

Item 5

Referral

**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
TDD/TTY No. (415) 554-5227**

November 21, 2016

LeeAnn Pelham, Executive Director
Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Re: Referral to the Ethics Commission for Enforcement
Ray Hartz v. Supervisor Eric Mar, Board of Supervisors (Task Force File No. 15072)

Dear Ms. Pelham,

The Sunshine Ordinance Task Force (Task Force) hereby refers the subject complaint to the Ethics Commission (Commission) for enforcement. This referral is made pursuant to San Francisco Administrative Code (Admin. Code), section 67.30 (c), which provides that "the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this Ordinance or the Acts."

In this case, the Task Force found that Supervisor Eric Mar, Board of Supervisors, in violation of Admin. Code Sections 67.21 (e) by failing to comply or not fully comply with a request for public records, 67.25 (a) by failing to respond to an Immediate Disclosure Request in a timely manner and 67.34 by willfully failing to discharge duties under the Sunshine Ordinance. Attached to this referral letter are the following documents:

- 03/24/15 - Complaint file by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, and a copy of the Immediate Disclosure Request
- 3/30/15 - Notice of complaint referred to Respondent
- 5/18/15 - Notice of hearing for June 5, 2015
- 6/29/15 - Order of Determination issued and complaint referred to Committee for review
- 2/24/16 - Notice of Committee hearing for March 14, 2016
- 3/14/16 - Request for continuance from Mr. Hartz (Complainant)
- 4/21/16 - Notice of Committee hearing for May 9, 2016
- 5/31/16 - Memo to Supervisor Mar with requests/instructions
- 7/8/16 - Notice of hearing for the July 26, 2016 meeting
- 7/8/16 - Request for confirmation of attendance sent to Supervisor Mar
- 7/28/16 - Confirmation of response from Supervisor Mar's Office
- 8/18/16 - Notice of Hearing for the September 7, 2016 meeting
- 10/11/16 - Revised Order of Determination issued

Agendas, minutes, and audio recordings of the June, 5, 2015, May 9, 2016, July 26, 2016, and September 7, 2016 meetings are available on the Task Force website at:

<http://sfgov.org/sunshine/sunshine-meeting-information>

The Revised Order of Determination, issued on October 11, 2016, describes the complaint, the procedural history at the Task Force, and the Task Force's reasoning and findings.

Please note that Supervisor Eric Mar was aware of the proceedings before the Task Force and was sent notices of Task Force hearings.

The Task Force takes this matter very seriously and believes strongly that Supervisor Eric Mar intentionally refused to respond to Mr. Hartz's Immediate Disclosure Request, failed to appear at meetings before the Task Force or its Committees to discuss the issue, and did not provide a written response to the request for over 15 months.

Based on the testimony and evidence presented at the hearings, the Task Force's interpretation of the Ordinance and other applicable laws, the Task Force finds that the failure to respond to the Immediate Disclosure Request in a timely and complete manners violated Sections 67.21 (e) and 67.25 (a) of the Sunshine Ordinance and that the lack of policy infers intentional and willful non-compliances with the Sunshine Ordinance.

The motion to refer this matter to the Ethics Commission for enforcement was passed at the September 7, 2016 Task Force meeting by the following vote:

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

Noes: 0 - None

Absent: 1 - Chopra

Excused: 1 - Tesfai

Thank you for your careful attention to this matter. You may contact Task Force Administrator Victor Young at sotf@sfgov.org or (415) 554-7724 with any questions.

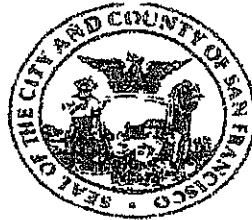
Sincerely,

A handwritten signature in blue ink, appearing to read 'Bruce Wolfe', enclosed within a circular scribble.

Bruce Wolfe
Chair, Sunshine Ordinance Task Force

Attachments

c: Sunshine Ordinance Task Force Members
 Nicholas Colla, Deputy City Attorney
 Ray Hartz (Complainant)
 Supervisor Eric Mar, Board of Supervisors (Respondent)



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 MAR 24 PM 2:06

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SUNSHINE ORDINANCE TASK FORCE

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission

BOARD OF SUPERVISORS

Name of individual contacted at Department or Commission

ERIC MAR



Alleged violation public records access



Alleged violation of public meeting. Date of meeting

N/A

Sunshine Ordinance Section

67.21

(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

AN IDR SENT TO THE SUPERVISOR ON MARCH 19,
2015 RECEIVED NO RESPONSE

Do you want a public hearing before the Sunshine Ordinance Task Force?



yes



no

Do you also want a pre-hearing conference before the Complaint Committee?



yes



no

(Optional)¹

Name

Mr. Ray W. Hartz Jr.
839 Leavenworth St. #304
San Francisco, CA 94109-6131

Address

Telephone No. (415) 345-9144

E-Mail Address

RWHARTZJR@COMCAST.NET

Date

MARCH 24, 2015

Signature

I request confidentiality of my personal information.



yes



no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

Young, Victor

From: Ray [rwhartzjr@comcast.net]
Sent: Thursday, March 19, 2015 11:52 AM
To: Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS); Lee, Edwin (Mayor) (ADM); SOTF (BOS); Castillo, Almer (LIB); City Librarian (LIB); Ethics Commission (ETH); Congresswoman Nancy Pelosi; SFGate Newsletters; Association, Library; James Chaffee; Blackman, Sue (LIB)
Cc: Hsieh, Frances (BOS); Rubenstein, Beth (BOS); Pollock, Jeremy (BOS)
Subject: IMMEDIATE DISCLOSURE REQUEST

IMMEDIATE DISCLOSURE REQUEST

To all members of the Board of Supervisors,

An ongoing fraud is being perpetrated on the citizens of San Francisco!

