

Date: July 26, 2011

Item No. 13 & 14

File No. 11051

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- SF Urban Forest Coalition against Assessor-Recorder**
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Completed by: Chris Rustom

Date: July 21, 2011

***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.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

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MEMORANDUM

TO: Sunshine Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: July 22, 2011
RE: *Complaint No. 11051, Urban Forest Coalition v. Assessor, et al.*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

The San Francisco Urban Forest Coalition ("Complainant") alleges that the San Francisco Assessor-Recorder ("Assessor"), as well as Chief Appraiser Matthew Thomas, violated public records laws by 1) failing to fully comply with their February 28, 2011 request for copies of public records; and 2) failing to justify in writing that any records withheld are exempt under express provisions of the Sunshine Ordinance.

COMPLAINANT FILES COMPLAINT:

On June 27, 2011, Complainant filed this complaint against the Assessor & Thomas, alleging violations of the public records laws, including specifically Sunshine Ordinance Section 67.21(b).

JURISDICTION

The Assessor is a City department, and therefore the Task Force generally has jurisdiction to hear a public records complaint against it. The Assessor does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs the process for gaining access to public records.
- Section 67.25 governs the immediacy of response.
- Section 67.26 governs the withholding of records.
- Section 67.27 governs written justifications for withholding of records

Section 6250 et seq. of Cal. Gov't Code (PRA)

- Section 6253 governs time limits for responding to public records requests.

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ISSUES TO BE DETERMINED**Contested/Uncontested Facts:**Complainants' Allegations

Complainant alleges that, on February 28, 2011, its Executive Director, Allen Grossman, sent by fax and email to Chief Assessor Thomas a public records request seeking the appraisal records for new construction under several specific DBI Building permit numbers associated with seven specific addresses. Complainant further alleges that on March 21, 2011, it again sent an email to the Assessor, requesting confirmation of receipt of its two previous emails (on March 18 and 21, 2011), and acknowledging a "problem with email accounts."

Complainant further alleges that, on March 22, 2011, Grossman again emailed the Assessor and Thomas and reminded Thomas of a March 9, 2011 telephone call in which Thomas allegedly stated that he was assembling responsive records and needed additional time to complete the job and send copies to the City Attorney to "make sure they were 'kosher.'" The email also contains Grossman's statement that he had allowed Thomas until March 11, 2011 to complete the request, and had requested responsive documents on a rolling basis. The email further states that Grossman had received no responsive documents at that time, nor any further responses from the Assessor, three weeks after the request was made.

Complainant then provides an email string between Assessor employees concerning the documents requested, forwarded to Grossman, as well as an exchange between Grossman and Thomas concerning the documents requested, dated March 22-23, 2011. In this exchange, the Assessor informs Grossman that it sent the documents to the City Attorney for advice whether any of the documents in question were exempt from production due to confidentiality. Grossman's response was that the City Attorney is prohibited from such a role by Sunshine Ordinance section 67.21(i) and that the time for claiming an exemption had already passed.

Complainant further alleges that Grossman has a telephone conversation with David Chai, the Deputy Assessor concerning the requested documents on March 24, 2011, with no further details. Complainant provided a March 29, 2011 email from Grossman to Chai stating that Complainant still had not received a response to the records request four weeks after it was made. The email further stated that since the Assessor had never previously indicated it would be claiming any exemption for any of the records sought, Grossman will assume that the Assessor is "willfully not complying with the public records laws." According to a copy provided by Complainant, later that same day, Chai provided nine responsive documents as pdfs via email to Grossman. The cover letter for that response, signed by Chai, indicated that the Assessor would continue to review their records and let Complainant know if any additional ones were located.

Complainant also provides its March 31, 2011 Grossman letter replying to the Assessor's response, in which Grossman identified alleged deficiencies in that response. Among those alleged deficiencies were the absence of records Grossman believed should have been responsive and in the custody and control of the Assessor, as well as information missing from those records provided. Grossman's letter also requested that a further response be provided, as specified, by April 4, 2011, or Complainant would seek remedies under the public records laws.

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Complainant further alleges that Grossman and Chai discussed these issues by telephone on April 7, 2011. Complainant also provides a follow-up email from April 8, 2011, wherein Grossman further clarifies the telephone discussion, as well as the documents he believes should still be provided. This email further states that whatever response is provided by the Assessor by April 11, 2011 will be considered their final response to the request.

Complaint alleges that on Complainant also provides an April 13, 2011, Chai email to Grossman including a pdf of additional responsive records to Complainant. They also provide Grossman's email response that same day, in which he again identifies records he believed should have been responsive and in the custody and control of the Assessor, as well as information missing from those records provided.

Complainant further alleges that Grossman spoke by telephone to Deputy Assessor Nguyen regarding Complainant's record request on June 17, 2011, and that on June 20, 2011, Nguyen transmitted to Complainant by email a further response to the request. Complainant also provides copies of part of that response, the transmittal letter from Nguyen. That letter answers many of Grossman's questions and also included additional responsive documents that were sought by Grossman. In addition, the letter states that the Assessor has not provided certain responsive documents in their possession (appraiser's notes and calculations) because they still are consulting with their counsel about whether these documents are exempt from disclosure. The letter concludes by promising that Thomas will contact Grossman about these remaining documents "within a few days."

The Assessor's Response

The Assessor does not dispute the above allegations. Instead, the Assessor argues that the only remaining responsive documents in its possession are exempt from disclosure under the public records laws. The Assessor does not identify these remaining, undisclosed documents, however it earlier suggested to Grossman that it still had appraiser's notes and calculations that it was reviewing with counsel for possible exemption from disclosure. In addition, the Assessor argues that the Owner's Statements of New Construction, which it did provide to Complainant, also were exempt and should not have been provided. The Assessor points to sections 408 and 451 of the California Revenue and Taxation Code as allegedly making the documents in question exempt from disclosure.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- When did Complainant first request public information in documentary form?
- When did the Assessor first respond to the request?
- Did the Assessor withhold responsive documents?
- If so, what was the nature of those withheld documents?
- In doing so, did the Assessor provide a written justification for such withholding?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Are any withheld documents exempt from disclosure under the Sunshine Ordinance and the Public Records Act?

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- Has the Commission complied with the requirements of the Ordinance, the PRA and the Brown Act?

SUGGESTED ANALYSIS

This analysis addresses only the issue of whether any responsive records withheld by the Assessor are exempt from disclosure under the public records laws. Section 67.26 of the Sunshine Ordinance provides that "[n]o 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 some other statute*. Section 67.27 of the Sunshine Ordinance allows for "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, [or for] *withholding on the basis that disclosure is prohibited by law*, . . . [citing] the specific statutory authority."

Public Records Act § 6276.04. specifically provides an exemption from disclosure for confidential information in assessor records as described in sections 408 and 451 of the California Revenue and Taxation Code.¹

Section 408(a) of the Revenue and Taxation Code provides that, with certain exceptions, any "*records* in the assessor's office that are *not required by law to be kept or prepared* by the assessor, and the homeowner's exemption claims, *are not public documents* and shall not be open to public inspection." Section 408(e) provides in several subsections that documents "related to the business affairs or property of another" may not be disclosed. Finally, Section 451 provides that "[a]ll *information requested by the assessor or furnished in the property statement shall be held secret* by the assessor. *The statement is not a public document and is not open to inspection*, except as provide in Section 408."

The question for the Task Force, therefore, is whether the sections of the Revenue and Taxation Code cited by the Assessor forbid disclosure of any responsive records they withheld from Complainant.

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

¹ Although it also references section 408.2 of that statute, that section only applies to counties with population exceeding 4 million, and thus does not apply to the San Francisco Assessor.

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CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.**

- (a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) 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 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.
- (c) A *custodian of a public record* shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any 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.
- (d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the *supervisor of records* for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.
- (e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the

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person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the *superior court* shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection

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of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and inseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.25. IMMEDIACY OF RESPONSE.

- (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 requester 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.
- (d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article.

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

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 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

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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.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

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 or 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.

CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)**SECTION 6253**

- (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 record 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.
- (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. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
 - (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

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(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

SECTION 6254. EXEMPTION OF PARTICULAR RECORDS

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

SECTION 6255. JUSTIFICATION FOR WITHHOLDING OF RECORDS

(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.

ARTICLE 2. OTHER EXEMPTIONS FROM DISCLOSURE**III. § 6275. LEGISLATIVE INTENT; EFFECT OF LISTING IN ARTICLE**

It is the intent of the Legislature to assist members of the public and state and local agencies in identifying exemptions to the California Public Records Act. It is the intent of the Legislature that, after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure pursuant to subdivision (k) of Section 6254 shall be listed and described in this article. The statutes listed in this article may operate to exempt certain records, or portions thereof, from disclosure. The statutes listed and described may not be inclusive of all exemptions. The listing of a statute in this article does not itself create an exemption. Requesters of public records and public agencies are cautioned to review the applicable statute to determine the extent to which the statute, in light of the circumstances surrounding the request, exempts public records from disclosure.

JJJ. § 6276. RECORDS OR INFORMATION NOT REQUIRED TO BE DISCLOSED

Records or information not required to be disclosed pursuant to subdivision (k) of Section 6254 may include, but shall not be limited to, records or information identified in statutes listed in this article.

SECTION 6276.04. "AERONAUTICS ACT" TO "AVOCADO HANDLER TRANSACTION RECORDS"

Assessor's records, confidentiality of information in, Section 408, Revenue and Taxation Code.
Assessor's records, confidentiality of information in, Section 451, Revenue and Taxation Code.
Assessor's records, display of documents relating to business affairs or property of another, Section 408.2, Revenue and Taxation Code.

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CAL. REVENUE & TAXATION CODE

SECTION 408. (a) Except as otherwise provided in subdivisions (b), (c), (d), and (e), any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, disabled veterans' exemption claims, and homeowners' exemption claims, are not public documents and shall not be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records which shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) The assessor may provide any appraisal data in his or her possession to the assessor of any county. The assessor shall disclose information, furnish abstracts, or permit access to all records in his or her office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the county recorder when conducting an investigation to determine whether a documentary transfer tax is imposed, the Controller, employees of the Controller for property tax postponement purposes, probate referees, employees of the Franchise Tax Board for tax administration purposes only, staff appraisers of the Department of Financial Institutions, the Department of Transportation, the Department of General Services, the State Board of Equalization, the State Lands Commission, the State Department of Social Services, the Department of Child Support Services, the Department of Water Resources, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records. Whenever the assessor discloses information, furnishes abstracts, or permits access to records in his or her office to staff appraisers of the Department of Financial Institutions, the Department of Transportation, the Department of General Services, the State Lands Commission, or the Department of Water Resources pursuant to this section, the department shall reimburse the assessor for any costs incurred as a result thereof.

(c) Upon the request of the tax collector, the assessor shall disclose and provide to the tax collector information used in the preparation of that portion of the unsecured roll for which the taxes thereon are delinquent. The tax collector shall certify to the assessor that he or she needs the information requested for the enforcement of the tax lien in collecting those delinquent taxes. Information requested by the tax collector may include social security numbers, and the assessor shall recover from the tax collector his or her actual and reasonable costs for providing the information. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent tax lien and collect those costs subject to subdivision (e) of Section 2922.

(d) The assessor shall, upon the request of an assessee or his or her designated representative, permit the assessee or representative to inspect or copy any market data in the assessor's possession. For purposes of this subdivision, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise. However, for purposes of providing market data, the assessor may not display any document relating to the business affairs or property of another.

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(e) (1) With respect to information, documents, and records, other than market data as defined in subdivision (d), the assessor shall, upon request of an assessee of property, or his or her designated representative, permit the assessee or representative to inspect or copy all information, documents, and records, including auditors' narrations and workpapers, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of the assessee's property, and any penalties and interest thereon.

(2) After enrolling an assessment, the assessor shall respond to a written request for information supporting the assessment, including, but not limited to, any appraisal and other data requested by the assessee.

