.com/Cart/default.asp?ITEM_ID=16288,17284,16080,17283&qty=1,1,1,1)

The reason I was asking about what you wanted to do though is because if you need to just convert an image to PDF then you can get one of these pieces of software for much much less:

[http://www.scanstore.com/Scanning\\_Software/PDF\\_Conversion/default.asp](http://www.scanstore.com/Scanning_Software/PDF_Conversion/default.asp)

If you have any questions please feel free to ask me.

Thank you!

Alex Stewart, CDIA+

ScanStore

Toll Free: 877-355-4141 x101

International/Local: 865-637-8986

Fax: 865-673-9296

Email: [Alex@ScanStore.com](mailto:Alex@ScanStore.com)

[www.ScanStore.com](http://www.ScanStore.com) / [www.SimpleIndex.com](http://www.SimpleIndex.com) / [www.SimpleOCR.com](http://www.SimpleOCR.com)

Click for Live Support Chat with me:

<http://www.scanstore.com/livesupport/alsemail.aspx?getstatus=1&u=2&bypass=1>

These are some of the features of PaperFlow Lite that is listed online at the ScanStore.com, the vendor of the software:

**PaperFlow Lite** can be used with PaperFlow or PaperFlow Pro to perform manual indexing, image processing or export on a separate workstation.

**PaperFlow is a complete, full-featured production-level document capture and indexing system.** It is fully automated, simple, yet powerful, and its indexing capabilities make it an ideal choice for improving employee productivity and performance.

- User friendly interface makes training a breeze
- The unique indexing capabilities ensure accuracy while minimizing operator keystrokes
- PaperFlow **automation performs a full array of processes** that can be scheduled during off-peak hours, eliminating the need for operator intervention and reducing network traffic
- Powerful export options transfer image and index data from PaperFlow to more than four dozen document management and imaging systems
- Capture documents and images for a complete Digitech Systems' solution utilizing ImageSilo<sup>SM</sup> or PaperVision<sup>TM</sup>

**Scans and organizes documents.**

**Document scanning and indexing. It should be easier. It should be less expensive. With PaperFlow, it is.**

**PaperFlow is the most powerful, complete and full-featured document capture and indexing system on the market.**

Mountains of paper to scan? PaperFlow is Digitech Systems' high-volume paper scanning software. It can interface with hundreds of scanners including desktop and production-level scanners running at their full-rated speeds of 400 images per minute or faster. **PaperFlow can immediately improve your company's productivity and performance level without extensive new product training.**

PaperFlow overcomes potential input bottlenecks with innovative and timesaving features. Our unique document indexing options ensure accuracy while minimizing operator keystrokes. PaperFlow's process-flow automation simplifies time-consuming processes such as image-cleanup and exports and even allows you to schedule those activities to occur during off-peak hours.

**PaperFlow has a user-friendly interface** that allows administrators to set up any number of individual projects for departmental or corporate-wide installations. Scanning can be handled in one centralized location or simultaneously in various locations throughout an organization.

Service bureaus around the world have embraced this easy-to-use and powerful scanning tool in their outsource operations. These are companies whose livelihood depends on consistent operation from a scanning engine. Flexibility is crucial to service bureaus because they must adjust to the demands of a diverse clientele. **PaperFlow delivers this flexibility, along with simplicity and affordability, to organizations of any size.**

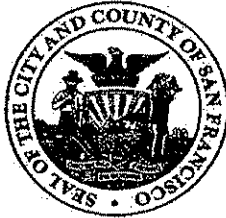
**PaperFlow hates keystrokes, so the less the better.** This is especially true in indexing, the manner in which scanned documents are referenced and by which they are searched. PaperFlow Index Manager, a powerful, customizable tool, lets the user define acceptable index parameters. Extensive auto-formatting and verification procedures minimize keystrokes while **support for barcode, machine print and handwriting recognition eliminates keystrokes** altogether. The data merge capabilities allow users to extract information from existing databases and populate indexes automatically.

PaperFlow excels as the document capture component of a complete Digitech Systems installation or as

the front-end for an existing document management system. Digitech Systems has integrated powerful export engines that can transfer image and index data from PaperFlow to a wide variety of other document management systems. Export routines are pre-defined and easy to set up through an intuitive point-and-click interface. Furthermore, importing data from existing systems is just as easy to accomplish.

**PaperFlow automation performs a full array of processes that can be scheduled to occur during off-peak hours**, reducing network traffic and operator intervention, which puts to work otherwise unused resources. Export routines, FTP transfers, optical character recognition (OCR) and image processing can be scheduled to occur when the machine sits idle, and tasks can be scheduled to repeat automatically when desired. Automated import routines permit PaperFlow to be integrated with external input applications which are particularly useful for linking third party fax servers. PaperFlow provides simplicity, flexibility and cross-platform compatibility with renowned customer support. It's got it all. Simple, yet powerful enough for all of your document capture needs.

**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  
May 5, 2009**

**DATE THE DECISION ISSUED**

April 28, 2009

*ANONYMOUS TENANTS v. DEPARTMENT OF BUILDING INSPECTION (09018)*

**FACTS OF THE CASE**

Anonymous Tenants filed a complaint with the Task Force regarding whether DBI could appropriately charge \$6.50 per page for copies of public records under the Sunshine Ordinance.

**COMPLAINT FILED**

On March 27, 2009, the tenants filed a complaint against DBI and alleged that DBI allegedly violated the Sunshine Ordinance Section 67.28 for failure to provide an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent as the case may be.

**HEARING ON THE COMPLAINT**

On April 28, 2009 Complainant Anonymous Tenants appeared before the Task Force and presented his claim. William Strawn, Communications Manager for the Department of Building Inspection, presented the Agency's defense.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Task Force members indicated they were concerned about imposing requirements on enterprise departments that attempt to cover their cost by fee structures. However, the Task Force found that the Department had failed to conduct or provide an "itemized cost analysis" justifying the \$6.50 per page cost as required by section 67.28 or the Ordinance.

09018 Anonymous Tenants v. Department of Building Inspection ELC.revised

## DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated section 67.28 (d) of the Sunshine Ordinance by failing to prepare and post an itemized cost analysis justifying the \$6.50 per page charged by the department. The agency shall appear before the Compliance and Amendments Committee on May 12, 2009, to discuss steps it will take to come into compliance with this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 28, 2009, by the following vote: ( Chu / Knee )

Ayes: Knee, Cauthen, Knoebber, Goldman, Williams, Chu

Recused: Craven-Green

Excused: Washburn, Johnson, Chan



Kristin Murphy Chu, Chair  
Sunshine Ordinance Task Force

c: Anonymous Tenants, complainant  
William Strawn, Dept of Bldg Inspection  
Ernie Llorente, Deputy City Attorney

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