

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
January 23, 2020

DATE DECISION ISSUED
December 4, 2019

CASE TITLE - Thomas Picarello v. Department of Homelessness and Supportive Housing (File No. 19079)

FACTS OF THE CASE

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

File No. 19079: Complaint filed by Thomas Picarello against the Department of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.

HEARING ON THE COMPLAINT

On September 17, 2019, acting in its capacity to hear petitions/complaints heard the matter.

Thomas Picarello (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Picarello stated that he filed an Immediate Disclosure Request on July 16, 2019, for the contracts between Homelessness and Supportive Housing (HSH) and Community Housing Partnership (CHP) from Tenant Services regarding the building he was living in. Mr. Picarello stated that he also requested the contracts between Housing and Urban Development (HUD) and CHP. Mr. Picarello stated that the documents from CHP were not received in a timely manner.

Tanya Ellis (Department of Homelessness and Supportive Housing (HSH)) (Respondent), provided a summary of the department's position. Ms. Ellis stated that HSH received Mr. Picarello's Immediate Disclosure Request on July 16, 2019 and requested a 10-day extension of time to respond due to the voluminous complexities of searching for and reviewing records and the need to consult with another agency. Ms. Ellis stated that HSH responded to Mr. Picarello's request on July 30, 2019 and provided responsive documents in PDF format per his request that were in their possession, in a timely manner. Ms. Ellis stated that

she explained to Mr. Picarello that he should contact CHP for his other requested documents.

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

On December 4, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Thomas Picarello (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Picarello stated that he sent an Immediate Disclosure Request to the Human Services Agency (HSA) who then forwarded it to the Department of Homelessness and Supportive Housing. Mr. Picarello stated that he requested contracts and records of resident complaints sent to Community Housing Project (CHP). Mr. Picarello stated that he received the contracts in the possession of the Department of Homelessness and Supportive Housing (HSH) in a timely manner, but not the contracts with HUD. Mr. Picarello also stated that he did not receive copies of the resident complaints.

Abigail Stewart-Kahn (Department of Homelessness and Supportive Housing) (Respondent), provided a summary of the department's position. Ms. Stewart-Kahn stated that on July 16, 2019, HSH received the request for records. Ms. Stewart-Kahn stated that the department requested an extension of time to respond and request that the Petitioner clarify the scope and details of the request. Ms. Stewart-Kahn stated that HSH provided contracts, amendments, and email correspondence and informed the Petitioner that they did not have contracts with HUD. Ms. Stewart-Kahn stated that HSH responded with requested materials but did not have records of resident complaints. Ms. Stewart-Kahn stated that HSH has fulfilled Petitioners' Sunshine request but is willing to work with him to provide additional records.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Department of Homelessness and Supportive Housing DID NOT VIOLATE Administrative Code (Sunshine Ordinance), Section 67.25 and referred the matter to the Compliance and Amendments Committee for monitoring to insure that he Petitioner receives information related to resident complaints.

DECISION AND ORDER OF DETERMINATIONS

On December 4, 2019, Chair B. Wolfe, seconded by Member LaHood, moved to find , to find that the Department of Homelessness and Supportive Housing DID NOT violate Administrative Code (Sunshine Ordinance), Section 67.25, and referred the matter to the Compliance and Amendments Committee for monitoring to insure that the Petitioner receives information related to resident complaints.

The motion PASSED by the following vote:

Ayes: 7 - B. Wolfe, LaHood, Yankee, Martin, J. Wolf, Hinze, Hyland

Noes: 0 - None

Absent: 1 - Tesfai

A handwritten signature in blue ink, appearing to read 'B. Wolfe', enclosed within a large, loopy oval scribble.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Thomas Picarello (Petitioner/Complainant)
Department of Homelessness and Supportive Housing (Respondent)