



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES - DRAFT
REMOTE MEETING

June 21, 2022
5:30 PM

Remote Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

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

Chair Schmidt called the meeting to order at 5:36 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Wolfe was noted absent. A quorum was present.

Anonymous informed the SOTF Administrator via email that they would not be available for a hearing, but that their cases on the agenda should go forward. Chair Schmidt stated that each of Anonymous' cases will be called and heard and then advanced to the SOTF.

2. Approval of the May 17, 2022, Complaint Committee meeting minutes.

Action: Moved by Chair Schmidt, seconded by Member Stein to approve the May 17, 2022, meeting minutes.

Public Comment:

David Pilpel provided comments on the agenda requesting that the Committee outline their approach due to the high number of hearings.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein
Absent: 1 - Wolfe

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. 22036:** Complaint filed by Anonymous (ARE) against Charles Jung (Elections Commission) for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Chair Schmidt stated that the first five cases are very similar with identical issues. Chair Schmidt was unsure if the respondents will appear. Chair Schmidt wondered if Mr. Jung had anything to add about a request for a continuance.

Administrator Young stated that the respondents are all members of the Redistricting Task Force (RDTF) and this is a process issue.

Chair Schmidt stated that the Committee can go ahead with the hearings even though there may not be speakers. Chair Schmidt wondered who is the Custodian of Records for the RDTF and who is the Custodian of records for the Elections Commission?

Member Stein stated that the Elections Commission is the Custodian of Records not the Clerk of the Board of Supervisors. Member Stein noted that these particular cases could possibly be appropriate for a Consent Calendar and that the violations would be 67.21(b) failure to respond in a complete and timely manner and 67.21(e) for failure to appear and participate in a hearing.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous notified the SOTF Administrator that they would not be present for the hearing. There was no one available to speak on behalf of the Petitioner.

Charles Jung was not present for the hearing and did not inform the SOTF Administrator of their absence. There was no one available to speak on behalf of the Respondent.

Member Stein stated that Items 4, 5, 6, 7, 8, 9, 10 and 11 could possibly be sent to the consent calendar.

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that there is jurisdiction, that the requested records are public and to forward matter no. 22036 to the SOTF with the recommendation to find violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records and that the involved named entities including the Custodian of Records Charles Jung of the Elections Commission, the Redistricting Task Force and the Clerk of the Board have failed to cure the lack of designation of any responsible custodian.

Public Comment:

David Pilpel noted that Charles Jung resigned on May 18 of this year and filed an annual Form 700 on March 30 but has not filed a leaving office form 700. Mr. Pilpel also noted that Martha Delgadino was not contacted and normally she is contacted on complaints as an appointing authority. Mr. Pilpel also stated that the Clerk of the Board has no role with the RDTC and has no involvement with Member Jung.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

5. **File No. 22037:** Complaint filed by Anonymous (ARE) against Arnold Townsend (Redistricting Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) informed the SOTF Administrator via email that they would not be present for the hearing. There was no one present to speak on behalf of the Petitioner.

Arnold Townsend (Redistricting Task Force) (Respondent), was not present for the hearing and did not inform the SOTF Administrator of their absence. There was no one present to speak on behalf of the Respondent.

Chair Schmidt doesn't see a difference in this case because the Clerk's Office was in communication with Mr. Townsend.

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that there is jurisdiction, that the requested records are public and to forward matter no. 22037 to the SOTF with the recommendation to find violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records and that the involved named person Arnold Townsend of the Redistricting Task Force and the Clerk of the Board have failed to cure the lack of designation of any responsible custodian.

Public Comment:

David Pilpel stated that the City Attorney advised the Redistricting Task Force members in a memo which can be seen on the City Attorney website and on page 4 of that memo is a section that involves public records, duties and obligations of the Task Force. Mr. Pilpel further noted that Mr. Townsend filed a Form 700 on April 1 of this year and has not filed a Leaving Office Form 700 with the Ethics Commissions.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

6. **File No. 22038:** Complaint filed by Anonymous (ARE) against Lily Ho (Redistricting Task Force) for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) informed the SOTF Administrator via email that they would not be present for the hearing. There was no one present to speak on behalf of the Petitioner.

Lily Ho (Redistricting Task Force) (Respondent), was not present for the hearing and did not inform the SOTF Administrator of their absence. There was no one present to speak on behalf of the Respondent.

Action: Moved by Chair Schmidt, seconded by Member Stein to use the exact same motion as in item 22037 and exchange Ms. Ho's name for Townsend.

Public Comment:

David Pilpel said in reviewing the file he was trying to figure out what is different from the other items and on page 28 there is an email on April 21 to Administrator Leger requesting additional time to respond.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that there is jurisdiction, that the requested records are public and to forward matter no. 22036 to the SOTF with the recommendation to find violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records and that the involved named person Lily Ho of the Redistricting Task Force and the Clerk of the Board have failed to cure the lack of designation of any responsible custodian.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

7. **File No. 22039:** Complaint filed by Anonymous (ARE) against Ditka Reiner (Redistricting Task Force) for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) informed the SOTF Administrator via email that they would not be present for the hearing. There was no one present to speak on behalf of the Petitioner.

