

Date: July 28, 2009

Item No. 12 & 13  
File No. 09034

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Brian Tomina against the Dept. of Building Inspection
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Completed by: Chris Rustom

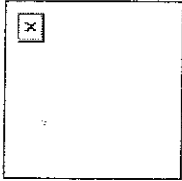
Date: July 16, 2009

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

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

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

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DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

DIRECT DIAL: (415) 554-4236  
E-MAIL: ernest.llorente@sfgov.org

**MEMORANDUM**

*July 20, 2009*

*BRIAN TOMINA v. DEPARTMENT OF BUILDING INSPECTION (09034)*

**COMPLAINT**

**THE COMPLAINANTS ALLEGE THE FOLLOWING:**

On June 9, 2009, Brian Tomina made an Immediate Disclosure Request ("IDR") for certain records from the Department of Building Inspection ("DBI"). Mr. Tomina claims that he did not receive the records until June 17, 2009 and upon review discovered that certain e-mails for particular dates were not included. As a result, Mr. Tomina filed a Supplemental IDR for those records. As of the date of the filing of the complaint with the Task Force, Mr. Tomina claims that he has not received a response from DBI.

**THE DEPARTMENT OF BUILDING INSPECTION RESPONDS:**

In an e-mail dated July 2, 2009, William Strawn, the Communications Manager of DBI responded to Mr. Tomina's Complaint and stated that the DBI did respond in timely fashion and did release documents as they became available. Particularly, DBI stated that it could not release certain documents until the contracts in which they were tied to was approved and then became a public records. As to other records, they were being reviewed by the Deputy City Attorney to assure that no privileged material was release. As to certain e-mails, they were being requested from the Department of Technology.

**COMPLAINANT FILES COMPLAINT:**

June 25, 2009, Brian Tomina filed a complaint against the Department alleging violations of the Sunshine Ordinance.

**APPLICABLE STATUTORY SECTION;**

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.1 addresses Findings and Purpose.
2. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents.

**Memorandum**

3. Sunshine Ordinance, San Francisco Administrative Code Section 67.24 public information that must be disclosed. Section 67.24(e) deals with contracts bids and proposals.
4. Sunshine Ordinance, San Francisco Administrative Code Section. 67.25 deals with Immediate Disclosure Requests.
5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
6. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.
7. California Constitution, Article I, Section 3 addresses Assembly, petition, open meetings.

**APPLICABLE CASE LAW:**

none

**ISSUES TO BE DETERMINED****1. FACTUAL ISSUES****A. Uncontested Facts:**

- Mr. Tomina made two IDR's for information from DBI.

**B. Contested facts/ Facts in dispute:**

- Whether the department properly responded to the public records requests.

The Task Force must determine what facts are true.

**i. Relevant facts in dispute:**

- Whether the Department responded to the public records request in a timely fashion.
- Whether the Department provided the requested records.

**QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:**

- How did the DBI respond to the IDR's?

**Memorandum**

**LEGAL ISSUES/LEGAL DETERMINATIONS;**

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

**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

**Memorandum****THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

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

**Memorandum**  
**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN**  
**FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)**  
**UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose.

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

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

**Memorandum**

Section 67.21 addresses general requests for public documents.

This section provides:

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

Section 67.25 provides for Immediate Disclosure Requests:

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



**Memorandum**

disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request

Section 67.25(e)(1) provides:

1. Contracts, contractors' bids, responses to request for proposal and all other records of communication between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating or responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by person in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of the RFP has been completed.

Section 67.26 provides:

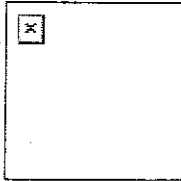
No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated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

Section 67.27 provides:

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

**Memorandum**

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



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

DIRECT DIAL: (415) 554-4236  
E-MAIL: ernest.llorente@sfgov.org

July 6, 2009

Nick Goldman, Chair  
Members of the Complaint Committee

Re: Brian Tomina v. the Department of Building Inspection (09034)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Brian Tomina against the San Francisco Department of Building Inspection.

#### BACKGROUND

Complainant Brian Tomina alleges that he made an Immediate Disclosure Request on June 9, 2009 and that the response of DBI was untimely and incomplete.

