

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 10, 2017**

DATE ISSUED
June 7, 2017

CASE TITLE – Dolores Clean v. Randy Quezada and the Department of Homelessness and Supportive Services (File No. 17017)

FACTS OF THE CASE

On March 21, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (Task Force):

File No. 17009: Complaint filed by Dolores Clean against Randy Quezada and the Department of Homelessness and Supportive Housing 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 April 25, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the Task Force for hearing.

Dolores Clean (Petitioner/Complainant) provided a summary of the complaint and requested the Committee to find violations. Mr. Clean stated that tweets are public records and provided information on recent court findings. Randy Quezada, Department of Homelessness and Supportive Housing (Respondent), provided a summary of the departments position and acknowledged that the response to the request for public records was late. Mr. Quezada stated that even if a person is blocked on Twitter they can still log off and view all tweets, but as a courtesy Mr. Clean has been unblocked. A question and answer period followed.

The Committee opined that Twitter is not under the control of the City and County of San Francisco and cannot force Twitter to retrieve deleted records. There is currently no existing policy regarding Twitter and other social media platforms and further discussion on the issue should be considered by the city regarding issues such as use and records retention.

Member Wolfe, seconded by Member Hinze, moved to refer the matter to the Sunshine Ordinance Task Force with recommendation to find that the Task Force has jurisdiction and to find that Randy Quezada and the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely manner.

On June 7, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Dolores Clean (Petitioner/Complainant) provided an overview of the complaint and requested that the Task Force find violations. Mr. Clean stated that when Twitter is used for public work it becomes a public record that there should not be any targeted deletions of records. There were no speakers in support of the Petitioner. Randy Quezada, Department of Homelessness and Supportive Housing (Respondent), provided a summary of the department's position and acknowledged that the response to the public records request was not timely. Mr. Quezada note that the department is relatively new and that they are working on establishing policy and procedures regarding public records. Mr. Quezada stated that the department no longer block Twitter accounts and would appreciate any advice that the Task Force can provide regarding the use of Twitter. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the Task Force found that Randy Quezada and the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section 67.21.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Hinze, moved to find Randy Quezada and the Department of Homelessness and Supportive Housing violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely manner.

The motion PASSED by the following vote:

Ayes: 9 - Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland,
B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Dolores Clean (Petitioner/Complainant)
Randy Quezada, Department of Homelessness and Supportive Housing
(Respondent)