

Date: Sept. 28, 2010

Item No. 16 & 17  
File No. 10043

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Brandon Combs v Sheriff's Department**
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Completed by: Chris Rustom

Date: Sept, 23, 2010

**\*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

JANA CLARK  
Deputy City Attorney

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Email: jana.clark@sfgov.org

**MEMORANDUM  
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force  
FROM: Jana Clark  
Deputy City Attorney  
DATE: September 23, 2010  
RE: 10043 Brandon Combs v. Sheriff's Department

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**COMPLAINT**

**THE COMPLAINANT ALLEGES THE FOLLOWING:**

Complainant Brandon Combs alleges that the San Francisco Sheriff's Department (the "Department") failed to provide public records and information responsive to his July 9, 2010 and July 23, 2010 public records request in violation of section 67.21(b-c), 67.29-7, 67.31, and 67.34 of the Ordinance.

**COMPLAINANT FILED COMPLAINT:**

On August 9, 2010, Mr. Combs filed a complaint against the Department.

**JURISDICTION:**

The San Francisco Sheriff is a charter department of the City; therefore this Task Force has jurisdiction.

**APPLICABLE STATUTORY SECTIONS(S):**

**Section 67 of the San Francisco Administrative Code:**

Section 67.21 governs responses to a public records request and the format of requests and of responsive documents.

Section 67.25 governs the immediacy of a response to a public records request.

Section 67.26 governs withholding of records.

Section 67.27 governs written justification for withholding of records.

Section 67.29-7 governs what correspondence and records shall be maintained.

Section 67.31 governs the responsibility for administration.

Section 67.34 governs willful failure to comply with the Ordinance.

**Section 6250 et. seq. of the Cal. Gov't Code:**

Section 6253 governs the timing of a response.

**APPLICABLE CASE LAW:**

None.

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**ISSUES TO BE DETERMINED:****Contested/Uncontested Facts:**

Based on the materials provided by the complainant and the Department, the material facts are generally not contested and are as follows:

Mr. Combs' original July 9, 2010 public records request sought information about and copies of public records for the period of January 1, 2005 and July 6, 2010, including the following: (1) The total number of "CCW applications" approved, denied, and appealed, and those approved or denied after appeal, arranged by calendar year; (2) The total number of CCW licenses revoked arranged by calendar year; (3) Copies of all correspondence, documents, or surveys between the Department and the Department of Justice-Bureau of Firearms; (5) Applications for renewal or amendment of CCW licenses; (6) The names, occupations, and zip codes for all CCW license holders issued by the Department; (7) The names, occupations, and zip codes for those denied renewal or amendment; and (7) The names, occupations, and zip codes for those whose CCW license was revoked.

On July 16, 2010, Mr. Combs modified his original request to indicate that he sought only documents in existence, requested assistance in identifying specific documents requested, and narrowed the scope of the request for certain documents by date and specific pages.

On August 26, 2010, the Department responded that it had not received the July 9, 2010 request and so would not entertain any requests for modification of that request. In response, on July 23, 2010, Mr. Combs sent a request for public records that sought a copy of his July 9, 2010 original email request, a copy of the "edge" device and email server logs for the Department's email, a copy of Department policy relating to spam filtering, and a copy of the Department policy relating to email archiving or retention. On August 2, 2010, by email, the City Administrative Department informed Mr. Combs that it had identified and attached one document responsive to the request, the Department retention policy.

On August 13, 2010, the Department responded to Mr. Combs modified public records request and provided information and documents that it considered responsive to the request.

In an August 26, 2010 letter to the Task Force, the Department stated that it had complied with Mr. Combs request and requested that the complaint be withdrawn or denied.

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

- Did the Department timely respond to any records request it received?
- Did the Department provide responsive records in the format requested?
- Did the Department withhold any responsive records?
- If the Department withheld records, did it provide a written justification for such withholding?

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**LEGAL ISSUES/LEGAL DETERMINATIONS:**

- If the Department responded, did it do so "as soon as possible and within ten days following receipt of a request for inspection" as required by Section 67.21(b) of the Sunshine Ordinance?
- If the Department withheld records, did it keep such withholding to a minimum, as required by Section 67.26?
- If the Department withheld records, or redacted portions of records, was a written justification provided for such withholding or redaction that complied with the requirements of Section 67.27?
- Were sections of the Sunshine Ordinance, Public Records Act, and/or California Constitution Article I, Section three violated?

**CONCLUSION:**

THE TASK FORCE FID THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FIND THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE

**ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED****Section 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.

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(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 petition, 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 petition, 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 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

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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

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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 of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably 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.**

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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.

**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.

**SEC. 67.29-7. - CORRESPONDENCE AND RECORDS SHALL BE MAINTAINED.**

(a)

The Mayor and all Department Heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

(b)

The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections.

(c)

In any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens, the City shall ensure that accurate records of



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each transaction are maintained in a professional and businesslike manner and are available to the public as public records under the provisions of this ordinance. Failure of an entity to comply with these provisions shall be grounds for terminating the contract or for imposing a financial penalty equal to one-half of the fees derived under the agreement or permit during the period of time when the failure was in effect. Failure of any Department Head under this provision shall be a violation of this ordinance. This paragraph shall apply to any agreement allowing an entity to tow or impound vehicles in the City and shall apply to any agreement allowing an entity to collect any fee from any persons in any pretrial diversion program.

**Section 67.31: RESPONSIBILITY FOR ADMINISTRATION.**

The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under his or her control. The Mayor shall administer and coordinate the implementation of the provisions of this Chapter for departments under the control of board and commissions appointed by the Mayor. Elected officers shall administer and coordinate the implementation of the provisions of this chapter for departments under their respective control. The Clerk of the Board of Supervisors shall provide a full-time staff person to perform administrative duties for the Sunshine Ordinance Task Force and to assist any person in gaining access to public meetings or public information. The Clerk of the Board of Supervisors shall provide that staff person with whatever facilities and equipment are necessary to perform said duties

**Section 67.34: WILLFUL FAILURE SHALL BE OFFICIAL MISCONDUCT.**

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

**Cal. Public Records Act (Govt. Code §§ 6250, et seq.)**

**Section 6253.9:**

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

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## Section 6254:

(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 therefor. 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.
- (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.



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

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission San Francisco Sheriff's Department

Name of individual contacted at Department or Commission Mr. James F. Harrigan, legal counsel to the Sheriff

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

Sunshine Ordinance Section SEC. 67.21(b-c); SEC. 67.29-7; SEC. 67.31; SEC. 67.34  
*(If known, please cite specific provision(s) being violated)*

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

On 9 July 2010 I submitted a Public Records Act Request to San Francisco Sheriff's Dept. On 16 July 2010 I faxed a follow-up letter to the San Francisco Sheriff's Dept. narrowing my request.

