

Date: Feb. 24, 2009

Item No. 4

File No. 09001

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Anonymous vs CAO, DCA Matt Dorsey**
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Completed by: Chris Rustom

Date: Feb. 19, 2009

***This list reflects the explanatory documents provided**

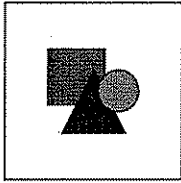
~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** 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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DENNIS J. HERRERA
City Attorney

ROSA M. SÁNCHEZ
Deputy City Attorney

DIRECT DIAL: (415) 554-3928
E-MAIL: rosa.sanchez@sfgov.org

MEMORANDUM

February 18, 2009

*ANONYMOUS v. SAN FRANCISCO CITY ATTORNEY'S OFFICE (CAO)
(09001).*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

On December 2, 2008, Complainant submitted an Immediate Disclosure Request (IDR) to the City Attorney's Office with regard to specified personnel information for Deputy City Attorney Ernest Llorente. On December 3, 2008, the City Attorney's Office invoked an extension of time to respond to the request. The City Attorney's Office responded on December 17, 2008.

COMPLAINANT FILES COMPLAINT:

On January 5, 2008, Complainant filed a complaint against the CAO alleging violations of the Sunshine Ordinance. Specifically, Complainant alleges violations of an Immediate Disclosure Request made for Ernest Llorente, DCA, files. Complainant alleges violations of Administrative Code sections 67.21(e), 67.25(c), and 67.25(a).

THE RESPONDENT AGENCY REQUESTED A HEARING AT THE COMPLAINT COMMITTEE SEEKING CLARIFICATION:

Although neither party contested jurisdiction, the CAO requested to meet with Complainant at the scheduled Complaint Committee meeting on February 10, 2009, requesting additional clarification of what the CAO had done wrong in its December 17, 2008 response to

Memorandum

Complainant. At the meeting, Complainant stated that the complaint was about an IDR he made regarding DCA Llorente. Complainant stated that he had previously submitted two similarly worded IDR requests to which he had received acceptable responses. Complainant stated that the CAO needs to look at the previous two response letters, which Complainant submitted as evidence, to see what was lacking with the current response.

Respondent DCA Paul Zarefsky of the CAO stated the Complainant needs to tell the department what it had done wrong. DCA Zarefsky stated that documents provided by the Complainant did not contain any clues. DCA Zarefsky also wondered why the Complainant wished to remain anonymous at a public meeting on open government.

THE RESPONDENT AGENCY STATES THE FOLLOWING:

The CAO believes the complaint is without merit. The CAO responded to Complainant's request in accordance with the law. After reviewing the complaint and its attachments, the CAO could not determine the allegations made in the complaint. The CAO does not know which aspects of the response to the public request Complainant considers legally inadequate. The CAO objects to Complainant being allowed to file this complaint anonymously being that the effort to protect Complainant's anonymity in this manner is at odds with the principle of open government that the Sunshine Ordinance Task Force is entrusted to champion.

APPLICABLE STATUTORY SECTION:

1. Sunshine Ordinance § 67.21 addresses general requests for public documents.
2. Sunshine Ordinance § 67.25 addresses Immediate Disclosure Requests.
3. Sunshine Ordinance § 67.26 deals with redaction of records.
4. Sunshine Ordinance § 67.27 addresses legal justification for withholding of records.
5. State Government Code § 6253 addresses requests for public records.
6. State Government Code § 6255 addresses legal justification for withholding of records.

Memorandum

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- The Complainant made a public records request.
- The CAO provided a response on December 17, 2008 to Complainant.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether the CAO adequately responded to the Public Records Request?

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

LEGAL ISSUES/LEGAL DETERMINATIONS;

- Were sections of the Sunshine Ordinance (Sections 67.21, 67.25), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

Memorandum**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
 - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
 - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
 - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED**Section 67.1 addresses Findings and Purpose:

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

Section 67.21 addresses general requests for public documents.

This section provides:

- (a) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.
- (b) A custodian of a public record shall as soon as possible and within ten days (emphasis added) following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

Section 67.25 provides:

- a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.
- b.) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requestor shall be notified as required by the close of business on the business day following the request.
- c.) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request

Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of

Memorandum

some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

THE CALIFORNIA PUBLIC RECORDS ACT IS LOCATED IN THE STATE GOVERNMENT CODE SECTIONS 6250 ET SEQ. ALL STATUTORY REFERENCES, UNLESS STATED OTHERWISE, ARE TO THE GOVERNMENT CODE.

Section 6253 provides:

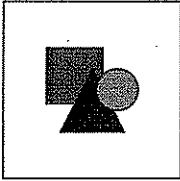
- a.) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
- b.) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

Memorandum

- c.) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....
- d.) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

Section 6255 provides:

- a.) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- b.) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



DENNIS J. HERRERA
City Attorney

ROSA M. SÁNCHEZ
Deputy City Attorney

DIRECT DIAL: (415) 554-3928
E-MAIL: Rosa.Sanchez@sfgov.org

February 4, 2009

Nick Goldman, Chair
Members of the Complaint Committee

Re: Anonymous v. City Attorney's Office ("CAO") (09001)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Anonymous against the City Attorney's Office ("CAO").