As best as I can figure using their submissions to the Secretary of State, The Friends have expended \$70,000,000 raised in the name of the citizens of San Francisco and their public library. You, along with all of the other members of the Board of Supervisors, have given annual approvals to the SFPL to accept funds from this group without any indication that you went beyond "rubber stamping" the documents.

As I and other members of the public have repeatedly brought to the attention of the Board of Supervisors and it's members, the City Librarian, Luis Herrera and the members of the Library Commission have failed to provide oversight for these funds. This is contrary to public policy and the fiduciary responsibilities the members of the Commission have as a result of their approval of this ongoing relationship between the SFPL and The Friends. It is, in fact, a case of continuing negligence on their part. Given that you and Supervisor Farrell approved the last acceptance of funds, despite public warnings of financial irregularities, and voted to recommend the full BOS approve the acceptance, you have become a knowing and willing participant in this ongoing deception. It is a deception of the citizens of San Francisco and, in particular, those members of the public who contribute of their money and time to The Friends, believing that the overall beneficiary of this money and effort is the San Francisco Public Library.

This request is specifically for any and all documents that each of you and/or your staff reviewed in the calendar years 2012, 2013, 2014 and 2015 in the process of deciding on whether or not to approve The Friends annual "gifts" to the San Francisco Public Library.

As I have previously requested documents from both Supervisor Avalos and Supervisor Farrell, I don't believe that you actually made any effort whatsoever to review where the almost \$70,000,000

dollars has gone. As the City Librarian and the Library Commission have failed to produce any documents which would show any level of understanding of the financial dealings of The Friends in the expenditure of this money, raised in the name of the San Francisco Public Library, it would seem they have managed to make you a participant in this deception of the public. I would like to know if ANY member of the BOS has attempted to provide oversight of either the SFPL, the City Librarian and/or the Library Commission in the approval of this group of private citizens having control over tens of millions of dollars.

This request is for any such documents in electronic formats, including any emails to which the documents were attached when submitted to your respective offices. As this is an IDR, I would expect a response from each of you no later than close of business tomorrow, March 20, 2015.

IMMEDIATE DISCLOSURE REQUEST

From: "Sue Blackman (LIB)" <Sue.Blackman@sfpl.org>
To: "Ray" <rwhartzjr@comcast.net>, "City Librarian (LIB)" <citylibrarian@sfpl.org>, "Almer Castillo (LIB)" <Almer.Castillo@sfpl.org>
Cc: "Sue Blackman (LIB)" <sue.a.blackman@sfgov.org>, "SOTF" <sotf@sfgov.org>, "John Avalos (BOS)" <john.avalos@sfgov.org>, "London Breed (BOS)" <london.breed@sfgov.org>, "David Campos (BOS)" <david.campos@sfgov.org>, "David Chiu (BOS)" <david.chiu@sfgov.org>, "Malia Cohen (BOS)" <malia.cohen@sfgov.org>, "Mark Farrell (BOS)" <mark.farrell@sfgov.org>, "Jane Kim (BOS)" <jane.kim@sfgov.org>, "Eric Mar (BOS)" <eric.mar@sfgov.org>, "Katy Tang (BOS)" <katy.tang@sfgov.org>, "Scott Wiener" <scott.wiener@sfgov.org>, "Norman Yee (BOS)" <norman.yee@sfgov.org>, "Library Association" <libraryusers2004@yahoo.com>, "Edwin Lee (Mayor) (ADM)" <edwin.lee@sfgov.org>, "Congresswoman Nancy Pelosi" <Pelosi.Updates@mail.house.gov>, "San" <San_San Francisco_Public_Press@mail.vresp.com>, "john lee" <john.ele81946@gmail.com>, "Kimberly Washington" <kjwashington@usfca.edu>, "Mary Wardell Ghirarduzzi (mjwardell@usfca.edu)" <mjwardell@usfca.edu>, "Michael Nguyen" <mpnguyen@me.com>, "Susan Mall" <susanmall@sbcglobal.net>, "Teresa Ono" <tazono@yahoo.com>, "Zoe Dunning" <zdunningsf@gmail.com>
Sent: Thursday, March 19, 2015 11:01:49 AM
Subject: RE: LIBRARY COMMISSION AGENDA FOR MARCH 19, 2015

Mr. Hartz,

The complete Commission packets for today's meeting were mailed on Monday as they always are the week of the Commission meeting. Your packet was included in this mailing. In addition, the agenda and all explanatory documents were posted on the SFPL website and copies were available in the library on Monday as required by the Sunshine Ordinance. If you would like me to add your name to the email list of the agenda which also goes out the Monday before the Thursday meeting, I would be happy to do so.