On 21 July 2010 I faxed a request for response to SFSO. Later that day I received a letter (via US Mail) from SFSO dated 20 July 2010. 23 July 2010: I emailed and faxed a Sunshine Ordinance/CPRA request to SF City Administrator & SFSO. I have not received a response from SFSO since the incomplete 20 July CPRA response.


My letter to the City Attorney and documents supporting my complaint are attached for your reference and use. Please call or email me if any of these are unclear.

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

(Optional)<sup>1</sup>  
 Name Mr. Brandon Combs Address ██████████ Paseo Padre Pkwy, Unit ██████████, Fremont, CA 94536

Telephone No. (925) ██████████ E-Mail Address ██████████@gmail.com

Date 8/9/2010

 Digitally signed by Brandon Combs  
 Date: 2010.08.09 15:55:56 -07'00'

Signature

I request confidentiality of my personal information.  yes  no

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

Mr. Brandon Combs  
██████████ Paseo Padre Parkway Unit ██████████  
Fremont, CA 94536  
(925) ██████████ phone  
(866) ██████████ fax

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Monday, August 9, 2010

Office of the City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4682  
**VIA EMAIL (cityattorney@sfgov.org) & FAX (415-554-4745)**

**Re: Public Records Act Request**  
**Reference No: 070910-SFCSO-CCW**

Dear San Francisco City Attorney,

This letter is in regards to multiple violations of the San Francisco Sunshine Ordinance ("SFSO", the Ordinance) and the California Public Records Act ("CPRA", the Act) by the San Francisco Sheriff's Department ("SFCSO", the Department). Note that I have included this letter with a complaint on the same subject to the Sunshine Ordinance Task Force.

#### **I. HISTORY OF THE REQUEST**

On 9 July 2010 I submitted a request for public records to the Department (specifically, to the Sheriff) via email at the address promulgated by the County and Department. Attached as Exhibits A1, A2 and A3 (letter attached, enclosures omitted).

On 16 July 2010 I faxed a letter narrowing the scope and date range of my Request to the Department. Attached as Exhibit B (letter attached, enclosures omitted).

On 21 July 2010 I faxed a letter to the Department requesting a response to my Request. Included with this transmission was a copy of the original 9 July request, the 16 July narrowing letter and two pages (nos. 11 and 13, respectively) from the California Dept. of Justice "Standard Application for CCW License" form. Attached as Exhibit C (enclosures omitted).

On 21 July 2010 I received a letter (via US Mail, dated 20 July) responding to my 16 July faxed letter from Mr. James Harrigan, legal counsel to the Sheriff. Attached as Exhibit D.

On 23 July 2010 I submitted a related request for records as to the disposition of my 9 July email under the CPRA and the Ordinance to the SFCSO and the San Francisco City Administrator. Attached as Exhibit E (enclosures omitted).

On 2 August 2010 I received a partial response to my request for information as to the disposition of the email from Olga A. Ryerson from the Office of the San Francisco City Administrator. Attached as Exhibit F (enclosures omitted).

No other records or correspondences have been received from the City and County of San Francisco.

## II. THE CALIFORNIA PUBLIC RECORDS ACT AND SAN FRANCISCO SUNSHINE ORDINANCE REQUIRES TIMELY RESPONSE

Cal. Gov. Code Section 6253(c) instructs that “[e]ach 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 therefor”.

Section 67.21(b) of the San Francisco Sunshine Ordinance states that “[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.”

Part IV (“TIME TO RESPOND”) of my 9 July request states: “I ask that your determination in response to this Request be relayed to me within 10 days of your receipt of this Request, and an even earlier reply if you can make that determination without having to review the records in question.”

In section C of Part VII (“EXEMPTIONS, EXCLUSIONS & DENIALS”) of my request, I restate that “I expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter.”

Ignoring requests under the Act and Ordinance and chilling the exercise of rights guaranteed by the California Constitution is clearly intolerable behavior for a public agency and must be remedied immediately. I expect that the County will make every necessary effort to cease such violative behavior and take its obligations to the public as seriously as the Legislature did in enacting the Act, as did the People in reaffirming the importance of open government by passing Proposition 59 and the Ordinance, respectively.

## III. THE ACT AND THE ORDINANCE MANDATE ASSISTANCE

CGC Section 6253.1 states that “[w]hen a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency... shall do all of the following...(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.”

SFSO Section 67.21(c) states that “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).”

While the current disposition and received status of the 9 July email containing my original request is subject to an ongoing investigation (for which the Department has yet to provide public records for, and is again in violation of the Act and Ordinance), it is clear that the County made no effort to assist with an

obvious request for public records as shown by the Department's 20 July response. The Department's behavior surrounding these requests is as perplexing as it is illegal.

**IV. THE CALIFORNIA PENAL CODE MANDATES THAT RECORDS SOUGHT UNDER MY REQUEST BE MAINTAINED**

California Penal Code Section 12053(a) states:

"(a)A record of the following shall be maintained in the office of the licensing authority:

- (1)The denial of a license.
- (2)The denial of an amendment to a license.
- (3)The issuance of a license.
- (4)The amendment of a license.
- (5)The revocation of a license."

If the County does not maintain these records, I request the legal basis for such a policy. If the County does, in fact, maintain these records, then please make them available to me as previously requested.

**V. SAN FRANCISCO MUST COMPLY IMMEDIATELY AND PRODUCE RESPONSIVE RECORDS**

I have been made fully aware of my rights and am prepared to take any and all action necessary to compel the disclosure of responsive records and ensure that the City and County of San Francisco complies with the instruction of the California Public Records Act, the San Francisco Sunshine Ordinance, the California Supreme Court and the language, intent and spirit of the California Constitution. If the County chooses to maintain its position regarding the disclosure of documents sought in my request, this matter will immediately be forwarded to my attorney who has been instructed to employ every available legal option to compel the County's release of these public records.

If I do not receive a written response to this letter within 48 hours I will assume the County does not intend to comply with my request for public records. Due to the time-sensitive nature of this matter, please email or fax any response to me at [REDACTED]@gmail.com or (866) [REDACTED], respectively.

Please feel free to call me at any time if you have any questions or would like to discuss this matter in greater detail.

Sincerely,



Mr. Brandon Combs

Encl. Exhibits A-F

cc: San Francisco County Board of Supervisors (Board.of.Supervisors@sfgov.org)

EXHIBIT A

**Combs**

---

**From:** Brandon Combs [REDACTED]@gmail.com]  
**Sent:** Friday, July 09, 2010 1:41 AM  
**To:** sheriff@sfgov.org  
**Subject:** California Public Records Act Request - 070910 CCW Data  
**Attachments:** 070810-San Francisco County-CCW Data.pdf  
  
**Importance:** High

Dear Municipal Representative or Government Entity:

Please find enclosed a Request under the California Public Records Act. If you have any questions or if this message or its respective attachments cannot be opened, please call me immediately at (925) [REDACTED] [REDACTED].

