

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
March 28, 2020**

DATE DECISION ISSUED
March 4, 2020

CASE TITLE – Mo Green v. Public Utilities Commission
(File No. 19085)

FACTS OF THE CASE

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

File No. 19085: Complaint filed by Mo Green against the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner.

HEARING ON THE COMPLAINT

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

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that on July 31, 2019, he submitted a public records request to the San Francisco Public Utilities Commission (PUC). Mr. Green stated that the PUC provided organization charts and other records but no information on job vacancies and applicants. Mr. Green stated that many documents were redacted, such as the breakdown of different races, without legal citations. Mr. Green stated that he also received applicants' job announcements and resumes. Mr. Green stated that he did not receive sufficient responses under Sunshine.

Kesine Yip (Public Utilities Commission, (PUC)) (Respondent), provided a summary of the department's position. Ms. Yip stated that following the October 15, 2019, Complaint Committee hearing, Mr. Green submitted a voluminous request for records. Ms. Yip stated that the Custodian of Records, Michelle Peters, requested an extension of time to respond and also asked the Petitioner to narrow the scope of his records request. Ms. Yip stated that many records were not in their possession and that those that were provided, certain personal information was redacted.

Action: Moved by Member Yankee, seconded by Chair Martin, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

On March 4, 2020, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated he did not receive all of the records and the department did not respond to his question and request for clarification. Mr. Green stated that the documents were redacted inappropriately.

KesineeYip, Public Utilities Commission (Respondent), provided a summary of the department's position. Ms. Yip provided a timeline of the request for public records and responses provided. Ms. Yip noted that the request was voluminous and that there are 3 additional recent requests that are being fulfilled currently. Ms. Yip stated that on November 18, 2020, it was requested that the Petitioner provide information on any information that was missing or outstanding.

The SOTF noted that a reason for each redaction or omission be noted individually with a citation for each.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Public Utilities Commission violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Yankee, seconded by Member Martin, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.24(c) by inappropriately redacting public records.

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee,
B. Wolfe
Noes: 0 - None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Mo Green (Petitioner/Complainant)
Kesinee Yip, Public Utilities Commission (Respondent)