

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco CA 94102-4689
Tel. No. (415) 554-7724
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May 1, 2018

District Attorney George Gascón
Hall of Justice
850 Bryant, Room 322
San Francisco, CA 94112

RE: Referral of Sunshine Ordinance Complaint pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e) (File No. 17094 Michael Petrelis V. President London Breed, Board of Supervisors)

District Attorney Gascón:

The Sunshine Ordinance Task Force (SOTF) of the City and County of San Francisco under its authority of SF Administrative Code – Sunshine Ordinance Section 67.21(e) is notifying you of a respondent's failure to comply with our Order of Determination for whatever measures are deemed necessary to ensure compliance with the provisions of the Sunshine Ordinance of the City and County of San Francisco regarding the disclosure of public records.

67.21(e) [snip] Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. **If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine 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.**

The Office of President London Breed, Board of Supervisors, did not respond to a request for public records from the petitioner, and did not attend required meetings of the SOTF under its rules in order to investigate the withholding of public records and the lack of a response. The requested records were determined by the Sunshine Ordinance Task Force to be a public record for disclosure.

The SOTF provided multiple opportunities for President/Supervisor Breed or her representative(s) to respond and to attend SOTF hearings on the following dates:

December 6, 2017
January 16, 2018
February 7, 2018
March 20, 2018
April 4, 2018

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In addition, the Office of President Breed has a history of noncompliance with the Sunshine Ordinance and has failed to respond to public records request and failed to attend Sunshine Ordinance Task Force hearings for the following complaint files:

Complaint No. 15029-2 Michael Petrelis V. President Breed, Board of Supervisors
Complaint No. 15038 Ray Hartz V. President Breed, Board of Supervisors
Complaint No. 15060 Michael Petrelis V. President Breed, Board of Supervisors
Complaint No. 17018 Josh Wolf V. President Breed, Board of Supervisors
Complaint No. 17047 Angela Greben V. President Breed, Board of Supervisors

(The Orders of Determination for the above Complaints are available at the following link: <http://sfgov.org/sunshine/documents>)

This request of the District Attorney is made in compliance with Section 67.21(e) of the Administrative Code of the City/County of San Francisco. Attached is a copy of the City and County of San Francisco Administrative Code, Section 67.21(e).

We await your determination on whatever measures you deem necessary to ensure compliance with the provisions of the Sunshine Ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Wolfe".

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

Attachment:

Order of Determination - File No. 17094

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ORDER OF DETERMINATION
March 2, 2018

DATE ISSUED
February 7, 2018

CASE TITLE – Michael Petrelis v. President London Breed, Board of Supervisors (File No. 17094)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17094: Complaint filed by Michael Petrelis 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.

HEARING ON THE COMPLAINT

On September 26, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that he has not received a response of any kind from the Office of President Breed. Mr. Petrelis stated that even if the Board of Supervisors are on break they are still responsible for responding to Immediate Disclosure Requests in a timely manner. There were no representatives from the Office of President Breed in attendance.

The Committee opined that Administrative Code, Section 67.25, is relevant to the complaint.

On February 7, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Michael Petrelis (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Mr. Petrelis stated that he requested a list of blocked addresses on President Breed's Twitter account and has not received a response. There were no speakers on behalf of the Petitioner. There were no representatives from President London Breed's Office in attendance. There were

no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF expressed concern regarding the repeated lack of attendance by the Respondent.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found a violation Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.25.

ORDER OF DETERMINATION

Member Maass, seconded by member Cannata, moved to find that President London Breed, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.25, by failing to send an authorized representative to the SOTF hearing to explain the basis for the decision to withhold requested records and failing to respond to an Immediate Disclosure Request.

The motion PASSED by the following vote:

Ayes: 6 – Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe
Noes: 0 – None
Recused – J. Wolf
Absent: 1 – Chopra
Excused: 2 – Eldon, Hyland

Member Maass, seconded by member Cannata, moved to refer the matter to the Ethics Commission to examine the matter and the possibility of a willful violation.

The motion FAILED by the following vote:

Ayes: 5 – Tesfai, Maass, Cannata, Hinze, B. Wolfe
Noes: 1 – Fischer
Recused – J. Wolf
Absent: 1 – Chopra
Excused: 2 – Eldon, Hyland

Chair Wolfe referred the matter to the Compliance and Amendments Committee and requested that the requested records be provided and that the Respondent attend the meeting as required by Administrative Code, Section 67.21(e).



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Michael Petrelis (Petitioner/Complainant)
President London Breed, Board of Supervisors (Respondent)