Thank you for your prompt response which I look forward to seeing within 10 days.

Best,

Mr. Brandon Combs

[REDACTED] Paseo Padre Parkway Unit [REDACTED]

Fremont, CA 94536

(925) [REDACTED] phone

(866) [REDACTED] fax

[REDACTED]@gmail.com

EXHIBIT A1

Mr. Brandon Combs  
██████████ Paseo Padre Parkway Unit ██████████  
Fremont, CA 94536  
(925) ██████████ phone  
(866) ██████████ fax  
██████████@gmail.com

---

Friday, July 9, 2010

San Francisco County Sheriff's Office  
Public Records Clerk  
1 Dr. Carlton B. Goodlett Place Room 456 City Hall  
San Francisco, CA 94102  
**VIA EMAIL (sheriff@sfgov.org)**

**Re: Public Records Act Request**  
**Reference No: 070910-SFCO-CCW**

Dear Municipal Representative or Government Entity:

**I. THIS LETTER IS A REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT**

This letter constitutes a Request under the California Public Records Act ("CPRA"), California Government Code Section 6250, et seq. (the Act). Please include the reference number located above in all communications related to this request for tracking purposes.

This Request is directed individually: (1) to each person identified in the addressee section above, and (2) to the Public Records Act Clerk for each entity identified in the addressee section above. If the items listed below are under the control of another department or agency, please forward this letter accordingly.

This request seeks the information listed below, whether in the form of a writing, email, computer file, photograph, audio or video tape, or however kept.

Please indicate the information technology and physical location for all responsive documents.

**II. INFORMATION REQUESTED**

- 1) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications submitted to the San Francisco County Sheriff's Office ("SFCO"), arranged by calendar year.
- 2) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications submitted to the SFCO that were approved, arranged by calendar year.
- 3) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications submitted to the SFCO that were denied, arranged by calendar year.
- 4) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications denied by SFCO that were appealed, arranged by calendar year.



- 5) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications denied, appealed and subsequently approved by SFCSO, arranged by calendar year.
- 6) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW applications denied, appealed and subsequently denied by SFCSO, arranged by calendar year.
- 7) For the time period beginning January 1, 2005, and ending July 6, 2010, the total number of CCW licenses which were revoked, arranged by calendar year.
- 8) For the time period beginning January 1, 2005, and ending July 6, 2010, all correspondence, documents and surveys to or from the California Department of Justice - Bureau of Firearms that refer or relate to licenses to carry concealed firearms, arranged by calendar year.
- 9) For the time period beginning January 1, 2005, and ending July 6, 2010, all applications of persons who applied to SFCSO for a new, renewal or amended CCW license, arranged by calendar year.

Because I do not seek the disclosure of private or confidential information, this request does not encompass the following information which may be redacted from existing applications: (1) The disclosure of times and places of vulnerability; (2) social security numbers, driver's license numbers, and dates and places of birth. See *CBS v. Block* 42 Cal3d 646 (attached).

- 10) A complete list of the names, occupations, zip codes, type of license (open carry or concealed) and amendments for all current CCW license holders issued by the SFCSO.
- 11) For the time period beginning January 1, 2005, and ending July 6, 2010, a complete list of the names, occupations and zip codes for all applicants denied CCW licenses by the SFCSO.
- 12) For the time period beginning January 1, 2005, and ending July 6, 2010, a complete list of the names, occupations, zip codes and amendments for all CCW license holders issued a CCW license by SFCSO whose license was revoked for cause.

### III. ELECTRONIC FORMAT

Pursuant to Government Code section 6253.9, subdivision (a)(2), I ask that any information sought that constitutes an identifiable public record, and that is available in an electronic format, be provided in the same electronic format in which you hold the information, or in the format that has been used by your agency to create copies for your own use or for provision to other agencies. (Cal. Gov't Code § 6253.9(a)(2)). If the original format is subject to manipulation, you may at your option provide the documents in a static format - such as a .PDF file - so long as any responsive text, formulas or other information contained in the original are also made available in the alternative format. If no means of

producing the responsive records electronically is available within the County, I will accept mailed paper copies; please notify me if this is the case.

**IV. TIME TO RESPOND**

I ask that your determination in response to this Request be relayed to me within 10 days of your receipt of this Request, and an even earlier reply if you can make that determination without having to review the records in question.

**V. COST DISCLOSURE & REIMBURSEMENT**

Pursuant to section 6253.6253.9 of the CPRA, I am willing to pay fees for the direct cost of duplication or to pay statutory fees. (Gov. Code, §§ 6253(b) (paper records), 6253.9 (electronic records)). I ask that you notify me of any costs involved prior to incurring those costs; however, if you estimate that the total direct costs of the requested records and shipping, if necessary, will not exceed twenty dollars (\$20.00), please accept this as authorization to begin the process of reproduction.

**VI. TERMS ARE SEVERABLE**

Please treat the terms of this request as severable. That is, should you determine that one or more portions of the requested information cannot be released, please state the legal basis for such non-release, and release the remaining portions expeditiously as required by Government Code Sections 6250 et seq.

**VII. EXEMPTIONS, EXCLUSIONS & DENIALS**

**A. Exemptions Must Be "Narrowly Construed"**

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59, which has amended the California Constitution to require that all exemptions be "narrowly construed." The newly amended Government Code, section 6250, et seq., may modify or overturn authorities on which you have relied in the past.

**B. Exclusion is Discretionary, Not Mandatory**

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

**C. Denials Must Be Supported by Citation of Legal Authority**

Finally, should you deny part or all of this request, As the CPRA requires, I expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter.

Friday, July 9, 2010

Page 4 of 4


**VIII. COMMUNICATION & CONTACT INFORMATION**

Email [REDACTED]@gmail.com) is my preferred method of communication; however, any written correspondence or shipments should be directed to:

Mr. Brandon Combs  
[REDACTED] Paseo Padre Parkway Unit [REDACTED]  
Fremont, CA 94536

If you have any questions or would like to discuss this request in detail please call me directly at (925) [REDACTED] [REDACTED]. Thank you for your cooperation.

