

Date: April 22, 2008

Item No. 11
File No. 07088

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Order Of Determination Crossman vs Assessors Ofc**
- _____
- _____
- _____
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- _____
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- _____
- _____
- _____
- _____

Completed by: Frank Darby

Date: April 16, 2008

***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.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

April 15, 2008

Honorable Members
Sunshine Ordinance Task Force
c/o Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-45890

Re: Sunshine Complaint #07088

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2008 APR 15 PM 4:28
BY DM

Dear Task Force members:

The purpose of this letter is to follow up on the Compliance and Amendments Committee (CAC) meeting that occurred on April 9, 2008, and to further respond to two issues addressed by committee members: (1) Disclosure of names of employees and (2) meetings with the City Attorney's Office.

I appreciate the Sunshine Ordinance Task Force's (SOTF) continued patience and guidance on these matters.

The Assessor-Recorder's policy and practice is to maintain his daily calendar as required by San Francisco Administrative Code Section 67.29.5. The daily calendar lists the Assessor-Recorder's daily meetings and activities in conformity with the Sunshine Ordinance. As required by Section 67.29.5, these calendars report the "time and place of each meeting or event attended by the Assessor-Recorder, with the exclusion of purely personal or social events at which no City business is discussed. . . " According to the City's Good Government Guide: "The Ordinance does not state that the official must include on the Calendar the names of individuals attending the meeting . . . And "[f]or meetings not otherwise publicly recorded," the calendars "include a general statement of issues discussed." (Admin. Code 67.29.5) (2006-2007 Edition, p. 74.)

Notwithstanding the fact that names are not required, we understand that the CAC believes that the names of employees attending a meeting be included in a daily calendar. It is the Assessor-Recorder's policy and commitment to maintain the principles of the Sunshine Ordinance. While it is not legally required to provide names of individuals attending meetings, out of deference to the CAC, in the interest of Sunshine and full disclosure, he agrees to provide the names of employees on his daily calendar.



The CAC also believes that redaction or withholding of time and date of meetings with the City Attorney's Office is impermissible. The Assessor-Recorder agrees to disclose

the date and time of meetings with the City Attorney's Office. The daily entries of such meetings, however, will not include the name of the Deputy or the topic or subject matter of the meeting in order to maintain the confidential attorney-client communication.

The Assessor-Recorder appreciates the opportunity afforded by the CAC to further address the two issues reference above. Hopefully, the changes we have agreed to will meet with the satisfaction of the CAC and the SOTF.

Thank you for your time and consideration. If you have any questions, please feel free to contact me at 415-554-4734.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoon Nguyen", with a long horizontal line extending to the right.

Zoon Nguyen
Deputy Assessor-Recorder



"Kimo Crossman"
<kimo@webnetic.net>
04/15/2008 09:41 PM

To "Zoon Nguyen" <Zoon.Nguyen@sfgov.org>
<home@prosf.org>, <phil.ting@sfgov.org>, "Tim Kingsbury"
cc <Tim.Kingsbury@sfgov.org>, <Dougcoms@aol.com>,
"Richard A. Knee" <rak0408@earthlink.net>,
bcc
Subject RE: Immediate Disclosure Request - Phil Ting Calendar(s) &
calendar Sunshine Communications

Please note the following:

- 1) Personal business that happens in City offices must be reported on the calendar – see underlined portion.
- 2) For meetings which have not been **Publically Recorded** (audio, video, minutes), a general statement of issues must be provided – that has not been provided on any of the calendars you have given.
- 3) CPRA and Sunshine do not limit the calendars that must be disclosed to the Prop G one, nor to Future calendars. Prop G is the minimum calendar that must be kept. All other relevant calendars are public records as well and must be produced.

*67-29-5 The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise **publicly recorded**, the calendar shall include a general statement of issues discussed.*

- 4) Please provide emails on the other request on a daily incremental basis per 67.25 D



"Kimo Crossman"
<kimo@webnetic.net>
04/14/2008 05:42 PM

To "SOTF" <sotf@sfgov.org>
cc
bcc
Subject Please add to the creation of meeting packet for Assessor vs
Crossman file 07088

Refuses to provide original calendar redacted and no future calendar.