(3) Except as provided in Section 408.1, an assessee, or his or her designated representative, may not be permitted to inspect or copy information and records that also relate to the property or business affairs of another, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of the assessment of his or her property.

(f) (1) Permission for the inspection or copying requested pursuant to subdivision (d) or (e) shall be granted as soon as reasonably possible to the assessee or his or her designated representative.

(2) If the assessee, or his or her designated representative, requests the assessor to make copies of any of the requested records, the assessee shall reimburse the assessor for the reasonable costs incurred in reproducing and providing the copies.

(3) If the assessor fails to permit the inspection or copying of materials or information as requested pursuant to subdivision (d) or

(e) and the assessor introduces any requested materials or information at any assessment appeals board hearing, the assessee or his or her representative may request and shall be granted a continuance for a reasonable period of time. The continuance shall extend the two-year period specified in subdivision (c) of Section 1604 for a period of time equal to the period of continuance.

[Section 408.2 does not apply – see last section for exemption of counties less than 4 million population]

SECTION 408.2. (a) Except as otherwise provided in Sections 63.1, 69.5, 451, and 481 of this code and in Section 6254 of the Government Code, any information and records in the assessor's office which are required by law to be kept or prepared by the assessor, other than homeowners' exemption claims, are public records and shall be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records which shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) The assessor may provide any appraisal data in his or her possession to the assessor of any county and shall provide any market data in his or her possession to an assessee of property or his or her designated representative upon request. The assessor shall permit an assessee of property or his or her designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his or her property. Except as provided in Section 408.1, an assessee or his or her designated representative, however, shall not be provided or permitted to inspect information and records, other than market data, which also relate to the property or

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business affairs of another person, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his or her assessment.

(c) The assessor shall disclose information, furnish abstracts, or permit access to all records in his or her office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the Controller, probate referees, employees of the Franchise Tax Board for tax administration purposes only, the State Board of Equalization, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing market data, the assessor shall not display any document relating to the business affairs or property of another.

(e) This section applies only to a county with a population that exceeds 4,000,000.

SECTION 451. All information requested by the assessor or furnished in the property statement shall be held secret by the assessor. The statement is not a public document and is not open to inspection, except as provided in Section 408.

SAN FRANCISCO SUNSHINE ORDINANCE COMPLAINT

Date: June 27, 2011

Complainant: SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Facsimile: (415) 831-3721
Email: sfufc@mac.com

Complaint against: Phil Ting, San Francisco Assessor-Recorder and
Matthew Thomas, Chief Appraiser, San Francisco Assessor's Office.

Persons contacted: Mathew Thomas, Chief Appraiser;
David Chai, Deputy Assessor-Recorder
Frances Nguyen, Deputy Assessor Recorder

Alleged violation public records access: Failures (1) to fully comply with a request for copies of public records as soon as possible and within ten days following receipt of a request for such copies, and (2) to 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 the Sunshine Ordinance, as required under Sunshine Ordinance Section 67.21(b).

Facts to Support Alleged Violations:

The existence of the claimed violations is clear from the following chronology. As of the date of this Complaint, almost four months after the date of the request for copies of public records, the Assessor is still withholding disclosure of public records without justifying such withholding.

Chronology/Documents:

February 28, 2011: Complainant sent the attached Facsimile Cover Sheet and Records Request (Document #1) by Facsimile to Matt Thomas, Chief Appraiser Mr. Thomas) in the office of Phil Ting, the San Francisco Assessor-Recorder ("Assessor") requesting the appraisal records for new construction per specific numbered issued DBI Building Permit at seven specific addresses; and the attached confirming email (Document #2) to the Assessor's office for delivery to Mr. Thomas.

March 9, 2011: Telephone conversation between Complainant and Mr. Thomas in which Mr. Thomas advised the Complainant, among other things, that he was in the process of assembling the records and needed a few more days, beyond the maximum 10-day period allowed under the San Francisco Sunshine Ordinance to complete the job and send the records to the City Attorney's Office to make sure they were "kosher".

March 21, 2011: Complainant sent the attached email (Document #3) to Mr. Thomas requesting a response regarding Complainant's two prior emails, one sent on March 18, 2011 and the other earlier on March 21, 201, none of which were responded to by Mr. Thomas.

March 22, 2011: Complainant sent the attached email (Document #4) to Mr. Thomas in which, among other things, Mr. Thomas was advised that the Complainant had not received the requested copies nor any other response since the March 9 telephone call, that Mr. Thomas had more than enough time to respond as legally required, and if copies of the requested records were not received by the end of that day, March 22, 2011, Complainant would assume that neither Mr. Thomas nor the Assessor intended to respond.

March 23, 2011: String of emails from David Chai, Deputy Assessor-Recorder (Mr. Chai) to Mr. Thomas, forwarded by Mr. Thomas to Complainant and Complainant to Mr. Thomas, followed by Mr. Thomas' email to Complainant regarding the assessor's office policy with reference to records requests in connection with Mr. Chai sending an unknown number of unidentified public records to the City Attorney for review; and Complainant's statement that the copies were expected that day, whether or not the City Attorney has any "concerns." (Document #5)

March 24, 2011: Telephone conversation between Mr. Chai and Complainant regarding the delayed response to February 28, 2011 Records Request.

March 29, 2011: Email (page 1) from Complainant to Mr. Chai (copies to Mr. Thomas and the Assessor) noting that four weeks had passed with no response to the records request "notwithstanding [our] conversation last week." (Document #6)

March 29, 2011: Email from Summer Graham (Assessor's Office) transmitting letter of same date to Complainant from Mr. Chai (Document #7) and copies of nine print-outs from an unidentified data base.

March 31, 2011: Letter from Complainant to Mr. Thomas regarding the Assessor's response to the Complainant's February 28, 2011 records request. (Document #8); confirmed by email with a copy to Mr. Thomas on April 1, 2011.

April 7, 2011: Telephone conversation between Mr. Chai and Allen Grossman re the copies of public records in original February 28, 2011 records request.

April 8, 2011: Email Complainant to Mr. Chai (copies to Mr. Thomas and Assessor) regarding April 7, 2011 telephone conversation and providing further information on records requested be copied. (Document # 9)

April 13, 2011: Email Mr. Chai to Complainant transmitting a second group of copies in response to records request.

April 13, 2011 Email Complainant to Mr. Chai, noting omissions in the second group of copies and inadequacy of the two groups; and that is the last response from Mr. Thomas and the Assessor. (Document #10)


June 17, 2011 Telephone conversation between Mr. Nguyen, Deputy Assessor-Recorder and Allen Grossman regarding the February 28, 2011 records request and a subsequent one on June 1, 2011 to which Assessor and Mr. Thomas had not responded.

June 20, 2011 Email from Mr. Nguyen to Complainant transmitting (1) Letter dated June 20, 2011 from Mr. Thomas, Chief Appraiser, to Allen Grossman providing information from data in Assessor's computer system and his review of the physical files of the properties in which [Complainant] was inquiring, (2) copies of four Property Owner's Statements -three missing second pages and (3) one printout of Assessor's data sheet. In the letter (Document #11)), Mr. Thomas stated:

"Regarding the documentation you requested (Owner's Statement of New Construction) we have included what was in our files but regarding (appraiser's notes and calculations) I have yet to hear back from our Counsel whether or not this is confidential. When I do hear from Counsel, I expect no more than 2 days, I will forward these documents (appraiser's notes and calculations) to you or provide the code section that states why we can not release the information."

Hearing: Complainant requests a public hearing before the Sunshine Ordinance Task Force.

Pre-Hearing Conference: Complainant declines a pre-hearing conference before the Complaint Committee.


Executive Director
SF Urban Forest Coalition

SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Email: Home@SFUrbanforestCoalition.org
FAX: (415) 831-3721

BY FACSIMILE

February 28, 2011

Mr. Matt Thomas
Chief Appraiser
Office of the Assessor-Recorder
City Hall, Room 190
San Francisco, CA 94102

This is a public records request pursuant to the applicable provisions of California Public Records Act and the San Francisco Sunshine Ordinance for copies of any and all records in the custody of, maintained by or available to Office of the Assessor-Recorder (Assessor's Office) relating, pertaining or with respect to the new construction covered by the following Department of Building Inspection building permit numbers for the properties at the following street addresses, including, without limitation, the Property Owner's Statement(s) of New Construction, each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office:

<u>Permit Number(s):</u>	<u>Property Address:</u>
200710316954	433 25 th Avenue
200912143165	298 32 nd Avenue
200606295405/200908315866	322 22 nd Avenue
200403108303/200807036006	6847 California Street
200506296351	353 25 th Avenue
200501274127	899 27 th Avenue
200501102859/200905198698	246 29 th Avenue

In accordance with Section 67.25(d) of the San Francisco Sunshine Ordinance, please produce the copies of any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis. If the requested records are kept electronically or in PDF format, please send them in their original format by email to the above email address. If the records are kept in some other format, please scan the relevant page(s) to PDF format and send them by email to the above email address. This public records request is to be read broadly and any exemptions to disclosure of any public information in such public records are to be construed narrowly.


Allen Grossman
Executive Director

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Public Records Request**
Date: February 28, 2011 4:25:56 PM PST
To: assessor@sfgov.org
1 Attachment, 14.0 MB

Please forward this email to Mr. Matt Thomas, Chief Appraiser.

Mr. Thomas,

Attached is a PDF copy of a public requests request for copies of certain records in the Assessor's files relating to new construction assessments. The original was sent to you by FAX earlier this afternoon. I though you might want it in an electronic format.

Thank You,

Allen Grossman, Executive Director,
SAF Urban Forest Coalition



FAX/Request.djv (14.0 MB)

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Fwd: February 28, 2011 Public Records Request**
Date: March 21, 2011 12:55:40 PM PDT
To: assessor@sfgov.org
1 Attachment, 14.0 MB

| Please forward this email to Mr. Matt Thomas, Chief Appraiser.

Mr. Thomas,

Due to a problem with my email accounts, I "lost" the email I sent you last Friday regarding the below records request, as well as the one I sent you this morning, based on my assumption that you did not receive the Friday email. In any case, would you please advise me whether you received either or both and, if so, forward back to me copies of whichever or both you did receive.

Thank You,

Allen Grossman, Executive Director
SF Urban Forest Coalition

Begin forwarded message:

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Thank You,

Allen Grossman, Executive Director,
SAF Urban Forest Coalition


FAX/Request..._df_014.0 MB)

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Fwd: February 28, 2011 Public Records Request**
Date: March 22, 2011 9:23:54 AM PDT
To: matthew.thomas@sfgov.org
Cc: assessor@sfgov.org
1 Attachment, 14.0 MB

Mr. Thomas,

Not having heard from you in response to my last email (below) or the prior two, which, from what I was told by Apple's Tech support team, were probably received by your office, I will repeat the substance of those first two emails.

Three weeks have now passed since my request for copies of public records was submitted to you and I have yet to receive any copies of the requested records nor any other response to that request, other than your call on Wednesday, March 9, 2011. In that call you advised me that you were in the process of assembling the records and needed a few more days, beyond the maximum 10-day period allowed under the San Francisco Sunshine Ordinance to complete the job and send the records to the City Attorney's Office to make sure they were "kosher". I told you I was interested in seeing the records rather than holding you strictly to the 10-day period, although I did request the copies on a "rolling basis" as permitted under the Ordinance and that if I had them by Friday that would be OK.

You brought up the fact that you could ask for the extra 14 day period allowed for responding to certain records requests. To that, I mentioned that the 14 day extension was based on the records being at an off-site location, where they may be stored, or where the records are so voluminous that the extra time was needed, neither of which seemed to apply to my request.

In any case, I have not had received the requested copies nor any other response since that call. At this point, I believe that you have had more than enough time to respond as legally required, so if I don't receive copies of the requested records by the end of today, March 22, 2011, I will assume that neither you nor the Assessor intend to respond.