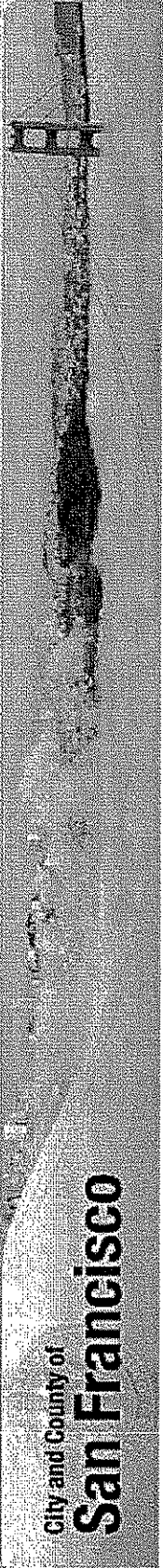
Sincerely,



---

Mr. Brandon Combs

Encl: *CBS v. Block*



City and County of

# San Francisco

*How may we help you?*

Government » City Agencies

## San Francisco Sheriff's Department

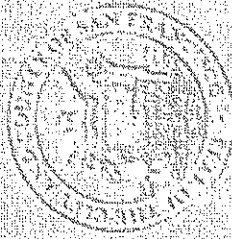
ever-expanding range of functions and services, and enjoys a long and distinguished history. The ethnically diverse and talented staff includes approximately 850 sworn and 100 civilian members.

**Visit Agency Website** (*outside of SFGov navigation*):  
[SF Sheriff](#)

**Contact:**  
City Hall, Room 456  
1 Carlton Goodlett Place  
San Francisco, CA 94102

Phone: (415) 554-7225  
Fax: (415) 554-7050  
Email: [sheriff@sfgov.org](mailto:sheriff@sfgov.org)

TEXT FONT SIZE A A



☆ <http://www.sfsheriff.com/directory.htm>



- Home
- Mission
- News
- Who We Are
- What We Do
- Publics & Programs
- GIS
- Civil
- Units
- Programs
- GIS
- Jobs

EXHIBIT A3



## WHO WE ARE: Directory of Offices & Jails

Email: [sheriff@sfgov.org](mailto:sheriff@sfgov.org)

Office	Address	Phone number
Administration 8 a.m. to 5 p.m., Monday through Friday	City Hall, Room 456 1 Carlton Goodlett Place San Francisco, CA 94102	(415) 554-7225 Fax 415-554-7050
Civil Division	City Hall, Room 456 1 Carlton Goodlett Place San Francisco, CA 94102	For Deputy Sheriff position inquiries: (415) 554-7000  (415) 554-7235 Evictions (415) 554-7255 Garnishments (415) 554- 7235

EXHIBIT B

**Combs**

---

**From:** Combs [REDACTED]@gmail.com]  
**Sent:** Friday, July 16, 2010 1:41 AM  
**To:** 4155547050@myfax.com  
**Subject:** CALIFORNIA PUBLIC RECORDS ACT REQUEST - CCW DATA FOLLOW-UP  
**Attachments:** San Francisco County.docx

**Importance:** High

FAX TRANSMITTAL

No. pages including cover: 3

July 16, 2010

Dear Sheriff's Office,

Please find attached a follow-up letter regarding my Public Records Act request dated 9 July 2010.

If this fax has reached you in error or any part of the transmission is unreadable, please call me immediately.

Sincerely,

Mr. Brandon Combs  
(925) [REDACTED]  
[REDACTED]@gmail.com

Mr. Brandon Combs  
██████ Paseo Padre Parkway Unit ██████  
Fremont, CA 94536  
(925) ██████ phone  
(866) ██████ fax

---

Friday, July 16, 2010

San Francisco County Sheriff's Office  
1 Dr. Carlton B. Goodlett Place Room 456 City Hall  
San Francisco, CA 94102  
**VIA FAX (415-554-7051)**

**Re: Public Records Act Request**  
**Reference No: 070910-SFCSO-CCW**

Dear Municipal Representative or Government Entity:

Thank you for your attention to my 9 July 2010 Public Records Act Request referenced above. Upon consideration of the scope of the original Request, I would like to take this opportunity to reduce the volume of responsive records and also clarify a few items which may have caused some confusion.

Please note the following modifications to my original Request as enumerated below:

1. For the Request's Part II (Information Requested) item nos. 1-7
  - a. Please provide only those responsive records contained or maintained in a report or similar document's table or matrix, or in a database, spreadsheet or similar method of storage. If this information will require a list or table not in existence to be produced, I withdraw these items from the Request.
2. For the Request's Part II (Information Requested) item no. 8:
  - a. I request assistance to identify what records may be responsive to this Request. Until I can identify specifically those documents of interest based on your assistance, please do not incur any costs for this item.
3. For the Request's Part II (Information Requested) item no. 9:
  - a. For all CCW applications from **1 January 2007 through 15 July 2010**, please provide only the following pages of the DOJ standard application as well as any additional pages necessary for the applicants to complete these portions of Section 7 of the application:
    1. DOJ standard application numbered page 11 (first page of "Section 7").
    2. DOJ standard application numbered page 13 (third page of "Section 7").

Friday, July 16, 2010

Page 2 of 2

4. For the Request's Part II (Information Requested) item nos. 10-12:
  - a. In lieu of the lists as originally requested, please provide a copy of all CCW licenses, license amendments and/or denial letters issued in response to applications for a CCW license for the period of **1 January 2007 through 15 July 2010.**

As noted my original Request, in accordance with *CBS, Inc. v. Block*, Cal. Gov Code § 6254(u) and other applicable law I do not seek the disclosure of exempt private or confidential information.

Lastly, please confirm the name and title of your point of contact for this Request, as well as their contact phone, fax and email address; this information should be emailed to me at [REDACTED]@gmail.com.

If you have any questions or would like to discuss this request in detail please call me directly at (925) [REDACTED] [REDACTED]. Thank you for your cooperation.

Sincerely,



---

Mr. Brandon Combs

Encl:

1. DOJ Application Pages 11, 13



**Combs**

**From:** MyFax [NoReply@MyFax.com]  
**Sent:** Friday, July 16, 2010 1:43 AM  
**To:** [REDACTED]@gmail.com  
**Subject:** Fax Delivery Successful to 14155547050  
**Attachments:** 275914750.tif



