

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

Issued: January 31, 2022

**DATE DECISION ISSUED**

October 6, 2021

**CASE TITLE:** File No: 21054

Complaint filed by Patrick Monette-Shaw against Grant Colfax, Veronica Vien and the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing respond to a public records request in a timely and/or complete manner.

**HEARING AND ACTION ON THE COMPLAINT**

On July 20, 2021, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Minutes from the meeting are available at the following website:

[https://sfgov.org/sunshine/meeting/2021/complaint\\_072021\\_minutes](https://sfgov.org/sunshine/meeting/2021/complaint_072021_minutes)

**Audio (motion: 01:15:00-01:33:00 & vote: 01:33:00):**

<https://sanfrancisco.granicus.com/player/clip/39030>

The Committee determined the records are public and found jurisdiction over the complaint. In addition due to the lack of sufficient material information in order to provide a complete enough file for SOTF to consider the merits fairly, the Committee determined that that the Respondent provide either in person or in writing from a knowledgeable person of the data in the databases named Epic and SF *GetCare*, respectively, when the data was transferred from the old to the new system, if the information that the requester requested is contained in the new database, and whether the information is extractable or exportable from either database for the period of time that the requester made the request and provide that in writing within two weeks.

**Moved by member Forsley, seconded by Member Wolfe to find:**

- 1. The records are public records and within the jurisdiction of SOTF, and**
- 2. Respondent will provide either in writing from a knowledgeable person or the presence of a knowledgeable person at the SOTF hearing of this database and of the data including:**

- a) **When the data was transferred from the old to the new database, and**
  - b) **If the information requested is contained in the new database, and**
  - c) **Whether the information requested is extractable or exportable from either database for the period of time notated in the request by the requester, and**
3. **The Respondent provide all this information in writing within 2 weeks.**

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

Ayes: 3 - Forsley, Wolfe, Schmidt

Noes: 0 - None

On October 6, 2021, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Minutes from the meeting are available at the following website:

[https://sfgov.org/sunshine/meeting/2021/sotf\\_100621\\_minutes](https://sfgov.org/sunshine/meeting/2021/sotf_100621_minutes)

Audio (approximately 01:24:45):

<https://sanfrancisco.granicus.com/player/clip/39553>

## **FINDINGS AND ORDER OF DETERMINATION**

On October 6, 2021, the SOTF made the following Findings and issued an Order of Determination based upon the testimony and evidence presented.

**Moved by Member Padmanabhan and seconded by Member Schmidt to find the Department of Public Health violated Administrative Code Sections 67.21(b), for incomplete records production; 67.21(c), for failing to provide Mr. Monette-Shaw assistance; 67.27, for failing to provide justification for redactions; and 67.22(b), for not sending knowledgeable representative, and that the records be produced within five days, and this Complaint be referred to the Compliance and Amendments Committee for monitoring.**

The SOTF requested that the outstanding records be provided to the requester within five business days of the issuance of this Order of Determination.

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

Ayes: 7 - Padmanabhan, Schmidt, LaHood, Stein, Neighbors,  
B. Wolfe, Hyland

Noes: 0 - None

Absent: 2 - Wong, Yankee

Failure to comply with this Order of Determination within the timeframe listed above may result (but not limited to) in one or more of the following actions by the SOTF:

- Referral to the Ethics Commission for enforcement action.
- Referral to the District Attorney and/or the Attorney General who may take whatever measures they deem necessary to insure compliance with the provisions of this the Sunshine Ordinance.
- Referral to the Board of Supervisors and/or the Mayor for enforcement action.

Please submit any required responses to the Complaint/Petitioner and the SOTF Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org). Notice of hearing before the Compliance and Amendments Committee will be provide if so required to determine compliance with this Order of Determination.

A handwritten signature in blue ink, appearing to read 'Bruce Wolfe', is positioned above the printed name.

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Patrick Monette-Shaw (Petitioner/Complainant)  
Grant Colfax and the Department of Public Health (Respondent)