Allen Grossman, Executive Director
SF Urban Forest Coalition

Begin forwarded message:

From: SF Urban Forest Coalition <sfufc@mac.com>
Date: March 21, 2011 12:55:40 PM PDT
To: assessor@sfgov.org
Subject: Fwd: February 28, 2011 Public Records Request

| Please forward this email to Mr. Matt Thomas, Chief Appraiser.

Mr. Thomas,

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Thank You,

Allen Grossman, Executive Director
SF Urban Forest Coalition

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Thank You,

Allen Grossman, Executive Director,
SAF Urban Forest Coalition



FAX/Request...of...ML

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Re: February 28, 2011 Public Records Request**
Date: March 23, 2011 2:47:19 PM PDT
To: matthew.thomas@sfgov.org
Cc: David.Chai@sfgov.org

Mr. Thomas,

Thanks for explaining your policy to me. Of course that's your policy, I can't change it and I won't bother to explain again how the law is supposed to work. But after more than three weeks, if nothing else, I should have received some of the copies -- they are long over due, whether or not the City Attorney reviews them. My deadline is still today.

Thank you,

Allen Grossman,
Executive Director

On Mar 23, 2011, at 2:34 PM, matthew.thomas@sfgov.org wrote:

Mr. Grossman,

It is the policy of the Assessor-Recorder to have Counsel review any sunshine ordinance request submissions. This is not to "censor." There is information that the Assessor-Recorder receives, or has in its files, that is confidential, for example, proprietary business data that is requested under R&T Code section 441(d).

Matthew A. C. Thomas
Chief Appraiser
City and County of San Francisco
Tel: (415) 554-5613
Fax: (415) 554-7915

From: SF Urban Forest Coalition <sfufc@mac.com>
To: matthew.thomas@sfgov.org
Cc: David.Chai@sfgov.org, assessor@sfgov.org
Date: 03/23/2011 02:16 PM
Subject: Re: February 28, 2011 Public Records Request

Mr. Thomas,

Sorry to have to tell you this, but the City Attorney cannot act as a "censor" of which public records are disclosed. In fact, Section 67.21(i) of Sunshine Ordinance states the following:

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public.

When you told me you were going to send the records over to the CA to make sure they were "kosher" I didn't make an issue of it because I see no basis on which any of the records that I want copied can be considered exempt from disclosure. Moreover, the time for making any claim of exemption has long since passed. Accordingly, I expect the copies today whether or not the City Attorney has any concerns about your sending them on to me.

Of course, the fact that I requested them on a "rolling" basis and none has shown up yet suggests that those persons in your office who should have taken the required "sunshine" training either have not done so or have failed to remember what the custodian's obligations are when a request is received. But that is for another time.

Allen Grossman,
Executive Secretary

On Mar 23, 2011, at 1:07 PM, matthew.thomas@sfgov.org wrote:

fyi..

Matthew A. C. Thomas
Chief Appraiser
City and County of San Francisco
Tel: (415) 554-5613
Fax: (415) 554-7915

----- Forwarded by Matthew Thomas/ASRREC/SFGOV on 03/23/2011 01:07 PM -----

From: David Chai/ASRREC/SFGOV
To: Matthew Thomas/ASRREC/SFGOV@SFGOV
Date: 03/23/2011 12:52 PM
Subject: Re: Fw: Fwd: February 28, 2011 Public Records Request

i sent to the city atty last week and will check in...

From: Matthew Thomas/ASRREC/SFGOV
To: david.chai@sfgov.org
Cc: sfufc@mac.com
Date: 03/22/2011 10:08 PM
Subject: Fw: Fwd: February 28, 2011 Public Records Request

Hi David,
Just checking that we sent this out.

Matt

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

From: SF Urban Forest Coalition [sfufc@mac.com]
Sent: 03/22/2011 09:23 AM MST
To: Matthew Thomas
Cc: Assessor
Subject: Fwd: February 28, 2011 Public Records Request

Mr. Thomas,

Not having heard from you in response to my last email (below) or the prior two, which, from what I was told by Apple's Tech support team, were probably received by your office, I will repeat the substance of those first two emails.

Three weeks have now passed since my request for copies of public records was submitted to you and I have yet to receive any copies of the requested records nor any other response to that request, other than your call on Wednesday, March 9, 2011. In that call you advised me that you were in the process of assembling the records and needed a few more days, beyond the maximum 10-day period allowed under the San Francisco Sunshine Ordinance to complete the job and send the records to the City Attorney's Office to make sure they were "kosher". I told you I was interested in seeing the records rather than holding you strictly to the 10-day period, although I did request the copies on a "rolling basis" as permitted under the Ordinance and that if I had them by Friday that would be OK.

You brought up the fact that you could ask for the extra 14 day period allowed for responding to certain records requests. To that, I mentioned that the 14 day extension was based on the records being at an off-site location, where they may be stored, or where the records are so voluminous that the extra time was needed, neither of which seemed to apply to my request.

In any case, I have not had received the requested copies nor any other response since that call. At this point, I believe that you have had more than enough time to respond as legally required, so if I don't receive copies of the requested records by the end of today, March 22, 2011, I will assume that neither you nor the Assessor intend to respond.

Allen Grossman, Executive Director
SF Urban Forest Coalition

Begin forwarded message:

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Date: March 21, 2011 12:55:40 PM PDT
To: assessor@sfgov.org
Subject: Fwd: February 28, 2011 Public Records Request

| Please forward this email to Mr. Matt Thomas, Chief Appraiser.

Mr. Thomas,

Due to a problem with my email accounts, I "lost" the email I sent you last Friday regarding the below records request, as well as the one I sent you this morning, based on my assumption that you did not receive the Friday email. In any case, would you please advise me whether you received either or both and, if so, forward back to me copies of whichever or both you did receive.

Thank You,

Allen Grossman, Executive Director
SF Urban Forest Coalition

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Date: February 28, 2011 4:25:56 PM PST
To: assessor@sfgov.org
Subject: Public Records Request

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Mr. Thomas,

Attached is a PDF copy of a public requests request for copies of certain records in the Assessor's files relating to new construction assessments. The original was sent to you by FAX earlier this afternoon. I though you might want it in an electronic format.

Thank You,

Allen Grossman, Executive Director,
SAF Urban Forest Coalition

[attachment "FAX:Request Assessor 022811.pdf" deleted by David Chai/ASRREC/SFGOV] >

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Re: February 28, 2011 Public Records Request**
Date: March 29, 2011 8:00:54 AM PDT
To: david.chai@sfgov.org
Cc: matthew.thomas@sfgov.org, assessor@sfgov.org

Mr. Chai,

Notwithstanding our conversation last week, I have not received any copies of the requested records four weeks after my request, long past any period for a full response permitted under the CPRA or the San Francisco Sunshine Ordinance. Since neither you nor Mr. Thomas in our conversations gave any indication that the Assessor was claiming any exemption for the requested records, I will have to assume that the Assessor and his office staff involved in responding to these requests are willfully not complying with the public records laws. Such willful violations are simply not acceptable.

Allen Grossman,
Executive Director

On Mar 24, 2011, at 11:43 AM, SF Urban Forest Coalition wrote:

415-831-3720

On Mar 24, 2011, at 11:37 AM, david.chai@sfgov.org wrote:

Allen what number can I call you?

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

From: SF Urban Forest Coalition [sfufc@mac.com]
Sent: 03/23/2011 02:47 PM MST
To: Matthew Thomas
Cc: David Chai
Subject: Re: February 28, 2011 Public Records Request

Mr. Thomas,

Thanks for explaining your policy to me. Of course that's your policy, I can't change it and I won't bother to explain again how the law is supposed to work. But after more than three weeks, if nothing else, I should have received some of the copies -- they are long over due, whether or not the City Attorney reviews them. My deadline is still today.

Thank you,

Allen Grossman,
Executive Director

On Mar 23, 2011, at 2:34 PM, matthew.thomas@sfgov.org wrote:

Mr. Grossman,

It is the policy of the Assessor-Recorder to have Counsel review any sunshine ordinance request submissions. This is not to "censor." There is information that the Assessor-Recorder receives, or has in its files, that is confidential, for example, proprietary business data that is requested under R&T Code section 441(d).

From: Summer.Graham@sfgov.org
Subject: **Public Records Request**
Date: March 29, 2011 5:01:38 PM PDT
To: home@sfurbanforestcoalition.org
Cc: David.Chai@sfgov.org
2 Attachments, 554 KB

Dear Mr. Grossman:

I write in response to your records request dated Monday, February 28, 2011. Enclosed, please find documents responsive to your request.

Summer Graham

Office of the Assessor-Recorder
City and County of San Francisco
P: (415) 554-5203
Fax: (415) 554-5553
Email: summer.graham@sfgov.org

<http://www.sfassessor.org> SE Urban For... doc (280 KB) SE Urban For... pdf (274 KB)

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

March 29, 2011

SF Urban Forest Coalition
c/o Allen Grossman
5758 Geary Blvd. #105
San Francisco, CA 94121-2112

RE: Public Records Request Dated February 28, 2011

Dear Mr. Grossman:

I write in response to your records request dated Monday, February 28, 2011. Enclosed, please find documents responsive to your request.

In your February 28, 2011 facsimile, you requested the following records. The San Francisco Assessor-Recorder's Office's response is noted beneath each request in italics.

1 - Any and all records in the custody of, maintained by or available to the Office of the Assessor-Recorder relating, pertaining or with respect to the new construction covered by the following Department of Building inspection building permit numbers for the properties at the following street addresses, including, without limitation, the Property Owner's Statement of New Construction, each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office:

Permit numbers: 200710316954, 200912143165, 200606295405/200908315866,
200403108303/200807036006, 200506296351, 200501274127, 200501102859/200905198698

This Office has conducted a diligent search of its records and has located responsive records. We have enclosed nine documents that are responsive to your request.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

SF Urban Forest Coalition

2

March 29, 2011

We will continue to review our records. If we find any additional responsive records, we will certainly let you know. The Office of the Assessor-Recorder is committed to maintaining open and accountable government. The mission of the Assessor-Recorder's Office is to record, collect and maintain public records. Therefore, the Office of the Assessor-Recorder makes every effort to make public records easily and readily available.

Please contact me with any questions, or if you require additional assistance.

Sincerely,

David Chai
Deputy Assessor-Recorder
City and County of San Francisco

Enclosures

SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Emails: Home@SFUrbanforestCoalition.org/
sfufc@mac.com
FAX: (415) 831-3721

BY FACSIMILE

March 31, 2011

Mr. Matt Thomas
Chief Appraiser
Office of the Assessor-Recorder
City Hall, Room 190
San Francisco, CA 94102

Re: February 28, 2011 Public Records Request (the "Records Request")

Dear Mr. Thomas,

This acknowledges receipt of copies of nine public records responsive to the Records Request. Those copies relate to new construction at the seven addresses identified in the Records Request based on specific permits that authorized the new construction.

All the nine copies the Assessor provided are similar in that each has the same information across the top:

"830040 New Construction Displayed: 3/01/2011"

Putting aside the nature of their content, these nine records appear to be printouts of electronic records in some data base in the Assessor's Office, which were retrieved and printed out on March 1, 2011, the day after you received the Records Request. If I am mistaken, please explain why. If, on the other hand, I am not mistaken, then the Assessor's response four weeks later violated several provisions of the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance (Sunshine Ordinance). It also suggests that the delay was willful.

There are either missing entries in the nine records or else I do not understand how the appraisal information is reflected in some final value added to the property assessment. For four of the seven addresses, the printouts show no additional assessment, at all. There is no printout for 353 25th Avenue. For the other two, the basis on which the numbers on these records ended up as an additional assessment is unknown; as you know, a number, without more, is not an "appraisal"- it is the result of an appraisal.

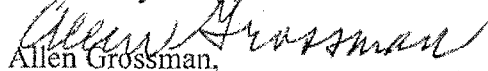
There is another problem with the Assessor's response to the Records Request. That request was for: "... any and all records in the custody of, maintained by or available to Office of the Assessor-Recorder (Assessor's Office) relating, pertaining or with respect to the new construction covered by the following Department of Building Inspection building permit

Property Owner's Statement(s) of New Construction, each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office."

