

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
May 21, 2019**

**DATE DECISION ISSUED**  
May 3, 2019

**CASE TITLE – Robert M. Smith v. Fine Arts Museums of San Francisco**  
(File No. 18083)

**FACTS OF THE CASE**

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

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On January 22, 2019, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to know if there was Saudi funding for the recent Museum show of Muslim fashions. Mr. Smith stated that he went to Ms. Powers to get responsive documents and that many were already on the website which she did not turn over. Mr. Smith believes that all the documents he has been requesting are public.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith requested copies of receipts, payments and other financial documentation. Ms. Powers stated that Mr. Smith's request has been complied with and requests that the Committee close the matter.

Member Cate, seconded by Member Martin, moved 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 6, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Mr. Smith stated that he asked for documents related to the funding of the Islamic Fashions exhibit at the Museum. Mr. Smith stated has not received documents responsive to his request. Mr. Smith stated that he has been told the requested records contain personal information. Mr. Smith stated that Co-FAM is getting money from admissions for exhibits at the Museum and that he should be provided those documents.

Melissa Powers, Fine Arts Museums (Respondent), provided a summary of the department's position. Ms. Powers stated that documents related to the exhibit have been produced to Mr. Smith and that there was very little to turn over. Megan Bourne, Fine Arts Museums, spoke in support of the Respondent and acknowledged that revenue from admissions goes to exhibits.

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF).

On May 1, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he has not received records regarding the Muslim Fashions exhibit except for a few non-substantive documents such as the cocktail party invitation. Mr. Smith asked that the SOTF to find the Museum in violation of the law and to forward the matter to the District Attorney.

Melissa Powers, Fine Arts Museum (Respondent), was not present and communicated to SOTF, prior to the hearing, that due to previous commitments they are unable to send a representative to the hearing.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that The Fine Arts Museum (Respondent) violated Administrative Code (Sunshine Ordinance), Sections 67.21(a)(e).

## DECISION AND ORDER OF DETERMINATIONS

On May 1, 2019, Member Cannata, seconded by Member Hinze, moved to find that the Fine Arts Museum of San Francisco violated Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (e), by not providing the requested documents in a timely and/or complete manner and for not sending a representative to the hearing.

In addition, the matter was referred to the Compliance and Amendments to ensure that the remaining requested documents have been provided.

The motion PASSED by the following vote:

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

Noes: 0 - names

Absent: 2 - Cate and Chopra



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Robert M. Smith (Petitioner/Complainant)  
Mellissa Powers, Fine Arts Museums of San Francisco (Respondent)