

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
May 21, 2019**

DATE DECISION ISSUED

May 1, 2019

CASE TITLE - Sandra Weese v. Kevin Guy, Director, Office of Short-Term Rentals,
Planning Dept.

(File No. 18095)

FACTS OF THE CASE

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

File No. 18095: Complaint filed by Sandra Weese against Kevin Guy and the Office of Short- Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

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

Sandra Weese (Petitioner) did not appear and there was no communication with the SOTF Administrator prior to the hearing.

Kevin Guy (Office of Short-Term Rentals) (Respondent) provided a summary of the department's position. Mr. Guy stated that there is specific information collected and used to identify rentals including a unique registration number which is provided by the Office. Mr. Guy stated that this unique number is provided because it firewalls being able to provide personal information and that Hosts are required to use this number when answering emails. Mr. Guy stated that it is the practice of the office to not provide certain private information. Mr. Guy stated that the City Attorney's Office has advised that no personal information be provided to the general public. Mr. Guy requested that this complaint be dismissed.

The Complaint Committee moved that the SOTF has jurisdiction, to find that the requested records are public and to refer the matter to the SOTF for hearing.

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.

Sandra Weese (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Weese stated that on November 22, 2018, she submitted a records request for a list of all registrants with contact information registered with San Francisco's Office of Short-Term Rentals. Ms. Weese stated that Kevin Guy responded with a certificate number, a street name, street type and a zip code. Ms. Weese stated that Mr. Guy responded stating that he could not provide the information based on Administrative Code, Section 41(a), which states that they can redact any permanent resident's names, street names and unit numbers from public review. Ms. Weese stated that she has received this same information from many cities and that provided examples in the packet.

Kevin Guy, Director, Office of Short-Term Rentals (Respondent), provided a summary of the department's position. Mr. Guy stated that the language that was cited does come directly from Administrative Code, Section 41(a). Based upon advice from the City Attorney, Mr. Guy stated that the registry in question shall be available for public review except that the department shall redact any name and address. Mr. Guy stated that the identifying information of a host would allow the public to locate the listing and the date when property is vacated. Mr. Guy stated that hosts provide personal information including tax forms, credit card or email information with the expectation of privacy.

Member J. Wolf asked Mr. Guy what state or city code was used to justify the redactions?

Mr. Guy stated that due to several media requests asking for detailed maps and in consultation with the City Attorneys' Office, the Office of Short-Term Rentals has utilized Administrative Code, Section 41(a), and the City Attorney's Good Government Guide as a basis for redacting personal identifying information.

Action: Moved by Member Cate, seconded by Member Martin, to find that the Office of Short-Term Rentals violated Administrative Code, Sections 67.21(b), 67.26 and 67.27, by not providing the requested documents in a timely and/or complete manner and redacting personal information without provide justification. In addition, the SOTF requested that the legal justification for redaction be provided and/or that the un-redacted documents be provided and referred the matter to the Compliance and Amendments Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Office of Short-Term Rentals violated Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Cate, seconded by Member Martin moved to find that the Office of Short-Terms Rentals violated Administrative Code, Sections 67.21(b), 67.26 and 67.27, by not providing the requested documents in a timely and/or complete manner and redacting personal information without provided justification. In addition, the SOTF requested that the legal justification for redaction be provided and/or that the un-redacted documents be provided and referred the matter to the Compliance and Amendments Committee.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 2 - Tesfai and Chopra

A handwritten signature in blue ink, appearing to read 'B. Wolfe', is enclosed within a circular blue ink stamp.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Sandra Weese (Petitioner/Complainant)
Kevin Guy, Director, Office of Short-Term Rentals (Respondent)