Missing from the response are any copies of any "Property Owner's Statement(s) of New Construction", each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office" and, I would expect, some notice to the property owner of the increase in assessment. Also, as noted, missing is any copy of a public record for the construction of a vertical and horizontal addition completed in April 2008 at 353 25th Avenue. Either none of these records exist or a decision was made by the Assessor not to include them in the response. If none of these records exist, an explanation of that fact has to be provided. If, on the other hand, the Assessor decided that, although some or all of them exist, they were not to be included in the response, the CPRA and the SF Sunshine Ordinance require that the requestor be notified of the specific exemption on which the Assessor is relying for each non-disclosed public record and that such notice be timely given, neither of which was done here.

While I allowed the Assessor to respond beyond the time allowed under the law and in the manner requested, the response is so inadequate that it makes no sense for me to wait for full compliance with the Records Request beyond another day or two. Accordingly, unless I receive a complete response to this letter, along with the copies of the additional public records that are fully responsive to the Records Request by the end of the day Monday, April 4, 2011, I will be obliged to seek the copies through other means available under CPRA and the Sunshine Ordinance.

Yours Very Truly,



Allen Grossman,
Executive Director.

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: **Fwd: February 28, 2011 Records Request**
Date: April 8, 2011 4:12:08 PM PDT
To: david.chai@sfgov.org
Cc: Matthew.thomas@sfgov.org, assessor@sfgov.org
1 Attachment, 15.7 MB

Mr. Chai,

When you called me late yesterday and told me that you were somewhat "confused" by my letter to Mr. Thomas, you asked that I clarify what other records I had requested be copied and sent beside the printouts mentioned in my letter. My initial reaction was that I didn't see that there wasn't much to be confused about, as I thought the request and letter were pretty clear. You then reminded me that you handled these requests but didn't locate the records themselves -- that the persons who worked with them did that and they had knowledge of what was in the files. In this case it would be Mr. Thomas and/or others in the appraisal group he heads.

In any case, as an example of what I thought should be in each file, I mentioned the Owner's form required to report new construction, as well as the appraiser's notes showing the calculation of the additional assessment and the appraisal itself. At one point, I offered to meet with you and go through the files on each of the properties and identify what in the files I wanted copied.

We discussed some other points, but the result was that I told you that if I had the copies by the end of the day next Monday, the 11th, that would be sufficient, even though that it would be five weeks from the original request. All in all I would say that the subject of the public records that I have requested be copied has been thoroughly covered now and that what you send me next Monday will have to be your complete and final response.

Thank You,

Allen Grossman,
Executive Director

Begin forwarded message:

From: SF Urban Forest Coalition <sfufc@mac.com>
Date: April 1, 2011 5:18:13 AM PDT
To: matthew.thomas@sfgov.org
Cc: david.chai@sfgov.org, assessor@sfgov.org
Subject: February 28, 2011 Records Request

Mr. Thomas,

Attached is a copy of the letter I sent you yesterday with reference to the subject records request.

Thank You,

Allen Grossman,
Executive Director



Mr Thomas...ndif (15.7 MB)

From: SF Urban Forest Coalition <sfufc@mac.com>
Subject: Re: February 28, 2011 Records Request
Date: April 13, 2011 2:43:41 PM PDT
To: david.chai@sfgov.org
Cc: assessor@sfgov.org, matthew.thomas@sfgov.org

Mr. Chai,

Thanks for these copies of the additional public records you sent earlier today. I do note that the second pages of the 2007 Property Owner's Statements for 246 29th Avenue and 899 27th Avenue and the 2008 Statement for 6847-6849 California Street are missing, so these are not complete. The print-out for 353 25th Avenue is simply another one of the print-outs from your data base and is neither an appraisal nor an explanation as to how the increase in assessment was arrived at. Of course, I have yet to receive any appraisal on any of the seven properties or any appraiser's notes.

Given that my request was made almost six weeks and was followed up by several emails and telephone conversations, the two responses seem inadequate. As I noted in my last email, the response today is the final one from the Mr. Ting and Mr. Thomas.

Thank You,

Allen Grossman,

Executive Director

On Apr 13, 2011, at 11:38 AM, david.chai@sfgov.org wrote:

allen - after looking through our records these documents were located....please feel free to call me if you have any questions. thx

From: SF Urban Forest Coalition <sfufc@mac.com>
To: david.chai@sfgov.org
Cc: Matthew.thomas@sfgov.org, assessor@sfgov.org
Date: 04/08/2011 04:13 PM
Subject: Fwd: February 28, 2011 Records Request

Mr. Chai,

When you called me late yesterday and told me that you were somewhat "confused" by my letter to Mr. Thomas, you asked that I clarify what other records I had requested be copied and sent beside the printouts mentioned in my letter. My initial reaction was that I didn't see that there wasn't much to be confused about, as I thought the request and letter were pretty clear. You then reminded me that you handled these requests but didn't locate the records themselves -- that the persons who worked with them did that and they had knowledge of what was in the files. In this case it would be Mr. Thomas and/or others in the appraisal group he heads.

In any case, as an example of what I thought should be in each file, I mentioned the Owner's form required to report new construction, as well as the appraiser's notes showing the calculation of the additional assessment and the appraisal itself. At one point, I offered to meet with you and go through the files on each of the properties and identify what in the files I wanted copied.

We discussed some other points, but the result was that I told you that if I had the copies by the end of the day next Monday, the 11th, that would be sufficient, even though that it would be five weeks from the original request. All in all I would say that the subject of the public records that I have requested be copied has been thoroughly covered now and that what you send me next Monday will have to be your complete and final response.

Thank You,

Allen Grossman,

Executive Director

Begin forwarded message:

From: SF Urban Forest Coalition <sfufc@mac.com>
Date: April 1, 2011 5:18:13 AM PDT
To: matthew.thomas@sfgov.org
Cc: david.chai@sfgov.org, assessor@sfgov.org
Subject: February 28, 2011 Records Request

Mr. Thomas,

Attached is a copy of the letter I sent you yesterday with reference to the subject records request.

Thank You,

Allen Grossman,
Executive Director

[attachment "Ltr Thomas 033111(as FAXED) .pdf" deleted by David Chai/ASRREC/SFGOV] >

<4.11.2011.pdf>

From: Francis.Nguyen@sfgov.org
Subject: **Public Information Request**
Date: June 20, 2011 4:09:48 PM PDT
To: Home@SFUrbanforestCoalition.org
Cc: Matthew.Thomas@SFGOV.ORG
2 Attachments, 369 KB



Mr. Grossman,

Attached is the information related to your public information request for your review. Mr. Matthew Thomas, Chief Appraiser, will be able to forward the remaining information to you within a few days.

Please let me know if you have any questions or concerns.

Thanks,

Francis Nguyen
Deputy Assessor-Recorder
Office of the Assessor-Recorder
City and County of San Francisco
Office: (415) 554-5598
Fax: (415) 554-7849

 
[4.11.2011.pdf \(301 KB\)](#) [grossman.pdf \(68.1 KB\)](#)



6/20/2011

Allen Grossman
575 Geary Blvd., #105
San Francisco, CA 94121-3721

RE: Sunshine Ordinance Request

Dear Mr. Grossman:

Pursuant to your Public Records request please see below. I have looked in our computer system and reviewed the physical files of the properties in which you were inquiring.

433 25th Avenue; APN 1457-6; Permit Number 200710316954

- This permit is for an addition to a building. Per the Department of Building Inspection (DBI) this was complete on 3/18/2010. We have not yet worked this permit.

298 32nd Avenue; APN 1391-4; Permit Number 200912143165

- This permit is for an interior remodel. Per DBI this was complete 9/20/2010. We have not yet worked this permit.

322 22nd Avenue; APN 1453-39; Permit Number 200606295405

- This permit is for a rear and-vertical addition of 2 units. Per DBI this was issued on 4/24/2007. There is no other DBI status. We have not yet worked this permit.
- Permit Number 200908315866; This permit is to complete work under another permit. Per DBI this was complete 12/6/2010. See above. We have not yet worked this permit.

6847 California Street; APN 1403-32; Permit Number 200403108303

- This permit is to convert 1 dwelling and commercial unit to 2 units. As of 1/1/2011 the Assessor has placed \$250,000 for in-progress new construction. This was based on the owner's costs.

- Permit Number 200807036006; This permit was issued with a DBI status date of 7/3/2008. It was closed by our office and placed under the above mentioned permit.

353 25th Avenue; APN 1408-8; Permit Number 200506296351

- This permit was for an addition. Per DBI this was complete 4/22/2008. The Assessor placed \$785,750 on the roll for the completion of new construction. Costs used: Garage @ \$80/sf and Living Area @ \$250/sf.

899 27th Avenue; APN 1670-10H; Permit Number 200501274127

- This permit was for an addition. Per DBI this was complete 10/9/2009. The Assessor placed \$249,000 on the roll for the completion of new construction. Costs used: Living Area @ \$250/sf.

246 29th Avenue; APN 1388-30; Permit Number 200501102859

- This permit was for an addition. Per DBI this was complete 10/9/2009. The Assessor placed \$196,500 on the roll for the completion of new construction. Costs used: basement @ \$150/sf and Living Area @ \$300/sf.
- Permit Number 200905198698; This permit was to complete work on another permit. See above.

Regarding the documentation you requested (Owner's Statement of New Construction) we have included what was in our files but regarding (appraiser's notes and calculations) I have yet to hear back from our Counsel whether or not this is confidential. When I do hear from Counsel, I expect no more than 2 days, I will forward these documents (appraiser's notes and calculations) to you or provide the code section that states why we can not release the information.

Very truly yours,



Matthew Thomas
Chief Appraiser

□

From: Allen Grossman
To: SOTF

Date: Monday, June 27, 2011 09:33AM
Subject: Fwd: File Delivered: SF Urban Forest Coalition vs. Assessor 062711

Begin forwarded message:

From: YouSendIt <delivery@yousendit.com>
Date: June 27, 2011 7:23:44 AM PDT
To: grossman356@mac.com
Subject: File Delivered: SF Urban Forest Coalition vs. Assessor 062711
Reply-To: noreply <noreply@yousendit.com>

To: sotf@sfgov.org
Subject: SF Urban Forest Coalition vs. Assessor 062711
Message: Per my email.
File: SOTF Complaint v. Assessor 062711.pdf - 145.84 MB
Expires: File will be available for download until July 11, 2011 07:23 PDT

Here's the link to this file:
<http://www.yousendit.com/download/MFo3S3drNXZENIJFQIE9PQ>



YouSendIt, Inc. | Privacy Policy
1919 S. Bascom Ave., Campbell, CA 95008

SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Facsimile: (415) 831-3721
Emails: Home@SFUrbanforestCoalition.org/
sfufc@mac.com

FACSIMILE TRANSMITTAL

To: Chris Rustom, Administrator
At: Sunshine Ordinance Task Force
FAX Number: (415) 554-7854
Phone Number: (415) 554-7724
Number of Pages: 26, including cover sheet
Date: June 27, 2011
From: SF Urban Forest Coalition
Message: Sunshine Ordinance Complaint against Phil Ting, Assessor-Reorder and Mathew Thomas, Chief Appraiser.

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,
PLEASE CALL (415) 831-3720 AS SOON AS POSSIBLE**

CONFIDENTIALITY NOTE: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

July 6, 2011

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Allen Grossman
5758 Geary Blvd, #105
San Francisco, CA 94121-2112

RE: SOTF Complaint #10051

To Whom It May Concern:

Please accept this as the Assessor-Recorder's response to SOTF complaint #11044. The Assessor-Recorder (ASR) has provided Mr. Grossman with all information that the ASR is legally able to provide.