#### COMPLAINT

On June 24, 2009, Brian Tomina filed a complaint against the DBI alleging violations of the Sunshine Ordinance and the Public Records Act.

#### DBI'S RESPONSE

On July 2, 2009, DBI submitted a letter and documents in response to the complaint and stated that it had fully complied with the IDR and that the complaint was without merit and should be dismissed.

#### SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under (67.21 and 67.25) of the Ordinance.

#### DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

Letter to the Complaint Committee

Page 2

July 6, 2009

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code. Section 67.21 generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests. CPRA Section 6253 generally covers Public Records Requests.

In this case, Brian Tomina claims that the DBI was untimely and incomplete in its response to the IDR. DBI contends that its response was timely and complete as it was providing information on a rolling basis. The Task Force has jurisdiction to hear this complaint and will determine whether the DBI violated the Ordinance and/or the Public Records Act.



<complaints@sfgov.org>

06/25/2009 12:45 PM

To <soft@sfgov.org>

cc

bcc

Subject: Sunshine Complaint

Submitted on: 6/25/2009 12:45:08 PM

Department: Department of Building Inspection

Contacted: Sam Kwong & William Strawn

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date:

Section(s)\_Violated: Sunshine Ordinance section 67.25

Description: I am writing to complain about the failure of the Department of Building Inspection to provide copies of public records in a timely manner as required by the Sunshine Ordinance.

On June 9th, I submitted an "Immediate Disclosure Request" to DBI requesting that certain documents be made immediately available to me. Despite the fact that the Sunshine Ordinance requires disclosure of these documents "no later than the close of business on the day following the day of the request," I did not receive the requested documents until June 17th.

After reviewing the documents and discovering that a number of documents were missing (e.g., missing emails for certain days), I submitted a supplemental immediate disclosure request on June 19th but have still not received the documents I have requested.

Both requests were regarding documents maintained by Sam Kwong and the person who I have been dealing with regarding the requests is DBI's Communications Manager William Strawn.

I request that the Sunshine Ordinance Task Force immediately require DBI to comply with my immediate disclosure request. In addition, I request the Sunshine Ordinance Task Force commence an immediate investigation into the failure of DBI to provide documents in a timely manner in order to determine whether their actions constitute willful failure to discharge their duties under the Sunshine Ordinance.

Hearing: Yes

Pre-Hearing: Yes

Date: 06/24/09

Name: Brian Tomina

Address:

City:

Zip:

Phone: 650- [REDACTED]

Email: [REDACTED]@gmail.com

Anonymous: .

Confidentiality\_Requested: Yes

William Strawn /DBI/SFGOV  
07/02/2009 09:19 AM

To bttomina@gmail.com, SOTF/SOTF/SFGOV@SFGOV  
cc "Lauren Yim" <lauren.yim@sfgov.org>,  
william.strawn@sfgov.org  
bcc  
Subject Your public records' request is partially ready for pickup  
today, July 2, in Room 3036, Third Floor, 1660 Mission  
Street

July 2, 2009

Mr. Tomina -- Your public records' request, dated June 19, 2009, but received at DBI on June 23, 2009, as previously discussed with you, is ready for pickup in Room 3036, Third Floor, 1660 Mission Street -- earlier than my original pickup date estimate of Monday, July 6th.

Please note, per Mr. Kwong's notations on the attachment below, that your request for some of these documents is not yet fulfilled due to the fact that these documents are not public records until after a contract has been awarded. Similarly, while Mr. Kwong has provided some of the emails you requested, the Department is awaiting data recovery by the Department of Technology of the emails, and Mr. Kwong will then be reviewing those with the City Attorney for any required redaction(s) -- as I indicated in my email to you on June 26th. These latter records will ready for your pickup on July 14.

The total number of copied pages ready for pickup today is 64, with a copying charge due of \$6.40. You may use a credit card, or make your check payable to the Department of Building Inspection, or "DBI."

Thank you.

Sincerely,

William Strawn



SKwongCommentsTomina.pdf

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

*after contract consummation*  
- Copies of the RFPs for the 3 finalists

*already provided in the last transmittal*  
- The information that was presented to the steering committee on or about June 5 in order for them to make a final determination on the winner.