Sue Blackman
Library Commission Secretary/
Custodian of Records
San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102

Young, Victor

From: SOTF, (BOS) on behalf of SOTF (BOS)
Sent: Monday, March 30, 2015 2:25 PM
To: Breed, London (BOS); Campos, David (BOS); Farrell, Mark (BOS); Mar, Eric (BOS); Yee, Norman (BOS)
Cc: Colla, Nicholas (CAT); Ray, Ng, Wilson (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 15038
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf; SOTF Complaint 15038.pdf

Good Afternoon,

Supervisors London Breed, David Campos, Mark Farrell, Eric Mar, and Norman Yee, Board of Supervisors, have been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

File No. 15038: Complaint filed by Ray Hartz against Supervisors London Breed, David Campos, Mark Farrell, Eric Mar, and Norman Yee, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

Complaint Attached.

Both parties (Complainant and Respondent) will be contacted once a hearing date is determined.

Complainants: Your attendance is required at this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, attendance by the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Also, attached is the Sunshine Ordinance Task Force's complaint procedures.

Pursuant to Section 67.21(b), If the custodian of public records believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of the Sunshine Ordinance.

Thank you.

Victor Young

Administrator

Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Pl., Room 244

San Francisco CA 94102

phone 415-554-7724

fax 415-554-5163

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<http://www.sfbos.org/index.aspx?page=104>

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Young, Victor

From: SOTF, (BOS)
Sent: Monday, May 18, 2015 1:38 PM
To: arsy214@gmail.com; Lee, Frank (DPW); Fong, Bayard (ADM); Truax, Nichole (PUC); Johnston, Jennifer (ADM); Gavin, John (ECN); Ng, Veronica (ADM); mpetrelis@aol.com; Calvillo, Angela (BOS); Ng, Wilson (BOS); Breed, London (BOS); Campos, David (BOS); Ray, Farrell, Mark (BOS); Mar, Eric (BOS)
Cc: Colla, Nicholas (CAT); Johnston, Conor (BOS); Goossen, Carolyn (BOS); Stefani, Catherine; Lim, Victor (BOS); , (CAT); Lauterborn, Peter (BOS); Pagoulatos, Nickolas (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing- Sunshine Ordinance Task Force - June 3, 2015
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf

Good Afternoon,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 3, 2015

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints -

File No. 15002: Complaint file by Ali Altaha against the Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to various requests for public records in a timely and/or complete manner.

File No. 15003: Complaint filed by Ali Altaha against Maria Cordera, Director, Contract Monitoring Division, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to various requests for public records in a timely and/or complete manner.

File No. 15029: Complaint filed by Michael Petrelis against Angela Calvillo, Clerk of the Board of Supervisors, President London Breed and Supervisor David Campos, Board of Supervisor, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond to a request for public records in a timely and/or complete manner.

File No. 15060: Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, for failure to respond an Immediate Disclosure Request for public records in a timely and/or adequate manner.

File No. 15038: Complaint filed by Ray Hartz against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 15070: Complaint filed by Ray Hartz against Supervisor David Campos, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 15071: Complaint filed by Ray Hartz against Supervisor Mark Farrell, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 15072: Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failure a response to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **May 27, 2015, at 5:00 p.m.**

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org



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**SUNSHINE ORDINANCE
TASK FORCE**



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Fax No. (415) 554-7854
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**ORDER OF DETERMINATION
June 29, 2015**

DATE DECISION ISSUED
June 3, 2015

CASE TITLE - Ray Hartz v. Supervisor Eric Mar, Board of Supervisors
(File No. 15072)

FACTS OF THE CASE

Ray Hartz (Complainant) made a complaint alleging that Supervisor Eric Mar, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

COMPLAINT FILED

On March 24, 2015, Mr. Hartz filed a complaint with the Sunshine Ordinance Task Force (SOTF) regarding the alleged violation.

HEARING ON THE COMPLAINT

On June 3, 2015, the SOTF held a hearing on the matter. Ray Hartz (Complainant) provided an overview of the complaint and requested the SOTF find violations. Victor Lim, Legislative Aide to Supervisor Mar (Respondent), provided a summary of the Supervisor Mar's position. Mr. Lim acknowledged that the response to the Immediate Disclosure Request was not provided to the Complainant and that steps have been taken to ensure that the oversight does not occur again in the future.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of the Complainant to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.25(a), applicable in this case.

DECISION AND ORDER OF DETERMINATION

The SOTF finds Supervisor Eric Mar, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely manner.

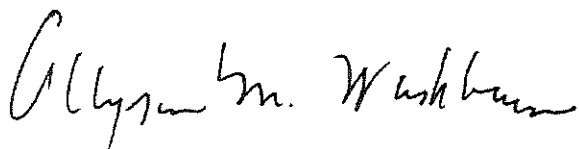
The matter shall be referred to the Education, Outreach, and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 3, 2015, by the following vote:

Ayes: 7 - Pilpel, Hepner, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 2 - Chopra, Wolf



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Members, Sunshine Ordinance Task Force
 - Nicholas Colla, Deputy City Attorney
 - Ray Hartz, Complainant
 - Supervisor Eric Mar, Board of Supervisors
 - Victor Lim, Office of Supervisor Eric Mar

Young, Victor

From: SOTF, (BOS)
Sent: Wednesday, February 24, 2016 9:11 AM
To: 'mpetrelis@aol.com'; Mar, Eric (BOS); Lim, Victor (BOS); Pagoulatos, Nickolas (BOS); 'Ray'; 'Bob Planthold'; 'louis.liss@sfmta.com'; Boomer, Roberta (MTA)
Cc: Ng, Wilson (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee: March 14, 2016, 4:00 p.m.