Pursuant to San Francisco Administrative Code Chapter 67 (the "Sunshine Ordinance") Mr. Grossman requested appraisals and appraiser's calculations regarding the assessment of new construction on 7 properties in the City and County.

On March 29, 2011 the ASR provided Mr. Grossman with printouts of 9 pages from the ASR's computer system (see attachment A). Subsequently, on April 13, 2011, the ASR provided Mr. Grossman with a 6 page document that included 1 page of an ASR computer printout and 5 pages entitled "Owner's Statement on New Construction." (see attachment B). The "Owners Statement on New Construction" is a protected document under Revenue and Taxation Code Section 408 and 451. The ASR provided these documents in an attempt at "full disclosure" and in keeping with the "spirit" of the Sunshine Ordinance. These documents should not have been provided. On June 20, 2011, the ASR forwarded a letter describing the status of the permits in question (see attachment C.)

The ASR complied with Revenue and Taxation Code 408 (see attachment D) in its response to Mr. Grossman's request. Section 408(a) reads as follows:

"Except as otherwise provided in subdivisions (b), (c), (d), and (e), any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, and homeowners' exemption claims, are not public documents and shall not be open to public inspection." (Emphasis added.)

Section 408(d) states:

"The assessor shall, upon the request of an assessee or his or her designated representative, permit the assessee or representative to inspect or copy any market data in the assessor's possession. For purposes of this subdivision, "market data" means any information in the assessor's possession, whether or not

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUL -6 PM 2:11
BY [Signature]



required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise. However, for purposes of providing market data, the assessor may not display any document relating to the business affairs or property of another." (Emphasis added.)

Section 408(e)(1) reads:

"With respect to information, documents, and records, other than market data as defined in subdivision (d), the assessor shall, upon request of an assessee of property, or his or her designated representative, permit the assessee or representative to inspect or copy all information, documents, and records, including auditors' narrations and work papers, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of the assessee's property, and any penalties and interest thereon."

Section 408(e)(3) reads:

"Except as provided in Section 408.1, an assessee, or his or her designated representative, may not be permitted to inspect or copy information and records that also relate to the property or business affairs of another, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of the assessment of his or her property." (Emphasis added.)

Revenue and Taxation Code Section 451 (Information Held Secret) states:

"All information requested by the assessor or furnished in the property statement shall be held secret by the assessor. The statement is not a public document and is not open to inspection, except as provided in Section 408."

It is clear the Assessor-Recorder was diligent in providing all information that was legally permissible.

Regards,

A handwritten signature in black ink, appearing to read "Matthew Thomas".

Matthew Thomas
Chief Appraiser

SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Email: Home@SFUrbanforestCoalition.org
FAX: (415) 831-3721

BY FACSIMILE

February 28, 2011

Mr. Matt Thomas
Chief Appraiser
Office of the Assessor-Recorder
City Hall, Room 190
San Francisco, CA 94102

This is a public records request pursuant to the applicable provisions of California Public Records Act and the San Francisco Sunshine Ordinance for copies of any and all records in the custody of, maintained by or available to Office of the Assessor-Recorder (Assessor's Office) relating, pertaining or with respect to the new construction covered by the following Department of Building Inspection building permit numbers for the properties at the following street addresses, including, without limitation, the Property Owner's Statement(s) of New Construction, each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office:

<u>Permit Number(s):</u>	<u>Property Address:</u>
200710316954	433 25 th Avenue
200912143165	298 32 nd Avenue
200606295405/200908315866	322 22 nd Avenue
200403108303/200807036006	6847 California Street
200506296351	353 25 th Avenue
200501274127	899 27 th Avenue
200501102859/200905198698	246 29 th Avenue

In accordance with Section 67.25(d) of the San Francisco Sunshine Ordinance, please produce the copies of any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis. If the requested records are kept electronically or in PDF format, please send them in their original format by email to the above email address. If the records are kept in some other format, please scan the relevant page(s) to PDF format and send them by email to the above email address. This public records request is to be read broadly and any exemptions to disclosure of any public information in such public records are to be construed narrowly.

Allen Grossman
Allen Grossman
Executive Director

Attachment "A"
12 pages

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

March 29, 2011

SF Urban Forest Coalition
c/o Allen Grossman
5758 Geary Blvd. #105
San Francisco, CA 94121-2112

RE: Public Records Request Dated February 28, 2011

Dear Mr. Grossman:

I write in response to your records request dated Monday, February 28, 2011. Enclosed, please find documents responsive to your request.

In your February 28, 2011 facsimile, you requested the following records. The San Francisco Assessor-Recorder's Office's response is noted beneath each request in italics.

1 - Any and all records in the custody of, maintained by or available to the Office of the Assessor-Recorder relating, pertaining or with respect to the new construction covered by the following Department of Building inspection building permit numbers for the properties at the following street addresses, including, without limitation, the Property Owner's Statement of New Construction, each appraisal of such new construction, the appraiser's notes or calculations supporting the appraisal and each assessment made by the Assessor's Office:

Permit numbers: 200710316954, 200912143165, 200606295405/200908315866,
200403108303/200807036006, 200506296351, 200501274127, 200501102859/200905198698

This Office has conducted a diligent search of its records and has located responsive records. We have enclosed nine documents that are responsive to your request.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

SF Urban Forest Coalition

2

March 29, 2011

We will continue to review our records. If we find any additional responsive records, we will certainly let you know. The Office of the Assessor-Recorder is committed to maintaining open and accountable government. The mission of the Assessor-Recorder's Office is to record, collect and maintain public records. Therefore, the Office of the Assessor-Recorder makes every effort to make public records easily and readily available.

Please contact me with any questions, or if you require additional assistance.

Sincerely,

David Chai
Deputy Assessor-Recorder
City and County of San Francisco

Enclosures

B30040 New Construction Displayed: 3/01/2011
 Vol 11 Apr 1457 - 006 Application# 200710316954 Jump To: MASTER F15
 Location 433 - 435 25TH AVE TSC Code IRLS 12
 Department of Building Inspection Data (DBI)
 Est. Cost 200,000 Form Num 003 Altrn/Addn FileDate 10/31/2007
 Rev. Cost 255,000 DBIStatus COMPLETE DBI Date 3/18/2010
 Property Location 433 25TH AV
 Owner Name MEI LIAN YEE Phone # 4152609180 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. FRONT BUILDING - Site Permit: Side and rear addition to existing bu
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 1 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings OA Open/Aprs Rvw (Comp) DateRcvd 5/01/2010
 Notes
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 4/06/2009 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Apr 1391 004 Application# 200912143165 Jump To: MASTER F15
 Location 298 32ND AVE TSC Code RCVD 10
 Department of Building Inspection Data(DBI)
 Est. Cost 150,000 Form Num 008 Over the Counter FileDate 12/14/2009
 Rev. Cost 150,000 DBIStatus COMPLETE DBI Date 9/20/2010
 Property Location 298 32ND AV
 Owner Name BAEHNER FREDERICK JR Phone # 0 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. INTERIOR REMODEL OF EXISTING, SINGLE-FAMILY DWELLING(2 STORY OVER U
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 1 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings DateRcvd
 Notes
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 12/21/2009 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Aprn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 11 Aprn 1453 039 Application# 200908315866 Jump To: MASTER F15
 Location 322 22ND AVE TSC Code RCVD 10
 Department of Building Inspection Data (DBI)
 Est. Cost 200,000 Form Num 008 Over the Counter FileDate 8/31/2009
 Rev. Cost 200,000 DBIStatus COMPLETE DBI Date 12/06/2010
 Property Location 322 22ND AV
 Owner Name MARK JEFFREY W T Phone # 4156816325 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. TO COMPLETE WORK AND OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDE
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse APARTMENTS Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings DateRcvd
 Notes
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 9/08/2009 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 11 Apr 1453 039 Application# 200606295405 Jump To: MASTER F15
 Location 322 22ND AVE TSC Code IRLS 12
 Department of Building Inspection Data (DBI)
 Est. Cost 380,000 Form Num 003 Altrn/Addn FileDate 6/29/2006
 Rev. Cost 653,000 DBI Status ISSUED DBI Date 4/24/2007
 Property Location 322 22ND AV
 Owner Name GARY VORICHOLAZ Phone # 4156816325 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. REAR & VERTICAL ADDITION OF 2 UNITS ON 3 FLOORS. REMOVE EXISTING RO
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse APARTMENTS Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings MU Open/ Mail undeliver 3/18/2009 DateRcvd
 Notes
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 4/30/2007 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Apn 1403 032 Application# 200807036006 Jump To: MASTER F15
 Location 6847 - 6849 CALIFORNIA ST TSC Code IRLS 12
 Department of Building Inspection Data (DBI)
 Est. Cost 200,000 Form Num 008 Over the Counter FileDate 7/03/2008
 Rev. Cost 200,000 DBIStatus ISSUED DBI Date 7/03/2008
 Property Location 6849 CALIFORNIA ST
 Owner Name KEN YEE Phone # 4156133483 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. ADD TO CONTINUE WORK UNDER PERMIT APPN. 200403108303 FOR RENEWAL
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 2 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings 3/18/2009 DateRcvd
 Notes
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 7/07/2008 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Aprn 1403 032 Application# 200403108303 Jump To: MASTER F15
 Location 6847 - 6849 CALIFORNIA ST TSC Code IRLS 12
 Department of Building Inspection Data (DBI)
 Est. Cost 300,000 Form Num 003 Altrn/Addn FileDate 3/10/2004
 Rev. Cost 300,000 DBIStatus ISSUED DBI Date 5/19/2005
 Property Location 6847 CALIFORNIA ST
 Owner Name KENNETH YEE Phone # 0 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. CONVERTS (E) ONE DWELLING UNIT & A COMMERCIAL UNIT BLDG INTO A TWO
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 2 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings SRLD Self Reporting Form 3/18/2009 DateRcvd 3/20/2007
 Notes PER TP WORK HASN'T STARTED SRF 03/28/0
 Permit Sts 0 Open Permit Work InPrgrsDat Photo
 NC Code %Completed Sketch
 NC Detail DateofComp ApprMthd
 Quality 0000 0000 818/719 17
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 0 NC Lnd 0 Tot Lnd 0
 SqFt Cnv 0 ExstImp 0 NC Imp 0 Tot Imp 0
 Apprs Id 210 Assign Date 5/21/2005 Apprs Date Total 0
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 12 Apn 1670 010 H Application# 200501274127 Jump To: MASTER F15
 Location 899 27TH AVE TSC Code TRNC 40
 Department of Building Inspection Data (DBI)
 Est. Cost 300,000 Form Num 003 Altrn/Addn FileDate 1/27/2005
 Rev. Cost 0 DBIStatus COMPLETE DBI Date 1/23/2009
 Property Location 899 27TH AV
 Owner Name WANG DAHE & LI WAN HUA Phone # 4158500998 OwnerFlag
 Contact Phone # 0 OwnerLsee
 Work Desc. COVERTING AND ADDITION TO (E) SINGLE FAMILY RESIDENCE.1ST UNIT: 1ST
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 2 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings SRLD Self Reporting Form 2/16/2007 DateRcvd 3/19/2007
 Notes
 Permit Sts C Completed NC InPrgrsDat Photo
 NC Code ADD Addition %Completed 100.000 Sketch
 NC Detail DateofComp 1/23/2009 ApprMthd
 Quality 2008 0002 818/719 14
 Exclusion Excl. Date Source
 SqFt Add 0 ExstLnd 486,540 NC Lnd 0 Tot Lnd 486,540
 SqFt Cnv 0 ExstImp 324,360 NC Imp 249,000 Tot Imp 573,360
 Apprs Id 632 Assign Date 6/22/2005 Apprs Date 5/19/2010 Total 1,059,900
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Apr 1388 030 Application# 200905198698 Jump To: MASTER F15
 Location 246 29TH AVE TSC Code TRNC 40
 Department of Building Inspection Data (DBI)
 Est. Cost 40,000 Form Num 008 Over the Counter FileDate 5/19/2009
 Rev. Cost 40,000 DBIStatus ISSUED DBI Date 5/19/2009
 Property Location 246 29TH AV
 Owner Name CHENG JIAN & LEW MICHAEL Phone # 4152729888 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. TO COMPLETE WORK AND OBTAIN FINAL INSPECTION FOR WORK APPROVED UNDE
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 1 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail DateRcvd
 Mailings
 Notes
 Permit Sts C Completed NC InPrgrsDat Photo
 NC Code VP Val on another Permt %Completed Sketch
 NC Detail MISC Miscellaneous DateofComp 10/09/2009 ApprMthd COST
 Quality G Good 0000 0000 818/719 17
 Exclusion Excl. Date Source DBI
 SqFt Add 0 ExstLnd 845,245 NC Lnd 0 Tot Lnd 845,245
 SqFt Cnv 0 ExstImp 574,738 NC Imp 0 Tot Imp 574,738
 Apprs Id 305 Assign Date 5/26/2009 Apprs Date 1/27/2010 Total 1,419,983
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Apn 1388 030 Application# 200501102859 Jump To: MASTER F15
 Location 246 29TH AVE TSC Code TRNC 40
 Department of Building Inspection Data (DBI)
 Est. Cost 80,000 Form Num 003 Altrn/Addn FileDate 1/10/2005
 Rev. Cost 0 DBIStatus FILED DBI Date
 Property Location 246 29TH AV
 Owner Name JANE LEW Phone # 4153869299 OwnerFlag
 Contact Phone # 0 OwnerLsee
 Work Desc. MINOR HORIZONTAL ADDITIO F A SINGLE FAMILY DESLLIG 4% SF ON BASEMEN
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse 1 FAMILY DWELLING Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings SRLD Self Reporting Form 3/18/2009 DateRcvd
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 Permit Sts C Completed NC InPrgrsDat Photo Y
 NC Code N New Constr/Alteratio %Completed 100.000 Sketch Y
 NC Detail VAR Various Floors DateofComp 10/09/2009 ApprMthd COST
 Quality G Good 2009 0002 818/719 17
 Exclusion Excl. Date Source DBI
 SqFt Add 0 ExstLnd 845,245 NC Lnd 0 Tot Lnd 845,245
 SqFt Cnv 0 ExstImp 574,738 NC Imp 196,500 Tot Imp 771,238
 Apprs Id 305 Assign Date 6/22/2005 Apprs Date 1/27/2010 Total 1,616,483
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

