

**SUNSHINE ORDINANCE
TASK FORCE**



**City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227**

August 15, 2011

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

**Re: Referral for Enforcement of Order of Determination and Willful Failure
Sunshine Complaint No. 10054, Ray Hartz v. Library Commission**

The Sunshine Ordinance Task Force (“Task Force”) hereby provides notification of willful failure and official misconduct findings against Jewelle Gomez of the Library Commission for failure to comply with the Order of Determination (“Order”) issued on February 7, 2011 in Sunshine Complaint No. 10054, Ray Hartz v. Library Commission.

This willful failure and official misconduct finding is noticed for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby the “willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct” and
- (2) San Francisco City Charter Section 15.105(e) (Official Misconduct).

The Task Force further refers the Order for enforcement, and requests Ms. Gomez be required to include the written summary of 150 words or less submitted by complainant Ray Hartz in the body of the Library Commission minutes for September 16, 2010.

This enforcement referral is made pursuant to Sunshine Ordinance Section 67.30(c) whereby “the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

Background

Ray Hartz filed a complaint with the Task Force on October 14, 2011 alleging the Library Commission refused to include his written summary of 150 words or less in the body of the official minutes of its September 16, 2011 meeting.

Task Force Hearing on Complaint

On January 25, 2011, the Task Force held a hearing on the complaint.

A description of the Task Force hearing on the complaint, violations found, and decision are embodied in the Order, a copy of which is attached.

Thank you for your attention to this matter. Please contact the Task Force Administrator at sotf@sfgov.org or (415) 554- 7724 for any additional information.



Hope Johnson, Chair
Sunshine Ordinance Task Force



David Snyder, Esq., Member, Seat No. 1*
Sunshine Ordinance Task Force

Encl.

cc: Ray Hartz, Complainant
Jewelle Gomez, Respondent
Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat No. 1 is a voting seat held by an attorney specializing in sunshine law.