



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

January 22, 2019
5:30 - 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze and Bruce Wolfe

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Chair Tesfai called the meeting to order at 5:31 p.m. On the call of the roll Chair Tesfai and Members Cate and Martin were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the November 27, 2018, Complaint Committee meeting minutes.

Member Cate, seconded by Member Martin, moved to approve the November 27, 2018, meeting minutes.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, Martin, Tesfai
Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

4. **File No. 18049:** Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:03:57 – 00:36:40)

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to make three points: 1) that Ms. Powers promised to make documents available on a rolling basis and that there was a duty to make them available; 2) Ms. Powers has very little training in Sunshine; 3) that the Museums have provided very few documents.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that at the last meeting of the Complaint Committee there were questions that were to be sent to the City Attorney regarding what does and does not apply to Co-FAM and that she is awaiting the legal opinion. Ms. Powers stated that she has provided public documents to Mr. Smith and that she has requested search terms from Mr. Smith to narrow of the scope of the document review. Ms. Powers stated that her resources have been taxed to the limit and that there is no intention of malfeasance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cate, seconded by Member Martin, moved to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, Martin, Tesfai

Noes: 0 - None

5. **File No. 18083:** Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:36:48 – 00:46:14)

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to know if there was Saudi funding for the recent Museum show of Muslim fashions. Mr. Smith stated that he went to Ms. Powers to get responsive documents and that many were already on the website which she did not turn over. Mr. Smith believes that all the documents he has been requesting are public.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith requested copies of receipts, payments and other financial documentation. Ms. Powers stated that Mr. Smith's request has been complied with and requests that the Committee close the matter.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cate, seconded by Member Martin, moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, Martin, Tesfai

Noes: 0 - None

6. **File No. 18085:** Complaint filed by Liz Arbus against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:46:14 – 00:51:14)

On January 22, 2019, the SOTF received an email from Liz Arbus (Petitioner) stating that she was unavailable to attend the hearing.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote objected to the continuance due to the lack of communication with the Sunshine Administrator and that the matter should be tabled. Mr. Cote referenced his letter in the Agenda packet.

Chair Tesfai suggested that this item be rescheduled on a future date or allow Ms. Arbus to provide a specific reason why she is not available for hearing. Chair Tesfai requested the SOTF Administrator to contact to Petitioner to determine if they would like to continue with the matter or withdraw.

Member Cate, seconded by Member Martin, moved to continue the matter to the call of the Chair.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Cate, Martin, Tesfai
Noes: 0 - None

7. **File No. 18095:** Complaint filed by Sandra Weese against Kevin Guy and the Office of Short-Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:51.21 – 01:04:14)

Sandra Weese (Petitioner) did not appear and there was no communication with the SOTF Administrator prior to the hearing.

Kevin Guy (Office of Short-Term Rentals) (Respondent) provided a summary of the department's position. Mr. Guy stated that there is specific information collected and used to identify rentals including a unique registration number which is provided by the Office. Mr. Guy stated that this unique number is provided because it firewalls being able to provide personal information and that Hosts are required to use this number when answering emails. Mr. Guy stated that it is the practice of the office to not provide certain private information. Mr. Guy stated that the City Attorney's Office has advised that no personal information be provided to the general public. Mr. Guy requested that this complaint be dismissed.

Chair Tesfai stated that she wants to hear from the Petitioner and that no further documentation is required.

A question and answer period occurred.

Member Martin, seconded by Member Cate, moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Martin, Cate, Tesfai
Noes: 0 - None

8. ADJOURNMENT

There being no further business the meeting was adjourned at 6:34 p.m.

APPROVED: 2/26/19
Complaint Committee
Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.