



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

April 25, 2017
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze, Bruce Wolfe

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

Chair Leuwam Tesfai called the meeting to order at 5:30 p.m. On the call of the roll Chair Tesfai, Member Hinze and Member Wolfe were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the March 28, 2017, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Wolfe, seconded by Member Hinze, moved to approve the March 28, 2017, Complaint Committee meeting minutes.

Public Comment:

Speakers: None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

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:

Ann Treboux submitted the following summary of her public comment:

“Kate Patterson, public information officer of the SFAC has been slandering and personally attacking me for over 5 years. She makes false claims as to why she refuses to turn over responsive documents even in their redacted form. Her claims have included, having spent time in prison; false names; stalking and harassing people I do not know; arrested for selling bottle caps. I have done none of these.

There has never been a SFPD police report on me. There can not be an on-going police investigation without a police report and there is no investigation by the SF City Attorney’s Office.

Patterson’s unsolicited email of April 10, 2017 makes additional claims of, “perceived” harassment via email. I am not the only person who does not understand what she is saying but I will continue to file document requests until her slander stops. Ann Treboux”

The Complaint Committee (Committee) shall hold hearings on File Nos. 17016, 17017, 17018, 17023, 17024 and 17025 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 17016:** Complaint filed by Jerry Dratler against Ben Rosenfield and the Office of the Controller for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:03:00 – 00:32:00)

The Complaint Committee previously determine that the Sunshine Ordinance Task Force has jurisdiction in the matter on March 28, 2017.

Jerry Dratler (Petitioner), provided a summary of the complaint and stated that the draft report provided to him were different from the final reports. Tonia Lediju, Office of the Controller (Respondent), provided a summary of the department’s position and stated that the Controller’s Office complies with all yellow book standards in regards to draft and issued reports. Ms. Lediju stated that the Controller’s Office is not hiding any findings or recommendations and all records have been provided and/or posted online. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee repeated their request to the Petitioner to provide the draft report in his possession or other evidence of the Controller’s Office non-compliance with the Sunshine Ordinance.

Member Wolfe, seconded by Member Hinze, moved to continue the matter to the next meeting of the Committee.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai
Noes: 0 - None

5. **File No. 17017:** Complaint filed by Dolores Clean against Randy Quezada and the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. (00:32:00 – 01:03:00)

Member Hinze, seconded by Member Wolfe, moved to find jurisdiction over the matter.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai
Noes: 0 - None

Dolores Clean (Petitioner) provided a summary of the complaint and requested the Committee to find violations. Mr. Clean stated that tweets are public records and provided information on recent court findings. Randy Quezada, Department of Homelessness and Supportive Housing (Respondent), provided a summary of the departments position and acknowledged that the response to the request for public records was late. Mr. Quezada stated that even if a person is blocked on Twitter they can still log off and view all tweets, but as a courtesy Mr. Clean has been unblocked. A question and answer period followed.

The Committee opined that Twitter is not under the control of the City and County of San Francisco and cannot force Twitter to retrieve deleted records. There is currently no existing policy regarding Twitter and other social media platforms and further discussion on the issue should be considered by the city regarding issues such as use and records retention.

Member Wolfe, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that Randy Quezada and the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely manner.

Public Comment:

Josh Wolf (Member of the Sunshine Ordinance Task Force speaking as a member of the public) stated that even if the department does not have control over Twitter they are not allowed to delete records as record retention rules apply and reference other social media outlet that require login to view records.

Allen Grossman stated that the Committee should not be talking about technical features as there are other parties in the room awaiting hearings on their complaints.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

6. **File No. 17018:** Complaint filed by Josh Wolf against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:03:00 – 01:11:00)

Member Wolfe, seconded by Member Hinze, moved to find jurisdiction over the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

Josh Wolf (Petitioner) disclosed that he is a member of the Sunshine Ordinance Task Force speaking as a petitioner and provided a summary of his complaint. Mr. Wolf stated that he has not receive a response to his request for a list of persons blocked on President Breed's Twitter account and subsequent follow-up on the request. There was no representatives from the office of President London Breed present at the meeting. Task Force Administrator Young noted that the Respondent has not provided a response to the complaint. A question and answer period followed.

Member Hinze, seconded by Member Wolfe, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that President London Breed violated Administrative Code (Sunshine Ordinance), Sections 67.21(a)(b)(e) and 67.25, by failing to respond to an Immediately Disclosure Request in a timely and complete manner and failing

to attend the hearing and explain the basis for its decision to withhold the records requested.