BACKGROUND

On December 2, 2008, Complainant submitted an Immediate Disclosure Request to the City Attorney's Office with regard to specified personnel information for Deputy City Attorney Ernest Llorente. On December 3, 2008, the City Attorney's Office invoked an extension of time to respond to the request. The City Attorney's Office responded on December 17, 2008.

COMPLAINT

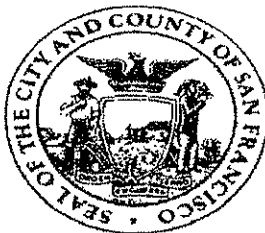
On January 5, 2008, Complainant filed a complaint against the City Attorney's Office alleging violations of the Sunshine Ordinance. Specifically, Complainant alleges violation of an Immediate Disclosure Request made for Ernest Llorente, DCA, files. Complainant alleges violation of Administrative Code sections 67.21(e), 67.24(c), and 67.25(a).

SHORT ANSWER

The CAO does not contest jurisdiction, however, it is requesting the Complaint Committee hear the matter seeking clarification as to what materials were not provided.

CONCLUSION

The Task Force has subject matter jurisdiction.



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 CITY ATTORNEY, CCSF

Name of individual contacted at Department or Commission MATT DORSEY, PIO

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section 67.21(e) 67.24(e) & 67.25(a)
 (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.

RE: IDR FOR ERNEST MORETE, DCA
67.21(e) - IF THE CUSTODIAN... INCOMPLETELY REPLIES...
67.24(c) - INFORMATION PROVIDED WAS INCOMPLETE AND, IN
SOME CASES, NON-RESPONSIVE
67.25(a) - FAILURE TO COMPLY WITH IDR ON TIMELY BASIS

Do you wish a public hearing before the Sunshine Ordinance Task Force? yes no

Ray W. Hartz Jr.
 Apt. 304
 839 Leavenworth St.
 San Francisco, CA 94109-6131

(Optional)¹
 Complainant Name RAY W HARTZ, JR Address _____

Telephone No. (415) 345-9144 E-Mail Address RWHARTZJR@SBCGLOBAL.NET

Date 1/5/09 Signature Ray W Hartz

CONFIDENTIALITY SPECIFICALLY REQUESTED

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. 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).

COPY

rwhartzjr@sbcglob

al.net

IMMEDIATE DISCLOSURE REQUEST

EXHIBIT (1 OF 3)
A

I request the following information for Ernest Lorente, Deputy City Attorney:

Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group; **LLORENTE NOT PROVIDED**

COPY

DORSEY + STUMP -> PERSONNEL ACTION REQUEST SEE EXHIBIT (B) + (C)

ES

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline:

DORSEY & STUMP - CURRICULUM VITAE

LLORENTE
30 YEARS OLD

(iii) Years of employment in the private and/or public sector;

LLORENTE
NOT PROVIDED

DORSEY & STUMP - PERSONNEL ACTION REQUEST

(iv) Whether currently employed in the same position for another public agency.

NOT PROVIDED LLORENTE

DORSEY & STUMP - NO RECORDS RESPONSIVE (NRR)

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or

NOT PROVIDED
FOR POSITION IN QUESTION

attached to a standard employment application form used for the position in

DORSEY question. & STUMP - CURRICULUM VITAE

LLORENTE

(2) The professional biography or curriculum vitae of any employee, provided

30 YEARS OLD

that the home address, home telephone number,

social security number, age, and marital status of the employee shall be

DORSEY & STUMP - CURRICULUM VITAE redacted.

EXHIBIT A
(2 OF 3)

(3) The job description of every employment classification.

NOT PROVIDED

DORSEY & STUMP - CLASS B102 HEAD ATTORNEY

(4) The exact gross salary and City-paid benefits available to every employee.

NOT PROVIDED

DORSEY & STUMP - GROSS SALARY / HEALTH / DENTAL / RETIREMENT / LTD

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

PROVIDED

DORSEY & STUMP - PROVIDED

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

LLORENTE
NOT PROVIDED

DORSEY & STUMP -> NRR

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public

LLORENTE
NOT PROVIDED

DORSEY & STUMP -> NRR

COPY

funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

EXHIBIT A
(3 of 3)

COPY



City and County of San Francisco

DENNIS J. HERRERA
CITY ATTORNEY

Office of the City Attorney

ADMINISTRATIVE SERVICES

October 30, 2007

Ray W. Hartz, Jr.
839 Leavenworth Street, No. 304
San Francisco CA 94109

RE IMMEDIATE DISCLOSURE REQUEST OF OCTOBER 29, 2007 RE MOLLY STUMP

Dear Mr. Hartz

I am writing in response to your immediate disclosure public records request of October 29, 2007.
The City Attorney's Office received your request on October 29, 2007.

In your request you ask for the information set forth below regarding Molly Stump, Deputy City Attorney. I have provided below the information requested or described the responsive documents, which are enclosed, for each part.