Good Morning:

Notice is hereby given that the Education, Outreach and Training Committee of the Sunshine Ordinance Task Force has scheduled hearings on the following titled complaints, 1) to issue a determination of jurisdiction; 2) to review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; 3) to issue a report and/or recommendation to the Sunshine Ordinance Task Force and/or 4) to review the status of and ascertain compliance with the Task Force's Order of Determination.

Date: March 14, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complaints:

File No. 16008: Complaint filed by Michael Petrelis against Supervisor Eric Mar for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended; and not completely complying with request for the calendar of Supervisor Eric Mar.

File No. 15072: Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)

File No. 15143: Hearing on the Status of the Order of Determination - Complaint filed by Bob Planthold against Sonja Kos and Becky Hogue of the Pedestrian Safety Advisory Committee for violating Administrative Code (Sunshine Ordinance), Section 67.7, for failure to meet agenda posting requirements.

(On December 2, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.7, occurred for failure to post the October 13, 2015, agenda in a timely manner and referred the matter to the Education, Outreach and Training Committee for discussions regarding development of support and training for both policy and advisory bodies).

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For additional document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by 5:00 pm, **March 9, 2016**.

Victor Young
Administrator
Sunshine Ordinance Task Force
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San Francisco CA 94102
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victor.young@sfgov.org | www.sfbos.org



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Young, Victor

From: Ray <rwhartzjr@comcast.net>
Sent: Monday, March 14, 2016 10:24 AM
To: SOTF, (BOS)
Cc: mpetrelis; Mark Rumold; Bob Planthold; louis liss; Boomer, Roberta (MTA); Lim, Victor (BOS); Pagoulatos, Nickolas (BOS); Redondiez, Raquel (BOS); Calvillo, Angela (BOS)
Subject: Re: SOTF Education, Outreach and Training Committee - Agenda and Packet for March 14, 2016 - online

Mr. Young, et al,

I will be unable to attend the CAA meeting this afternoon due to a personal matter.

I would ask that this be continued to a subsequent meeting of the committee.

Ray W Hartz, Jr.
Director, San Francisco Open Government
(415)345-9144

From: "SOTF" <sotf@sfgov.org>
To: "mpetrelis" <mpetrelis@aol.com>, "Mark Rumold" <sotf.rumold@gmail.com>, "Ray" <rwhartzjr@comcast.net>, "Bob Planthold" <political_bob@att.net>, "louis liss" <louis.liss@sfmta.com>, "Roberta Boomer (MTA)" <roberta.boomer@sfmta.com>
Cc: "Victor Lim (BOS)" <victor.lim@sfgov.org>, "Nickolas Pagoulatos (BOS)" <nickolas.pagoulatos@sfgov.org>, "Raquel Redondiez (BOS)" <raquel.redondiez@sfgov.org>, "Angela Calvillo (BOS)" <angela.calvillo@sfgov.org>
Sent: Friday, March 11, 2016 1:39:06 PM
Subject: SOTF Education, Outreach and Training Committee - Agenda and Packet for March 14, 2016 - online

Good Afternoon:

The agenda packet for the Sunshine Ordinance Task Force – Education, Outreach and Training Committee March 14, 2016, meeting is available online at the following link:

<http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=55290>

The packet material is linked each item listed on the agenda. Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Please note that the additional material may have been added to the file and is available as part of the packet at the above listed link.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org



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Young, Victor

From: SOTF, (BOS)
Sent: Thursday, April 21, 2016 1:33 PM
To: 'mpetrelis@aol.com'; Mar, Eric (BOS); Lim, Victor (BOS); Pagoulatos, Nickolas (BOS); 'Ray'; 'Bob Planthold'; 'louis.liss@sfmta.com'; Boomer, Roberta (MTA)
Cc: Ng, Wilson (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee: May 9, 2016, 4:00 p.m.

Good Afternoon:

Notice is hereby given that the Education, Outreach and Training Committee of the Sunshine Ordinance Task Force has scheduled hearings on the following titled complaints, 1) to issue a determination of jurisdiction; 2) to review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; 3) to issue a report and/or recommendation to the Sunshine Ordinance Task Force and/or 4) to review the status of and ascertain compliance with the Task Force's Order of Determination.

Date: May 9, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complaints:

File No. 16008: Complaint filed by Michael Petrelis against Supervisor Eric Mar for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.29-5, by failing to keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended; and not completely complying with request for the calendar of Supervisor Eric Mar.

File No. 15072: Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (Discussion and Action) (attachment)

(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)

File No. 15143: Hearing on the Status of the Order of Determination - Complaint filed by Bob Planthold against Sonja Kos and Becky Hogue of the Pedestrian Safety Advisory Committee for violating Administrative Code (Sunshine Ordinance), Section 67.7, for failure to meet agenda posting requirements. (Discussion and Action) (attachment)

(On December 2, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.7, occurred for failure to post their October 13, 2015, agenda in a timely manner and referred the matter to the Education, Outreach and Training Committee for discussions regarding development of support and training for both policy and advisory bodies.)

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by 5:00 pm, **May 4, 2016**.

