

Date: Dec. 1, 2009

Item No. 12 & 13

File No. 09071

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Anmarie Mabbutt v Department of Recreation and Park**
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Completed by: Chris Rustom

Date: Nov. 24, 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.



<complaints@sfgov.org>

10/21/2009 01:02 PM

To <sotf@sfgov.org>

cc

bcc

Subject Sunshine Complaint

To:sotf@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:Recreation & Park Department
CONTACTED:Current General Manager Phil Ginsburg and former General Manager Jared
Blumenfeld

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:No

MEETING_DATE:

SECTIONS_VIOLATED:67.29-7.(c)

DESCRIPTION:For any and all permits for athletic instruction that have been issued by the
Recreation & Park Department that authorized the permittee to collect a fee from the
participants, with the exception of the permits issued to me, the Department Head has failed to
maintain proper records of these transactions as required by Section 67.29-7.(c) of the Sunshine
Ordinance.

HEARING:Yes

PRE-HEARING:No

DATE:

NAME:anmarie mabbutt

ADDRESS:

CITY:san francisco

ZIP:

PHONE:

CONTACT_EMAIL: [REDACTED]@yahoo.com

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:Yes



Anmarie Mabbutt
<tenniselement@yahoo.com>

11/20/2009 07:11 AM

To SOTF@sfgov.org

cc

bcc

Subject EXHIBIT #1 - COMPLAINT #09071 - DECEMBER 1, 2009

Dear SOTF,

Please consider the attached Declarations as EXHIBIT #1 for COMPLAINT #09071 scheduled for hearing on December 1, 2009.

Phil Ginsburg and Jared Blumenfeld, having signed and submitted these affidavits under penalty of perjury, have clearly evidenced their knowledge of the Sunshine Ordinance and all its requirements. Thus, I submit, having failed to maintain or even request the records required by Section 67.29-7., both Mr. Ginsburg and Mr. Blumenfeld have knowingly violated the Sunshine Ordinance.

I respectfully request that, after having reviewed this evidence at the December 1, 2009 hearing, the SOTF issue a written Order of Determination that recommends this case be referred to the Ethics Commission as a violation of Section 67.34 of the Sunshine Ordinance - Willful Failure Shall be Official Misconduct.

Please be sure to include this in the agenda item packet for Complaint #09071.

Thank you,

Anmarie Mabbutt

--- On Wed, 11/18/09, Ethics Commission <Ethics.Commission@sfgov.org> wrote:

From: Ethics Commission <Ethics.Commission@sfgov.org>

Subject: Re: IMMEDIATE DISCLOSURE REQUESTS

To: "Anmarie Mabbutt" <tenniselement@yahoo.com>

Cc: SOTF@sfgov.org

Date: Wednesday, November 18, 2009, 4:19 PM

Dear Ms. Anna Mabbutt,

Attached are the most recent Sunshine Ordinance Declaration filings for Jared Blumendfeld, Yomi Agunbiade and Philip Ginsburg. Please note, however, that Philip Ginsburg's former position as Chief-of-Staff at the Mayor's Office did not require him to file with the Ethics Commission so the Sunshine Ordinance Declaration attached is a courtesy copy. His new position at the Recreation and Park Department does required him to file. Elected officials, members of boards and commissions, and department heads are required to file a Sunshine Ordinance Declaration with the Ethics Commission within 30 days of assuming office and annually thereafter unless their department is not subject to the Sunshine requirements.

We do not have Sunshine Ordinance records for Terry Schwartz, Dana Ketcham, Elizabeth Goldstein, Dennis Kern, Etai Chen and Katie Petrucione. For your convenience, you may also research Statements of Economic Interests, Sunshine Ordinance Declaration, and Certificate of Ethics Training filings on our website at the following link:

<http://nf4.netfile.com/pub/?aid=SFO>

Please do not hesitate to ask if you have any questions. I hope this helps.