1. The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

See Personnel Action Request. Please note that age and ethnic group have been redacted because of privacy. See discussion of the legal grounds for withholding information based on privacy further in this response. Information on sex has been included, with Ms. Stump's consent.

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

See Ms. Stump's curriculum vitae.

(iii) Years of employment in the private and/or public sector;

See Personnel Action Request for years of employment with the City and County of San Francisco and Ms. Stump's curriculum vitae for other previous employment.

(iv) Whether currently employed in the same position for another public agency;

We have no records responsive to this request.

EXHIBIT B (1 OF 3)

COPY

- (v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

See Ms. Stump's curriculum vitae.

2. The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

See Ms. Stump's curriculum vitae.

3. The job description of every employment classification.

See Class Specifications for Class 8182 Head Attorney.

4. The exact gross salary and City-paid benefits available to every employee.

Ms. Stump's current gross salary is \$175,578.00. The City contributes the following amounts to Ms. Stump's employee benefits:

▪ Health Insurance	\$ 4,837.56
▪ Dental Insurance	1,252.94
▪ Retirement	10,525.58
▪ Long Term Disability	1,074.00

5. Any memorandum of understanding between the City or department and a recognized employee organization.

See The Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys Association.

6. The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

We have no records responsive to this request.

7. The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

We have no records responsive to this request.

Please note that we have not provided or have redacted from the above documents personal identifying information such as home addresses, home phone numbers, personal e-mail address, social security numbers, age, and ethnicity in order to protect the individual's right to privacy. See Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is

EXHIBIT B (2 OF 3)

COPY

Ray W. Hartz, Jr.
October 30, 2007
Page Three

"mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances).

If you have further questions about this matter, please feel free to contact me.

Sincerely



David Dupree
Director
Administrative Services

EXHIBIT B (3 OF 3)

COPY



City and County of San Francisco

DENNIS J. HERRERA
CITY ATTORNEY

Office of the City Attorney

ADMINISTRATIVE SERVICES

October 30, 2007

Ray W. Hartz, Jr.
839 Leavenworth Street, No. 304
San Francisco CA 94109

RE IMMEDIATE DISCLOSURE REQUEST OF OCTOBER 29, 2007 RE MATT DORSEY

Dear Mr. Hartz

I am writing in response to your immediate disclosure public records request of October 29, 2007. The City Attorney's Office received your request on October 29, 2007.

In your request you ask for the information set forth below regarding Matt Dorsey, Public Information Officer. I have provided below the information requested or described the responsive documents, which are enclosed, for each part.

1. The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

See Personnel Action Request. Please note that age and ethnic group have been redacted because of privacy. See discussion of the legal grounds for withholding information based on privacy further in this response. Information on sex has been included, with Mr. Dorsey's consent.

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

See Mr. Dorsey's resumé.

(iii) Years of employment in the private and/or public sector;

See Personnel Action Request for years of employment with the City and County of San Francisco and Mr. Dorsey's resumé for other previous employment.

(iv) Whether currently employed in the same position for another public agency;

We have no records responsive to this request.

COPY

EXHIBIT C (1 of 3)

- (v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

See Mr. Dorsey's résumé.

2. The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

See Mr. Dorsey's résumé.

3. The job description of every employment classification.

See Class Specifications for Class 0931 manager III.

4. The exact gross salary and City-paid benefits available to every employee.

Mr. Dorsey's current gross salary is \$120,042.00. The City contributes the following amounts to Mr. Dorsey's employee benefits:

▪ Health Insurance	\$ 5,974.80
▪ Dental Insurance	1,252.94
▪ Retirement	7,094.36

5. Any memorandum of understanding between the City or department and a recognized employee organization.

See The Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association.

6. The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

We have no records responsive to this request.

7. The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

We have no records responsive to this request.

Please note that we have not provided or have redacted from the above documents personal identifying information such as home addresses, home phone numbers, personal e-mail address, social security numbers, age, and ethnicity in order to protect the individual's right to privacy. See Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is

EXHIBIT C (2 of 3)

Ray W. Hartz, Jr.
October 30, 2007
Page Three

"mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances).

If you have further questions about this matter, please feel free to contact me.

Sincerely



David Dupree
Director
Administrative Services

EXHIBIT C (3 of 3)

COPY



Re: Sunshine Request - Immediate Disclosure

Tuesday, December 16, 2008 4:21 PM

From: "Matt Dorsey" <Matt.Dorsey@sfgov.org>

To: rwhartzjr@sbcglobal.net

LLORENTE-RECORDS.PDF (281K6)

Mr. Hartz,

This email responds in full to your Immediate Disclosure Request dated December 2, 2008 with regard to specified personnel information for Deputy City Attorney Ernest Llorente. On December 3, 2008, this office invoked an extension of time to respond to the request. Accordingly, this response is being made prior to the December 17, 2008 due date.

With regard to your requests numbered 1 and 2, the attached document, containing three resumes and an employment application, entitled LLORENTE-RECORDS.PDF is responsive. Personal information the disclosure of which would constitute an unwarranted invasion of privacy has been redacted. (California Constitution, Article I, Section I; California Government Code Sections 6254(c) and 6254(k).)

