



# **SUNSHINE ORDINANCE TASK FORCE**

## **Education, Outreach and Training Committee**

### **CITY AND COUNTY OF SAN FRANCISCO**

#### **MINUTES - DRAFT**

## **REMOTE MEETING**

**January 11, 2022**  
**5:30 PM**

### **Remote Regular Meeting**

**Members:** Chris Hyland (Chair), Jaya Padmanabhan

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

Chair Hyland called the meeting to order at 5:31 p.m. On the call of the roll Chair Hyland and Member Wolfe were noted present. Member Padmanabhan was noted absent. A quorum was present.

There were no agenda changes.

#### **2. Approval of the December 14, 2021, Education, Outreach and Training Committee meeting minutes.**

**Action: Moved by Chair Hyland, seconded by Member Wolfe, to approve the December 14, 2021, meeting minutes.**

Public Comment:

None.

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

Ayes: 2 - Hyland, 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:

Mark Sullivan stated that when complaints go forward they are about the public's right to know and there are many clauses in the Ordinance that support this.

4. **File No. 21159:** Complaint filed by Bob Planthold against the Department of Building Inspection Commission (Access Appeals Commission) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.16 by failing to post meeting minutes (2000 through 2011).

Bob Planthold (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Planthold stated that he has a mobility disability and that was his motivation when reviewing the minutes of the Building Inspection Commission. Mr. Planthold stated that he researched old links and discovered there were no meeting minutes for the period 2000 to 2011 of the Building Inspection Commission.

Patrick Hanan (Department of Building Inspection) (Respondent), provided a summary of the department's position. Mr. Hanan acknowledged that minutes of Building Inspection have not been posted and cannot speak as to why. Mr. Hanan thanked Mr. Planthold for bringing this to his attention.

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

**Action: Moved by Member Wolfe, seconded by Chair Hyland, to find that the SOTF has jurisdiction through the Brown Act, that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation that the SOTF review 67.7, et al. regarding agendas and to find a violation of 67.16 by failing to preserve the minutes accordingly.**

Public Comment:

None.

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

Ayes: 2 - Wolfe, Hyland,

Noes: 0 - None

5. **File No. 21149:** Complaint filed by Mark Sullivan against David Steinberg and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25 and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and willful failure to discharge duties imposed by the Sunshine Ordinance.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that he filed his complaint against David Steinberg for a violation of 67.34 after the January 21, 2021, Complaint Committee hearing. Mr. Sullivan stated Mr. Steinberg closed his request early saying that everything had been provided. Mr. Sullivan stated that this matter has already been heard by the SOTF, but not the allegation of a 67.34 violation.

David Steinberg (Department of Public Works (DPW)) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that his closure of the request was timely and sought confirmation of this actions by DPW's Deputy City Attorney. Mr. Steinberg stated that Mr. Sullivan has additional complaints and requested that this matter be closed.

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

**Action: Moved by Chair Hyland, seconded by Member Wolfe, to combine cases 21069 and 21149, to refer both matters to the Compliance and Amendments Committee for review and consideration and include the existing Order of Determination of 21069.**

Public Comment:  
None.

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

Ayes: 2 - Hyland, Wolfe,  
Noes: 0 - None

6. **File No. 21116:** Complaint filed by Anonymous against Department of Public Health (DPH) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing respond to a public records request in a timely and/or complete manner.

The Petitioner was not available for the hearing and timely informed the SOTF Administrator of their absence.

Natalie Pojman (Department of Public Health) (Respondent), provided a summary of the department's position. Ms. Pojman stated that her knowledge is limited to what is in the data base. Ms. Pojman acknowledged that the response was not timely. Ms. Pojman

stated that DPH can have one month of texts and emails properly redacted and will provide those records on a rolling basis.

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

**Action: Moved by Member Wolfe, seconded by Chair Hyland, 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 67.21 for timeliness.**

Public Comment:  
None.

Note: Ms. Pojman as agreed to do a search on terms Joseph 2019 with key words McCallum, Foley and Justin.

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

Ayes: 2 - Wolfe, Hyland,  
Noes: 0 - None

7. **File No. 21129:** Complaint filed by Cathy Mosbrucker against Anthony Lepe and the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.7, by failing to post an agenda with appropriate contact information.

Cathy Mosbrucker was not present for the hearing and did not advise the SOTF Administrator of their absence.

Anthony Lepe (Department of Building Inspection) (Respondent), was present for the hearing.

**Action: Moved by Member Wolfe, seconded by Chair Hyland, to table the matter and close the file per Complaint Procedures C.7(b).**

Public Comment:  
None.

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

Ayes: 2 - Wolfe, Hyland  
Noes: 0 - None

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

Member Wolfe suggested that as part of the reporting process or monitoring of complaints that it should be noted that if the respondent has fixed a file but before the hearing and despite their admission of a violation and whatever circumstances, is not necessarily a violation due to unforeseen circumstances.

Chair Hyland suggested that the original records request be included on the index cover page to each complaint.

Public Comment:  
None.

9. **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:58 p.m.

**APPROVED: DRAFT**  
**Education, Outreach and Training 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.