	<b>Successful fax sent from MyFax.</b>																								
<p>Fax for Free. <u>Tell a friend about MyFax today.</u></p> <p>Have a question? <u>support@myfax.com</u></p>	<table border="1"><tr><td>Fax Delivery Number:</td><td>14155547050</td></tr><tr><td>Fax Recipient:</td><td>To: CALIFORNIA PUBLIC RECORDS ACT REQUEST - CCW DAT</td></tr><tr><td>Sent at:</td><td>07/16/2010 01:42:59 AM (GMT-7:00)</td></tr><tr><td>Pages:</td><td>4</td></tr><tr><td>Duration:</td><td>76</td></tr><tr><td>Cost:</td><td>0.4000 USD</td></tr><tr><td>Tax - GST:</td><td>0.0000 USD</td></tr><tr><td>Tax - PST:</td><td>0.0000 USD</td></tr><tr><td>Total Cost:</td><td>0.4000 USD</td></tr><tr><td>Customer Number:</td><td>533873</td></tr><tr><td>Reference Number:</td><td>275914750</td></tr><tr><td>Billing Code:</td><td>533873</td></tr></table> <p>Thank you for using </p>	Fax Delivery Number:	14155547050	Fax Recipient:	To: CALIFORNIA PUBLIC RECORDS ACT REQUEST - CCW DAT	Sent at:	07/16/2010 01:42:59 AM (GMT-7:00)	Pages:	4	Duration:	76	Cost:	0.4000 USD	Tax - GST:	0.0000 USD	Tax - PST:	0.0000 USD	Total Cost:	0.4000 USD	Customer Number:	533873	Reference Number:	275914750	Billing Code:	533873
Fax Delivery Number:	14155547050																								
Fax Recipient:	To: CALIFORNIA PUBLIC RECORDS ACT REQUEST - CCW DAT																								
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Total Cost:	0.4000 USD																								
Customer Number:	533873																								
Reference Number:	275914750																								
Billing Code:	533873																								

EXHIBIT C

**Combs**

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**From:** Combs [REDACTED]@gmail.com]  
**Sent:** Wednesday, July 21, 2010 12:58 PM  
**To:** 4155547050@myfax.com  
**Subject:** CPRA REQUEST - SAN FRANCISCO  
**Attachments:** DOJ ccw\_app REDUCED.pdf; San Francisco County-  
CCW Data.pdf

**Importance:** High

Dear Sheriff's Office:

As I have not received a response from you as yet regarding my Public Records Act request dated 9 July 2010, I am resending it in hopes that it will prompt your attention.

Please find enclosed my original CPRA request letter dated 9 July 2010 and my recent letter dated 16 July 2010 modifying the request by narrowing its scope, as well as associated enclosure.

If you have any questions or would like to discuss this request please call me at (925) [REDACTED] [REDACTED]. Thank you very much for your time and consideration.

Sincerely,

Mr. Brandon Combs  
(925) [REDACTED] [REDACTED] 0 phone  
(866) [REDACTED] [REDACTED] 1 fax  
[REDACTED]@gmail.com

**Combs**

**From:** MyFax [NoReply@MyFax.com]  
**Sent:** Wednesday, July 21, 2010 1:19 PM  
**To:** [REDACTED]@gmail.com  
**Subject:** Fax Delivery Successful to 14155547050  
**Attachments:** 277275314.tif



	<b>Successful fax sent from MyFax.</b>																								
<p><b>Fax for Free.</b> <u>Tell a friend about MyFax today.</u></p> <p><b>Have a question?</b> <u>support@myfax.com</u></p>	<table border="1"><tr><td>Fax Delivery Number:</td><td>14155547050</td></tr><tr><td>Fax Recipient:</td><td>To:CPRA REQUEST - SAN FRANCISCO</td></tr><tr><td>Sent at:</td><td>07/21/2010 01:18:50 PM (GMT-7:00)</td></tr><tr><td>Pages:</td><td>9</td></tr><tr><td>Duration:</td><td>190</td></tr><tr><td>Cost:</td><td>0.9000 USD</td></tr><tr><td>Tax - GST:</td><td>0.0000 USD</td></tr><tr><td>Tax - PST:</td><td>0.0000 USD</td></tr><tr><td>Total Cost:</td><td>0.9000 USD</td></tr><tr><td>Customer Number:</td><td>533873</td></tr><tr><td>Reference Number:</td><td>277275314</td></tr><tr><td>Billing Code:</td><td>533873</td></tr></table> <p>Thank you for using </p>	Fax Delivery Number:	14155547050	Fax Recipient:	To:CPRA REQUEST - SAN FRANCISCO	Sent at:	07/21/2010 01:18:50 PM (GMT-7:00)	Pages:	9	Duration:	190	Cost:	0.9000 USD	Tax - GST:	0.0000 USD	Tax - PST:	0.0000 USD	Total Cost:	0.9000 USD	Customer Number:	533873	Reference Number:	277275314	Billing Code:	533873
Fax Delivery Number:	14155547050																								
Fax Recipient:	To:CPRA REQUEST - SAN FRANCISCO																								
Sent at:	07/21/2010 01:18:50 PM (GMT-7:00)																								
Pages:	9																								
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Tax - PST:	0.0000 USD																								
Total Cost:	0.9000 USD																								
Customer Number:	533873																								
Reference Number:	277275314																								
Billing Code:	533873																								

EXHIBIT D

# City and County of San Francisco

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OFFICE OF THE SHERIFF

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Michael Hennessey  
SHERIFF

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(415) 554-7225

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July 20, 2010

Reference: LC 2010-018

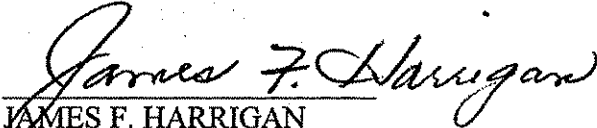
Mr. Brandon Combs  
██████████ Paseo Padre Parkway, Unit ██████████  
Fremont, CA 94536

Re: Public Records Act Request - 070910-SFCSO-CCW

Dear Mr. Combs,

On July 16, 2010 you sent a facsimile letter expressing modifications to an earlier Public Records Act (PRA) Request of July 9, 2010. No such request was received by this office on July 9, 2010, or any other date. Accordingly, I am not responding to what I have not received.

Very Truly Yours,

  
JAMES F. HARRIGAN  
Legal Counsel to the Sheriff

ROOM 456, CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE • SAN FRANCISCO, CA 94102

EMAIL: [sheriff@sfgov.org](mailto:sheriff@sfgov.org) • FAX: (415) 554-7050

EXHIBIT E

**Combs**

---

**From:** Combs [REDACTED]@gmail.com]  
**Sent:** Friday, July 23, 2010 2:09 AM  
**To:** city.administrator@sfgov.org; sheriff@sfgov.org; 4155547050@myfax.org  
**Cc:** soff@sfgov.org  
**Subject:** Public Records Request: (Ref. SF Email 070910)  
**Attachments:** SF Sheriff CPRA Email 7-9-10.pdf

Friday, July 23, 2010

San Francisco City Administrator  
City Hall, Room 362  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
**Via Email: city.administrator@sfgov.org**

San Francisco Sheriff  
City Hall, Room 456  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
**Via Email & Fax: sheriff@sfgov.org and 415-554-7050**

**Re: Public Records Act / Sunshine Ordinance Request**  
**Reference No: SF Email 070910**

Dear Municipal Representative or Government Entity:

**I. THIS LETTER IS A REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND SAN FRANCISCO SUNSHINE ORDINANCE**

This letter constitutes a Request under the California Public Records Act ("CPRA"), California Government Code Section 6250, et seq. (the Act) and San Francisco Sunshine Ordinance ("SFSO"), San Francisco Administrative Code Chapter 67, et seq. (the Ordinance). Please include the reference number located above in all communications related to this request for tracking purposes.