With regard to your request number 3, the job description for an 8177 attorney, Mr. Llorente's classification, has already been provided to you.

With regard to your request number 4, as an 8177, step [12], Mr. Llorente's gross salary is described here: <http://216.103.100.45/cgi-bin/dhr/findClass.cgi?class=8177&title=&salaryRange=&exempt=&fifthStepEntry=&unionOnly=>

SEE ATTACHMENT (A)
NOT AUTHORIZED
TO VIEW THIS PAGE

City benefits are described in the City Charter and may also be referenced in the MOU between the City and the Municipal Attorneys Association. Please see sections A8.420, A8.426 and A8.587. The Charter is available online here: <http://www.municode.com/content/4201/14130/HTML/index.html>.

CODE OF CITY
ATTACHMENT (B)

The summary plan description for the SFERS miscellaneous plan for miscellaneous employees who became employees on or after November 2, 1976 is available here: <http://www.sfgov.org/site/uploadedfiles/sfers/Charter%20Section%20A8.587.pdf>; further information about employee health service system benefits can be found at the Health Services System website at: <http://www.sfgov.org/site/uploadedfiles/sfers/Charter%20Section%20A8.587.pdf>

1/25
1/25
ATTACHMENT (C)

With regard to your request number 5, the MOU between the City and the Municipal Attorneys Association, you received a link and subsequently informed me you do not need the information.

COPY

With regard to your requests number 6 and 7, there are no responsive documents.

You are not authorized to view this page

You do not have permission to view this directory or page using the credentials that you supplied.

Please try the following:

- Contact the Web site administrator if you believe you should be able to view this directory or page.
- Click the [Refresh](#) button to try again with different credentials.

HTTP Error 403 - Forbidden: Access is denied.
Internet Information Services (IIS)

Technical Information (for support personnel)

- Go to [Microsoft Product Support Services](#) and perform a title search for the words **HTTP** and **403**.
- Open **IIS Help**, which is accessible in IIS Manager (inetmgr), and search for topics titled **About Security**, **Authentication**, and **About Custom Error Messages**.

ATTACHMENT (A)

