



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

**REMOTE MEETING**

**December 20, 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 5:32 p.m. On the call of the roll Chair Schmidt and Members Wolfe and Stein were noted present. A quorum was present.

There were no agenda changes.

**2. Approval of the November 15, 2022, Complaint Committee meeting minutes.**

**Action:** Moved by Chair Schmidt, seconded by Member Stein, to approve the November 15, 2022, meeting minutes.

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Schmidt, Stein, Wolfe  
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:

Michael Petrelis requested that the SOTF consider stop using WebEx for SOTF meetings because it is a better way of communicating.

4. **File No. 22112** Complaint filed by Michael Petrelis against Jonas Ionin and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5 for failure of any policy body to be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.).

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that his complaint was against Jonas Ionin, Commission Secretary for the Planning Commission. Mr. Petrelis stated that Mr. Ionin wanted to combine meetings of the Planning Commission and Historic Preservation Commission.. Mr. Petrelis' complaint is that the Commission secretary should have included this matter on the agenda and it was not.

Laura Lynch (Planning Commission) (Respondent), provided a summary of the department's position. Ms. Lynch stated that this complaint is not about a public records request, it's about a hearing and an agenda. The minutes show there would be one joint hearing of the Planning Commission and Historic Preservation Commission.

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

**Action: Moved by Member Stein, 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 consideration.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Wolfe, Schmidt  
Noes: 0 - None

5. **File No. 22114** Complaint filed by Michael Petrelis against Jonas Ionin, President Diane Matsuda and the Historic Preservation Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.15, by failing to provide an opportunity for members of the public to address the body of interest that are within the body's jurisdiction (General Public Comment - October 5, 2022, meeting).

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that at the meeting he was holding a sign that speaks to the Castro Theatre. Mr. Petrelis stated that the President and Commission secretary knew what he would be speaking about and the Commission Secretary did what he could to prevent Mr. Petrelis from speaking.

Laura Lynch (Planning Department) (Respondent), provided a summary of the department's position. Ms. Lynch stated that there was confusion as to what Mr. Petrelis' topic of general public comment was because he was holding a sign regarding the Castro Theatre and there was also a conversation between the Chair and Mr. Petrelis. Ms. Lynch stated that Mr. Petrelis was not allowed to speak about the Castro Theatre but was allowed to make public comment.

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

**Action: Moved by Member Wolfe, 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.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Wolfe, Schmidt, Stein

Noes: 0 - None

6. **File No. 22077:** Complaint filed by Maria Schulman against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond for public records in a timely and/or complete manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she did receive a response from the Department of Police Accountability which said they are exempt from disclosure. Ms. Schulman thought that she was asking for all records pertaining to a particular case which is why she followed up with the complaint heard last month. Ms. Schulman stated that if the Committee wants to combine this case with the one heard last month, she would agree

to that. Ms. Schulman stated that Department of Police Accountability (DPA) understood that she was asking for a peace officer's personnel file and would also like DPA to reply with a written response including all emails and confirm by producing a personnel file for this officer or confirm that a file exists.

A representative from the Department of Police Accountability was not present for the hearing but did inform the SOTF Administrator that they would not attend.

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

**Action: Moved by Member Stein, seconded by Member Wolfe, to combine File Nos. 22077 and 22070 and that the motion for 22070 also incorporates 22077 and the SOTF has jurisdiction, that the requested records are held publicly though there is an exemption claimed and that a violation for failure to disclose publicly available segments of files held by the Department of Police Accountability and consider the proper scope of the peace officer employment exemption as it applies to emails across city departments.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

7. **File No. 22111** Complaint filed by Maria Schulman against Virginia Donahoe and Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 for failure to respond to a public records request in a complete and/or timely manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she did not receive rolling responsive records as promised. Ms. Schulman stated that a violation of the rule of reason existed because Animal Care and Control claimed that her requests impeded their ability to do their regular duties. Ms. Schulman stated that her response for the Prop G calendar should have been provided within three days and that requested emails should have been produced on a rolling basis.

Justine Alberto (Animal Care and Control (ACC)) (Respondent), provided a summary of the department's position. Ms. Alberto disagreed with the Petitioner in her analysis of the case. Ms. Alberto stated that the requested records were provided as they became available or on a rolling basis and within response guidelines. Ms. Alberto stated that ACC also completed seven other requests from Ms. Schulman, several of which were

complex and not routine. ACC did not deny records, just that they needed time to work on them and provide redacted records.

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

**Action: Moved by Member Stein, 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 with a recommendation to find violations of Administrative Code, Sunshine Ordinance Section(s) 67.21, 67.25 and 67.29-5.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

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

The Committee had no announcements, comments, questions or future agenda items.

Public Comment.

None.

9. **ADJOURNMENT.**

There being no further business the meeting was adjourned at 7:40 p.m.

**APPROVED: January 17, 2023  
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.