Sincerely,
Demarie Dizon

-----Anmarie Mabbutt <tenniselement@yahoo.com> wrote: -----

To: ethics.commission@sfgov.org
From: Anmarie Mabbutt <tenniselement@yahoo.com>
Date: 11/17/2009 06:18AM
Cc: SOTF@sfgov.org
Subject: IMMEDIATE DISCLOSURE REQUESTS

Dear Ethics Commission Staff,

I am making the following IMMEDIATE DISCLOSURE REQUESTS:

I would like to receive a copy of the signed annual affidavit or declaration stating under penalty of perjury that the following individuals have read the Sunshine Ordinance and have attended or will attend a training session on the Sunshine Ordinance:

Jared Blumenfeld, Phil Ginsburg, Terry Schwartz, Dana Ketcham, Elizabeth Goldstein, Dennis Kern, Yomi Agunbiade, Etai Chen and Katie Petrucione.

I consider this routine request extremely urgent.

Thank you for your prompt and timely attention to this matter.

Sincerely,

Anna Mabbutt



20091231_20090316_SUN_Blumenfeld_Jared.PDF



20081231_20080304_SUN_Agunbiade_Yomi.PDF



20081231_20080304_SUN_Ginsburg_Philip.PDF



Anmarie Mabbutt
<tenniselement@yahoo.com>

11/23/2009 05:53 AM

To SOTF@sfgov.org

cc

bcc

Subject EXHIBIT #2 - Department Response to IMMEDIATE
DISCLOSURE REQUEST #35 - COMPLAINT #09071 -
12/01/09 HEARING

Dear SOTF staff,

Please consider the attached email as Exhibit #2 for the 12/1/9 hearing for Complaint #09071.

Having failed to maintain any records responsive to IDR#35 is a clear violation of Section 67.29-7(c). of the Sunshine Ordinance. Section 67.29-7(c). states that any failure by a Department Head to maintain these records shall be considered misconduct.

Having failed to maintain these records, I submit that both Mr. Blumenfeld and Mr. Ginsburg are guilty of misconduct.

After a review of the facts and evidence presented at the December 1, 2009 hearing, if a violation of Section 67.29-7 is found, I am requesting that the Task Force issue a written Order of Determination of the violation and refer the case to the Ethics Commission for a finding of official misconduct by General Managers Ginsburg and Blumenfeld.

Please be sure to include this in the agenda item packet for the December 1st hearing for Complaint #09071.

Thank you,

Anna Mabbutt

--- On Fri, 9/4/09, Olive Gong <Olive.Gong@sfgov.org> wrote:

From: Olive Gong <Olive.Gong@sfgov.org>
Subject: Response to Item #2, #34, #35
To: "Anmarie Mabbutt" <tenniselement@yahoo.com>
Cc: SOTF@sfgov.org
Date: Friday, September 4, 2009, 9:04 AM

Dear Anna,

Item #2 was not a simple request. I had to make an inquiries to, and receive the response from many different persons from different divisions in our department, including the Commission secretary, the financial director, the public information officer and director, and the superintendent of citywide services.

Item #34 is also a voluminous request, consisting of 280 hard copies of documents, which in process of review, but will be ready for you to pick up today. I will let you know as soon as it is ready.

Item #35: Department staff has indicated to me that we have no documents in response to this item.

Sincerely,
Olive

.....

Olive Gong
San Francisco Recreation and Park Department
McLaren Lodge
501 Stanyan St., SF CA 94117
415.831-2708 direct
415.831-2096 fax
olive.gong@sfgov.org email

Reduce, Reuse, Recycle

From: Anmarie Mabbutt <tenniselement@yahoo.com>

To: Olive Gong <Olive.Gong@sfgov.org>

Cc: SOTF@sfgov.org, Dana.Ketcham@sfgov.org

Date: 09/04/2009 07:44 AM

Subject: Re: Prioritized list?

Olive,

Move on to IDRs #34 and #35. #2 should have taken less than ten minutes total to respond to. And I reiterate for the record that if you are working on these requests one at a time, you and the Department continue to be in violation of both the spirit and the letter of the Sunshine Ordinance, With the exception of IDR #35, all the IDRs on my most recent prioritized list ARE ROUTINE, RECENT IN TIME, READILY IF NOT IMMEDIATELY AVAILABLE AND ARE NOT VOLUMINOUS.