COPY

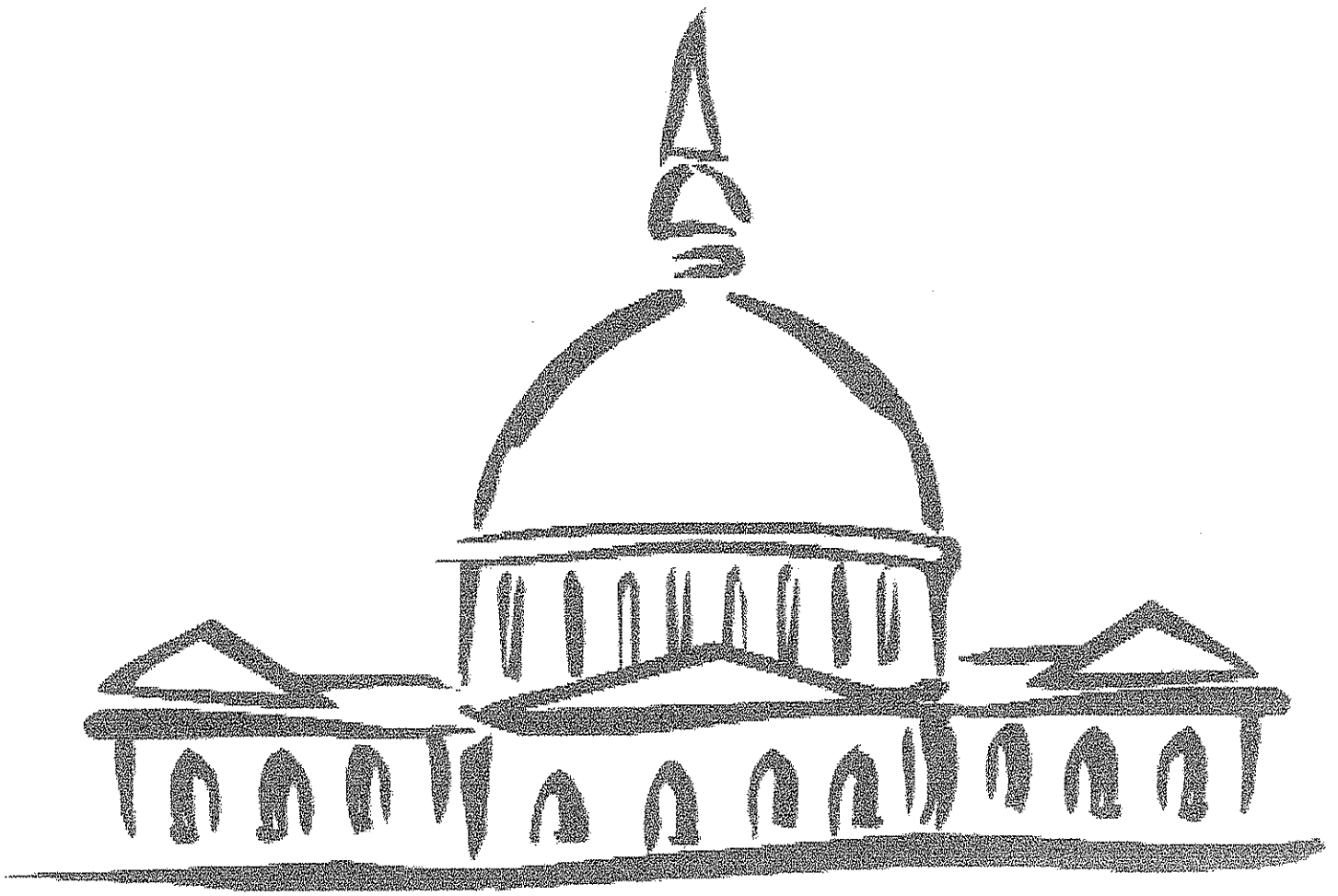


The Code of the City of San Francisco, California

- THE CHARTER AND THE GENERAL ORDINANCES OF THE CITY
- CH000.HTML
- ARTICLE I: EXISTENCE AND POWERS OF THE CITY AND COUNTY
- ARTICLE II: LEGISLATIVE BRANCH
- ARTICLE III: EXECUTIVE BRANCH- OFFICE OF MAYOR
- ARTICLE IV: EXECUTIVE BRANCH- BOARDS, COMMISSIONS AND DEPARTMENTS
- ARTICLE V: EXECUTIVE BRANCH- ARTS AND CULTURE
- ARTICLE VI: OTHER ELECTIVE OFFICERS
- ARTICLE VII: JUDICIAL BRANCH
- ARTICLE VIII: EDUCATION AND LIBRARIES
- ARTICLE VIIIA: THE MUNICIPAL TRANSPORTATION AGENCY
- ARTICLE VIIIB: PUBLIC UTILITIES
- ARTICLE IX: FINANCIAL PROVISIONS
- ARTICLE X: PERSONNEL ADMINISTRATION
- ARTICLE XI: EMPLOYER-EMPLOYEE RELATIONS SYSTEM
- ARTICLE XII: EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEMS
- ARTICLE XIII: ELECTIONS
- ARTICLE XIV: INITIATIVE, REFERENDUM AND RECALL
- ARTICLE XV: ETHICS
- ARTICLE XVI: MISCELLANEOUS PROVISIONS
- ARTICLE XVII: DEFINITIONS
- ARTICLE XVIII: TRANSITION PROVISIONS
- CHA0.HTM.HTML
- APPENDIX A: EMPLOYMENT PROVISIONS
- APPENDIX B: PORT AGREEMENTS
- APPENDIX C: ETHICS PROVISIONS
- APPENDIX D: BUILDING INSPECTION PROVISIONS
- APPENDIX E: SUPERVISORIAL DISTRICT BOUNDARIES
- APPENDIX F: AUTHORITY AND DUTIES OF CITY SERVICES AUDITOR

ATTACHMENT (B)

COPY

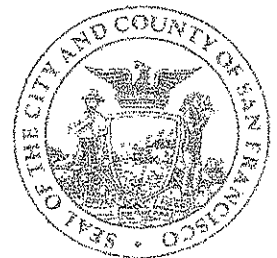


City and County of San Francisco

Employees' Retirement System

Charter Section A8.587 - Miscellaneous Plan

For Miscellaneous Employees Who Became Members on or after November 2, 1976



August 2004

ATTACHMENT (C)

COPY



DENNIS J. HERRERA
City Attorney

MATT DORSEY
Public Information Officer

Direct Dial: (415) 554-4662
Email: matt.dorsey@sfgov.org

January 12, 2009

Honorable Members
Sunshine Ordinance Task Force
ATTENTION: Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Complaint No. 90001 (Anonymous v. City Attorney's Office)

Dear Task Force Members:

We believe that the above-entitled complaint is without merit. This Office has fully responded to the complainant's public records request in accordance with the law.

But, upon reviewing the complaint and its attachments, we cannot determine the specific allegations that are being made against this Office. In other words, we do not know what aspect or aspects of our response to the public records request the complainant considers legally inadequate. Accordingly, while we do not contest the Task Force's jurisdiction over the complaint, we do not waive the scheduled hearing before the Complaint Committee. Rather, the February 10 hearing before the Complaint Committee should proceed, for the purpose of a prehearing conference to identify the issues in dispute. Fairness dictates that this Office be better informed of the specific allegations against it so that we may properly respond.

In addition, the Complaint Committee should consider whether it is appropriate for the complainant to pursue this complaint anonymously. It is highly unusual, other than in very limited circumstances, for a policy body that hears complaints in an open meeting to provide anonymity to a complainant. And the purpose of the complainant's seeking anonymity here is unclear, since the department that is the subject of the complaint – this Office – knows the complainant's identity. The public has the right to monitor the operations of all policy bodies, including the Task Force, and of all laws, including the Sunshine Ordinance. Part of this monitoring function involves knowing who is bringing complaints before the Task Force, because that question implicates larger questions of how the Task Force and Sunshine Ordinance are functioning; how the Task Force is expending its limited resources, and the circumstances under which City departments must expend their limited resources to respond to Sunshine complaints.