Public Comment:

Ann Treboux provided general comments on the matter.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

7. **File No. 17023:** Complaint filed by Ann Treboux against Margaret Baumgartner and the Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a complete and/or timely manner. (01:11:00 – 01:20:00)

Member Wolfe, seconded by Member Hinze, moved to find jurisdiction over the matter.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find violations. John Cote, Office of the City Attorney (Respondent) provided a summary of the department's position and acknowledged that the response was late. Mr. Cote stated that the original request for records provided an incorrect reference number. Mr. Cote stated that his request for clarification was sent to Ms. Baumgartner instead of to himself which contributed to the delay in the response. A question and answer period followed. The parties were provided an opportunity for rebuttals.

Member Hinze, seconded by Member Wolfe, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that Margaret Baumgartner and the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21(a), by failing to respond to an Immediately Disclosure Request in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

The parties agreed to the recommendation of the Committee. The Committee requested that the matter be scheduled before the Task Force on May 3, 2017, and waive the requirement of the parties to attend.

8. **File No. 17024:** Complaint filed by Gregory Berlin, Aqua Terra Aeris Law Group, against the Office of the Treasurer and Tax Collector, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in a timely and/or complete manner. (01:20:00 – 01:43:00)

Gregory Berlin (Petitioner) provided a summary of the complaint and requested the Committee to find violations. Mr. Berlin stated there were no response to his two written requests submitted on October 20, 2016, and December 7, 2016, and that he was provided incorrect information during his in-person visit on March 23, 2017. Mr. Berlin indicated that the response that was provided was incomplete/redacted and requested the Committee to review the redactions. Debra Lew, Office of the Treasurer and Tax Collector (Respondent) provided a summary of the department's position. Ms. Lew provided a summary of how the office processes incoming mail and stated that the department has search for the two written request for records but found no evidence of receipt. Ms. Lew acknowledged the department's response to the March 23, 2017, request on April 4, 2017, was one day late and has taken steps to insure the delay does not occur in the future. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee informed Mr. Berlin that the original complaint was regarding the timeliness of response and that a new complaint should be filed with the Task Force in order to allow the Respondent an opportunity to respond to the new allegations. In addition, the Committee does not believe it can make a ruling regarding the October 20, 2016, and December 7, 2016, public records request mailed to the Office of the Treasurer and Tax Collector as there was no evidence that the requested was transmitted or received.

Member Wolfe, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Sections 67.21(a)(b), by failing to respond to the March 23, 2017, public records request in a timely manner.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

9. **File No. 17025:** Complaint filed by the SF Urban Forest Coalition against Michael Eng, Jonas Ionin, and Christine Silva, Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(c), 67.25, and 67.34, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (01:43:00 –)

Allen Grossman (Petitioner) provided a summary of the complaint and requested the Committee to find violations. Mr. Grossman stated that the Planning Department willfully delayed the distribution of the requested records in order to accommodate various parties. Mr. Grossman stated that he did eventually receive the requested 78 records. Christine Silva and Jonas Ionin, Planning Department (Respondent) provided a summary of the department's position and acknowledged that the response to the public records request was late. The Planning Department stated a portion of the delay was due to the need to consult with the City Attorney regarding redactions. A question and answer period followed. The parties were provided the opportunity for rebuttals. Mr. Ionin requested advice from the Committee regarding the Rule of Reason and the City Attorney's Good Government Guide.

Member Bruce Wolfe opined that if possible the department should have provided available documents prior to the deadline and provide additional documents as they became available on a rolling basis in order to comply with the provisions of the Sunshine Ordinance. In addition, Member Wolfe stated that a city department is allowed to consult with the Office of the City Attorney for advice regarding redactions.

Member Wolfe, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that Michael Eng, Jonas Ionin, and Christine Silva, Planning Department, violated Administrative Code (Sunshine Ordinance), Section 67.21(a), by failing to respond to a public records request in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hinze, Tesfai

Noes: 0 - None

The parties were informed that the matter would be scheduled before the Task Force on May 3, 2017.

10. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar.**

Member Wolfe requested that the Committee schedule a hearing to discuss the issue of multiple complaint filings by one petitioner against a specific department.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:53 p.m.

APPROVED: May 23, 2017
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.