-----Original Message-----

From: Zoon Nguyen [mailto:Zoon.Nguyen@sfgov.org]
Sent: Monday, April 14, 2008 5:00 PM
To: Kimo Crossman
Cc: home@prosf.org; phil.ting@sfgov.org
Subject: Re: Immediate Disclosure Request - Phil Ting Calendar(s) & calendar
Sunshine Communications
Importance: High

Mr. Crossman,

I write in response to your immediate disclosure request for "Calendars used by or Phil Ting which contained city business" dated 4/11/08 at 12:12AM, attached are the calendars for the dates 4/6/08 through 4/11/08. The attached requested calendars are in strict accordance to Administrative Code Sec. 67.29-5.

Although you have requested calendars entries through 5/3/08, only past calendars have been provided, as future calendars in advance of the calendar entry date need not be disclosed (please refer to page 82 of the 2007-08 Edition of the Good Government Guide which states that "Calendars must be available to any requester three business days after the calendar entry date. The calendar entry date is not when the meeting or event was physically entered into the calendar, but rather is the date of the meeting or event itself. The official need not disclose calendars in advance of the calendar entry date. Admin. Code 67.29-5." Please note that the requested future calendars will be provided accordingly.

In response to your "completely separate request" for "all communications & documents (including email even if deleted - recovered from backup) between [staff in your department or with the city attorney and your department] which were not sent already to the SOTF that relate to responding to the prior calendar request and subsequent SOTF hearings" dated 4/11/08 at 12:12AM. Before responding, further clarification is required.

- 1) Please advise if your request is directed to me, Zoon Nguyen, or Phil Ting, the department head, and
- 2) Please advise the specific time period in which you are seeking the communications & documents.

Regards,

Zoon Nguyen

Attachment: Phil Ting calendars
(See attached file: Phil Ting Calendar 4-11-08 request.pdf)

Zoon
Nguyen/ASRREC/SFGOV
04/08/2008 04:55 PM

To Crossman Kimo <kimo@webnetic.net>
cc phil.ting@sfgov.org, SOTF_Administrator <sotf@sfgov.org>, Richard Knee <rak0408@earthlink.net>
bcc
Subject Re: Sunshine complaint #07088: addendum 

Mr. Crossman,

I would like to acknowledge that I was asked by Mr. Knee, Chairman of the Sunshine Ordinance Task Force Compliance and Amendments Committee, to provide a copy of any correspondence on this matter to you.

It was always my intent to provide you a copy.

It is my understanding that the protocol of the Task Force is to provide you with its copy. Regardless, I should have PDF'ed my April 3, 2008 response and sent it to you, via email, concurrent with providing the hard copy of the response to the Task Force's office.

I hope that you will accept my sincere apology for this oversight.

Regards,

zoon nguyen
415-554-4734



"Kimo Crossman"
<kimo@webnetic.net>
04/08/2008 05:08 PM

To "Zoon Nguyen" <Zoon.Nguyen@sfgov.org>
<phil.ting@sfgov.org>, "SOTF_Administrator"
cc <sotf@sfgov.org>, "Richard Knee"
<rak0408@earthlink.net>
bcc
Subject RE: Sunshine complaint #07088: addendum

Thank you for your note now. We do know of course that actions speak louder than words. Twice I have not received copies of your communications on my complaint.

Nor have you responded to my letter to your office.



"Kimo Crossman"
<kimo@webnetic.net>
04/10/2008 04:17 PM

"Zoon Nguyen" <Zoon.Nguyen@sfgov.org>
To <Dougcoms@aol.com>, <elc@lrolaw.com>, "Richard A. Knee" <rak0408@earthlink.net>, "SOTF" <phil.ting@sfgov.org>, "SOTF_Administrator" <sotf@sfgov.org>, "Richard Knee" <rak0408@earthlink.net>, "Allen Grossman"
bcc
Subject RE: Sunshine complaint #07088: addendum for Full SOTF SHAME ON ASSESSOR

Clerk – Please add this to the file for 07088.

