August 15, 2011

San Francisco Ethics Commission          George Gascón, District Attorney
25 Van Ness Avenue, Suite 220         San Francisco District Attorney’s Office
San Francisco, CA 94102                  Hall of Justice, 855 Bryant Street, Room 322
                                         San Francisco, CA 94103

Re: Referral for Enforcement of Order and Notice of Official Misconduct
Sunshine Complaint No. 11014
Patrick Monette-Shaw v. Ethics Commission


This willful failure and official misconduct finding is noticed for appropriate action pursuant to:

(1) Sunshine Ordinance Section 67.34 whereby the “willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct” and

(2) San Francisco City Charter Section 15.105(e) (Official Misconduct).

The Task Force further refers the Order for enforcement, and requests Mr. St. Croix be required to produce the public information and documents requested by complainant Patrick Monette-Shaw.

This enforcement referral is made pursuant to:

(1) Sunshine Ordinance Section 67.21(e) whereby the “Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance” when a custodian of records refuses to comply with an order; and
(2) Sunshine Ordinance Section 67.30(c) whereby “the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act . . . whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

**Background**

Patrick Monette-Shaw filed a complaint with the Task Force on March 6, 2011 alleging the Ethics Commission failed to provide records responsive to his Immediate Disclosure Request made on February 6, 2011.

**Task Force Hearing on Complaint**

On May 18, 2011, the Task Force held a hearing on the complaint.

A description of the Task Force hearing on the complaint, violations found, and decision are embodied in the Order, a copy of which is attached.

Thank you for your attention to this matter. Please contact the Task Force Administrator at sotf@sfgov.org or (415) 554- 7724 for any additional information.

Hope Johnson, Chair  
Sunshine Ordinance Task Force

David Snyder, Esq., Member, Seat No. 1*  
Sunshine Ordinance Task Force

Encl.

cc: Mayor Edwin M. Lee  
San Francisco Civil Grand Jury  
Patrick Monette-Shaw, Complainant  
John St. Croix, Respondent  
Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat No. 1 is a voting seat held by an attorney specializing in sunshine law.