Ditka Reiner (Redistricting Task Force) (Respondent), provided a summary of the her position. Ms. Reiner stated that she made every attempt to be responsive. Ms. Reiner stated that she received an unreasonable number of materials and sent the appropriate response but that she needed more time. Ms. Reiner stated that she has nothing to hide and has responded to the committee and submitted files.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that there are no violations.

Public Comment:

David Pilpel stated that the Committee heard from Ms. Reiner, that she produced all the records she could and believes that she has complied but have not heard from Anonymous and that there is a good argument for no violation.

Will Jarrett stated that he knew Anonymous also released some of those records to the public. Mr. Jarrett stated that there were records that were not released by Ms. Reiner.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

8. **File No. 22041:** Complaint filed by Anonymous (ARE) against Matthew Castillon (Redistricting Task Force) for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) informed the SOTF Administrator via email that they would not be present for the hearing. There was no one present to speak on behalf of the Petitioner.

Matthew Castillon (Redistricting Task Force) (Respondent) was not present for the hearing and did not inform the SOTF Administrator of their absence. There was no one present to speak on behalf of the Respondent.

Action: Moved by Chair Schmidt, seconded by Member Stein, to forward Matter No. 22041 to the full SOTF, that the records are public, there is jurisdiction and recommends finding violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records. Chair Schmidt further noted that the violations on behalf Custodian of Records of the Redistricting Task Force, the Clerk of the Board and Matthew Castillon and that the involved named entities the have failed to cure the lack of designation of any responsible Custodian and to forward the matter to the August SOTF Consent calendar.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

9. **File No. 22044:** Complaint filed by SFTexts against Chasel Lee, Redistricting Task Force, for allegedly violating Administrator Code Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SFTexts (Petitioner) did not inform the SOTF Administrator that they would not be present for the hearing. There was no one present to speak on behalf of the Petitioner.

Chasel Lee (Redistricting Task Force) (Respondent), provided a summary of his position. Mr. Lee asked the committee to direct their attention to page 109 of the packet that sets forth his response to the complaint and noted that it is a complete production of the records. Mr. Lee stated that he believes that he complied with the law.

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

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code, Sunshine Ordinance, Section 67.21 for not providing the information in a timely manner under the Sunshine Ordinance.

Public Comment:

David Pilpel stated that after hearing Mr. Lee's referral to page 109 and that he produced records which were voluminous and did provide records on a rolling basis is convinced that there is no violation for timeliness.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt
Absent: 1 - Wolfe

10. **File No. 22050:** Complaint filed by Joe Fitzgerald Rodriguez against Redistricting Task Force Members Ditka Reiner, J. Michelle Pierce, Arnold Townsend, Lily Ho, and Matthew Castillon for allegedly violating Administrator Code Section(s) 67.21(b), and California Government Code, Section 6253(c); by failing to provide a determination of disclosable public records.

Mr. Fitzgerald Rodriguez (Petitioner) was not present for the hearing and did not inform the SOTF Administrator of their absence before the hearing. There was no one present to speak on behalf of the Petitioner.

Ditka Reiner, J. Michelle Pierce, Arnold Townsend, Lily Ho, and Matthew Castillon (Redistricting Task Force) (Respondents), were not present for the hearing and did not inform the SOTF Administrator of their absence.

Action: Moved by Chair Schmidt, seconded by Member Stein, to table the matter and close the file.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

11. **File No. 22056:** Complaint filed by Will Jarrett against Arnold Townsend and Ditka Reiner (Redistricting Task Force); for allegedly violating Administrator Code Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

Will Jarrett (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Jarrett stated that Mr. Townsend did not respond. Mr. Jarrett stated that regarding Ms. Reiner and the anonymous complaints there were no responsive records in a 30-day period and those who possibly held records may have deleted them. Mr. Jarrett wanted to ask Ms. Reiner if she had a message on April 10 at 11:00 am stating that after consideration, if Member Lee had to those records, if they existed, could they be handed over.

Arnold Townsend and Ditka Reiner (Redistricting Task Force) (Respondent) were not present for the hearing and did not inform the Administrator of their absence.

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

Action: Moved by Member Stein, seconded by Chair Schmidt to forward the matter to SOTF, there is jurisdiction that the records are public and regarding Respondents Reiner and Townsend and the Clerk recommends that violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for timeliness and 67.21(e) for failure to appear at the hearing to explain issues.

Public Comment:

David Pilpel stated that there may be inconsistencies in responses between former Chair Townsend and Reiner because Mr. Townsend is not well known to be good with technology and would not be surprised if he stopped checking email.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Absent: 1 - Wolfe

12. **File No. 22032:** Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that on December 23, 2021, he made a request for Minimum Compensation Ordinance (MCO) and Cost of Doing Business (CODB) figures for fiscal year 2019 and 2021 from the Public Utilities Commission (PUC). Mr. Kramer stated he received a response from the PUC that they had no responsive records because the PUC doesn't budget for those items.