Victor Young
Administrator

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org



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Victor Young
Administrator

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
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Young, Victor

From: SOTF, (BOS)
Sent: Tuesday, May 31, 2016 2:17 PM
To: Mar, Eric (BOS)
Cc: Colla, Nicholas (CAT); Lim, Victor (BOS); 'Ray'; Calvillo, Angela (BOS)
Subject: SOTF - Education, Outreach and Training Committee - File No. 15072
Attachments: 15072 - Committee Memo to Supervisor Mar.pdf


Dear Supervisor Mar:

Attached is a memorandum regarding the Education, Outreach and Training Committee's hearing regarding Complaint No. 15072 – Ray Hartz v. Supervisor Eric Mar, Board of Supervisors.

As a representative from your office was not able to attend the May 9, 2016, meeting the Committee continued the matter and requested information detailed in the attached memo.

Please contact me if you have any questions.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org

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**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

**EDUCATION, OUTREACH AND TRAINING
COMMITTEE MEMORANDUM**

DATE: May 31, 2016

TO: Supervisor Eric Mar, Board of Supervisors

FROM: Chris Hyland, Chair, Education, Outreach and Training Committee
Sunshine Ordinance Task Force

SUBJECT: Ray Hartz v. Supervisor Eric Mar, Board of Supervisors (Complaint No. 15072)

On May 9, 2016, the Education, Outreach and Training Committee (Committee) scheduled a hearing to discuss the complaint against Supervisor Eric Mar filed by Ray Hartz (Complaint No. 15072). A representative from your office failed to appear and no supporting documents were provided.

Upon discussion of the matter the Committee would like to bring the following issues to your attention and has made certain requests as follows:

- The Sunshine Ordinance Task Force heard the complaint on June 3, 2015, and issued an Order of Determination with follow-up instructions.
- It does not appear that the Supervisor Mar or his representative has provided an official response to the Complainant original Immediate Disclosure Request.
- Notice of hearing was provided to your office regarding the May 9, 2016, meeting but the committee was not informed of your scheduling conflict until after the meeting started.
- It is requested that Supervisor Mar or a knowledgeable representative appear at the next meeting of the Committee and that the follow issues be addressed in writing prior to the next scheduled meeting:
 - Provide an official response to Mr. Hartz's Immediate Disclosure Request with a copy to the Committee.
 - Provide written documentation of your office's procedure for responding to public records request.
 - Provide written documentation of the improvements made to insure that public records request are not lost and responded to in a timely manner (Referenced during the June 3, 2015, meeting of the Task Force).

Failure of Supervisor Mar or his representative to comply with the above requests and failure to attend the next meeting of the Committee will result in the referral of the matter to the Task Force with the recommendation that an additional violation of Administrative Code (Sunshine Ordinance), Section 67.34, be found for willfully violating the Sunshine Ordinance and referral to the Ethics Commission for enforcement.

If you have any questions, please contact Victor Young, Administrator, Sunshine Ordinance Task Force at 415-554-7724.

- c. Nicolas Colla, Deputy City Attorney
 Ray Hartz, Complainant
 Victor Lim, Aide to Supervisor Eric Mar

Young, Victor

From: SOTF, (BOS)
Sent: Friday, July 08, 2016 3:46 PM
To: 'CHARLES PITTS'; Dodge, Sam (HSA); Christensen, Diana (HSA) (DSS); 'kreggio@ecs-sf.org'; 'ktreggiari@ecs-sf.org'; 'seeker@ecs-sf.org'; Mar, Eric (BOS); Tang, Katy (BOS); 'Thomas Peele'
Cc: Colla, Nicholas (CAT); Lim, Victor (BOS); Summers, Ashley (BOS); Law, Ray (BOS); Quizon, Dyanna (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing - Education, Outreach and Training Committee - July 26, 2016

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Education, Outreach and Training Committee of the Sunshine Ordinance Task Force, 1) to issue a determination of jurisdiction; 2) to review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; and/or 3) to issue a report and/or recommendation to the Sunshine Ordinance Task Force.

Date: July 26, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complaints:

File No. 15072: Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (Discussion and Action) (attachment)

(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)

File No. 14047: Hearing on the Status of the Order of Determination: Complaint filed by Thomas Peele against Supervisor Katy Tang, San Francisco Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Sections 67.21(c) and 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

(On January 7, 2015, the Task Force found a violation of Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.25 (a), and referred the matter to the Education, Outreach and Training Committee to review Supervisor Tang's policy for processing public records request.)

File No. 16027: Complaint filed by Charles Pitts against Kenneth Reggio and the Episcopal Community Services (non-profit agency) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 12L.5 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 16028: Complaint filed by Charles Pitts against Sam Dodge and the Human Services Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

nst the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by removing items from the agenda without prior notice or discussion and conducting a seriatim meeting related to the January 14, 2015, Street Artist Program Committee meeting agenda.

Documentation (evidence supporting/disputing complaint)

For additional document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion of the agenda packet, supplemental/supporting documents must be received by 5:00 pm, **July 20, 2016**.

Victor Young

Administrator

Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Pl., Room 244

San Francisco CA 94102

phone 415-554-7724

fax 415-554-5163

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Young, Victor

From: SOTF, (BOS)
Sent: Friday, July 08, 2016 3:46 PM
To: Lim, Victor (BOS); Mar, Eric (BOS)
Cc: Calvillo, Angela (BOS)
Subject: SOTF - Education, Outreach and Training Committee - 7/26/16 meeting - Request confirmation of attendance - File NO. 15072
Attachments: 15072 - Committee Memo to Supervisor Mar.pdf; 15072 - Order of Determination.pdf

Good Afternoon Supervisor Mar and Mr. Lim:

Please note that the complaint against Supervisor Eric Mar (listed below) has been scheduled for hearing on July 26, 2016, at 4:00 p.m. Due to recent issues with attendance, please confirm that a representative will be in attendance at the July 26, 2016, meeting. A copy of the Order of Determination and Memorandum to Supervisor Mar related to the matter is attached.