You have already been working on #34 for weeks now. It is a request for copies of requests for summer athletic field permits that are auto-responded just seconds after submission. You have mentioned the need to review all the requests to remove any potential personal information. Even if this is true, it should take no more thirty to sixty minutes to review all the permits. I question whether this review is even necessary or is simply being used as an excuse to stall since you nor the Department cited any such requirement in supplying the three requests that I received weeks ago.

Also, to reiterate, for IDR #34, I want full, complete, authentic copies of the all the summer camp requests. The Department has already supplied three of these requests in regards to prior IDRs. In reviewing those requests carefully, it is clear that the copy of the request for USF is clearly incomplete and unauthentic. It totally lacks any official time/date stamp signature and could have been created at any time.

Thank you for your prompt attention to this matter.

Anna Mabbutt

--- On Thu, 9/3/09, Olive Gong <Olive.Gong@sfgov.org> wrote:

From: Olive Gong <Olive.Gong@sfgov.org>

Subject: Prioritized list?

To: "Anmarie Mabbutt" <tenniselement@yahoo.com>

Date: Thursday, September 3, 2009, 3:22 PM

Dear Anna,

We have been working on your list of requests from your most recently reprioritized list, and you have clearly listed item #2 before item#34 or

#35.

That is why we have been responding to item #2 first and not item #34 or

#35.

Sincerely,
Olive

.....
Olive Gong
San Francisco Recreation and Park Department

McLaren Lodge
501 Stanyan St., SF CA 94117
415.831-2708 direct
415.831-2096 fax
olive.gong@sfgov.org email

Reduce, Reuse, Recycle

From: Anmarie Mabbutt <tenniselement@yahoo.com>

To: Olive Gong <Olive.Gong@sfgov.org>

Date: 09/03/2009 02:59 PM

Subject: Re: More info regarding item 2

Olive,

Forget about item #2. All I wanted was for the Department to confirm in writing that there are no documents responsive to the IDR for copies of any and all public notices regarding any and all public hearings that were held regarding proposed

revisions to Article 12, Fees of the Park Code prior to their recommendation to the Board of Supervisors.

I have now spoken to each and every member of the public that attended the April 7th, 2009 COMMUNITY MEETING AT THE BERNAL

HEIGHTS RECREATION CENTER. I also have a copy of the public notice for that same COMMUNITY MEETING. So let's move on - I am satisfied with the responses I have already received.

Please let me know as soon as documents responsive to IDRs #34 and #35 are available. What is the delay? Both of these IDRs have been listed as a priority for over a month.

Sincerely,

Anmarie Mabbutt

--- On Thu, 9/3/09, Olive Gong <Olive.Gong@sfgov.org> wrote:

From: Olive Gong <Olive.Gong@sfgov.org>

Subject: More info regarding item 2

To: tenniselement@yahoo.com

Date: Thursday, September 3, 2009, 9:36 AM

Hi Anna,

Regarding item #2: The Department does not keep a list of where or when the notices were posted.

I will continue to keep you updated as information and/or documents are received and reviewed.

Sincerely,

Olive Gong

.....
Olive Gong

San Francisco Recreation and Park Department

McLaren Lodge

501 Stanyan St., SF CA 94117

415.831-2708 direct

415.831-2096 fax

olive.gong@sfgov.org email

Reduce, Reuse, Recycle

----- Forwarded by Olive Gong/RPD/SFGOV on 09/03/2009 09:35 AM -----

From: Anmarie Mabbutt <tenniselement@yahoo.com>

To: Olive.Gong@sfgov.org

Cc: SOTF@sfgov.org

Date: 08/27/2009 04:44 PM

Subject: PER SOTF REQUEST - NEW REVISED IMMEDIATE DISCLOSURE
REQUEST PRIORITY LIST

Dear Olive,

At the request of the SOTF at the hearing this past Tuesday regarding Complaint #09038,

I am submitting the following revised priority list for all outstanding IDRs submitted by me to the Recreation & Park Department over the past two months:

2. I want a copy of the Public Notices for any and all public hearings that were held regarding the Proposed Revision to Article 12, FEES of the Park Code and a complete list of where these notices were posted and when they were posted. I also want a copy of any and all other efforts that were made to notify the public regarding this Proposed Revision.