4-11-11

B30040 New Construction Displayed: 3/01/2011
 Vol 10 Aprn 1408 008 Application# 200506296351 Jump To: MASTER F15
 Location 353 25TH AVE TSC Code TRNC 40
 Department of Building Inspection Data (DBI) Retired APN
 Est. Cost 380,000 Form Num 003 Altrn/Addn FileDate 6/29/2005
 Rev. Cost 465,000 DBIStatus COMPLETE DBI Date 4/22/2008
 Property Location 353 25TH AV
 Owner Name RAUL ARRIAZA Phone # 4158248822 OwnerFlag
 Contact Phone # 0 OwnerLsee OWNER
 Work Desc. horizontal/vertical addition w/change of occupancy
 ExstingUse 1 FAMILY DWELLING Unts DeckHor
 ProposeUse APARTMENTS Unts DeckVer
 Assessor's Data 1st Mail 2nd Mail
 Mailings SRLD Self Reporting Form 4/16/2007 4/16/2007 DateRcvd 5/01/2007
 Notes
 Permit Sts C Completed NC InPrgrsDat Photo Y
 NC Code ADD Addition %Completed 100.000 Sketch Y
 NC Detail VAR Various Floors DateofComp 4/22/2008 ApprMthd COST
 Quality G Good 2007 0002 818/719 16
 Exclusion Excl. Date Source DBI
 SqFt Add 3,159 ExstLnd 568,058 NC Lnd 0 Tot Lnd 568,058
 SqFt Cnv 0 ExstImp 378,705 NC Imp 785,750 Tot Imp 1,164,455
 Apprs Id 305 Assign Date 12/04/2006 Apprs Date 12/18/2008 Total 1,732,513
 F1=Help F2=Cost F3=Exit/Save F6=Process F12=Cncl F16=Chg Apn F24=Duplicate

Attachment "B"
6 pages



PROPERTY OWNER'S STATEMENT ON NEW CONSTRUCTION

CHENG JIAN & LEW MICHAEL W

DATE: April 23, 2007

246 29TH AV
SAN FRANCISCO CA 94121

Check this box if work has not started as of January 1, 2007, in which case you will only need to complete Sections 1 and 3 of this form.

Please complete this form to the best of your knowledge.																																									
SECTION 1. PLEASE COMPLETE THIS ENTIRE SECTION.																																									
ASSESSOR'S PARCEL NUMBER 1388 030																																									
PROPERTY ADDRESS (if different from mailing address) 246 29TH AVE																																									
JOB DESCRIPTION MINOR HORIZONTAL ADDITIO F A SINGLE FAMILY DESL																																									
OWNER'S NAME (check box if owner-builder) <input type="checkbox"/> JANE LEW	CONTRACTOR Unknown	TELEPHONE 0																																							
APPLICATION No. 200501102859	DATE 01/10/2005	CONTRACTOR'S ADDRESS Same as above																																							
COMPLETION DATE (estimate if not yet completed) Unknown																																									
PERCENT COMPLETED AS OF JANUARY 1, 2007 0	TOTAL COST OF PROJECT Unknown	AMOUNT EXPENDED AS OF JANUARY 1, 2007 None																																							
SECTION 2. PLEASE CHECK APPROPRIATE BOXES.																																									
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File

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

PROPERTY OWNER'S STATEMENT ON NEW CONSTRUCTION

WANG DAHE & LI WAN HUA

DATE: March 1, 2007

2575 30TH AVE
SAN FRANCISCO CA 94116

Check this box if work has not started as of January 1, 2007, in which case you will only need to complete Sections 1 and 3 of this form. *This property sold already. It belong for new owner*

Please complete this form to the best of your knowledge.																																																		
SECTION 1. PLEASE COMPLETE THIS ENTIRE SECTION.																																																		
ASSESSOR'S PARCEL NUMBER 1670 010H																																																		
PROPERTY ADDRESS (if different from mailing address) 899 27TH AVE																																																		
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OWNER'S NAME (check box if owner-builder) <input type="checkbox"/> WANG DAHE & LI WAN HUA		CONTRACTOR TELEPHONE 0																																																
APPLICATION No. 200501274127		DATE 01/27/2005																																																
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City Hall Office: 1 Dr. Carlton B. Goodlett Place
Room 190, San Francisco, CA 94102-4698
Tel: (415) 554-5596 Fax: (415) 554-7915
www.sfgov.org/assessor
e-mail: assessor@sfgov.org

Business Personal Property: 875 Stevenson Street
Room 100, San Francisco, CA 94103
Tel: (415) 554-5531 Fax: (415) 554-5544



2008 PROPERTY OWNER'S STATEMENT ON NEW CONSTRUCTION

YEE KIN C & STEPHANIE

DATE: March 1, 2008

157 28TH AVE
SAN FRANCISCO, CA 94121

Check this box if work has not started as of January 1, 2008, in which case you will only need to complete Sections 1 and 3 of this form.

Please complete this form to the best of your knowledge.																																		
SECTION 1. PLEASE COMPLETE THIS ENTIRE SECTION.																																		
ASSESSOR'S PARCEL NUMBER 1403 032																																		
PROPERTY ADDRESS (if different from mailing address) 6847 - 6849 CALIFORNIA ST																																		
JOB DESCRIPTION CONVERTS (E) ONE DWELLING UNIT & A COMMERCIAL																																		
OWNER'S NAME (check box if owner-builder) <input type="checkbox"/> KENNETH YEE	CONTRACTOR 0	TELEPHONE																																
APPLICATION No. 200403108303	DATE 03/10/2004	CONTRACTOR'S ADDRESS																																
COMPLETION DATE (estimate if not yet completed)																																		
PERCENT COMPLETED AS OF JANUARY 1, 2008	TOTAL COST OF PROJECT	AMOUNT EXPENDED AS OF JANUARY 1, 2008																																
SECTION 2. PLEASE CHECK APPROPRIATE BOXES:																																		
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PROPERTY OWNER'S STATEMENT ON NEW CONSTRUCTION

YEE KIN C & STEPHANIE

DATE: March 1, 2007

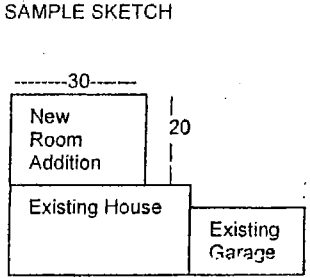
157 28TH AVE
SAN FRANCISCO CA 94121

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SECTION 2. PLEASE CHECK APPROPRIATE BOXES.																										
<p>1. STRUCTURAL CHANGES</p> <input type="checkbox"/> NEW STRUCTURE <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> OTHER – please explain on reverse side	<p>2. HEATING/AIR CONDITIONING (N=New Unit, R=Replacement Unit)</p> <p>N R</p> <input type="checkbox"/> <input type="checkbox"/> CENTRAL AIR CONDITIONING <input type="checkbox"/> <input type="checkbox"/> THRU-WALL AIR CONDITIONING <input type="checkbox"/> <input type="checkbox"/> FORCED AIR FURNACE <input type="checkbox"/> <input type="checkbox"/> FLOOR OR GRAVITY FURNACE <input type="checkbox"/> <input type="checkbox"/> WALL HEATER <input type="checkbox"/> <input type="checkbox"/> OTHER	<p>Total SQ. FT. on new structure or addition (See item No. 7 for area computations) _____ sq. ft.</p>																								
<p>3. PLUMBING ITEMS (N=New Unit, R=Replacement Unit)</p> <table border="0"> <tr> <td>N</td> <td>R</td> <td>Number</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>TOILET _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>BATH TUB _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>STALL SHOWER _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>SINK _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>DISHWASHER _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>WATER HEATER _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>OTHER _____</td> </tr> </table>	N	R	Number	<input type="checkbox"/>	<input type="checkbox"/>	TOILET _____	<input type="checkbox"/>	<input type="checkbox"/>	BATH TUB _____	<input type="checkbox"/>	<input type="checkbox"/>	STALL SHOWER _____	<input type="checkbox"/>	<input type="checkbox"/>	SINK _____	<input type="checkbox"/>	<input type="checkbox"/>	DISHWASHER _____	<input type="checkbox"/>	<input type="checkbox"/>	WATER HEATER _____	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<p>4. CABINETS, APPLICANCES, ELECTRICAL (N=New Unit, R=Replacement Unit)</p> <p>N R</p> <input type="checkbox"/> <input type="checkbox"/> RANGE <input type="checkbox"/> <input type="checkbox"/> OVEN <input type="checkbox"/> <input type="checkbox"/> CABINETS <input type="checkbox"/> <input type="checkbox"/> OTHER BUILT-IN	
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<p>5. EXTERIOR DETAIL</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%;"> <p>WALLS:</p> <input type="checkbox"/> STUCCO <input type="checkbox"/> CONCRETE BLOCK <input type="checkbox"/> BRICK <input type="checkbox"/> SIDING <input type="checkbox"/> OTHER </td> <td style="width:50%;"> <p>ROOF COVERING:</p> <input type="checkbox"/> TAR & GRAVEL <input type="checkbox"/> COMPOSITION SHINGLE <input type="checkbox"/> ASPHALT SHINGLE <input type="checkbox"/> WOOD SHINGLE <input type="checkbox"/> OTHER </td> </tr> </table>	<p>WALLS:</p> <input type="checkbox"/> STUCCO <input type="checkbox"/> CONCRETE BLOCK <input type="checkbox"/> BRICK <input type="checkbox"/> SIDING <input type="checkbox"/> OTHER	<p>ROOF COVERING:</p> <input type="checkbox"/> TAR & GRAVEL <input type="checkbox"/> COMPOSITION SHINGLE <input type="checkbox"/> ASPHALT SHINGLE <input type="checkbox"/> WOOD SHINGLE <input type="checkbox"/> OTHER	<p>6. INTERIOR DETAIL</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%;"> <p>FLOOR:</p> <input type="checkbox"/> CONCRETE <input type="checkbox"/> HARDWOOD <input type="checkbox"/> CARPET WALL TO WALL <input type="checkbox"/> TILE <input type="checkbox"/> OTHER </td> <td style="width:50%;"> <p>WALLS:</p> <input type="checkbox"/> DRYWALL <input type="checkbox"/> PANELING <input type="checkbox"/> PLASTER <input type="checkbox"/> OTHER </td> </tr> </table>	<p>FLOOR:</p> <input type="checkbox"/> CONCRETE <input type="checkbox"/> HARDWOOD <input type="checkbox"/> CARPET WALL TO WALL <input type="checkbox"/> TILE <input type="checkbox"/> OTHER	<p>WALLS:</p> <input type="checkbox"/> DRYWALL <input type="checkbox"/> PANELING <input type="checkbox"/> PLASTER <input type="checkbox"/> OTHER
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7. DIAGRAM OF NEW CONSTRUCTION (see sample sketch)
 Diagram the new construction and show its exterior dimensions and location in relation to other buildings on the lot. Please note that copies of your plans are not always provided to this office by other agencies.



