

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
September 20, 2019

**DATE DECISION ISSUED**  
August 7, 2019

**CASE TITLE – Ray Hartz v. President Norman Yee, Board of Supervisors.**  
(File No. 19042)

**FACTS OF THE CASE**

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

**File No. 19042:** Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors April 30, 2019 meeting).

**HEARING ON THE COMPLAINT**

On June 25, 2019, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that the SOTF has ruled eleven times regarding the placement of submitted 150-word summaries for inclusion into meeting minutes of the Board of Supervisors. Mr. Hartz referenced a 2012 letter regarding the format of meeting minutes. Mr. Hartz stated that the Library Commission has put his 150-word summaries into their body of the minutes and has not compromised the integrity of his comments. Mr. Hartz stated that not including his summaries is prejudicial and compromises the reading of the comment.

The Respondent was not present for the hearing and provided notice that they would not appear.

Action: Moved by Member Cate, seconded by Chair Martin, to find that the SOTF has jurisdiction, to refer the matter to the SOTF and requested that the Respondent attend the SOTF 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.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz spoke about past decisions made by the Ethics Commission regarding placement of his commentary in the Minutes. Mr. Hartz stated that the placement of his 150-word summary in an addendum and not in the body of the minutes and the use of qualifying language prior to the 150-word statement is a violation of his first amendment rights and the Sunshine Ordinance. Mr. Hartz provide a summary of previous decisions and actions regarding this issue.

The Respondent was not present at the meeting but provided a written response to the complaint.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Norman Yee, President of the Board of Supervisors (Respondent) violated Administrative Code (Sunshine Ordinance), Sections 67.16 and 67.31, by failing to place submitted 150-word summaries of Public Comment in the minutes.

#### DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Cannata, seconded by Member Martin, to find that Norman Yee, President of the Board of Supervisors, violated Administrative Code Sections 67.16 and 67.31, by failing to place submitted 150-word summaries of Public Comment in the minutes and referred the matter to the Ethics Commission for enforcement.

The motion PASSED by the following vote:

Ayes: 9 - Cannata, Martin, Yankee, J. Wolf, Tesfai, LaHood, Cate, Hinze,  
B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused: 1 - Hyland



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Ray Hartz (Petitioner/Complainant)  
Norman Yee, President of the Board of Supervisors (Respondent)  
Angela Calvillo, Clerk of the Board of Supervisors  
Wilson Ng, Office of the Clerk of the Board