Attached is an amazing calendar for a city official – it is Ed Harrington’s previously of the Controllers office now of PUC – NO REDACTIONS

SHAME on PHIL TING

From: Kimo Crossman [mailto:kimo@webnetic.net]
Sent: Thursday, April 10, 2008 3:57 PM
To: 'Zoon Nguyen'; 'Dougcoms@aol.com'; 'elc@lrolaw.com'; 'Richard A. Knee'; 'SOTF'; 'Bruce Wolfe, MSW'; 'scau1321@aol.com'
Cc: 'phil.ting@sfgov.org'; 'SOTF_Administrator'; 'Richard Knee'; 'Allen Grossman'; 'home@prosf.org'; 'Islais Wharf'
Subject: RE: Sunshine complaint #07088: addendum for Full SOTF meeting packet in anticipation of Official Misconduct Hearing

Taskforce members

The Assessor’s will be before you in April for possible referral of Official Misconduct, here is why I think this should occur:

Just to remind you – I asked for ***all*** of his calendars for a date range up to the date of the recent election.

They waited the full 14 days, never providing them incrementally as I had requested (violation of 67.25 D) and we have now discovered that they changed the document without telling us.

- 1) Based on common sense and testimony by Ms Zoon, I do not believe Mr. Ting only keeps a Prop G calendar. Ms. Zoon became very narrow and legalistic when Ms. Craven asked her the simple question – Are there any other calendars with city business on them? Ms. Zoon said things like – Not to my knowledge and We follow Prop G from Good Government guide. It was impossible to get a yes or no answer without qualifications and it appeared that Ms. Zoon did not have all the information. I strongly suspect a Prop G calendar has been created off of the real calendar just as we have seen other departments illegally do. These calendars have not been provided.
- 2) Redactions of private matters occurred without disclosure on the calendar or recreated calendar – These should not have been removed – there is no expectation of

privacy on city computers with city email/calendar systems. And the redactions were only found out at later hearing because they were not indicated.

3) Staff names were replaced on the calendar without any indicator. Only when we asked questions at later meetings was this discovered. It is illegal to change the Public Record and in particular to do it without notification. Ms. Zoon could not explain specifically which staff names had been removed or legal reasons that they should (for example whistleblowers).

4) At least 15 meetings with the City Attorney were removed or never put on the recreated calendar. Ms. Zoon said disclosing that MIGHT Alert taxpayers to legal plans from the city – note all that was to be disclosed is that a meeting happened with a city attorney on a certain day – nothing else. That is of course wildly spurious. You have to redact things based on specific facts and limited and applied balancing tests – that has not occurred.

5) The Calendar provided did not provide the most detailed view of each meeting which I specifically requested showing the room reservation, agenda and invitees.

6) I reminded Ms. Zoon on Tuesday before the hearing of 67.21(e) that she must be able to speak knowledgeably on the matters – that was not the case.

7) The Controller claimed the reason they took the full 14 days and did not produce incrementally was because this was a new type of request. As if they don't often get public records requests? And they indicated they were going to improve their processes to prevent such delays in the future. No procedures in particular signed by Mr. Ting the Assessor have been provided.

For All these reasons, please fine Willful Failure and Official Misconduct (under 67.34 failure to discharge ***any*** duties is a violation) and refer this matter to Ethics, BOS, AG, Civil Grand Jury



and DA Public Integrity Unit. DOC GM CAL 3 31-4 4 0820080407110033.pdf

March 31 - April 04

March 2008							April 2008						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

