

**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

April 7, 2023

DATE DECISION ISSUED

November 3, 2021

CASE TITLE: - File No. 21069

File No. 21069: Complaint filed by Mark Sullivan against David Steinberg and the Department of Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c) by failing to respond to a records request in a timely and/or complete manner and by failing to assist the requester, 67.25(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, CPRA Section 6253(c) by failing to notify the requestor of the possession of records of the agency and by failing to notify the person making the request of the determination and the reasons for withholding, CPRA Section 6253.1(a)(1) by failing to identify records and information that are responsive to the request or to the purpose of the request.

HEARING AND ACTION ON THE COMPLAINT

On September 21, 2021, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing and request the SOTF to find a violation of Administrative Code, Section 67.21 and to amend the complaint and remove claim regarding 67.3.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Stein, Forsley

Noes: 0 - None

On November 3, 2021, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Moved by Member Schmidt, seconded by Vice-Chair Yankee, to find that Public Works violated CPRA, Section 6253(b) by withholding all records in their entirety and orders the Respondent to resume production of records to the Petitioner and

Administrative Code (Sunshine Ordinance), Section 67.26 for withholding all records in their entirety. In addition, the matter is forwarded to the Compliance and Amendments Committee for monitoring.

The motion PASSED by the following vote:

Ayes: 8 - Schmidt, Yankee LaHood, Wong, Stein, Hyland, Neighbors,
Padmanabhan

Absent: 1 - B. Wolfe

The Order of Determinations was approved
by the Sunshine Ordinance Task Force
on: April 5, 2023

cc. Petitioner
Respondent