*waiting on DT*  
- Emails sent and received by Mr. Kwong from January 2009 – March 2009. Mr. Kwong indicated that he does not have emails from before March 3, so we are asking that DBI's information technology staff retrieve these emails from its systems.

- Copies of all emails sent and received from the following dates: March 18, March 24-25, April 7-8, April 21, April 29-30, May 6, May 18-19, and June 9-June 19. *none-sent*

Thank you in advance for your assistance on this matter. Please feel free to contact me with any questions concerning this Immediate Disclosure Request.

Sincerely,

Brian Tomina

(650) 438-0184

[bttomina@gmail.com](mailto:bttomina@gmail.com)

Please confirm that you received this.

Thank you,

Brian



Tomina

Please see the following Immediate Disclosure Request sent Friday, June 19, 2009 via fax @ 12:35 pm:

**IMMEDIATE DISCLOSURE REQUEST PER SUNSHINE ORDINANCE**

June 19, 2009

Mr. William Strawn  
Communications Officer  
Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103  
P: (415) 558-6250  
F: (415) 558-6225

64 pages

Dear Mr. Strawn,

Thank you for your assistance in my previous request. I am now requesting the following as soon as possible:

- *after contract consummation*  
Copy of the excel document that includes the pricing from the 2 finalists that did the demo.
- *after contract consummation*  
Information and documents regarding how the financial stability for the competitors was determined. Any and all information, including, but not limited to information provided by the Controller's office and information provided by the companies that were shortlisted.

William Strawn/DBI/SFGOV  
07/02/2009 09:55 AM

To SOTF/SOTF/SFGOV@SFGOV  
cc Sam Kwong/DBI/SFGOV@SFGOV,  
SOTF/SOTF/SFGOV@SFGOV, Vivian  
Day/DBI/SFGOV@SFGOV, jeremy.hallisey@sfgov.org,  
bcc

Subject Re: Sunshine Complaint Received: #09034\_Brian Tomina vs  
Dept. of Bldg. Inspection 

History:  This message has been forwarded.

July 2, 2009

Mr. Rustom/Members of the Task Force:

Thank you for your email notification dated June 29, 2009, informing the Department of Building Inspection about the Sunshine ordinance complaint number 09034 filed recently by Mr. Brian Tomina. As you will see in the attached documents, we believe this complaint is without merit.

We respectfully request the Task Force to review the Department's attachments below, and to consider the immediate dismissal of this complaint in as much as the department has been immediately responsive to Mr. Tomina's requests; has already provided him with 1,200 pages of requested public records; and has informed him of explicit delivery dates for the additional public records he has requested -- including a pickup notification for today -- excepting only those documents that are part of a yet-to-be-awarded contract and thus, per the Sunshine Ordinance, are not yet public records.

Thank you for your consideration.

Sincerely,

William Strawn



DBISoTFLtrHdReplyJuly209.doc



ImmedDisloSKwongJune09.pdf



OrigJune23Ask.doc



LtrHdJune25DBIReply.doc



June2609DBIReply.doc



BTominaJune12June1609.pdf



July209PickUpNotice.doc



SKwongCommentsTomina.pdf

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

IMMEDIATE DISCLOSURE REQUEST PER SUNSHINE ORDINANCE

June 9, 2009

Ms Vivian Day  
Department of Building Inspection

Dear Vivian,

Pursuant to the City's Sunshine Ordinance, I want copies of all emails, letters, or other documents sent by Sam Kwong from December 1, 2008 through today. Because it is my understanding that Mr. Kwong may have begun deleting documents, please process this request as soon as possible

Please call me at (775) 230-9370 to let me know when I can pick these documents up.

Thank you for your prompt response. If you have any questions, please let me know.

