

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
February 7, 2022

**DATE DECISION ISSUED**  
June 5, 2019

**CASE TITLE - Denta Tadesse v. Office of the City Attorney**  
File No. 18010

**FACTS OF THE CASE**

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

**File No. 18010:** Complaint filed by Denta Tadesse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, regarding violation of the rights to privacy.

**HEARING ON THE COMPLAINT**

On April 16, 2019, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter. Committee findings including vote tallies.

Chair Cannata stated that this hearing is for jurisdiction only as there are no public records involved.

**Action: Moved by Member Hinze, seconded by Member Hyland to hear the matter for jurisdiction only as there are no public records involved in this case.**

**The motion PASSED by the following vote:**

Ayes: 3 - Hinze, Hyland, Cannata  
Noes: 0 - None

John Cote, Office of the City Attorney, (Respondent) provided a summary of the department's position. Mr. Cote referred to the City Attorney's March 14, 2019, response to this matter. Mr. Cote requested that this matter be dismissed for lack of jurisdiction consistent with the finding with regard to Complaint No. 17057 in which the SOTF did not find jurisdiction with matters subject to personal privacy.

Denta Tadesse, (Petitioner), provided a summary of the complaint. Mr. Tadesse stated that this matter arose from the City Attorney's office giving the SFMTA meeting information to Mr. Tadesse's building manager in an open envelope on February 7, 2018. Mr. Tadesse stated that the information regarding the SFMTA's decision to revoke his right to ride cable cars with his service animal was included in the packet. Mr. Tadesse stated that this process should have been held under the closed meeting process. Mr. Tadesse stated that the information he got from the SFMTA stated that this board meeting was confidential and would be held as a closed meeting. Mr. Tadesse stated that the rules of professional conduct were violated.

John Cote stated that Mr. Tadesse was speaking of another complaint (17057) not about the scheduled matter before the Committee. Mr. Cote stated that the matter before the Committee, just like File No. 17057, should be dismissed because issues of personal privacy are not subject to jurisdiction and there is no record of a public records request received by their office.

**Action: Moved by Member Hyland, seconded by Member Hinze, to refer the matter to the SOTF with the recommendation that SOTF does not have jurisdiction over right to privacy.**

**The motion PASSED by the following vote:**

Ayes: 3 - Hinze, Hyland, Cannata  
Noes: 0 - None

On June 5, 2019, the SOTF held a hearing to review the recommendation form committee and/or to review the merits of the petition/complaint.

Member Cannata provided a summary from the Compliance and Amendments Committee hearing of April 16, 2019, regarding this matter.

Denta Tadesse (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Tadesse stated that this matter arose from the City Attorney's office giving the SFMTA meeting information to Mr. Tadesse's building manager in an open envelope on February 7, 2018. Mr. Tadesse stated that this process should have been held under the closed meeting process.

Chair Wolfe stated the importance of protecting privacy. Chair Wolfe stated that under 67.24(b)(2) that city departments are to keep certain documents pertaining to litigation and not subject to disclosure until after litigation. Chair Wolfe surmised that if the documents are protected under the provisions of applicable law, then the Respondent should say that they are not releasing the information. Chair Wolfe stated that the documents were public and were in the hands of a City employee which makes them a custodian of record.

**Action: Moved by Chair B. Wolfe, seconded by Member Yankee to find jurisdiction.**

**The motion FAILED by the following vote:**

Ayes: 5 - B. Wolfe, Yankee, Hyland, LaHood, Cannata  
Noes: 5 - Martin, J. Wolf, Tesfai, Cate, Hinze  
Absent: 1 - Chopra

**Action: Moved by J. Wolf, seconded by Vice-Chair Hyland to rescind the previous vote regarding jurisdiction.**

**The motion FAILED by the following vote:**

Ayes: 5 - B. Wolfe, Hyland, LaHood, Yankee, J. Wolf  
Noes: 5 - Martin, Cannata, Tesfai, Cate, Hinze  
Absent: 1 - Chopra

#### FINDING OF FACT AND ORDER OF DETERMINATION

Based on the testimony and evidence present the SOTF made the following Findings and issued this Order of Determination as follows:

On June 5, 2019, moved by Chair Wolfe, seconded by Vice-Chair Yankee to find that there was no jurisdiction in the matter.

The motion FAILED by the following vote:

**Action: Moved by Chair B. Wolfe, seconded by Member Yankee to find jurisdiction.**

**The motion FAILED by the following vote:**

Ayes: 5 - B. Wolfe, Yankee, Hyland, LaHood, Cannata  
Noes: 5 - Martin, J. Wolf, Tesfai, Cate, Hinze  
Absent: 1 - Chopra

**Action: Moved by J. Wolf, seconded by Vice-Chair Hyland to rescind the previous vote regarding jurisdiction.**

**The motion FAILED by the following vote:**

Ayes: 5 - B. Wolfe, Hyland, LaHood, Yankee, J. Wolf  
Noes: 5 - Martin, Cannata, Tesfai, Cate, Hinze  
Absent: 1 - Chopra

Base upon the vote the SOTF did not find Jurisdiction and took no further action.

A handwritten signature in blue ink, appearing to be "BW", enclosed within a hand-drawn oval.

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Denta Tadesse (Petitioner/Complainant)  
John Cote, City Attorney's Office (Respondent)