

**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
February 27, 2017**

DATE ISSUED
February 1, 2017

CASE TITLE – Anonymous v. Andrew Perry, Anne Brask and the Planning Department
(File No. 16106)

FACTS OF THE CASE

On October 28, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 16106: Complaint filed by Anonymous against Andrew Perry, Anne Brask and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21(c), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On December 20, 2016, the Complaint Committee (Committee) acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing.

On February 1, 2017, the SOTF reviewed the recommendation from Committee and held a hearing to review the merits of the complaint.

The Petitioner/Complainant was not present during the hearing. There were no speakers in support of the Petitioner/Complainant. Christine Silva, Planning Department (Respondent), provided a summary of the department's position. Ms. Silva stated that the department provided responsive documents and that the requested complete checklist for the property in question does not exist. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that a violation of Administrative Code (Sunshine Ordinance), Section 67.21(c) occurred.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Hinze, moved to find the Planning Department in violation of Administrative Code, Section 67.21(c), by failing to assist a requester in identifying the existence, form and nature of any records or information maintained by, available to, or in the custody of the department.

The motion PASSED by the following vote:

Ayes: 7 - Baranetsky, Tesfai, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused: 3 - Eldon, J. Wolf, Maass

The Task Force referred the matter to the Compliance and Amendments Committee and directed the Planning Department to work with the Petitioner/Complainant to determine which codes are relevant to the property in question and provided other related records.

The Task Force request that the Petitioner/Complaint attend the Committee meeting. Non-attendance shall result to the closing/conclusion of the complaint.



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Anonymous (Petitioner/Complainant)
 - Christine Silva, Planning Department (Respondent)
 - Andrew Perry, Planning Department (Respondent)
 - Anne Brask, Planning Department (Respondent)