Note that failure of Supervisor Mar or his representative to attend and comply with the requests listed in the attached memorandum will result in the referral of the matter to the Task Force with the recommendation that an additional violation of Administrative Code (Sunshine Ordinance), Section 67.34, be found for willfully violating the Sunshine Ordinance and referral to the Ethics Commission for enforcement.

File No. 15072: Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (Discussion and Action) (attachment)

Please contact me if you have any questions.

Victor Young
Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org



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Young, Victor

From: Yu, Angelina (BOS)
Sent: Thursday, July 28, 2016 2:48 PM
To: SOTF, (BOS)
Cc: Calvillo, Angela (BOS)
Subject: RE: SOTF - Education, Outreach and Training Committee 7/26/16 hearing - Request for Confirmation (File No. 15072)
Attachments: Response to Immediate Disclosure Request re. Complaint No. 15072
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Victor,

Thank you so much for following up. Please see attached a copy of the communication with our office response to Mr. Hartz.

Please let me know if you have any questions.

Angelina

Angelina Yu 余莉娜
Legislative Aide
Office of Supervisor Eric Mar, District 1
San Francisco Board of Supervisors, City Hall, Room 284
angelina.yu@sfgov.org | (415) 554-7411

From: SOTF, (BOS)
Sent: Thursday, July 28, 2016 2:19 PM
To: Yu, Angelina (BOS) <angelina.yu@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF - Education, Outreach and Training Committee 7/26/16 hearing - Request for Confirmation (File No. 15072)

Angelina:

I wanted to be sure that the office response was sent directly to Mr. Hartz as his main complaint is that he was never officially notified. Thanks.

Victor Young 415-554-7724
Administrator, Sunshine Ordinance Task Force

From: Yu, Angelina (BOS)
Sent: Tuesday, July 26, 2016 9:17 PM
To: Young, Victor <victor.young@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Lim, Victor (BOS) <victor.lim@sfgov.org>
Cc: Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF - Education, Outreach and Training Committee 7/26/16 hearing - Request for Confirmation (File No. 15072)

Hi Victor,

Please find attached a copy of the documentation discussed in today's meeting. Please let me know if there is anything further that we need to provide in regards to this item.

Thank you for your time,
Angelina

Angelina Yu 余莉娜
Legislative Aide
Office of Supervisor Eric Mar, District 1
San Francisco Board of Supervisors, City Hall, Room 284
angelina.yu@sfgov.org | (415) 554-7411

From: Yu, Angelina (BOS)
Sent: Monday, July 25, 2016 7:08 PM
To: Young, Victor <victor.young@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Lim, Victor (BOS) <victor.lim@sfgov.org>
Cc: Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF - Education, Outreach and Training Committee 7/26/16 hearing - Request for Confirmation (File No. 15072)

Hi Victor,

Thanks so much for the reminder about the SOTF Education, Outreach & Training Committee. I will be attending the meeting tomorrow in place of Victor Lim as he is currently out of the office and will be providing/speaking to the items that you listed below.

Thank you,
Angelina

Angelina Yu 余莉娜
Legislative Aide
Office of Supervisor Eric Mar, District 1
San Francisco Board of Supervisors, City Hall, Room 284
angelina.yu@sfgov.org | (415) 554-7411

From: Young, Victor
Sent: Monday, July 25, 2016 8:48 AM
To: Mar, Eric (BOS) <eric.mar@sfgov.org>; Lim, Victor (BOS) <victor.lim@sfgov.org>
Cc: Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SOTF - Education, Outreach and Training Committee 7/26/16 hearing - Request for Confirmation (File No. 15072)

Good Morning:

In an effort to resolve the complaint the Task Force would like be sure that a person knowledgeable of the complaint and the requests of the Task Force be present at the July 26, 2016 meeting of the Education, Outreach and Training Committee. It would be preferable if the person who processed the original request,

Victor Lim, be present. However, pursuant to the May 31, 2016, memo to Supervisor Mar (attached) it is requested that a knowledgeable representative be present to address the following:

Official response to Mr. Hartz's Immediate Disclosure Request.

Documentation of your office's procedure for responding to public records request.

Documentation of the improvements made to insure that public records request are not lost and responded to in a timely manner (Referenced during the June 3, 2015, meeting of the Task Force).


Please confirm who will be attending the July 26, 2016, Education, Outreach and Training Committee Meeting. Thank you.

File No. 15072: Hearing on the Status of the Order of Determination - Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner. (Discussion and Action) (*attachment*)

(On June 3, 2015, the Sunshine Ordinance Task Force found that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred for failure to respond in a timely manner and referred the matter to the Education, Outreach and Training Committee to develop methods to prevent future mishandlings of Immediate Disclosure Requests.)