This Request is directed individually: (1) to each person identified in the addressee section above, and (2) to the Public Records Act Clerk for each entity identified in the addressee section above. If the items listed below are under the control of another department or agency, please forward this letter accordingly.

This request seeks the information listed below, whether in the form of a writing, email, computer file, photograph, audio or video tape, or however kept. Please indicate the information technology and physical location for all responsive documents.

**II. INFORMATION REQUESTED**

Assistance is requested for each of the enumerated items; additionally, assistance is requested to identify responsive records related or potentially related to the information enumerated below:

1. A copy of my original email dated 9 July 2010, including headers, metadata and information related to its disposition, as received by San Francisco County (including, but not limited to, the Sheriff's Office). I have

included a copy of the subject email (with headers) without the attachments for your use in identifying the record;

2. A copy of the "edge" device(s)/appliance(s) and email server logs (including, but not limited to, email logs and 'syslogs') for San Francisco's email address "[sheriff@sfgov.org](mailto:sheriff@sfgov.org)" for date 9 July 2010;
3. A copy of all policies or documents relating to email mailbox spam filtering and release of quarantined messages for domain "@sfgov.org" and the San Francisco Sheriff's Office;
4. A copy of all policies or documents relating to email archiving, retention or journaling.

### **III. ELECTRONIC FORMAT**

Pursuant to Government Code section 6253.9, subdivision (a)(2), I ask that any information sought that constitutes an identifiable public record, and that is available in an electronic format, be provided in the same electronic format in which you hold the information, or in the format that has been used by your agency to create copies for your own use or for provision to other agencies. (Cal. Gov't Code § 6253.9(a)(2)).

### **IV. TIME TO RESPOND**

I ask that your determination in response to this Request be relayed to me within 10 days of your receipt of this Request, and an even earlier reply if you can make that determination without having to review the records in question.

### **V. COST DISCLOSURE & REIMBURSEMENT**

Pursuant to section 6253.9 of the Act and applicable sections of the Ordinance, I am willing to pay fees for the direct cost of duplication or to pay statutory fees, whichever is less. I ask that you notify me of any costs involved prior to incurring those costs; however, if you estimate that the total direct costs of the requested records and shipping, if necessary, will not exceed ten dollars (\$10.00), please accept this as authorization to begin the process of reproduction.

### **VI. TERMS ARE SEVERABLE**

Please treat the terms of this request as severable. That is, should you determine that one or more portions of the requested information cannot be released, please state the legal basis for such non-release, and release the remaining portions expeditiously as required by Government Code Sections 6250 et seq. and applicable sections of the Ordinance.

### **VII. EXEMPTIONS, EXCLUSIONS & DENIALS**

#### **A. Exemptions Must Be "Narrowly Construed"**

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59, which has amended the California Constitution to require that all exemptions be "narrowly construed." The newly amended Government Code, section 6250, et seq., may modify or overturn authorities on which you have relied in the past.

#### **B. Exclusion is Discretionary, Not Mandatory**

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

#### **C. Denials Must Be Supported by Citation of Legal Authority**

Finally, should you deny part or all of this request, As the Act requires, I expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter.

VIII. COMMUNICATION & CONTACT INFORMATION

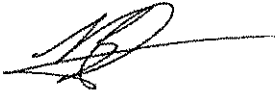
Email ([REDACTED]@gmail.com) is my preferred method of communication; however, any written correspondence or shipments should be directed to:

Mr. Brandon Combs  
[REDACTED] Paseo Padre Parkway Unit [REDACTED]  
Fremont, CA 94536

In no case should my email of 9 July 2010, or any documents related thereto, be destroyed; rather, please preserve these items for potential future discovery.

If you have any questions or would like to discuss this request in detail please call me directly at (925) [REDACTED] [REDACTED]. Thank you for your cooperation.

Sincerely,



Mr. Brandon Combs  
(925) [REDACTED] [REDACTED] phone  
(866) [REDACTED] [REDACTED] fax  
[REDACTED]@gmail.com

cc: San Francisco Sunshine Ordinance Task Force

EXHIBIT F

Combs

---

**From:** Olga.Ryerson@sfgov.org on behalf of City.Administrator@sfgov.org  
**Sent:** Monday, August 02, 2010 10:50 AM  
**To:** [REDACTED]@gmail.com  
**Subject:** Response to Public Records Request  
**Attachments:** sherriff retention schedule.doc; pic12632.jpg

Dear Mr. Combs:

Reference is made to your request for public records dated July 23, 2010, requesting various documents related to Sheriff's documents and emails.

This office has identified the attached responsive document - the Sheriff's Department Retention Schedule. We have no other documents responsive to your request.

Sincerely,

Olga A. Ryerson  
Office of the City Administrator

(See attached file: sherriff retention schedule.doc)

**From:** "Combs" <[REDACTED]@gmail.com>  
**To:** <city.administrator@sfgov.org>, <sheriff@sfgov.org>, <4155547050@myfax.org>  
**Cc:** <sotf@sfgov.org>  
**Date:** 07/23/2010 02:09 AM  
**Subject:** Public Records Request: (Ref. SF Email 070910)

Friday, July 23, 2010

San Francisco City Administrator  
City Hall, Room 362  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Via Email: city.administrator@sfgov.org

San Francisco Sheriff  
City Hall, Room 456  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Via Email & Fax: sheriff@sfgov.org and 415-554-7050

Re: Public Records Act / Sunshine



Ordinance Request

Reference No:

SF Email 070910

Dear Municipal Representative or Government Entity:

I. THIS LETTER IS A REQUEST UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND SAN FRANCISCO SUNSHINE ORDINANCE

This letter constitutes a Request under the California Public Records Act ("CPRA"), California Government Code Section 6250, et seq. (the Act) and San Francisco Sunshine Ordinance ("SFSO"), San Francisco Administrative Code Chapter 67, et seq. (the Ordinance). Please include the reference number located above in all communications related to this request for tracking purposes.

This Request is directed individually: (1) to each person identified in the addressee section above, and (2) to the Public Records Act Clerk for each entity identified in the addressee section above. If the items listed below are under the control of another department or agency, please forward this letter accordingly.

This request seeks the information listed below, whether in the form of a writing, email, computer file, photograph, audio or video tape, or however kept. Please indicate the information technology and physical location for all responsive documents.

