

Complainant Letter to Ethics Commission re: SOTF File No 25088

From: Rick Sanders

7/6/2026

RE: Show Cause Hearing: Rick Sander v. Office of the Mayor (File #25088)

SOTF File No. 25088 - Failure to Comply with Order of Determination

This submission offers evidence for the Ethics Commission on the matter of Sunshine Ordinance Task Force referral for File No. 2508 and responds to the Mayor's characterization of this matter as a narrow dispute over "call logs" or a disagreement about whether a willful violation was alleged. That framing does not reflect the Sunshine Ordinance Task Force's referral or the record developed over multiple hearings.

The Sunshine Ordinance Task Force referred this matter to the Ethics Commission under Administrative Code §67.35(d) based on the Mayor's Office's failure to comply with an Order of Determination requiring a complete response to a public records request concerning the Mayor's October 22, 2025 phone call with the President and the reported planned federal deployment.

The issue before the Commission is therefore not limited to whether any single category of record was expressly labeled "willfully withheld," but whether the Mayor's Office complied with the SOTF's order to conduct a proper search and produce all responsive, non-exempt records.

1. Failure to Comply with the SOTF Order

The SOTF issued a binding Order of Determination requiring the Mayor's Office to apply correct disclosure standards and produce responsive records. Despite this order:

- Responsive text messages and scheduling communications were produced only after repeated hearings and direction from the SOTF;
- Additional "supplemental" texts were produced only after the Office had already declared the search complete and the matter closed;
- No meaningful production was made regarding records of the October 22, 2025 call itself beyond a calendar entry showing date, time, and participants;
- The Office did not meaningfully comply with the SOTF's directive to fully identify and produce records responsive to the request as a whole.

This pattern is not consistent with compliance. It reflects a piecemeal production of records only after sustained intervention by the SOTF, rather than compliance with the Order as issued.

2. Incomplete Search and Failure to Identify Reasonably Expected Records

The Mayor's submission does not adequately address the absence of categories of records that would reasonably be expected to exist given the nature of the events at issue, including:

- phone records or call history entries;
- internal notes, summaries, or briefing materials regarding the call;
- communications regarding preparation for or aftermath of the call;
- records concerning the reported planned federal deployment and its cancellation.

The Mayor's Office instead asserts that it has produced all non-privileged records "in its possession," but the record before the SOTF demonstrates that additional responsive records were repeatedly located only after further inquiry, calling into question whether the search was complete when initially represented as such.

3. Call Records Are Public Records Under CPRA and Were Required to Be Searched

The Mayor's response incorrectly reframes the issue as though the request sought third-party telephone billing records or required the City to create new documents. That is not the case.

The City acknowledges that the President called the Mayor on his personal cell phone on October 22, 2025. As a matter of ordinary function, cell phones generate and retain call history logs showing incoming and outgoing calls, unless deleted.

Accordingly:

- If a call log or call history entry existed on the Mayor's phone at the time of the request, it was a pre-existing record in the Mayor's possession;
- It is therefore a public record under the California Public Records Act, because it documents official City business;
- Under *City of San Jose v. Superior Court*, records concerning public business do not lose their status as public records merely because they reside on a personal device.

The Mayor was not being asked to create a new record or obtain records from Apple or a carrier. The obligation was to search existing records in the Mayor's possession, including records on the device used to conduct official business.

The Mayor's Office has not stated that any such search of the device's call history was conducted, nor has it clarified whether such records were preserved or deleted.

Thus, the record reflects only two possibilities:

1. A call history or similar record existed on the Mayor's device and was not produced; or
2. The record was destroyed or not preserved prior to or during the processing of the request.

The Mayor's response does not resolve this basic factual gap, nor does it demonstrate compliance with the obligation to conduct an adequate search for responsive records.

4. Failure to Assist the Requester and Provide a Complete Response

The Sunshine Ordinance requires agencies not only to respond, but to assist requesters in identifying and obtaining responsive records.

Here, the record shows:

- Initial assertions that no responsive non-privileged records existed beyond attorney-client material;
- Subsequent production of additional responsive communications after Task Force questioning;
- No clear, consistent explanation of what devices, accounts, or systems were searched;
- No meaningful assistance in identifying categories of records that would reasonably exist given the subject matter of the request.

This pattern is directly relevant to whether the Mayor's Office complied with the SOTF Order requiring a corrected and complete response.

5. Public Importance of the Records

The public interest in these records is exceptionally high. The Mayor's calendar indicates that the October 22 call concerned "calling off potential federal deployment in San Francisco."

Contemporaneous [reporting by The San Francisco Standard](#) described statements suggesting that heightened enforcement activity in San Francisco was intended to influence federal decisions regarding deployment.

"According to minutes from the Nov. 19 Police Officers Association board meeting, obtained by the Standard, Deputy Chief Nicole Jones said the SFPD's "show of force" in the Tenderloin and SoMa was directly tied to "keeping President Trump from deploying the National Guard and ICE" in San Francisco." - [SF Standard](#)

[Additional reporting](#) described ongoing communications between the Mayor and the Trump administration regarding immigration enforcement.

These reports are not offered as proof of underlying facts, but to illustrate the broader public context in which the requested records arise. They underscore why transparency regarding communications between the Mayor and the President concerning potential federal intervention is a matter of substantial public concern.

Against that backdrop, incomplete search efforts, failure to produce responsive records in a timely manner, and failure to comply with orders of determination by the SOTF materially undermine the public's ability to evaluate governmental decision-making.

6. Conclusion

The question before the Ethics Commission is not limited to whether any single document was labeled exempt or whether "call logs" were explicitly requested as standalone items. The issue is whether the Mayor's Office complied with the Sunshine Ordinance Task Force's Order of Determination requiring a complete and lawful response to a public records request.

The record reflects:

- repeated partial productions only after SOTF intervention;
- failure to adequately search for and identify categories of responsive records;
- failure to account for call-related records that constitute public records under CPRA;
- and failure to fully comply with the SOTF's Order requiring a complete response.

For these reasons, I respectfully request that the Commission evaluate the full course of conduct in determining whether the Mayor's Office complied with the SOTF Order of Determination and whether enforcement action is warranted under §67.35(d).