Victor Young
Administrator

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org

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Young, Victor

From: Yu, Angelina (BOS)
Sent: Tuesday, July 26, 2016 9:05 PM
To: rwhartzjr@comcast.net
Cc: Lim, Victor (BOS); Pagoulatos, Nickolas (BOS); Mar, Eric (BOS)
Subject: Response to Immediate Disclosure Request re. Complaint No. 15072
Attachments: 20160726204531528.pdf

Dear Mr. Hartz,

We acknowledge receipt of your complaint regarding a violation of Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Upon review of our files, we did not find any relevant documents to the request, and thus, have no documents to furnish.

However, since the date of the complaint, we have implemented appropriate measures to ensure that public records requests do not get lost, given the circumstances of a limited staff and an abundance of legislative duties to attend to.

Our office strives to work towards meeting records requests. Thank you.

Sincerely,

Angelina

Angelina Yu 余莉娜
Legislative Aide
Office of Supervisor Eric Mar, District 1
San Francisco Board of Supervisors, City Hall, Room 284
angelina.yu@sfgov.org | (415) 554-7411

Member, Board of Supervisors
District 1



City and County of San Francisco

ERIC MAR

Tuesday, July 26, 2016

Dear Mr. Ray Hartz,

We acknowledge receipt of your complaint from regarding a violation of Administrative Code (Sunshine Ordinance), Section 67.25, for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Upon review of our files, we did not find any relevant documents to the request, and thus, have no documents to furnish.

However, since the date of the complaint, we have implemented appropriate measures to ensure that public records requests do not get lost, given the circumstances of a limited staff and an abundance of legislative duties to attend to.

Sincerely,

A handwritten signature in black ink that reads "ERIC MAR". The signature is stylized with a large, sweeping "E" and a long, horizontal stroke at the end.

Eric Mar
Board of Supervisors
City & County of San Francisco

Young, Victor

From: SOTF, (BOS)
Sent: Thursday, August 18, 2016 3:14 PM
To: Hepner, Lee (BOS); Cohen, Malia (BOS); Wiener, Scott; Tang, Katy (BOS); Yee, Norman (BOS); Mar, Eric (BOS); Breed, London (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); 'Bob Planthold'; Law, Ray (BOS); 'mpetrelis@aol.com'; 'Mirka Morales'; Slocum, Gregory (REG); Arntz, John (REG); Calvillo, Angela (BOS); Ng, Wilson (BOS)
Cc: Colla, Nicholas (CAT); Yu, Angelina (BOS); Lim, Victor (BOS); Power, Andres; Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing- Sunshine Ordinance Task Force -September 7, 2016
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf

Good Afternoon,

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: September 7, 2016

Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints -

File No. 16060: Report - Board of Supervisors (File No. 160478) proposed amendment to the Campaign and Governmental Conduct Code requiring Commissioners to file Behested Payment Reports regarding the solicitation of charitable contribution over \$5,000.

File No. 14095: Complaint filed by Bob Planthold against Supervisor Malia Cohen and Supervisor Scott Wiener, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.15(a) and California Government Code, Sections 54954.2 and 54954.3 for failing to provide adequate opportunity for public comments at the Land Use and Economic Development Committee meetings of September 15, 2014, and September 29, 2014, and the Government Audit and Oversight Committee meeting of September 11, 2014.

(On June 1, 2016, the Task Force heard the matter and requested that the Respondent provided information as to whether or not a determination was made regarding amendments to legislation being 'substantive' or not and how the public is informed of the determination.)

File No. 16034: Complaint filed by Bob Planthold against Supervisor Katy Tang and Supervisor Norman Yee, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15, and California Government Code, Section 54954.3, by failing to provide adequate opportunity for public comments at the March 23, 2016, Budget and Finance Sub-Committee meeting.

(On June 1, 2016, the Task Force heard the matter and requested that the Respondent provided information as to whether or not a determination was made regarding amendments to legislation being 'substantive' or not, how is the determined that an amendment to legislation is 'substantive', and how the public is informed of the determination.)

File No. 15072: Hearing on the Status of the Order of Determination – Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On July 26, 2016, the Education, Outreach and Training Committee heard and referred the matter to the Task Force with a recommendation to find additional violations of Administrative Code (Sunshine Ordinance), Sections 67.21(e) and 67.34, for failing to comply or not fully complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act, and the Public Records Act. The Committee requested that the Respondent provide a written response to the Immediate Disclosure Request; provide a written policy for responding to public records request, and provide a record/log of Sunshine public records requests received in the last 12 months (Date of receipt, response, and other actions).)

File No. 16026: Complaint filed by Michael Petrelis against the President London Breed, and Supervisors Malia Cohen, Mark Farrell, Aaron Peskin, Katy Tang, and Eric Mar, Board of Supervisors for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner (January 2016 Text Messages).

SPECIAL ORDER – The hearings on File No. 16058 will not begin earlier than 6:00 p.m.

File No. 16058: Complaint filed by Mirka Morales against Gregory Slocum and the Department of Elections 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.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, August 31, 2016.**

Victor Young
Administrator

Sunshine Ordinance Task Force

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**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION - REVISED
October 11, 2016

DATE ISSUED
September 7, 2016

CASE TITLE - Ray Hartz v. Supervisor Eric Mar, Board of Supervisors
(File No. 15072)

FACTS OF THE CASE

On March 15, 2015, Ray Hartz (Complainant) file the following complaint:

File No. 15072: Complaint filed by Ray Hartz against Supervisor Eric Mar, Board of Supervisors, for violating Administrative Code (Sunshine Ordinance), Section 67.25 (a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On June 3, 2015, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Victor Lim, Legislative Aide to Supervisor Eric Mar (Respondent), provided a summary of the Supervisor Mar's position. Mr. Lim acknowledged that the response to the Immediate Disclosure Request was not provided to the Complainant and that steps have been taken to ensure that the oversight does not occur again in the future.