Yours Truly,

Brian Tomina  
(775) 230-9370



Cc: Mel Murphy, BIC President (via Commission Secretary)

*Bill,  
I am forwarding  
this to you via Vivian  
Jim*

**NOTE: FAX NEVER RECEIVED AT DBI ON JUNE 19, 2009 AND MR TOMINA INFORMED OF THIS ON JUNE 23, 2009, WHEN EMAIL REQUEST BELOW WAS RECEIVED BY DBI.**

Please see the following Immediate Disclosure Request sent Friday, June 19, 2009 via fax @ 12:35 pm:

**IMMEDIATE DISCLOSURE REQUEST PER SUNSHINE ORDINANCE**

June 19, 2009

Mr. William Strawn

Communications Officer

Department of Building Inspection

1660 Mission Street

San Francisco, CA 94103

P: (415) 558-6250

F: (415) 558-6225

Dear Mr. Strawn,

Thank you for your assistance in my previous request. I am now requesting the following as soon as possible:

- Copy of the excel document that includes the pricing from the 2 finalists that did the demo.
- Information and documents regarding how the financial stability for the competitors was determined. Any and all information, including, but not limited to information provided by the Controller's office and information provided by the companies that were shortlisted.
- Copies of the RFPs for the 3 finalists
- The information that was presented to the steering committee on or about June 5 in order for them to make a final determination on the winner.
- Emails sent and received by Mr. Kwong from January 2009 – March 2009. Mr. Kwong indicated that he does not have emails from before March 3, so we are asking that DBI's information technology staff retrieve these emails from its systems.
- Copies of all emails sent and received from the following dates: March 18, March 24-25, April 7-8, April 21, April 29-30, May 6, May 18-19, and June 9-June 19.

Thank you in advance for your assistance on this matter. Please feel free to contact me with any questions concerning this Immediate Disclosure Request.

Sincerely,

Brian Tomina

(650) 438-0184

[bttomina@gmail.com](mailto:bttomina@gmail.com)



June 25, 2009

Mr. Brian Tomina  
[bttomina@gmail.com](mailto:bttomina@gmail.com)

Mr. Tomina:

Per my research on your recent public records' request, which I received via email on June 23<sup>rd</sup>, we are assembling the documentation and I will notify you about the estimated total number of pages to be copied, and the estimated copying charges, just as soon as I have that information.

Per advice from the City Attorney, I also want to let you know that while we will provide you with copies of the scoring and evaluation documents, as well as the names of those serving on the evaluation team, we are not able to provide you with copies of responses to the RFP, or any competitive pricing, nor with any communications between the department and the bidders. The latter documentation is not yet a public record, pending ongoing negotiations and due to the fact that no contract on the RFP has yet been awarded.

As you may know, under the Sunshine ordinance, Section 67.24, sub-section (e), which addresses contracts, bids and proposals, records on such information are available upon request "...after a contract has been awarded...."

Thank you for your request. I will be in touch with you as soon as I have the records within the Department's possession.

Sincerely,

William Strawn

June 26, 2009

Mr. Tomina -- Hello and thanks for your message, as I was just about to send you this one.

Per Mr. Kwong, we will have all of your public records' request EXCEPT the emails' request, on the Third Floor of 1660 Mission Street, Room 3036, for pickup on Monday, July 6, after 2 p.m. We estimate there will be 200 pages, or a copying charge of \$20 to be paid when you or your representative come to collect these records. You may use a credit card, or make your check payable to the Department of Building Inspection, or "DBI," and sign the release form that will be with your documents.

Because your request for all of Sam Kwong's emails from January 2009 through March 2009 requires our Information Technology division to work with the Department of Technology to obtain these files, Mr. Kwong estimates he will have the email files for your pickup on Tuesday, July 14, after 2 p.m.

Thank you.

Sincerely,

William Strawn



William Strawn/DBI/SFGOV

06/16/2009 04:07 PM

To Brian Tomina <btomina@gmail.com>

cc William Strawn, lauren.yim@sfgov.org

bcc

Subject Re: Update on your Sunshine Request

June 16, 2009

Mr. Tomina -- You will be able to pick up your requested public records at DBI's Public Information Counter at 1660 Mission Street after 10 a.m. tomorrow, Wednesday, June 17, 2009.

There are 1,200 pages so the copying charge owed is \$120.00 Cash is acceptable, or, as I said earlier, a check payable to "DBI."

Thank you.

William Strawn

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



Brian Tomina  
<[bttomina@gmail.com](mailto:bttomina@gmail.com)>  
06/12/2009 08:46 AM

To [william.strawn@sfgov.org](mailto:william.strawn@sfgov.org)

cc

bcc

Subject Tomina Public Request

Mr. Strawn:

I apologize for all of the communications problems I have had with your office and really appreciate your understanding. You can reach me at this email, [bttomina@gmail.com](mailto:bttomina@gmail.com) or my new phone number (650) 438-0184. Thank you again for your cooperation in this matter and your patience. I look forward to hearing from you early to mid next week.

