

**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

March 6, 2019

DATE DECISION ISSUED

February 6, 2019

CASE TITLE – Denta Tadesse v. City Hall Building Management (File No. 18012)

FACTS OF THE CASE

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

File No. 18012: Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

HEARING ON THE COMPLAINT

On August 21, 2018, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Denta Tadesse (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Tadesse stated that this complaint is an extension of the prior complaint (File No. 18028). Mr. Tadesse stated that he was unable to reach Lori Mazzola (City Hall, Building Manager) after multiple attempts. Mr. Tadesse stated that he wants to be in compliance with the law and that he always carries her leash, but that only he should make the determination of when his service animal should be on her leash. Mr. Tadesse stated that he disagrees with the rules regarding admission to City Hall with a service animal and that he should have been allowed to attend meetings at City Hall because his service animal is always under his control without a leash. There were no speakers on behalf of the Petitioner.

John Gavin, San Francisco Real Estate Division (Respondent) provided a summary of the department's position. Mr. Gavin stated that when Mr. Tadesse came to the office for additional clarification regarding service animals in City Hall, Mr. Tadesse was informed by Lori Mazzola that he could enter the building as long as his service animal was on a leash. Mr. Gavin stated that this advice was provided based upon ADA regulations which stated that service animals be under the control of the handler at all times and that the service animal must be harnessed, leashed or tethered while in public places unless these devices

interfered with the work of the service animal or a person's disability prevents use of the device. Mr. Gavin stated that Mr. Tadesse uses voice signals to control his service animal but indicated that Mr. Tadesse stated that he does use the leash when needed and carries it with him. Mr. Gavin stated that this rule was implemented in consultation with the Mayor's Office on Disability.

Member B. Wolfe requested that both the Respondent and Sunshine Task Force legal counsel provide research on whether the law on the building rules are consistent with ADA law or whether the building rules impose a separate restriction that is not contemplated by ADA law regarding service animals.

Member B. Wolf, seconded by Chair J. Wolfe, moved to find that the SOTF has jurisdiction and to refer the matter to the SOTF for hearing.

On December 5, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

John Gavin, City Hall Building Management (Respondent), requested a dismissal of Mr. Tadesse's complaints (File Nos. 18012 and 18028).

Denta Tadesse (Petitioner) was not present when the matter was called for discussion.

Vice-Chair Hyland, seconded by Member Hinze, moved to hear the case later on the Agenda or to have the Complainant submit a written statement in support of his complaint.

On February 6, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

John Gavin, Chief Policy Advisor, City Hall Office of Building Management, (Respondent), provided a rebuttal of the department's position. Mr. Gavin stated that it was not apparent to the Sheriff's Department that Mr. Tadesse's service animal was under his control and that it the policy of City Hall that when entering the building that all service animals must be leashed. Mr. Gavin stated that that option was given to Mr. Tadesse to enter the building with his service animal on a leash.

Denta Tadesse (Petitioner) provided a rebuttal of his complaint and requested the Committee find a violation. Mr. Tadesse providing a recording of Donna Atkins's request that he put his service animal on a leash along with her interpretation of City Hall's ADA policy. Mr. Tadesse stated that his service animal is under his control which the Sheriff's Office demanded. Mr. Tadesse stated that he has a physical and mental disability which adds to the challenges he already faces and that those disabilities prevent him from using a leash. Mr.

Tadesse when he goes through different security checks he only puts his service animal on a leash until he feels safe.

Member J. Wolf inquired as to who determined whether a leash would interfere with Mr. Tadesse's ability to enter City Hall. ADA is about the person with the disability. Member Wolf stated that there are many invisible disabilities.

Member Cate wanted to know who decides whether the animal is under control? Member Cate stated that when a disability is not acknowledged someone sues the City. Member Cate agrees with Deputy City Attorney Colla that there is no case law or guidance.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that City Hall Building Management violated Administrative Code 67.13(a).

DECISION AND ORDER OF DETERMINATIONS

On February 6, 2019, Member J. Wolf, seconded Vice-Chair Hyland moved to find that City Hall Building Management violated Administrative Code of 67.13(a) by failing to allow access to a meeting of a policy body.

The motion PASSED by the following vote:

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

Noes: 1 - Cate

Absent: 1 - Chopra

Chair B. Wolfe referred File Nos. 18012 and 18028 to the Compliance and Amendments Committee to monitor the Petitioners ability to enter City Hall with his service animal off lease pursuant to Administrative Code (Sunshine Ordinance), Section 67.13(a) which states the following:

"No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, a board or commission enumerated in the charter, or any committee thereof anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to

listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office.”

A handwritten signature in blue ink, appearing to read 'BW', enclosed within a light blue circular stamp.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Denta Tadesse (Petitioner/Complainant)
Lori Mazola, City Hall Building Management (Respondent)