AREA COMPUTATION OF NEW CONSTRUCTION
 $30 \times 20 = 600$

AREA COMPUTATION OF NEW CONSTRUCTION:

_____ X _____ = _____
_____ X _____ = _____
_____ X _____ = _____
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_____ X _____ = _____
_____ X _____ = _____
_____ X _____ = _____
_____ X _____ = _____
TOTAL SQ. FT.: = _____

ROOM COUNT:
 If addition or remodel, indicate main residence's total number of rooms after completion:

	# of rooms
Living Room	_____
Kitchen	_____
Dining Room	_____
Family/Den	_____
Bedrooms	_____
Bathrooms	_____
Other	_____

SECTION 3. PLEASE SIGN AND RETURN THE FORM.

The Assessor's Office may audit this statement for completeness and accuracy and may contact you for additional information as required.

I certify that the foregoing is true, correct, and complete to the best of my knowledge.

 Signature of Owner or Agent	 Telephone No	3/5/07 Date
--	--	----------------

Please complete this form and return by March 15, 2007 to the office of the Assessor-Recorder in the enclosed envelope. If you have any questions or need assistance, please visit our website at www.sfgov.org/assessor or call (415) 554-5596.



6/20/2011

Allen Grossman
575 Geary Blvd., #105
San Francisco, CA 94121-3721

RE: Sunshine Ordinance Request

Dear Mr. Grossman:

Pursuant to your Public Records request please see below. I have looked in our computer system and reviewed the physical files of the properties in which you were inquiring.

433 25th Avenue; APN 1457-6; Permit Number 200710316954

- This permit is for an addition to a building. Per the Department of Building Inspection (DBI) this was complete on 3/18/2010. We have not yet worked this permit.

298 32nd Avenue; APN 1391-4; Permit Number 200912143165

- This permit is for an interior remodel. Per DBI this was complete 9/20/2010. We have not yet worked this permit.

322 22nd Avenue; APN 1453-39; Permit Number 200606295405

- This permit is for a rear and vertical addition of 2 units. Per DBI this was issued on 4/24/2007. There is no other DBI status. We have not yet worked this permit.
- Permit Number 200908315866; This permit is to complete work under another permit. Per DBI this was complete 12/6/2010. See above. We have not yet worked this permit.

6847 California Street; APN 1403-32; Permit Number 200403108303

- This permit is to convert 1 dwelling and commercial unit to 2 units. As of 1/1/2011 the Assessor has placed \$250,000 for in-progress new construction. This was based on the owner's costs.

Attachment "C"
2 pages

- Permit Number 200807036006; This permit was issued with a DBI status date of 7/3/2008. It was closed by our office and placed under the above mentioned permit.

353 25th Avenue; APN 1408-8; Permit Number 200506296351

- This permit was for an addition. Per DBI this was complete 4/22/2008. The Assessor placed \$785,750 on the roll for the completion of new construction. Costs used: Garage @ \$80/sf and Living Area @ \$250/sf.

899 27th Avenue; APN 1670-10H; Permit Number 200501274127

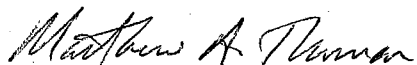
- This permit was for an addition. Per DBI this was complete 10/9/2009. The Assessor placed \$249,000 on the roll for the completion of new construction. Costs used: Living Area @ \$250/sf.

246 29th Avenue; APN 1388-30; Permit Number 200501102859

- This permit was for an addition. Per DBI this was complete 10/9/2009. The Assessor placed \$196,500 on the roll for the completion of new construction. Costs used: basement @ \$150/sf and Living Area @ \$300/sf.
- Permit Number 200905198698; This permit was to complete work on another permit. See above.

Regarding the documentation you requested (Owner's Statement of New Construction) we have included what was in our files but regarding (appraiser's notes and calculations) I have yet to hear back from our Counsel whether or not this is confidential. When I do hear from Counsel, I expect no more than 2 days, I will forward these documents (appraiser's notes and calculations) to you or provide the code section that states why we can not release the information.

Very truly yours,



Matthew Thomas
Chief Appraiser

□

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Property Taxes Law Guide
PROPERTY TAXATION

405.1. **Tax-deeded or publicly owned property.** [Repealed by Stats. 1985, Ch. 316, effective January 1, 1986.]

405.5. **Periodic appraisal.** The assessor shall periodically appraise all property not subject to the provisions of Article XIII A of the Constitution to substantiate the judgment of its full cash value or, when provided for by law, its restricted value for uniform assessment purposes.

History.—Added by Stats. 1966, p. 659 (First Extra Session), in effect October 6, 1966. Stats. 1972, p. 1526, in effect March 7, 1973, operative on the lien date in 1973, substituted "its full cash value or, when provided for by law, its restricted value" for "full cash value" in the first sentence. Stats. 1980, Ch. 1081, in effect September 26, 1980, added "not subject to the provisions of Article XIII A of the Constitution" after "property" and substituted "the" for "his" before "judgment".

405.6. **Orderly, sequential, cyclical appraisal or reappraisal.** [Repealed by Stats. 1980, Ch. 1081, in effect September 26, 1980.]

406. **Tax-sold property.** [Repealed by Stats. 1988, Ch. 830, in effect January 1, 1989.]

407. **Statistical statement.** Annually, on the second Monday in July, the assessor shall transmit a statistical statement to the board, supplying any statistical information which the board may require, and shall supply from time to time any other information required by the board.

History.—Stats. 1979, Ch. 242, in effect July 10, 1979, added second sentence. Stats. 1986, Ch. 608, effective January 1, 1987, deleted the former second sentence pertaining to requirements for the 1979-80 fiscal year.

408. **Assessor's records.** (a) Except as otherwise provided in subdivisions (b), (c), (d), and (e), any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, and homeowners' exemption claims, are not public documents and shall not be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records which shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) The assessor may provide any appraisal data in his or her possession to the assessor of any county.

The assessor shall disclose information, furnish abstracts, or permit access to all records in his or her office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the Controller, employees of the Controller for property tax postponement purposes, probate referees, employees of the Franchise Tax Board for tax administration purposes only, staff appraisers of the Department of Financial Institutions, the Department of Transportation, the Department of General Services, the State Board of Equalization, the State Lands Commission, the State Department of Social Services, the Department of Child Support Services, the Department of Water Resources, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records. Whenever the assessor discloses information, furnishes abstracts, or permits access to records in his or her office to staff

Attachment "D"

4 pages

appraisers of the Department of Financial Institutions, the Department of Transportation, the Department of General Services, the State Lands Commission, or the Department of Water Resources pursuant to this section, the department shall reimburse the assessor for any costs incurred as a result thereof.

(c) Upon the request of the tax collector, the assessor shall disclose and provide to the tax collector information used in the preparation of that portion of the unsecured roll for which the taxes thereon are delinquent. The tax collector shall certify to the assessor that he or she needs the information requested for the enforcement of the tax lien in collecting those delinquent taxes. Information requested by the tax collector may include social security numbers, and the assessor shall recover from the tax collector his or her actual and reasonable costs for providing the information. The tax collector shall add the costs described in the preceding sentence to the assessee's delinquent tax lien and collect those costs subject to subdivision (e) of Section 2922.

(d) The assessor shall, upon the request of an assessee or his or her designated representative, permit the assessee or representative to inspect or copy any market data in the assessor's possession. For purposes of this subdivision, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him or her, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his or her assessment of the assessee's property, in whole or in part, on that comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of that property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise. However, for purposes of providing market data, the assessor may not display any document relating to the business affairs or property of another.

(e) (1) With respect to information, documents, and records, other than market data as defined in subdivision (d), the assessor shall, upon request of an assessee of property, or his or her designated representative, permit the assessee or representative to inspect or copy all information, documents, and records, including auditors' narrations and workpapers, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of the assessee's property, and any penalties and interest thereon.

(2) After enrolling an assessment, the assessor shall respond to a written request for information supporting the assessment, including, but not limited to, any appraisal and other data requested by the assessee.

(3) Except as provided in Section 408.1, an assessee, or his or her designated representative, may not be permitted to inspect or copy information and records that also relate to the property or business affairs of another, unless that disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of the assessment of his or her property.

(f) (1) Permission for the inspection or copying requested pursuant to subdivision (d) or (e) shall be granted as soon as reasonably possible to the assessee or his or her designated representative.

(2) If the assessee, or his or her designated representative, requests the assessor to make copies of any of the requested records, the assessee shall reimburse the assessor for the reasonable costs incurred in reproducing and providing the copies.

(3) If the assessor fails to permit the inspection or copying of materials or information as requested pursuant to subdivision (d) or (e) and the assessor introduces any requested materials or information at any assessment appeals board hearing, the assessee or his or her representative may request and shall be granted a continuance for a reasonable period of time. The continuance shall extend the two-year period specified in subdivision (c) of Section 1604 for a period of time equal to the period of continuance.