Best,

Brian Tomina  
650-438-0184

July 2, 2009

Mr. Tomina -- Your public records' request, dated June 19, 2009, but received at DBI on June 23, 2009, as previously discussed with you, is ready for pickup in Room 3036, Third Floor, 1660 Mission Street -- earlier than my original pickup date estimate of Monday, July 6th.

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Thank you.

Sincerely,

William Strawn

Tomina

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IMMEDIATE DISCLOSURE REQUEST PER SUNSHINE ORDINANCE

June 19, 2009

Mr. William Strawn

Communications Officer

Department of Building Inspection

1660 Mission Street

San Francisco, CA 94103

P: (415) 558-6250

F: (415) 558-6225

64 pages

Dear Mr. Strawn,

Thank you for your assistance in my previous request. I am now requesting the following as soon as possible:

- *after contract consummation*  
Copy of the excel document that includes the pricing from the 2 finalists that did the demo.
- *after contract consummation*  
Information and documents regarding how the financial stability for the competitors was determined. Any and all information, including, but not limited to information provided by the Controller's office and information provided by the companies that were shortlisted.

*after contract consummation*

- Copies of the RFPs for the 3 finalists

*already provided in the last transmittal*

- The information that was presented to the steering committee on or about June 5 in order for them to make a final determination on the winner.

*waiting on DT*

- Emails sent and received by Mr. Kwong from January 2009 – March 2009. Mr. Kwong indicated that he does not have emails from before March 3, so we are asking that DBI's information technology staff retrieve these emails from its systems.

*none-sent*

- Copies of all emails sent and received from the following dates: March 18, March 24-25, April 7-8, April 21, April 29-30, May 6, May 18-19, and June 9-June 19.

*none-sent* (with arrows pointing to the underlined date ranges in the list above)

Thank you in advance for your assistance on this matter. Please feel free to contact me with any questions concerning this Immediate Disclosure Request.

Sincerely,

Brian Tomina

(650) 438-0184

[bttomina@gmail.com](mailto:bttomina@gmail.com)

Please confirm that you received this.

Thank you,

Brian

William Strawn/DBI/SFGOV  
07/13/2009 10:24 AM

To bttomina@gmail.com, SOTF/SOTF/SFGOV@SFGOV  
cc William Strawn/DBI/SFGOV, vivian.day@sfgov.org  
bcc  
Subject Sam Kwong email public records are ready today for pickup  
in Room 3036, Third Floor, 1660 Mission Street

July 13, 2009

Mr. Tomina:

Per my July 2nd email, Mr. Kwong has completed his review of the email public records you requested a day earlier than anticipated, and they are now ready for your pickup.

As with your earlier public records' requests, you may pick up these in Room 3036, Third Floor, 1660 Mission Street.

In as much as no photo copies are involved, there are no copying charges.

Thank you.

Sincerely,

William Strawn

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



July 14, 2009

Mr. Brian Tomina  
[bttomina@gmail.com](mailto:bttomina@gmail.com)

Mr. Tomina:

Thank you for your faxed "Immediate Disclosure Request," received today at the Department of Building Inspection.

Please be advised that DBI has no public records of "Any and all emails, letters, or other correspondence between any employee of CSDC Systems and any employee or officer of DBI."

With respect to your request for "Any and all emails, letter, or other correspondence between Sam Kwong and the following individuals: Lou Aurea, Val Bacharach, Rosemary Bosque, Glenn Cabrerros, Eddy Ching, Alton Chinn, Elaine Forbes, David Green, Patience Hutchinson, Devyani Jain, Anita Lee, Pamela Levin, Wilson Lo, Raymond Lui, Sara Luu, Hemalatha Nekkanti, Craig Nikitas, Steven Panelli, Oli Sadler, Scott Sanchez, Brian Smith, Kim Thompson and Tom Hanson [sic Hanson Tom], we have already satisfied this request with the earlier public records already provided and picked up by you over the past few weeks.

Per your request for "Any and all emails, letters, or other correspondence received by or sent from any DBI employee or officer which references Eric Seamon," we have no such public records.

Thank you.

Sincerely,

William Strawn

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