II. INFORMATION REQUESTED

Assistance is requested for each of the enumerated items; additionally, assistance is requested to identify responsive records related or potentially related to the information enumerated below:

1. A copy of my original email dated 9 July 2010, including headers, metadata and information related to its disposition, as received by San Francisco County (including, but not limited to, the Sheriff's Office). I have included a copy of the subject email (with headers) without the attachments for your use in identifying the record;
2. A copy of the "edge" device(s)/appliance(s) and email server logs (including, but not limited to, email logs and 'syslogs') for San Francisco's email address "sheriff@sfgov.org" for date 9 July 2010;
3. A copy of all policies or documents relating to email mailbox spam filtering and release of quarantined messages for domain "@sfgov.org" and the San Francisco Sheriff's Office;
4. A copy of all policies or documents relating to email archiving, retention or journaling.

III. ELECTRONIC FORMAT

Pursuant to Government Code section 6253.9, subdivision (a)(2), I ask that any information sought that constitutes an identifiable public record, and that is available in an electronic format, be provided in the same electronic format in which you hold the information, or in the format that has been used by your agency to create copies for your own use or for provision to other agencies. (Cal. Gov't Code § 6253.9(a)(2)).

IV. TIME TO RESPOND

I ask that your determination in response to this Request be relayed to me within 10 days of your receipt of this Request, and an even earlier reply if you can make that determination without having to review the records in question.

V. COST DISCLOSURE & REIMBURSEMENT

Pursuant to section 6253. 6253.9 of the Act and applicable sections of the Ordinance, I am willing to pay fees for the direct cost of duplication or to pay statutory fees, whichever is less. I ask that you notify me of any costs involved prior to incurring those costs; however, if you estimate that the total direct costs of the requested records and shipping, if necessary, will not exceed ten dollars (\$10.00), please accept this as authorization to begin the process of reproduction.

VI. TERMS ARE SEVERABLE

Please treat the terms of this request as severable. That is, should you determine that one or more portions of the requested information cannot be released, please state the legal basis for such non-release, and release the remaining portions expeditiously as required by Government Code Sections 6250 et seq. and applicable sections of the Ordinance.

VII. EXEMPTIONS, EXCLUSIONS & DENIALS

A. Exemptions Must Be "Narrowly Construed"

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Proposition 59, which has amended the California Constitution to require that all exemptions be "narrowly construed." The newly amended Government Code, section 6250, et seq., may modify or overturn authorities on which you have relied in the past.

B. Exclusion is Discretionary, Not Mandatory

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

C. Denials Must Be Supported by Citation of Legal Authority

Finally, should you deny part or all of this request, As the Act requires, I expect to receive notification of your compliance with this request within ten (10) days of your receipt of this letter.

VIII. COMMUNICATION & CONTACT INFORMATION

Email ([REDACTED]@gmail.com) is my preferred method of communication; however, any written correspondence or shipments should be directed to:

Mr. Brandon Combs  
[REDACTED] Paseo Padre Parkway Unit [REDACTED]  
Fremont, CA 94536

In no case should my email of 9 July 2010, or any documents related thereto, be destroyed; rather, please preserve these items for potential future discovery.

If you have any questions or would like to discuss this request in detail please call me directly at (925) [REDACTED]-[REDACTED]. Thank you for your cooperation.

Sincerely,

(Embedded image moved to file: pic12632.jpg)BCO Sig001 \_\_\_\_\_ Mr.  
Brandon Combs

Mr. Brandon Combs  
(925) [REDACTED] phone  
(866) [REDACTED] fax  
[REDACTED]@gmail.com

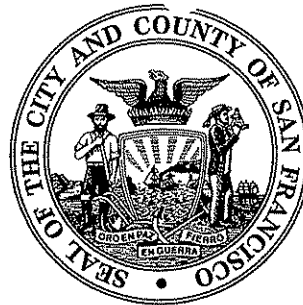
cc: San Francisco Sunshine Ordinance Task Force[attachment "image001.jpg"  
deleted by Olga Ryerson/ADMSVC/SFGOV] [attachment "SF Sheriff CPRA Email 7-9-10.pdf" deleted  
by Olga Ryerson/ADMSVC/SFGOV]

# City and County of San Francisco

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## OFFICE OF THE SHERIFF

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Michael Hennessey  
SHERIFF

(415) 554-7225

August 26, 2010

Reference: AL 2010-161

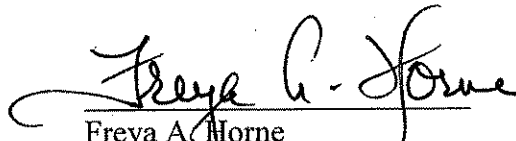
Chris Rustom  
Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Re: Complaint number # 10043

Dear Mr. Rustom,

I am responding to the above referenced complaint. I am enclosing the Sheriff's Department's responses to Mr. Combs' records requests. Please see Mr. Harrigan's letters dated July 10, 2010 and August 13, 2010. In view of the fact that Mr. Harrigan did respond to Mr. Comb's requests the complaint in this matter should be withdrawn or denied.

Very Truly Yours,

  
Freya A. Horne  
Assistant Legal Counsel

enclosures:

# City and County of San Francisco

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## OFFICE OF THE SHERIFF

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Michael Hennessey  
SHERIFF

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(415) 554-7225

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July 20, 2010

Reference: LC 2010-018

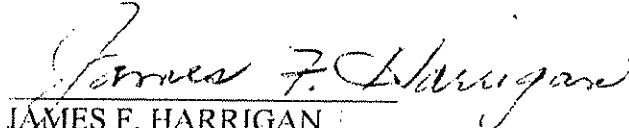
Mr. Brandon Combs  
37200 Paseo Padre Parkway, Unit 146  
Fremont, CA 94536

Re: Public Records Act Request - 070910-SFCSSO-CCW

Dear Mr. Combs,

On July 16, 2010 you sent a facsimile letter expressing modifications to an earlier Public Records Act (PRA) Request of July 9, 2010. No such request was received by this office on July 9, 2010, or any other date. Accordingly, I am not responding to what I have not received.

Very Truly Yours,

  
\_\_\_\_\_  
JAMES F. HARRIGAN  
Legal Counsel to the Sheriff

FAX TRANSMITTAL

No. pages including cover: 3

July 16, 2010

Dear Sheriff's Office,

Please find attached a follow-up letter regarding my Public Records Act request dated 9 July 2010.

If this fax has reached you in error or any part of the transmission is unreadable, please call me immediately.

Sincerely,

Mr. Brandon Combs  
(925) 335-6860  
combs556@gmail.com

Mr. Brandon Combs  
37200 Paseo Padre Parkway Unit 146  
Fremont, CA 94536  
(925) 335-6860 phone  
(866) 733-6031 fax

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Friday, July 16, 2010

San Francisco County Sheriff's Office  
1 Dr. Carlton B. Goodlett Place Room 456 City Hall  
San Francisco, CA 94102  
**VIA FAX (415-554-7051)**

**Re: Public Records Act Request**  
**Reference No: 070910-SFCSO-CCW**

Dear Municipal Representative or Government Entity:

Thank you for your attention to my 9 July 2010 Public Records Act Request referenced above. Upon consideration of the scope of the original Request, I would like to take this opportunity to reduce the volume of responsive records and also clarify a few items which may have caused some confusion.

