

Date: Dec. 13, 2011

Item No. 6

File No. 11058

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*



**Nick Pasquariello v Film Commission**



Completed by: Chris Rustom

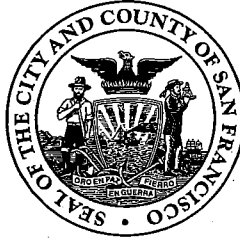
Date: Dec. 9, 2011

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

**SUNSHINE ORDINANCE  
TASK FORCE**



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

**ORDER OF DETERMINATION**  
December 5, 2011

**DATE THE DECISION ISSUED**  
November 29, 2011

*NICK PASQUARIELLO v FILM COMMISSION (CASE NO. 11058)*

**FACTS OF THE CASE**

Nick Pasquariello ("Complainant") alleges that the San Francisco Film Commission ("Film Commission") failed to provide public information in response to his public records request submitted on August 4, 2011 and amended on August 6, 2011, requesting various categories of information regarding television spots and commercials filmed in San Francisco between August 1, 2009 and August 1, 2011.

**COMPLAINT FILED**

On August 16, 2011, Mr. Pasquariello filed his complaint against Susannah Greason Robbins, Executive Director of the Film Commission.

**HEARING ON THE COMPLAINT**

On November 29, 2011, Complainant presented his case to the Task Force. The Film Commission was not represented and no one in the audience presented facts and evidence on behalf of the Film Commission.

Mr. Pasquariello told the Task Force the Film Commission is the liaison between film production companies and City departments, issuing permits to allow companies to film on City-owned property. He said he asked the Film Commission in August to provide him with identification and location information submitted by companies wanting to film television spots and commercials in San Francisco between August 2009 and August 2011. He said Ms. Robbins provided the information but had redacted company email addresses and cell phone numbers of location managers and contacts. He said Ms. Robbins' letter accompanying her response stated that the Film Commission does not provide personal information in response to public information requests.

Mr. Pasquariello said he disagrees with the Film Commission's position on the redacted information because information provided in the permit application is for the purpose of conducting City business, and is, therefore, a public record that must be disclosed. He added he has worked as a location scout in the movie business and understands that the

purpose of the form is to conduct business and the information contained in it is not personal.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW


Based on Complainant's testimony and supporting documentation, the Task Force concluded that the Film Commission did release the requested public records but had redacted company email addresses and the cell phone numbers of filming location contacts. The Task Force noted that the California Public Records Act and the Sunshine Ordinance presume that records in the possession of City agencies are public unless exempted from disclosure by law. Based on review of the released filming permits, the Task Force further concluded that the permit information was collected for the purpose of conducting government business and that no exemption from disclosure applied to the information that the Film Commission redacted.

### DECISION AND ORDER OF DETERMINATION

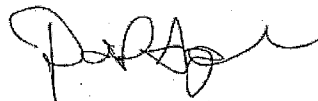
The Task Force finds that the Film Commission violated Sunshine Ordinance Sections 67.26 for failing to keep the withholding of public information to a minimum by redacting the disclosable public information, and 67.27 for failing to justify its withholding of the public information.

The Film Commission shall release the requested records without redaction within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on Tuesday, December 13, at 4:00 p.m. in Room 406 at City Hall. The Committee will review compliance with this Order.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 29, 2011, by the following vote: (Washburn/Knee)  
Ayes: Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson  
Excused: Costa



Hope Johnson, Chair  
Sunshine Ordinance Task Force



David Snyder, Esq., Member, Seat #1\*  
Sunshine Ordinance Task Force

cc: Nick Pasquariello, Complainant  
Susannah Greason Robbins, Respondent  
Jerry Threet, Deputy City Attorney

\*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.



Re: Order of Determination: #11058\_Nick Pasquariello v Film Commission 

Susannah Greason Robbins to: SOTF

12/06/2011 09:48 AM

Cc: Jerry Threet, jpk, Adine Varah

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To whom it may concern:

Just to make the record clear, I was not able to attend on November 29th, nor were my staff, as we had an event that we were hosting that evening. I notified the SOTF well in advance of the meeting, at the task force meeting on September 27th, and by email on September 28th.

Also, I gave Mr. Pasquariello (and the Task Force) the redacted information on November 14, 2011, by email. Please see the cover letter attached below. I also have a printed version which Mr. Pasquariello has said he will pick up at the Film Office, as he has informed me he can't receive this information by email.

I see no acknowledgement that I provided the requested information on November 14th, and would like that entered into the record.



Server002.PDF

Susannah Greason Robbins  
Executive Director San Francisco Film Commission  
City Hall, Room 473  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

415-554-6241  
415-554-6503 Fax

[www.filmSF.org](http://www.filmSF.org)



Fw: Sunshine Complaint Received : 11058\_Nick Pasquariello v Film  
Commission  
Susannah Greason Robbins to: SOTF, jpk

09/14/2011 12:51 PM

Dear Mr. Pasquariello and the Sunshine Task Force,

We have received Mr. Pasquariello's complaint of September 7, 2011 regarding our redaction of private contact information for local production managers. As our office explained, we redacted what we understood to be the private, personal email addresses and phone numbers of the location managers on the ID pages of the permit applications in order to protect those individual's right to privacy under Article I, Section 1, of the California Constitution.

But in order to assist you in confirming and obtaining the business contact information for the location managers, we contacted the location managers who were part of your request and have been given their permission to release their contact information, including any such contact information that we erroneously understood to be private residence information.

Attached please find the documents you originally requested, with the contact information written in.

We hope this is helpful.



Sunshine Commercial Info.pdf

Best regards,

Susannah Greason Robbins  
Executive Director San Francisco Film Commission  
City Hall, Room 473  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

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