If there are no documents responsive to this request, I would like the Department to confirm that in writing.

34. I want a copy of all requests for Summer Athletic Field Permits and/or Tennis Court Permits that were submitted via the official Recreation & Park website using the Online Field Request form for Summer 2009 for Youth Summer Camps.

I want to state for the record that all such requests are auto-responded so a copy of any and all of these requests should be readily and immediately available and is fully disclosable.

For IDR #34, as I have stated earlier, whether the requests for Summer Athletic Field Permits and/or Tennis Court Permits for Summer 2009 were submitted via the official Recreation & Park website using the Online Field Request form for Summer 2009 for Youth Summer Camps or were submitted using recparksurveys.com and/or through the email addresses - ketcham2@mindspring.com or recparksurveys@mindspring.com, all such requests are auto-responded and should be easily and immediately available.

THERE IS ABSOLUTELY NO EXCUSE FOR THESE REQUESTS NOT HAVING BEEN TURNED OVER YET.

PLEASE LET ME KNOW AS SOON AS THEY ARE AVAILABLE.

35. Under 67.29-7.(c) of the Sunshine Ordinance, I am requesting a copy of each and every transaction between each and every permittee that received a permit for a

Summer Athletic Field Permit for \$25/hour for up to 25 kids to conduct for-profit summer camp/program activities on the public athletic fields of San Francisco AND any citizen of San Francisco regarding enrollment and/or payment for any Summer 2009 camps/programs that they attended and/or paid for.

55.

64., 65. , 66. - For IDRs 64 -66, to the reduce the time and effort required of the Department to respond to the requests, I am reducing the time frame from April 2001 - present to April 2007 - present..

Having limited the IMMEDIATE DISCLOSURE REQUESTS 64-66 to any permits issued since

April 2007, I submit for the record that any responsive documents should be easily and readily available. I also submit for the record that in accordance with Department policy regarding records retention, all such permits should be available and should not yet have been destroyed.

73. - 79. - For IDRs 73. -79., to the reduce the time and effort required of the Department to respond to the requests, I am reducing the time frame from 2001 -

present to 2007 - present.

Having limited the IMMEDIATE DISCLOSURE REQUESTS 73. - 79. to original copies of any

and all receipts for the fee for the annual application to be approved for Not for

Profit or Approved Public Benefit Fees for Athletic Field permits and original

copies of any and all annual applications for such fees as well as any supporting

documents and/or information that was submitted on behalf of the named organizations

for the years 2007 - 2009, I submit for the record that any responsive documents

should be readily available, recent in time and in accordance with the Department's

records retention policy, any and all responsive documents should still exist and

should not yet have been destroyed or discarded..

Please let me know as any responsive documents become available. If you need

clarification of any of the above requests, please let me know.

Sincerely,

Anmarie Mabbutt



Anmarie Mabbutt
<tenniselement@yahoo.com>

11/23/2009 07:38 AM

To SOTF@sfgov.org

cc

bcc

Subject EXHIBIT #3 - DEPT response to Sunshine Request for
Annual reports for City Fields required by Ordinance
#060255 - COMPLAINT #09071 - 12/1/9 HEARING

Dear SOTF,

Please consider the attached email as Exhibit #3 for Complaint #09071. The documents requested are annual reports regarding the City Fields Foundation partnership that are required by Ordinance #060255.

As Recreation & Park Department General Managers, both Jared Blumenfeld and Philip Ginsburg, were/are required to prepare annual reports regarding the City Fields partnership and file those annual reports with the Clerk's Office of the Board of Supervisors. Having completely failed to do so, I submit the Recreation & Park Department, Mr. Blumenfeld and Mr. Ginsburg are clearly in violation of both the spirit and the letter of the Sunshine Ordinance.

Having failed to properly respond to a duly and properly submitted IDR for fully disclosable and what are legally required documents, I would like the Task Force to include a confirmation of the failure of both General Managers to create and maintain these annual reports as required by Ordinance #060255 in its written Order of Determination for the December 1st, 2009 hearing for Complaint #09071.