Mayara Ruski Augusto Sa (Public Utilities Commission (PUC)) (Respondent), provided a summary of the department's position. Ms. Augusto Sa stated that her office conducted a diligent search and found no responsive records and notified the Petitioner. Ms. Augusto Sa stated that her office also checked with the Controller's Office and the Mayor's Office. Ms. Augusto Sa heard from the Controller that they did not allocate those funds.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that there be a finding of no violations.

Public Comment:

David Pilpel agreed that the PUC is not in violation.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

13. **File No. 22034:** Complaint filed by Gizelle Rabi and Karl Kramer against Crispin Hollings and the Sheriff's Department for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that his request for MCO and Cost of Doing Business (CODB) figures for fiscal year 2019 and 2021 from the Sheriff's Office. Mr. Kramer stated that he only received CODB records for 2021 however on page 411 the response is there are no responsive records. Mr. Kramer stated that his office will pursue this because it is important that they keep these figures.

Alison Lambert (Sheriff's Department) (Respondent), provided a summary of the department's position. Ms. Lambert stated that in early June they were surprised to receive the complaint because they responded in a timely manner and provided records. Ms. Lambert suggested that Mr. Kramer log into see his records and/or check with the Sheriff's Office administrative assistant. Ms. Lambert said that the Sheriff's Office does not have the records Mr. Kramer is seeking.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that there be a finding of no violations.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

14. **File No. 22045:** Complaint filed by Gizelle Rabi and Karl Kramer against Sheryl Evans Davis and the Human Rights Commission, for allegedly violating Administrator Code Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that on December 23, 2021, he made the same request for MCO and CODB figures from the Human Rights Commission as he had from the other agencies for fiscal years 2021 and 2022.

Cathy Mulkey Meyers (Human Rights Commission) (Respondent), provided a summary of the department's position. Ms. Meyers stated that she sent the information her office had. Ms. Meyers stated that the accounting department sent additional records.

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

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with no recommendation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Absent: 1 - Wolfe

15. **File No. 22046:** Complaint filed by Gizelle Rabi and Karl Kramer against Shireen McSpadden and the Department of Homelessness and Supportive Housing for allegedly violating Administrator Code Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that he made the same initial request as in the other cases on December 27, 2021. Mr. Kramer stated that on February 3, 2022, he received the MCO figures for 2019-2020 but not 2020-2021. Mr. Kramer stated that on March 7, 2022, he received MCO amounts and CODB 2019-2020 and 2021-2022.

Jeff Hamilton (Department of Homelessness and Supportive Housing) (Respondent), provided a summary of the department's position. Mr. Hamilton stated that on December 27, 2021, he provided six documents to Mr. Kramer that were also forwarded to Ms. Leger. Mr. Hamilton's office closed the request on December 20, 2021.

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

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation for no violation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt

Absent: 1 - Wolfe

16. **File No. 22047:** Complaint filed by Gizelle Rabi and Karl Kramer against Ralph Remington and the Arts Commission for allegedly violating Administrator Code Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Karl Kramer (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kramer stated that his office requested MCO figures for 2019-2020, 2020-2021, 2021-2022 and did not receive them. Mr. Kramer stated that Mr. Marizada of his office, requested a string of emails detailing the cost of doing business and noted in those emails that there was an error and sent another email to get clarification.

Coma Te, Director of Communications (Arts Commission) (Respondent), provided a summary of the department's position. Mr. Te stated that his department received the records request from Mr. Kramer on December 23, 2021, during which time his department was closed for the Christmas Holiday. Mr. Te's office responded on December 27, 2021, that they received the request. Mr. Te stated that his office conducted a search for records and responded with those documents on January 3, 2022, within the 10-day requirement. Mr. Te stated that his office responded in a timely manner with all responsive records.

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

Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with a recommendation for no violation.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Absent: 1 - Wolfe

17. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

Member Stein stated that 18 agenda items is a lot and hearing 13 complaints is one hearing is a lot to go through. Member Stein expressed hope that the proposal made back in February goes to the full SOTF to improve the hearing process.

Chair Schmidt apologized and acknowledged that 13 cases is a lot. Chair Schmidt noted that part of the process was the grouping and that this won't happen again.

Public Comment:

None.

18. **ADJOURNMENT.**

There being no further business the meeting was adjourned at 10:08 p.m.

**APPROVED: DRAFT
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.

Name of Petitioner (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Name of Petitioner stated that _____.

Name of Respondent (Name of Department) (Respondent), provided a summary of the department's position. Name of Respondent stated that _____.

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

Action: Moved by Member Hinze, seconded by Member Wolfe, 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:

Name of commenter or state None.

The motion PASSED by the following vote:

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

19. ADJOURNMENT

There being no further business the meeting was adjourned at 10:08 p.m.

APPROVED: DRAFT

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.