The Task Force found that Supervisor Eric Mar, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Section 67.25 (a), for failure to respond to an Immediate Disclosure Request in a timely manner.

The matter shall be referred to the Education, Outreach, and Training Committee (EOTC) to develop methods to prevent future mishandlings of Immediate Disclosure Requests.

On May 9, 2016, EOTC heard the matter.

Ray Hartz (Complainant) provided additional information regarding the complaint and request that additional violations be found. Supervisor Eric Mar's Office

indicated that due to a scheduling conflict they were unable to attend the meeting.

The EOTC discussed the matter and opined that Orders of Determination from the Task Force should request specific documents or actions from the Respondent.

The EOTC sent a letter to Supervisor Eric Mar stating/requesting the following:

- The Sunshine Ordinance Task Force heard the complaint on June 3, 2015, and issued an Order of Determination.
- It does not appear that the Supervisor Mar has provided an official response to the Complainant.
- Notice of hearing was provided to your office but the Committee was not informed of your scheduling conflict until after the meeting started.
- It is requested that Supervisor Mar or a knowledgeable representative appear at the next meeting of the Committee and that the following issues be addressed prior to the next scheduled meeting:
 - Provide an official response to Mr. Hartz's Immediate Disclosure request with a copy to the Committee.
 - Provide written documentation of your office procedure for responding to public records request.
 - Provide written documentation of the improvements made to insure that public records request are not lost and responded to in a timely manner referenced during the June 3, 2015, meeting of the Task Force.

It was further requested that Supervisor Mar or his representative provide the above listed document prior to the next Committee meeting.

Supervisor Mar was also informed in the letter that failure of Supervisor Mar or his representative to comply with the request and to attend the next meeting of the EOTC will result in the referral of the matter to the Task Force with the recommendation and a violation of Administrative Code (Sunshine Ordinance), Section 67.34, be found for willfully violating the Sunshine Ordinance and referral to the Ethics Commission for enforcement.

On July 26, 2016, EOTC heard the matter.

Ray Hartz (Complainant) provided a summary of the complaint and stated that a response to the Immediate Disclosure Request has not yet been provided. Angelina Yu, Legislative Aide to Supervisor Eric Mar (Respondent), provided a summary of the department's position and provided a summary of improvements made to their procedure for responding to public records requests. On July 26, 2016, Ms. Yu provided an official response to Mr. Hartz's request as requested by the Committee.

Chair Hyland provided a history of the Task Force hearings on the matter and the lack of attendance of the person knowledgeable of the complaint at meetings.

The EOTC referred the matter back to the Sunshine Ordinance Task Force with the recommendation to find additional violations of Administrative Code (Sunshine Ordinance), Sections 67.21 (e) and 67.34, for failing to comply or not fully complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act and the Public Records Act.

On September 7, 2016, the Task Force heard the matter.

Ray Hartz (Complaint) provided an overview of the complaint and requested the Task Force to find additional violations. Mr. Hartz stated that there were multiple opportunities for the Respondent to provide a response but it was never provided. Victor Lim and Angelina Yu, aides to Supervisor Eric Mar, Board of Supervisors, (Respondent), provided a summary of the departments position and stated that actions have been taken to insure the proper handling of future public records requests.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that violations of 67.21 (e), 67.25 (a) and 67.34, occurred.

DECISION AND ORDER OF DETERMINATION

On June 3, 2016, the Task Force found Supervisor Eric Mar, Board of Supervisors, in violation of Administrative Code (Sunshine Ordinance), Section 67.25 (a), for failure to respond to an Immediate Disclosure Request in a timely manner and referred the matter to the EOTC to develop methods to prevent future mishandlings of Immediate Disclosure Requests.

On May 9, 2016, and July 26, 2016, the EOTC met to review the complaint. The EOTC found the Respondent to be unresponsive to requests and determined that the Respondent did not provide a written response to the Complainant's public records request until July 26, 2016. The EOTC recommended that additional violations be found for failing to comply or not fully complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act and the Public Records Act.

On September 7, 2016, the Task Force reviewed the matter and accepted the EOTC recommendations to find additional violations of Administrative Code (Sunshine Ordinance), Section 67.21 (e) and 67.34 found for failing to comply or not fully

complying with a request for public records and for willfully failing to discharge duties imposed by the Sunshine Ordinance, the Brown Act and the Public Records Act.

The Task Force referred the matter to the Ethics Commission pursuant to San Francisco Administrative Code (Sunshine Ordinance), Section 67.30 (c), which provides that "the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts."

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 7, 2016 by the following vote:

The motion PASSED by the following vote:

Ayes: 9 - Baranetsky, Eldon, J. Wolf, Maass, Cannata, Fischer, Hinze,
Hyland, B. Wolfe
Noes: 0 - None
Absent: 1 - Chopra
Excused: 1 - Tesfai


Bruce Wolfe, Chair
Sunshine Ordinance Task Force

c. Nicholas Colla, Deputy City Attorney
Ray Hartz, Complainant
Supervisor Eric Mar, Board of Supervisors
Victor Lim, Office of Supervisor Eric Mar