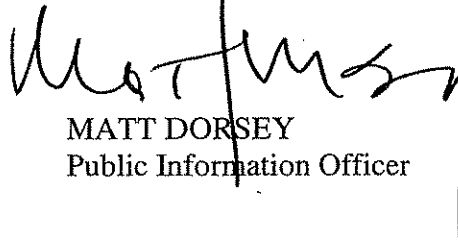
January 12, 2009

Page 2

In reviewing the attachments to this complaint, it appears that the complainant is saying that one link which this Office identified in response to the public records request could not be opened. The first we heard of this problem is when we received the Sunshine complaint. We will review this matter and if appropriate provide the record to the complainant through an alternative method.

Thank you for your consideration of this letter. This Office reserves the right to submit an additional letter or letters in response to the complaint.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matt Dorsey", written over the typed name and title.

MATT DORSEY
Public Information Officer



Department of Human Resources

Manager III (#0931)

We are currently accepting applications for this position. To apply, please close this pop-up window and then click on the link for Employment Opportunities.

\$45.23-\$57.71 hourly / \$7,839.00-\$10,004.00 monthly / \$94,068.00-\$120,042.00 Yearly

* Submitted during 2-10-09 Complaint Committee meeting

*



Email Me when a Job Opens for the above position(s)

Definition

Under general administrative direction, incumbents in this class function as senior managers operating within a broad policy framework and typically manage a division of a medium/large department. Incumbents assume sole responsibility for a functional area(s) of service; coordinate and implement program planning; and define organizational structure, staffing requirements, resource allocation and identification of future resource needs. Incumbents also interface with all managerial levels of city/county government and outside agencies, and serve as representatives of the division or department in meetings involving administrative systems, policies or procedures; and perform related duties as required.

Distinguishing Features

This class is distinguished from Manager II, by scope, decision-making (type and independence); internal and external organizational impact; level of supervision; working relationships (level and purpose) and budgetary responsibility.

Distinctions between class levels in the management series are based on the program's complexity, sensitivity and/or size, organizational impact, the nature and number of functions/programs managed, decision-making responsibility, level of supervision exercised, nature of positions supervised, and the nature and scope of duties assumed such as hand-on work rather than planning and policy development activities.

Incumbents in this class typically assume responsibility for divisions which provide routine programs and services within a broad functional area. Incumbents in these positions make decisions which typically involve program planning and directing, as well as, organizing new and future resource needs. These decisions directly impact the effective functioning of the division and incumbents develop policies and/or procedures affecting the City infrastructure or the provision and delivery of public services. Inappropriate decisions would negatively affect the health and welfare of a segment of the population or the economic vitality of a segment of City government.

Manager III is distinguished from Manager II by the latter's responsibility for one or more large section(s) or functional areas and responsibility for providing complex, diverse programs or services.

Manager III is further distinguished from Manager IV by the latter's responsibility for assuming division-wide responsibility for multiple functional program areas or complex program areas. This level is also differentiated from Manager IV by the latter's responsibility for complex or multiple functional program areas.

Supervision Exercised

Managers in this class typically manage mid-level staff or line managers.

Examples of Important and Essential Duties

1. Plans, monitors, evaluates, and supervises the operation of a division of a city department; coordinates the work of the various subdivisions; advises and consults with section managers; meets with appropriate staff to identify and resolve problems or conflicts; makes or recommends final decisions regarding policy, operations, and administrative procedures.

- 2. Develops, implements and maintains procedures, administrative monitoring practices and controls in order to obtain smooth and effective operation of a division; coordinates work activities of one division with other divisions within the department to prevent delays in required actions or to improve programs or services; assists in the identification, development and implementation of departmental goals, objectives, policies, and priorities; assists in the determination of resource allocation and levels of service according to established policies.
- 3. Receives and analyzes division and departmental reports; directs the preparation of monthly and annual reports; directs the gathering and analysis of information and reports necessary to document and evaluate processes.
- 4. Monitors the work of and coaches subordinates to improve performance.
- 5. Directs the allocation of resources to achieve timely outcomes and measurable goals within budget; adjusts plans and programs to meet emerging or new programs, while continuing to address major departmental priorities.
- 6. Monitors and evaluates the effectiveness and efficiency of the division's service delivery system, organizational structure, staffing levels, financial systems, and other internal operations; identifies and recommends alternative approaches or improvements; implements revisions, adjustments and changes.
- 7. May serve as liaison for the Department with a variety of other City/County staff, policy-making officials, and officials of outside agencies; explains and justifies Departmental or administrative procedures, policies, or programs; negotiates and resolves difficult and complex issues and problems.
- 8. May plan, develop, implement or direct major or complex projects or programs which span a number of the department's established sections or divisions; directs the research of complex, highly technical issues; analyzes alternative solutions or approaches; recommends most effective course of action.
- 9. Participates in budget development by providing detailed justification and persuasive arguments for proposals or initiatives. Oversees and administers division budget; directs and monitors expenditures in accordance with the approved budget; directs the preparation and maintenance of a wide variety of statistical, fiscal, and operational reports and studies; and provides executive management with an early warning and practical options to potential cost overruns.