Please note the following modifications to my original Request as enumerated below:

1. For the Request's Part II (Information Requested) item nos. 1-7
  - a. Please provide only those responsive records contained or maintained in a report or similar document's table or matrix, or in a database, spreadsheet or similar method of storage. If this information will require a list or table not in existence to be produced, I withdraw these items from the Request.
2. For the Request's Part II (Information Requested) item no. 8:
  - a. I request assistance to identify what records may be responsive to this Request. Until I can identify specifically those documents of interest based on your assistance, please do not incur any costs for this item.
3. For the Request's Part II (Information Requested) item no. 9:
  - a. For all CCW applications from **1 January 2007 through 15 July 2010**, please provide only the following pages of the DOJ standard application as well as any additional pages necessary for the applicants to complete these portions of Section 7 of the application:
    1. DOJ standard application numbered page 11 (first page of "Section 7").

**Public Records Act Request Reference No: 070910-SFCO-CCW**

Friday, July 16, 2010

Page 2 of 2

2. DOJ standard application numbered page 13 (third page of "Section 7").
  
4. For the Request's Part II (Information Requested) item nos. 10-12:
  - a. In lieu of the lists as originally requested, please provide a copy of all CCW licenses, license amendments and/or denial letters issued in response to applications for a CCW license for the period of **1 January 2007 through 15 July 2010.**

As noted my original Request, in accordance with *CBS, Inc. v. Block*, Cal. Gov Code § 6254(u) and other applicable law I do not seek the disclosure of exempt private or confidential information.

Lastly, please confirm the name and title of your point of contact for this Request, as well as their contact phone, fax and email address; this information should be emailed to me at [combs556@gmail.com](mailto:combs556@gmail.com).

If you have any questions or would like to discuss this request in detail please call me directly at



Public Records Act Request Reference No: 070910-SFCO-CCW

Friday, July 16, 2010

Page 3 of 2

(925) 335-6860. Thank you for your cooperation.

Sincerely,



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Mr. Brandon Combs

Encl:

1. DOJ Application Pages 11, 13

# City and County of San Francisco

## OFFICE OF THE SHERIFF



Michael Hennessey  
SHERIFF

(415) 554-7225

August 13, 2010  
Reference: LC 2010-029

Mr. Brandon Combs  
37200 Paseo Padre Parkway, #146  
Fremont, CA 94536

Dear Mr. Combs,

I will endeavor to reply to your Records Request and do so, below, by the enumerated paragraphs as stated in your July 16, modification to the original.


Please know that this office will not respond to correspondence sent via facsimile. This is because on July 23, you sent a fax transmission of undecipherable code of 127 pages. Your transmission began at 8:52 a.m. and ended at 10:50 a.m. thus effectively precluding the receipt, by the Sheriff's Office, of law enforcement bulletins in criminal investigations.

You may not have intended this result but, if so, it was an outrageous misuse of access to government.

1. All information requested is not in the form/format you specify, therefore as to original items 1-7, your request is withdrawn as you so state.
2. There do not appear to be any records we have retained that are to or from the Department of Justice (DOJ). There is a pending survey (due a response by August 31, 2010) which asks for the "total number of Carry a Concealed Weapon (CCW) licenses issued to reserve peace officers and judges." The answer is zero (0).
3. Enclosed are the two documents responsive to your modified request.

4. There is one (1) CCW issued in the time period identified. There was an earlier CCW that expired during the time period and not sought to be renewed. Documents enclosed.

Very Truly Yours,

  
JAMES F. HARRIGAN  
Legal Counsel to the Sheriff

enclosures:

State of California, Department of Justice  
Standard Application for CCW License

**Section 7 - Investigator's Interview Notes**

Applicant Name: HARRIGAN JAMES F.  
Last First Middle

Date of Birth: [REDACTED] Age: [REDACTED]

Social Security No.: [REDACTED]

California DL/ID No.: N0563042

Driver's License Restrictions: NONE

Residence Address: [REDACTED] San Francisco, Ca. 94118  
Number Street Apt. City State Zip

Mailing Address (if different):  
Number Street Apt. City State Zip

Home / Personal Phone Numbers: (415) [REDACTED]

Spouse's Name and Address: \_\_\_\_\_

Applicant Occupation: LEGAL COUNSEL TO SHERIFF OF SF

Business / Employer Name: City & County of San Francisco

Business Phone Number: (415) 554-7225

Business Address: Room 456, City Hall S.F., Ca. 94102  
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.

[REDACTED]

State of California, Department of Justice  
Standard Application for CCW License

**Section 7 - Investigator's Interview Notes - (continued)**

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

THREAT OF POSSIBLE PHYSICAL VIOLENCE  
EXISTS IN PERSON OF AN ARMED DEPUTY  
FACING TERMINATION WHO HAS EXHIBITED  
PSYCHOLOGICAL INSTABILITY AND FOCUSES  
ON APPLICANT. THIS PERSON HAS STATED

[REDACTED]

[REDACTED]

License To Carry Concealed Pistol, Revolver, or Other Firearm  
Within the State of California

Agency S.F. Sheriff's Dept. Issued By: \_\_\_\_\_  
Type: CA0380000

Local Agency Number 5200269 Expiration Date 10/3/08  
 Initial 11/11/08 Ed

Subsequent \_\_\_\_\_  
Signature and Title of Agent \_\_\_\_\_

SECTION 1

Name of Licensee JAMES F. HARRIGAN

Residence Address \_\_\_\_\_  
City SAN FRANCISCO Zip \_\_\_\_\_

Business Address S.F. CITY HALL County SAN FRANCISCO  
City \_\_\_\_\_ State \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: 210 Eye Color BRO Hair Color BRN

LETYPE TYPE: Employ  Standard  Judicial  Reserve  Casual

SECTION B - Description of Weapon(s)

Manufacturer Clock Serial Number BZV955 US Caliber 9mm No. of 26

Restrictions (if any)

RIGHT THUMB  
PRINT



*James A. [Signature]*  
Special Agent in Charge

Photo (optional)

99 12872

FD-4301 (10-99)

# San Francisco Sheriff's Department

The person identified by this card is hereby issued a permit to carry a concealed weapon pursuant to California Penal Code Section 12027(i)

**Thomas J. Purcell**

**Federal Bureau of Investigations, Retired 01/12/02**

DOB: [REDACTED]

[REDACTED]  
San Francisco, CA

CCW: APPROVED Expires 06/01/08

This card is the property of the San Francisco Sheriff's Department  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 458  
San Francisco, Ca. 94102  
(415) 554-7225