

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
October 24, 2019**

**DATE DECISION ISSUED**  
August 7, 2019

**CASE TITLE – Mark Sullivan v. Jonathan Goldberg, David Steinberg and the  
Department of Public Works.**  
File No. 19032

**FACTS OF THE CASE**

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

File No. 19032: Complaint filed by Mark Sullivan against Jonathan Goldberg, David Steinberg and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(a)(c)(d)(g), by failing to respond to a public records request in a timely and/or complete manner; 67.5 requiring that meetings be open and public and 67.32 provision of services to other agencies.

**HEARING ON THE COMPLAINT**

On May 21, 2019, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated that in the Respondent's claims that Public Works has not entered into a contract with SFPark Alliance and that the contract is with OEWD. Mr. Sullivan stated that Public Works should have either provided the contract or obtained the contract on behalf of the Petitioner. Mr. Sullivan stated that DPW has a green benefits manager who regularly interacts with the green benefits formation committees. Mr. Sullivan stated that the documents submitted show that Mr. Goldberg attended five separate Mission Dolores green benefit district planning meetings to answer questions.

John Hooper provided comments regarding the Petitioner's complaint. Rick Correll provided comments regarding the proposed green benefit district and that possibly Mr. Sullivan could get documents from Place Lab aka SFPark Alliance.

David Steinberg, Public Works (Respondent), provided a summary of the department's position. Mr. Steinberg stated that DPW has received 33 separate records requests from Mr. Sullivan regarding green benefits districts and has produced all requested documents in their possession. Mr. Steinberg described the process for retaining emails and documents. Mr. Steinberg stated that Public Works has no additional documents to turn over to Mr. Sullivan and further stated that all requested records were provided to multiple parties on multiple occasions. Mr. Steinberg stated that they do not have the Place Lab contract in question as it was not administered by Public Works but by OEWD.

Marianne Thompson provided a summary of how green benefits districts work and their relationships with contractors. Ms. Thompson also provided information on how OEWD contracts are managed and work.

The Committee noted that the complaint is against the city department and that the SOTF previously found that the SOTF does not have jurisdiction over green benefit district (File No. 18086.) Upon discussion the Committee opined that that issue of contention is the provision of the contract with OEWD.

Due to the related issues in File Nos. 19031 and 19032 and with the agreement of the Petitioner and the Committee requested that the matters be scheduled and heard together before the SOTF.

The Committee found that the SOTF has jurisdiction and that the requested records are public and referred the matter to the SOTF for hearing.

On August 7, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mark Sullivan (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Sullivan stated he receive documentation that indicates the existence of contracts that Public Works is withholding. Mr. Sullivan stated that Public Works (PW) has given out two contracts for a GBD formation which he has not received.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Mr. Sullivan asked for records that detail the GBD Formation Committee. Mr. Steinberg stated that he closed the requests on March 21, 2019 and told Mr. Sullivan that all records have been provided and no contracts have been withheld. Mr. Stenberg stated that the Place Lab, SFParks Alliance contract is not administered by Public Works but by OEWD.

Marianne Mazzucco-Thompson (Respondent), provided an additional summary of the OEWD's position. Ms. Mazzucco-Thompson stated that she has provided the contract with SFParks Alliance to Mr. Sullivan and that there were

deliverables. Ms. Mazzucco-Thompson stated that she went back to SFParks Alliance and they provided a spreadsheet which she forwarded to Mr. Sullivan. Ms. Mazzucco-Thompson stated that all documents have been provided to Mr. Sullivan.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Jonathan Goldberg, David Steinberg and the Department of Public Works **DID NOT VIOLATE** Administrative Code (Sunshine Ordinance), Sections 67.1, 67.5 and 67.32.

#### DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Cannata, seconded by Member Cate, to find that the Department of Public Works did not violate Administrative Code (Sunshine Ordinance), Sections 67.1, 67.5 and 67.32.

The motion PASSED by the following vote:

Ayes: 9 - Cannata, Cate, Yankee, Martin, J. Wolf, Tesfai, LaHood, Hinze  
B. Wolfe  
Noes: 0 - None  
Absent: 1 - Chopra  
Excused: 1- Hyland



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Mark Sullivan (Petitioner/Complainant)  
Jonathan Goldberg, David Steinberg and the Department of Public Works  
(Respondents)