



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

June 20, 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 Wolfe called the meeting to order at 5:30 p.m. On the call of the roll Member Stein was noted present. Chair Schmidt was noted absent. There was a quorum.

There were no agenda changes.

2. Approval of the April 18, 2023, Complaint Committee meeting minutes.

Action: Moved by Member Stein, seconded by Member Wolfe, to approve the April 18, 2023, minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

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 stated that he was unable to make public comment earlier due to technical difficulties and asked if he could provide that comment after Item No. 8 is heard.

Michael Petrelis asked that the SOTF have remote participation by telephone because he has had difficulties using WebEx and it is impossible to get around the glitches caused WebEx at this hearing. Mr. Petrelis appreciated the clarification of Prop G Calendars.

4. **File No. 21040:** Complaint filed by Anonymous (ARE) against Dennis Herrera for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(d), by failing to order the custodians of records to comply with records request; and 67.34 for failing to discharge duties under the Sunshine Ordinance as an elected official.

Petitioner was not present for the hearing and did not notify the Administrator of their absence.

Jen Kwart (City Attorney's Office) (Respondent) was present for the hearing.

Action: Moved by Member Stein, seconded by Member Wolfe to table the case.

Member Stein withdrew their motion.

Action: Moved by Member Wolfe, seconded by Member Stein, to table and dismiss the matter without prejudice under Complaint Procedure Section C 7b and that the Petitioner be notified of the provisions.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Wolfe, Stein
Noes: 0 - None
Absent: 1 - Schmidt

Action: Moved by Member Stein, seconded by Member Wolfe that Items 5 and 6, Complaint Nos. 22132 and 22133, be heard after Item 8, Complaint No. 23023.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

5. **File No. 22132** Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition 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 he was able to open the attachment to view the correspondence between him and Bill Barnes. Mr. Petrelis stated he did not receive Supervisor Ahsha Safai's Prop G calendar. Mr. Petrelis stated that after looking at the packet there is nothing received from the Supervisor's office, and they did not share his calendar.

The Respondent was not present for the hearing and did not notify the Administrator of their absence.

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 Consent Agenda with the recommendation to find a violation of 67.29-5 by failing to respond to Mr. Petrelis's request for the Prop G calendar.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

6. **File No. 22133** Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition 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 he was able to view the Supervisor's calendar in the packet. Mr. Petrelis noted that the response was very extensive however there was an issue of timeliness on receipt of the records.

Jennifer Bolen (Supervisor Dean Preston's Office) (Respondent), provided a summary of the department's position. Ms. Bolen stated that the request was received over a holiday weekend and there was a 10-day deadline to respond. Ms. Bolen stated that her office responded to the request on November 3. Ms. Bolen stated that she was not aware of the three-day response deadline for Prop G calendars, but acknowledges that the response was not timely.

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 Consent Agenda with the recommendation to find a violation of timeliness under Administrative Code, Sunshine Ordinance, Section 67.29-5 for failure to timely provide the Supervisor's Prop G calendar.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

7. **File No. 22139** Complaint filed by Anonymous (AYA) against Dennis Herrera, Ron Flynn, Mayara Ruski Augusto Sa, and the San Francisco Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Anonymous (Petitioner) was not present for the hearing and did not notify the Administrator of their absence.

Mayara Ruski Augusto Sa (Public Utilities Commission) (Respondent), was present for the hearing.

Action: Moved by Member Stein, seconded by Member Wolfe, to table and dismiss the matter without prejudice under Complaint Procedure Section C7b and that the Petitioner be notified of the provisions.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

8. **File No. 23023** Complaint filed by Jorge Rivero against the Police Department 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.

Jorge Rivero (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Rivero stated that he requested a copy of a Computer Aided Dispatch recording of a conversation he had on December 7, 2022, with Detective Molly Brown of the District Attorney's Office. The Police Department stated they could not find the original request and on June 16, 2023, Mr. Rivero filed a second request for records, again asking for the transcript of that conversation. Mr. Rivero made the requests because there was an incident at his home, the Police arrived, and he suspects there are now listening devices in his home. Detective Brown said she never requested that their conversations be recorded.

Lt. William Toomey (Police Department) (Respondent), provided a summary of the department's position. Lt. Toomey stated that the request was received on December 21, 2022, from the Petitioner. Lt. Toomey noted that the request provided three individual computer dispatch numbers with the information on how those documents can be received. Lt. Toomey provided that information to Petitioner on January 25, 2023, and included correspondence regarding incidents in the petitioner's home and that the Petitioner requested transcripts from the District Attorney's Office. Lt. Toomey noted that the Petitioner was also referred to the Department of Emergency Management.

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, the requested records are public, and referred the matter to the SOTF for hearing pending receipt of the original request so that the nature of the violation can be properly identified.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Wolfe

Noes: 0 - None

Absent: 1 - Schmidt

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

Members Stein and Wolfe had no comments.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:13 p.m.

APPROVED: July 18, 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.

The Sunshine Ordinance Task Force was established by, Chapter 67. The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in [Chapter 67 of the San Francisco Administrative Code](#). For additional information concerning Sunshine Ordinance Task Force please contact the Task Force by e-mail sotf@sfgov.org or by calling (415) 554-7724.