History.—Added by Stats. 1941, p. 2051, in effect June 6, 1941. Stats. 1961, p. 2809, in effect September 15, 1961, added "(a) Except as otherwise provided in subdivision (b)" and subdivision (b). Stats. 1966, p. 659 (First Extra Session), in effect October 6, 1966, added the reference to subdivision (c) to subdivision (a), added the last clause referring to court order to subdivision (b), and added subdivision (c). Stats. 1969, p. 2481, in effect November 10, 1969, applicable to equalization proceedings for the 1970-71 assessment year and thereafter, added "provide any market data in his possession to an assessee" and the references to designated representative in subdivision (b); and added subdivision (d). Stats. 1970, p. 1141, in effect November 23, 1970, substituted "may provide any market data in his possession to the assessor of any county and shall provide such data" for "shall provide any market data in his possession" in the first sentence of subdivision (b). Stats. 1971, p. 2163, in effect March 4, 1972, revised subdivision (b) to allow the assessor to provide "appraisal data" to the assessor of any county and revised the requirement for the assessee or his designated representative to obtain a court order to situations involving information and records "other than market data which also relate to the property or business affairs of another". Stats. 1974, Ch. 1107, p. 2369, in effect September 23, 1974, added ", and homeowners' exemption claims," after "assessor" in the first sentence, and added the second and third sentences of subdivision (a); and added "the State Controller," after "Government Code" in subdivision (c). Stats. 1976, Ch. 671, p. 1658, in effect January 1, 1977, added "Except as provided in Section 408.1," at the beginning of the third sentence of subdivision (b). Stats. 1978, Ch. 1388, in effect September 30, 1978, added "inheritance tax referees" to subdivision (c). Stats. 1984, Ch. 1641, in effect January 1, 1985, added "or hers" after "his" throughout the section; and added "staff appraisers of the Department of Transportation" after "referees," in the first sentence, and added the second sentence to subdivision (c). Stats. 1985, Ch. 200, effective January 1, 1986, added a comma after "(c)" in subdivision (a); and deleted "State" before "Controller"; added "employees of the Franchise Tax Board for tax administration purposes only," after "referees", added a comma after "Equalization", and substituted "the" for "such" after "examine" in the first sentence of subdivision (c). Stats. 1986, Ch. 1457, effective January 1, 1987, substituted "probate" for "inheritance tax" after "Controller," and added "and the Department of General Services" after "Department of Transportation" in the first sentence, and added "or the Department of General Services" after "Department of Transportation" in the second sentence of subdivision (c). Stats. 1987, Ch. 1162, effective September 26, 1987, added "employees of the Controller for property tax postponement purposes" after "Controller" in the first sentence of subdivision (c), and added "the Department of Savings and Loan," after "appraisers of" and added ", after "Transportation" in the first and second sentences thereof. Stats. 1992, Ch. 523, in effect January 1, 1993, substituted the comma for "and" after "(b)"; and added "and (d)" after "(c)", in the first sentence of subdivision (a); added subdivision (d); and relettered former subdivision (d) as subdivision (e). Stats. 1993, Ch. 876, Section 29, in effect October 6, 1993, deleted "and" after "Transportation," and added "the State Department of Social Services," after "Equalization," in the first sentence of subdivision (c). Stats. 1993, Ch. 876, Section 30, in effect October 6, 1993, operative January 1, 1994, deleted "and" after "(c)", and added "and (e)" after "(d)" in the first sentence of subdivision (a); deleted the balance of the first sentence in subdivision (b) after "county", and substantially restated the deleted portion in subdivision (e); deleted former subdivision letter (c) before "The assessor" to establish a second paragraph in subdivision (b); relettered former subdivisions (d) and (e) as (c) and (d), respectively; added the first sentence, substituted "subdivision" for "section" after "this" in the second sentence, and substituted "However," for "; but" in the third sentence, thereby establishing the fourth sentence of subdivision (d); and added subdivisions (e) and (f). Stats. 1995, Ch. 498, in effect January 1, 1996, added paragraph designation "(1)", added paragraph (2), and created paragraph (3) from former second sentence in subdivision (e); and added paragraph (3) in subdivision (f). Stats. 1996, Ch. 667, in effect September 20, 1996, substituted "that" for "which" after "assessor's office", and substituted "that" for "which" after "maintain records" in subdivision (a); deleted "probate referees" after "tax postponement purposes," substituted "Department of Financial Institutions" for "Department of Savings and Loan" after "staff appraisers of the", and added "the Department of Water Resources," after "Social Services" in the first sentence, substituted "Department of Financial Institutions" for "Department of Savings and Loan" after "staff appraisers of the", deleted "or" after "Department of Transportation", and added ", or the Department of Water Resources" after "General Services" in the second sentence of subdivision (b). Stats. 1996, Ch. 1064, in effect January 1, 1997, operative July 1, 1997, substituted "which" for "that" after "maintain records" in subdivision (a); substituted "Department of Financial Institutions" for "Department of Savings and Loan" after "staff appraisers of the" in the first and second sentences, and added "or," after "Transportation," in the second sentence of subdivision (b). Stats. 1997, Ch. 940 (SB 1105), in effect January 1, 1998, deleted "or" after "Department of Transportation," in the second sentence of the second paragraph of subdivision (b) and deleted "assessor's" before "tax lien" in the second sentence of subdivision (c). Stats. 2000, Ch. 647 (SB 2170), in effect January 1, 2001, added "the State Lands Commission," after "Equalization," in the first sentence and added "the

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PROPERTY TAXATION

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State Lands Commission," after "General Services," in the second sentence of the second paragraph of subdivision (b). Stats. 2002, Ch. 759 (AB 3033), in effect January 1, 2003, added "the Department of Child Services," after "Department of Social Services," in the first sentence of the second paragraph of subdivision (b). Stats. 2003, Ch. 62 (SB 600), in effect January 1, 2004, substituted "may not" for "shall not" after "the assessor" in the fourth sentence of subdivision (d) and substituted "may not" for "shall not" after "designated representative," in the first sentence of paragraph (3) of subdivision (e).

Note.—Section 17 of Stats. 1974, Ch. 1107, p. 2372, provided that it is the intent of the Legislature in amending the section that homeowners' property tax exemption claims and the data contained on these claims, such as the social security numbers of claimants, not be public documents or open to public inspection, but that properties receiving the exemption be so identified on the local assessment roll in order that the public continues to have access to information as to which properties are receiving the exemption. Further, the amendments to the section are to apply to all homeowners' property tax exemption claims in the possession of the assessor on the effective date thereof or in the future.

Note.—Section 2 of Stats. 1984, Ch. 1641, provided no appropriation is made by this act because this act provides for reimbursement to local agencies for the program or level of service mandated by this act.

Note.—Section 6 of Stats. 1985, Ch. 200, provided reimbursement to local governments for costs mandated by the State pursuant to this act.

Note.—Section 35(b) of Stats. 1987, Ch. 1162, provided that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in subdivision (c) of Section 408 of the Revenue and Taxation Code to cover any costs to county assessors that may be incurred in carrying on any program or performing any service required to be carried on or performed by this act.

Construction.—The words "kept or prepared" in this section are not synonymous, and even though not prepared by the assessor, an affidavit submitted to claim a welfare exemption which is retained in the assessor's records is "kept" by the assessor for the purposes of this section and is open to public inspection. *Gallagher v. Bollér*, 231 Cal.App.2d 482. There is no inconsistency between this section and section 1606; either method is available to a taxpayer who appeals his assessment. This section was intended to broaden the taxpayer's right to information. The assessor may avoid any eleventh hour demand by invoking the exchange procedure under section 1606. *Henderson v. Betis*, 53 Cal.App.3d 486.

Information relating to affairs of another.—"Market data", as used in the section, is narrowly defined in subdivision (d), and both subdivisions (b) and (d) make it clear that market data and other assessor's records relating to a taxpayer's assessment are not to be construed to require disclosure of information relating to the business affairs of another taxpayer. Thus, information furnished to an assessor by an oil company on its acquisition of certain property did not constitute market data and was not subject to disclosure by the assessor in defending his assessment against taxpayer oil company. *Chanslor-Western Oil and Development Co. v. Cook*, 101 Cal.App.3d 407.

Examination by State Board.—Assessor's records, including those relating to assessment of specific properties, are subject to inspection by State Board of Equalization, *State Board of Equalization v. Watson*, 68 Cal.2d 307.

Assessors' working papers not required by law to be prepared are not open to public inspection.—Plaintiff sought to inspect the documents and records used to update the assessment roll such as photocopies of deeds and papers identifying sales transactions. Plaintiff contended that these papers were essential to performance of the assessor's duties and therefore should be considered as information and records required by law to be kept by the assessor and hence open to inspection under this section. The court rejected the contention because it would render all papers in the assessor's office open to inspection and thus render the section meaningless. No provision of law required the assessor to obtain, use, or file the papers in question, therefore, they are not open to inspection. *Statewide Homeowners, Inc. v. Williams*, 30 Cal.App.3d 567.

408.1. List of transfers. [Repealed by Stats. 1976, Ch. 671, in effect January 1, 1977, operative May 1, 1980.]

408.1. List of transfers. (a) The assessor shall maintain a list of transfers of any interest in property, other than undivided interests, within the county, which have occurred within the preceding two-year period.

(b) The list shall be divided into geographical areas and shall be revised on the 30th day of each calendar quarter to include all such transactions which are recorded as of the preceding quarter.

(c) The list shall contain the following information:

- (1) Transferor and transferee, if available;
- (2) Assessor's parcel number;
- (3) Address of the sales property;
- (4) Date of transfer;
- (5) Date of recording and recording reference number;

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PAGE 02/03
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BY AK

SF Urban Forest Coalition
5758 Geary Blvd. #105
San Francisco, CA 94121-2112
Emails: Home@SFUrbanforestCoalition.org/
sfufc@mac.com
FAX: (415) 831-3721

BY FACSIMILE

July 15, 2011

Mr. Matt Thomas
Chief Appraiser
Office of the Assessor-Recorder
City Hall, Room 190
San Francisco, CA 94102

Re: SOTF # 11051/ February 28, 2011 Public Records Request

Dear Mr. Thomas,

Now that I have reviewed your July 6, 2011 letter directed to the SOTF and me, I have a better idea of the exemptions that apply to your disclosure of certain public records in your office. That being said, I have some follow up questions that will help my understanding of those records for which you can provide copies and those exempt from disclosure under Sections 408 and 451 of the Revenue and Taxation Code. In addition, I have some information requests that do not require that I be given copies of any non-public records.

(1) Section 408(a) states: "[Subject to four specific exceptions] ... any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, ... are not public documents and shall not be open to public inspection." I read this to mean that there are two types of records in the assessor's office: one type consists of records required by law to be kept or prepared by the assessor's office (the "required records"); the other type consists of all other records in the assessor's office (the "non-public records"). Required records are disclosable public records, unless covered by some other exemption. The non-public records are non-disclosable, unless one of the four exceptions in subdivisions (b) through (d) permits their disclosure. Section 451 expressly categorizes an owner's statement of new construction as "non-public record", unless one of the four exceptions in §408 applies.

(2) Assuming my reading of the two sections of the Revenue and Taxation Code are correct, please (a) identify each record/document (e.g. appraisal) in each of the seven files, including any in electronic data bases, for the each of the seven addresses that were the subject my request, (b) identify whether each listed record/document is a "required record" or a "non-public record" and (c) whether any of the four exceptions apply to each such record that is a "non-public record".

Note the applicable provisions of §§6253(c) of the California Public Records Act and § 67.21(c) of the San Francisco Sunshine Ordinance:

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§6253(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.

§67.21c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any 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.

(3) In your June 20, 2011 letter you stated, with reference to four of the seven addresses, that the "assessor placed [a dollar amount] on the roll for the completion of construction. Costs used: Living Area/basement/garage @\$[250 or 300/150/80]/sf." In one case (6847 California), you noted, "[t]his was based on the owner's cost." Were the per square foot dollar amounts used for the other three addresses derived from the costs of completed construction provided in the Owner's Statements (which, as noted, are not disclosable) or were they based on appraisals of the construction by your appraisers or on some other valuation method?

(4) In your June 20, 2011 letter you stated, with respect to three of the seven addresses, that you "have not yet worked this permit." When will those permits be worked and additional assessments be made for the new construction? Have you received any Owner's Statements for any of them that show the costs of construction?

If you provide me with the requested public information by Wednesday next week, July 20, depending on the completeness of your response, we may be able to minimize the issues at the SOTF hearing, or even eliminate the need for the hearing, which is scheduled for Tuesday July 26, 2011.

Yours Very Truly,



Allen Grossman,
Executive Director.

Cc: Mr. Chris Rustom, Administrator
Sunshine Ordinance Task Force

Jul 15 11 01:34p Sunshine Ord. Task Force
07/15/2011 13:25 4158313721

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SF Urban Forest Coalition
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San Francisco, CA 94121-2112
Facsimile: (415) 831-3721
Emails: Home@SFUrbanforestCoalition.org/
sfufc@mac.com

FACSIMILE TRANSMITTAL

To: Chris Rustom, Administrator
At: Sunshine Ordinance Task Force
FAX Number: (415) 554-7854
Phone Number: (415) 554-7724
Number of Pages: 3, including cover sheet
Date: July 15, 2011
From: SF Urban Forest Coalition
Message: SOTF Complaint #11051 against Phil Ting, Assessor-Reorder and Mathew Thomas, Chief Appraiser.

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,
PLEASE CALL (415) 831-3720 AS SOON AS POSSIBLE**

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