



SUNSHINE ORDINANCE TASK FORCE
Complaint Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES

Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

August 15, 2023
SCHEDULE START TIME 5:30 PM

Regular Meeting

Members: Dean Schmidt (Chair), Laura Stein and Bruce Wolfe

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Chair Schmidt called the meeting to order at 5:33 p.m. On the call of the roll Chair Schmidt and Members Stein and Wolfe were noted present. There was a quorum.

Action: Moved by Chair Schmidt, seconded by Member Stein, to continue File No. 23028 to the call of the Chair.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

2. Approval of the July 18, 2023, Complaint Committee meeting minutes.

Action: Moved by Chair Schmidt, seconded by Member Stein, to approve the July 18, 2023, minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

4. **File No. 23027** Complaint filed by Maria Schulman against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner; 67.26 by failing to keep withholding to a minimum; 67.27 by failing to provide justification of withholding.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she requested records of the Vicious and Dangerous Dog hearing about a specific dog in February 2023, but the respondent said they were not immediately available. On March 3, 2023, Deputy City Attorney James Conger stated that records were not immediately available. Ms. Schulman stated she received her records after extensively requesting them.

Sara Maunder (Department of Police Accountability) (Respondent), provided a summary of the department's position. Ms. Maunder stated that her department is denying all allegations.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Stein, seconded by Member Wolfe, to find the records are public, there is jurisdiction, to refer the case to the SOTF for hearing. The Committee asked Ms. Schulman if she received records that could be germane and easily understood and asked if she could help make the packet more complete.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Wolfe, Schmidt

Noes: 0 - None

5. **File No. 23028** Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

See Item 1 for the disposition of this matter.

6. **File No. 23024** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Paul Kniha (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kniha stated that he has multiple cases against the San Francisco Municipal Transportation Agency. Mr. Kniha also stated the incorrect response was included in the packet. Mr. Kniha stated that based on his past experience, the SFMTA denies their allegations and hopes there is a reconsideration.

Leanne Nhan (San Francisco Municipal Transportation Agency) (Respondent), provided a summary of the department's position. Ms. Nahn stated that her department submitted a response.

Action: Moved by Chair Schmidt, seconded by Member Stein, to continue the matter until the September 19, 2023, Complaint Committee.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Stein, Wolfe

Noes: 0 - None

7. **File No. 23048:** Complaint filed by Rosa L. the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Rosa L. (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Rosa L. stated that she filed a request in 2022 for records of encampments and there have been no responsive records received, but reminders for those records went out in April, May, June and July.

Lt. William Toomey (Police Department) (Respondent), provided a summary of the department's position. Lt. Toomey stated that this request involves the term "encampment resolutions" using the Police Department body cam footage which is

defined when using the term “encampment” during an arrest. On February 27 no further communications were received, and the request was closed. The Police Department did due diligence and clarified what documents were responsive and provided them.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Chair Schmidt, seconded by Member Wolfe, that the records are public, there is jurisdiction and that this matter be forwarded to the SOTF for hearing with a recommendation for a violation of Administrative Code, Sunshine Ordinance, Section 67.21.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Wolfe, Stein

Noes: 0 - None

8. **File No. 23053:** Complaint filed by Sergei Severinov against the Police Department for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

Sergei Severinov (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Severinov stated that a raid of his house took place after he submitted complaints to the SOTF. Mr. Severinov also stated that his minor daughter was molested. Mr. Severinov was told by the Police Department to approach the Department of Police Accountability and request further information.

Lt. Toomey (Police Department) (Respondent), provided a summary of the department’s position. Lt. Toomey stated that his department provided information on how to obtain records from the Department of Emergency Management and how to obtain Police reports. Lt Toomey also stated that 83 minutes, 11 clips of body cam were also provided and that the only outstanding records are police reports.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Dean Schmidt, seconded by Member Wolfe that the records are public, there is jurisdiction and to forward the matter to the SOTF with the recommendation for a violation of Administrative Code, Sunshine Ordinance, Section 67.21.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 - Schmidt, Wolfe, Stein

Noes: 0 - None

9. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

There were no announcements or comments.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:34 p.m.

APPROVED: September 19, 2023

Complaint Committee

Sunshine Ordinance Task Force

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.