Knowledge, Skills and Abilities

Knowledge of Federal, State, and local rules and regulations pertaining to assigned division, project, or program; principles and practices of management, administration, budgeting, training and personnel management.

Ability to: manage, supervise, train, and coordinate complex functional areas of responsibility and groups of employees; identify, analyze and report upon activities, issues, and problems and recommend appropriate solutions; establish and maintain effective working relationships with departmental staff, representatives of other agencies and the public; present facts clearly and concisely orally and in writing; and make group presentations.

CLASS: 0931
EEOC:

EST:

REV:
MEDICAL:

FORMERLY JOB TITLE:

REPLACES JOB TITLE:



Matt
Dorsey/CTYATT@CTYATT
02/17/2009 02:52 PM

To SOTF/SOTF/SFGOV@SFGOV
cc
bcc

Subject City Attorney Responses: Complaints 09001 and 09004

History: This message has been forwarded.

Attached, please find the written responses from the Office of the City Attorney in Sunshine Ordinance Task Force Complaints Nos. 09001 and 09004, which are both entitled "Anonymous [Ray Hartz, Jr.] v. City Attorney's Office."

Best,
MATT DORSEY
Public Information Officer

OFFICE OF CITY ATTORNEY DENNIS HERRERA
San Francisco City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682

(415) 554-4662 Direct
(415) 554-4700 Reception
(415) 554-4715 Facsimile
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>



SOTF-2009-02-17-01.PDF SOTF-2009-02-17-02.PDF SOTF-2009-02-17-03.PDF



DENNIS J. HERRERA
City Attorney

MATT DORSEY
Public Information Officer

DIRECT DIAL: (415) 554-4662
E-MAIL: matt.dorsey@sfgov.org

February 17, 2009

Honorable Members
Sunshine Ordinance Task Force
ATTENTION: Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Complaint No. 09001 (Anonymous [Ray Hartz, Jr.] v. City Attorney's Office)
Complaint No. 09004 (Anonymous [Ray Hartz, Jr.] v. City Attorney's Office)

Dear Task Force Members:

This letter addresses an issue that is common to the above complaints. We ask that this letter be placed in the file for each of the complaints and considered by the Task Force in its hearing of each complaint at its February 24, 2009 meeting.

Up to this point, the Task Force has entitled the two complaints as "Anonymous v. City Attorney's Office" at Mr. Hartz's request. This effort to assert Mr. Hartz's anonymity is at odds with the principle of open government that the Task Force is entrusted to protect. We use Mr. Hartz's name in this letter and other letters addressing the two complaints so as to disassociate this Office from an effort to deprive the public of information it should have.

Why is it appropriate to disclose a complainant's name in a hearing before the Task Force? Because the Task Force is part of City government, and the public has a right to monitor its operations – which includes both its use of City resources, and the effect of its operations on the expenditure of resources by other City departments. The Task Force heavily devotes its resources to the processing of complaints. It thus becomes relevant to the public to know who files complaints with the Task Force. Complainants are directly responsible for the expenditure of City resources that is triggered by the filing of a complaint. In assessing the Task Force's performance and the operation of our open government laws, the public should have access to the information necessary to make a judgment whether City resources are being used wisely and whether our open government laws are working as intended.

The issue of disclosing a complainant's identity for these purposes has both a quantitative and qualitative dimension.

Letter to Sunshine Ordinance Task Force
Page 2
February 17, 2009

From a quantitative standpoint, the public should be permitted to monitor whether the Task Force is serving a large segment of the public or is concentrating resources on only a few complainants. For example, our review of Task Force agendas covering the last two calendar years, 2007 and 2008, indicates that there were a total of 141 complaints agendized for Task Force meetings, and that a lone individual lodged 47 of those complaints – a full third of the complaints, and approximately two per meeting on average. The top five most frequent complainants lodged a total of 74 complaints – more than half of all complaints during this period. While different observers may draw different conclusions from these statistics, it is difficult to dispute that the statistics are relevant to the public's monitoring the Task Force's operations and the workings of our open government laws. If complainants are allowed to be anonymous, the public's ability to perform this monitoring function will be impaired, because it will become more difficult to accurately assess who is filing complaints. Indeed, the above statistics regarding frequent complainants may be slightly understated, because six of the 141 complaints had "unnamed person" as the designated complainant, and the public cannot tell from this designation whether one or more of the unnamed persons was in fact a frequent complainant.

The public's monitoring of the use of Task Force and City resources to respond to complaints involves more than ascertaining the number and frequency of complainants. It also includes a qualitative assessment of who is filing complaints with the Task Force. Are complaints being filed by respected news organizations? By civic-minded watchdogs? By individuals representing important community interests? By individuals with an important stake in a City decision? By economic or political interests using Sunshine laws for tactical purposes to promote their parochial interests? By individuals using Sunshine laws vindictively, against a particular department or particular officials or employees? By individuals with time on their hands who are indifferent to the expenditure of City resources that are involved in responding to complaints? These and like questions are legitimate points of public discussion. Again, different observers may draw different conclusions about the virtues or vices of particular requesters. But it is difficult to dispute that that assessment is central to the public's assessment of how the Task Force is functioning and how our open government laws are working.