Please be sure to include this in the agenda item packet for Complaint #09071 scheduled for a full hearing on December 1, 2009.

Thank you,

Anmarie Mabbutt

--- On Wed, 10/14/09, Olive Gong <Olive.Gong@sfgov.org> wrote:

From: Olive Gong <Olive.Gong@sfgov.org>
Subject: Sunshine Request: Annual reports for City Fields, item 5
To: "anna banana" <tenniselement@yahoo.com>
Date: Wednesday, October 14, 2009, 5:01 PM

Hi Anna,

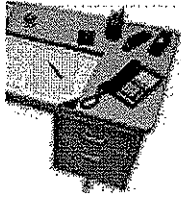
The response from staff regarding item #5 is that RPD does not have the annual reports that you requested. This has not been done yet, so there is no report at this time.

Sincerely,
Olive

.....

Olive Gong
San Francisco Recreation and Park Department
McLaren Lodge
501 Stanyan St., SF CA 94117
415.831-2708 direct
415.831-2096 fax
olive.gong@sfgov.org email

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Olive Gong/RPD/SFGOV

11/23/2009 06:34 PM

To SOTF/SOTF/SFGOV@SFGOV

cc

bcc

Subject Sunshine Complaint Received: #09071_Anmarie Mabbutt v
Rec & Park: Exhibit One

Dear SOTF,

Attached is Exhibit One for #09071.

Thanks,
Olive

----- Forwarded by Olive Gong/RPD/SFGOV on 11/23/2009 06:30 PM -----

From: Olive Gong/RPD/SFGOV
To: anna banana <tenniselement@yahoo.com>
Date: 11/23/2009 06:20 PM
Subject: Sunshine Complaint Received: #09071_Anmarie Mabbutt v Rec & Park: Exhibit One

Dear Ana,

There were no permits for instruction in the Permits and Reservations division, but staff has provided me with special instruction permits issued by the property management division, attached.

Does this satisfy your request for this item?

Thanks,
Olive

[attachment "Instruction Permit 1995 - Brian Theberge- red.pdf" deleted by Olive Gong/RPD/SFGOV]

[attachment "Instruction Permit 1995 - JoJo Zalameda-red.pdf" deleted by Olive Gong/RPD/SFGOV]

...[attachment "09071_Complaint.pdf" deleted by Olive Gong/RPD/SFGOV]

.....
Olive Gong
San Francisco Recreation and Park Department
McLaren Lodge
501 Stanyan St., SF CA 94117
415.831-2708 direct
415.831-2096 fax
olive.gong@sfgov.org email



Anmarie Mabbutt
<tenniselement@yahoo.com>

11/24/2009 08:53 AM

To Olive Gong <Olive.Gong@sfgov.org>

cc SOTF@sfgov.org

bcc

Subject Re: Sunshine Complaint Received: #09071_Anmarie
Mabbutt v Rec & Park: Eshibit One

Dear Olive,

No, these documents do not satisfy my request. Section 67.29-7(c) regards the maintenance of financial records for "any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens."

Clearly, any permits issued by the Permits & Reservations Division, whether at a for profit or not for profit fee category that authorize the permittee to demand any funds or fees from citizens for activities, programs, services, leagues, etc. that are conducted on public property are covered by the requirements of Section 67.29-7(c).

While Property Management permits for athletic instruction would be covered by this Section so to would any permits issued by the Permits & Reservations Division that allow the permittee to charge a fee or collect funds for any camps, clinics, programs, trainings, or leagues that are conducted on public property.

I hope this helps.

Anna

--- On Mon, 11/23/09, Olive Gong <Olive.Gong@sfgov.org> wrote:

From: Olive Gong <Olive.Gong@sfgov.org>

Subject: Sunshine Complaint Received: #09071_Anmarie Mabbutt v Rec & Park: Eshibit One

To: "anna banana" <tenniselement@yahoo.com>

Date: Monday, November 23, 2009, 6:20 PM

Dear Ana,

There were no permits for instruction in the Permits and Reservations division, but staff has provided me with special instruction permits issued by the property management division, attached.

Does this satisfy your request for this item?

Thanks,
Olive

