



SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

August 18, 2015 - 4:00 PM

Regular Meeting

Members: Lee Hepner (Chair)
Allyson Washburn, David Pilpel

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

Chair Hepner called the meeting to order at 4:07 p.m. All members were present. There was a quorum.

Michael Petrelis (Complainant) was not present but requested a continuance of his complaints. See Items 5, 6 and 7 for actions.

- 2. File No: 14099:** Hearing on the status of the Order of Determination - Complaint filed by Patrick Monette-Shaw against Dennis Herrera, Matt Dorsey, and Gabriel Zitrin, Office of the City Attorney, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and complete manner.

The Committee expressed concern over the recent decision of the Office of the City Attorney's to not attend the Task Force meetings. Member Pilpel volunteered to draft a letter for the Task Force's approval regarding attendance at Task Force meetings and the question of budgeting City Attorney resources to the Task Force.

Member Washburn, seconded by Member Pilpel, move to find compliance with the Order of Determination and concluded the matter.

Public Comment:

Thomas Picarello stated that respondents are requested to appear at Task Force hearings.

Ray Hartz commented on Mr. Dorsey's background and his methods for processing complaints.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

3. **File No. 15010:** Hearing on the status of the Order of Determination - Complaint filed by Thomas Picarello against the Fire Department for violating Administrative Code (Sunshine Ordinance), Sections 67.21(c), 67.25(a), and 67.27, for failure to identify public records that were withheld, failure to respond to a public records request in a timely manner, and failure to justify the reason for withholding certain records.

Thomas Picarello (Complainant) stated that the Fire Department has not yet complied with the Order of Determination. Rhab Boughn, Fire Department (Respondent), provided a summary of the department's progress and responded to questions raised throughout the discussion.

Member Pilpel, seconded by Member Washburn, moved to refer the matter to the Sunshine Ordinance Task Force October 7, 2015, meeting.

Public Comment:

Ray Hartz expressed concern that future hearings will not produce the additional requested documents.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

The Committee requested that the following occur prior to the Task Force October 7, 2015, meeting:

It is requested that Mr. Boughn coordinate a meeting as needed between Mr. Picarello, Officer Kelly (Fire Department), and/or any other holder of the records to review the entire case file and any other related documents. If any records cannot be provided or must be redacted a reason should be provided in writing to Mr. Picarello and the Task Force.

Mr. Picarello's original requests is for all records (documents, memos, emails, and other communications) regarding a fire that occurred on November 6, 2013, at 1121 Clement Street.

The Committee again requested that the following information be provided to Mr. Picarello as follows:

- Communications between Officer Laura Kelly and the Chubb Insurance Company investigator (Geoff Hazard)
- Explanation as to why a search for communications (emails, notes, etc) was not conducted, as the request was for all relevant records
- Copy of the fire investigation report in an unredacted or limited redacted version with reasons for any redactions. (The requester is the victim and should be entitled to more comprehensive information.)

In addition, an explanation as to what actions have already been taken to search for the requested records is requested from the person who performed the records search. (Dates, communications, and listing of documents.)

It is requested that a representative from the Bureau of Fire Investigation, the person who performed the records search and other knowledgeable persons attend the October 7, 2015, Task Force meeting.

The Request will be sent to appropriate Fire Department staff.

4. **File No. 15038:** Hearing on the status of the Order of Determination - Complaint filed by Ray Hartz against President London Breed, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.25(a) and 67.21(e), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to send a knowledgeable representative to the Task Force hearing.

Ray Hartz (Complainant) provided an overview of his complaint and stated that the Respondent has still not provided a response to his Immediate Disclosure Request. Conor Johnston, Legislative Aide to President London Breed, Board of Supervisors, provided a summary of his office's position and responded to question raised throughout the discussion.

The Committee urged Mr. Johnston to avoid his narrow interpretation of the Sunshine Ordinance regarding who must appear at Task Force meetings as it prolongs the Task Force hearing process.

Member Washburn, seconded by Member Pilpel, move to find compliance with the Order of Determination and concluded the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

5. **File No. 15029:** Hearing on the status of the Order of Determination Order - Complaint filed by Michael Petrelis against President London Breed, Board of Supervisor, for violating Administrative Code (Sunshine Ordinance), Section 67.21(e), for failure to send a knowledge representative to the Task Force hearing regarding failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5, 6 and 7 were heard together.

Michael Petrelis (Complainant) was not present but requested a continuance of Items 5, 6 and 7 due to illness.

Member Washburn, seconded by Member Pilpel, move to continue Items 5, 6 and 7 to the call of the chair.

Public Comment:

Ray Hartz expressed support of the continuance.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

6. **File No. 15060:** Hearing on the status of the Order of Determination: Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(e), for failure to send a knowledge representative to the Sunshine Ordinance Task Force hearing regarding failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Items 5, 6 and 7 were heard together.

The Compliance and Amendments Committee shall hold a hearing on File No. 15067to: 1) determine if the Sunshine Ordinance Task Force (SOTF) has Jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF. The SOTF, upon receipt of the report and/or recommendation from the Compliance and Amendments Committee, shall: 1) accept the recommendation of the Complaint Committee; or 2) schedule the complaint for a hearing before the SOTF on a future date.

7. **File No. 15067:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond an Immediate Disclosure Request in a timely and/or complete manner.

Items 5, 6 and 7 were heard together.

8. **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:

Ray Hartz expressed concern over city departments' non-compliance with the Sunshine Ordinance.

9. **Approval of minutes from the Compliance and Amendments Committee April 21, 2015, meeting.**

Member Washburn, seconded by Member Pilpel, moved to approve the minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Hepner

Noes: 0 - None

10. **Pending Calendar:** The following items are pending before the Compliance and Amendments Committee and will be scheduled on a future date.
- File No. 14101: Order of Determination - Allen Grossman v. Dept. of Building Inspection. (*Pending update on completion of program implementation*)
 - File No. 14096: Order of Determination: Ray Hartz v. Controller's Office
 - File No. 14105: Order of Determination: Ray Hartz v. Supervisor Mark Farrell
 - File No. 15071: Order of Determination: Ray Hartz v. Supervisor Mark Farrell - Request for public records (Non-Attendance at SOTF).
 - File No. 14063: Order of Determination: Michael Petrelis v. District Attorney

Public Comment:

None.

11. **Announcements, Comments, Questions, and Future Agenda Items.**

Public Comment:

None.

12. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:19 p.m.

APPROVED: 10/20/15



**Victor Young,
Administrator
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.