These general considerations militate against the Task Force's according anonymous status to any complainant in a hearing before the Task Force. In Mr. Hartz's case, anonymous treatment is particularly inappropriate, for three reasons.

First, this Office knows that Mr. Hartz made the public records requests that are the subject of the above two complaints. Therefore it is the public, not the City, that is kept in the dark by treating Mr. Hartz's complaints as anonymous complaints.

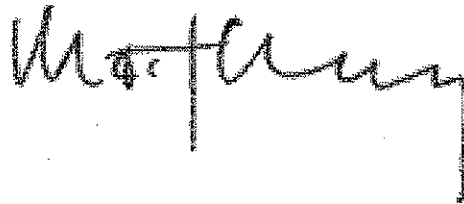
Second, at the Complaint Committee hearing of February 10, 2009 on Complaint No. 09001, Mr. Hartz's name was used frequently, and the Committee made no effort to curb such references. This was a public hearing and we presume there is a tape of the hearing. The Task Force itself, or at least a committee thereof, in a public forum, has, in effect, already chosen not to treat Mr. Hartz's complaints as anonymous complaints.

Letter to Sunshine Ordinance Task Force
Page 3
February 17, 2009

Finally, we understand that in the recent past Mr. Hartz has sought appointment to the Task Force. At least in the limited realm of Sunshine issues, he has sought a prominent role for himself in the public arena, which makes his request for anonymity now seem particularly ironic.

For all of these reasons, we consider it inappropriate to treat Mr. Hartz as an anonymous complainant and thus do not conceal his name in our communications with the Task Force regarding the above two complaints.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Dorsey". The signature is written in a cursive style with a vertical line extending downwards from the end.

MATT DORSEY
Public Information Officer



DENNIS J. HERRERA
City Attorney

MATT DORSEY
Public Information Officer

DIRECT DIAL: (415) 554-4662
E-MAIL: matt.dorsey@sfgov.org

February 17, 2009

Honorable Members
Sunshine Ordinance Task Force
ATTENTION: Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Complaint No. 09001 (Anonymous [Ray Hartz, Jr.] v. City Attorney's Office)

Dear Task Force Members:

We submit this letter in further response to the above complaint, to be heard by the Task Force at its February 24, 2009 meeting.

I. JURISDICTION

We concede (and have never contested) that the Task Force has jurisdiction over the complaint.

II. THE MERITS

We believe the complaint is without merit. This Office has fully responded to Mr. Hartz's public records request in accordance with the law.

We use the term "We believe" in the above paragraph because, after reviewing the complaint and its attachments, we cannot determine the allegations made in the complaint, and hence in this letter cannot specifically address the allegations. We do not know what aspect or aspects of our response to Mr. Hartz's public records request he considers legally inadequate. Accordingly, we will be left in the dark about the complaint until the Task Force hearing, at which time Mr. Hartz may clarify his allegations.

We appeared at the February 10 hearing of the Complaint Committee in the hope that that hearing would serve to identify the issues in dispute. We did so in response to communications from the Task Force. Both the initial notice of the complaint from the Task Force and the reminder notice of the Committee hearing indicated that the Committee would not only consider jurisdiction if contested (and we did not contest jurisdiction) but also would hold a prehearing conference on request, to focus the complaint and assist the parties in understanding what issues

Letter to Sunshine Ordinance Task Force
Page 2
February 17, 2009

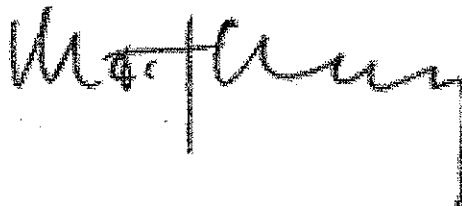
the Task Force would consider in its hearing of the complaint. Although we made such a request, the Committee hearing did not serve this purpose.

At the Committee hearing, Mr. Hartz failed to clarify his allegations against this Office. He essentially said that the Office knows the law, and that it can compare our response to his request for Mr. Llorente's personnel records with our responses to requests he had made a year or two earlier for personnel records of two other members of the Office, and figure out what was wrong with our response to his request for Mr. Llorente's records. The Committee did not discuss clarifying the issues, but merely voted to recommend jurisdiction – which was not in issue and was not the reason we had asked the Committee to hear this matter. We regret that as a result we are unable in this letter to address any specific allegations that Mr. Hartz may intend to level against this Office under the rubric of his complaint, and instead are left to parry, on the spot, specific allegations that Mr. Hartz may make against this Office at the Task Force hearing.

III. ANONYMITY OF THE COMPLAINANT

Up to this point, at Mr. Hartz's request, the Task Force has entitled the complaint as "Anonymous v. City Attorney's Office." This effort to protect Mr. Hartz's anonymity in this manner is at odds with the principle of open government that the Task Force is entrusted to champion. The public has a right to know the complainant's identity. We address this issue more comprehensively in a separate letter to the Task Force, also dated February 17, 2008, which we incorporate herein by reference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Dorsey", written in a cursive style.

MATT DORSEY
Public Information Officer

