



SUNSHINE ORDINANCE TASK FORCE

Complaint Committee

CITY AND COUNTY OF SAN FRANCISCO

MINUTES

March 21, 2023

5:30 PM

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 5:46 p.m. On the call of the roll Chair Schmidt and Members Wolfe and Stein were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the February 14, 2023, Complaint Committee meeting minutes.

Action: Moved by Member Stein, seconded by Member Wolfe, moved to approve the February 14, 2023, meeting minutes.

Public Comment:

Michael Petrelis noted that he is requesting funding from the Board of Supervisors to air full SOTF meetings on SFGOV.TV.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt

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. 22134** Complaint filed by Michael Petrelis against Mayor London Breed for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that on October 22, 2022, he requested records from the Mayor's Office and that all requested records were provided on December 5, 2022.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that he wrote Mr. Petrelis acknowledging receipt of his request for records and asked Mr. Petrelis to narrow his request. Mr. Heckel stated that his office would begin providing records on a rolling basis beginning on November 7, 2022. Mr. Heckel stated that on March 13, 2023, the Mayor's Office had completed their production of records to Mr. Petrelis. Mr. Heckel acknowledged that the responses to Mr. Petrelis' records request were untimely.

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 and consideration of a violation of Administrative Code, Sunshine Ordinance Section(s) 67.21 for timeliness.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

Member Stein requested that the parties include documentation showing the dates of records first released and when the last of the records were produced to the requestor for the next SOTF hearing.

5. **File No. 22135** Complaint filed by Michael Petrelis against Mayor London Breed for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5(a), by failing to respond to a public records request for Mayor London Breed's Prop G calendar in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that on October 22, 2022, he requested from the Mayor's Office a copy of the Mayor's Prop G calendar from January 1, 2022,

through October 24, 2022. Mr. Petrelis stated that all requested records were provided on March 13, 2023.

Hank Heckel (Mayor's Office) (Respondent), provided a summary of the department's position. Mr. Heckel stated that he wrote Mr. Petrelis acknowledging receipt of his request for the Mayor's Prop G calendar on October 22 and that his office began to provide records on a rolling basis on October 25, 2022. Mr. Heckel stated that on March 13, 2023, the Mayor's Office had completed their production of records to Mr. Petrelis. Mr. Heckel acknowledged that the responses to Mr. Petrelis' records request were untimely.

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 and consideration of a violation of Administrative Code, Sunshine Ordinance Section(s) 67.29-5(a) for failing to provide Prop G calendars in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Schmidt, Stein

Noes: 0 - None

6. **File No. 23013 A** Complaint filed by Chris Ward Kline against Department of Public Health (A) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner.

File No. 23013 B Complaint filed by Chris Ward Kline against Office of the Sheriff (B) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner.

File No. 23013 C Complaint filed by Chris Ward Kline against Mayors Office (C) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner.

File No. 23013 D Complaint filed by Chris Ward Kline against Department of Emergency Management (D) for allegedly violating Administrative Code (Sunshine

Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner.

File No. 23013 E Complaint filed by Chris Ward Kline against San Francisco Police Department (E) e for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24(b), and 67.25 by failing to respond to a request for public records in a timely and/or complete manner.

Chris Ward Kline (Petitioner) provided a summary of the complaints and requested the Committee to find a violation. Mr. Kline stated that he works for the Transportation Administration and that in 2015 he was doing well and had reached his professional goals. Mr. Kline stated that his life changed once his co-workers found out he was gay. Mr. Kline discovered that someone called public health and put him in the “system”. Mr. Kline further stated the reached out to Kaiser, Public Health and other county agencies for information to clear his name and they cited the California Health and Safety Code 121.5 stating that information shall not be disclosed for public health purposes. Mr. Kline stated that each department listed received the same request for information.

Natalie Pojman (Department of Public Health, (DPH)) (Respondent), provided a summary of the department’s position. Ms. Pojman stated that Mr. Kline has emailed DPH on a regular basis requesting his own records and that DPH has provided the records. Ms. Pojman noted that Mr. Kline also requested the status of his HIV records which are maintained by the Centers for Disease Control because an individual can request their own records from that agency.

Alison Lambert (Sheriff’s Office) (Respondent), provided a summary of the department’s position. Ms. Lambert stated that her office received four requests from Mr. Kline; three of those requests noted there were no responsive records. After returning from leave, Ms. Lambert stated that she tried to locate responsive records for the fourth request. Ms. Lambert stated that the Sheriff’s Office is not surveying him and checked to see if he is in jail because Sheriff’s only make recordings of those that are incarcerated. Ms. Lambert stated that no records exist because that Mr. Kline was not previously incarcerated.

Hank Heckel (Mayor’s Office) (Respondent), provided a summary of the department’s position. Mr. Heckel stated that the Mayor’s Office received Mr. Kline’s requests and was not aware of any another department receiving the same request. Mr. Heckel stated that his office doesn’t have health records or any records from related programs.

Victor Lim (Department of Emergency Management (DEM)) (Respondent), provided a summary of the department’s position. Mr. Lim stated that DEM received two requests from Mr. Kline and understands his complaint is for timeliness. Mr. Lim stated that on September 6, 2022, their response was that DEM does not maintain the records Mr. Kline is requesting. On October 19, Mr. Kline faxed a new records request and on that same day DEM began processing it and again responded that they don’t have the responsive records. DEM is requesting that the SOTF dismiss this complaint.

Lt. William Toomey (Police Department) (Respondent), provided a summary of the department's position. Lt. Toomey stated there was a clerical error and the department initially requested an extension of time to respond. Lt. Toomey noted that once the clerical error was discovered and corrected, the department provided the responsive records and there is no timeliness claim.

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 certain public records are involved and forward to the SOTF with the recommendation that the Petitioner clarify which request is at issue in relation to each agency.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Schmidt, Stein

Noes: 0 - None

7. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

No actions taken.

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:56 p.m.

APPROVED: 4/18/23

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.