	Mon, Mar 31	Tue, Apr 01	Wed, Apr 02	Thu, Apr 03	Fri, Apr 04	
8 am						
9 ⁰⁰		Wkly City Attorney Mtg (GM's conf) 9:00am-9:15am	Senior Staff mtg (1155, 4th floor)	PEIR Revisions - Internal Meeting (Ed Harrington's Office)	WSIP Contracting Strategy: Labonte & HLK (GM's conf rm)	
10 ⁰⁰		MWSA - Carlin (Commission -- GM)	Commission Agenda Review (GM's conf rm)	Scott: Tour - 1155 Market: 10, 9, 8, 5, 2, 1	Water Agreement: Art Jensen, Nicole Sandkulla, Ray McDewitt (GM's conf rm)	
11 ⁰⁰				11:30am-11:45am		
12 pm		Solar w/Barbara Hale (C)	GM Brown Bag		Meet w/Ben Rosenfield (here)	
1 ⁰⁰	Briefing w/Winnicker & L	WSIP: Master Calendar/Scheduling of EIR, PEIR, WSIP (Commission -- GM)	BOS Budget & Finance: PUC Solar Incentive Program; item 1 (Legislative Chamber, City Hall, Room 250)	Caroline Walsh, Maclias Gini: Presentation on Internal	1:00pm-1:15pm Tommy	Maria & Donna
2 ⁰⁰	Channel 7 KGO Interview	WSIP Briefing: Harlan & Deputy GM position (Com		Harlan: Tour 1155-9, 7, 6, 3 & 1145-10, 8, 7, 5, 3, 1		
3 ⁰⁰	Budget Meeting w/Scott, Carlos, Joe & Michelle (Commission -- GM)	BOS (City Hall, 2nd Floor)				
4 ⁰⁰	4:00pm-4:10pm Call Phil		Civic Center Sustainable District: Dean Macris & Astrid Haryati, Tony Irons by phone (GM's conf room)			

**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

ORDER OF DETERMINATION
January 8, 2008

January 17, 2008

Kimo Crossman
kimo@webnetic.net

Phil Ting, Assessor
City Hall, Room 190
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Re: Complaint # 07088 filed by Kimo Crossman against the Assessor's Office for alleged violation of Sections 67.1, 67.4 (a), 67.21 (a) and (b), 67.25 (a) and (d), 67.26, 67.27, and 67.34 of the Sunshine Ordinance, Government Code Sections 6253 (a) and (c), 6255 (a), and Constitution Article I, Section 3, for failure to provide requested records, untimely response, failure to provide passive meeting notice, invalid invocation of voluminous documents extension, failure to incrementally deliver records, willful failure and official misconduct.

Based on the information provided to the Task Force from the Complainant Kimo Crossman, the Respondent Zoon Nugyen, and hearing public comment, the following Order of Determination is adopted:

The Sunshine Ordinance Task Force finds that the Assessor's Office violated Section 67.25 (d) of the Sunshine Ordinance for failure to provide records on a rolling basis. The Department is instructed to inform the Task Force and Mr. Crossman as to whether any entries were deleted from the calendar prior to providing the requested records, and to describe the type of entries that were deleted and an explanation for the deletions, within 5 days after the issuance of this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 8, 2008 by the following vote: (Comstock/Craven)
Ayes: Craven, Knee, Cauthen, Chu, Comstock, Chan, Goldman
Recused: Wolfe
Excused: Pipel, Williams

A handwritten signature in black ink, appearing to read "D. Comstock".

Douglas Comstock, Chair
Sunshine Ordinance Task Force

cc: Ernie Llorente, Deputy City Attorney
Zoon Nugyen, Assessor's Office
Tim Kingsbury, Assessor's Office



"Kimo Crossman "
<kimo@webnetic.net>
04/03/2008 08:31 PM

To "SOTF" <sotf@sfgov.org>
<asessor@sfgov.org>, "Richard Knee"
cc <rak0408@earthlink.net>, "Allen Grossman"
<grossman356@mac.com>, <Phil.Ting@sfgov.org>,
bcc
Subject RE: Assessor's Response: #07088_Kimo Crossman vs.
Assessor's Office

This is my response to the Assessor's letter on April 3rd 2008.

1) While I am the Complainant on this matter and addressed the issue that I had not been carbon copied on prior Assessor's communications again, I was not sent a copy of this current communication by the Assessor and it's agent Ms. Nguyen.

2) The Time and Date of a meeting with the City Attorney is not privileged and they all must be disclosed. And the redactions of them were not marked on the calendar provided.

3) I would like to know why Mr. Ting continues to refuse to sign any letter attributing to the truthfulness of the representations nor appear at any SOTF hearing to explain *his* calendar and the redactions on it.

4) What about other calendars that Mr. Ting maintains? Private calendars that pertain to city business are discloseable. There is no requirement to use a city provided pencil to or have a meeting in a city owned building.

5) What about Mr. Ting's Wi-Fi For All political activities - Are these considered City Business?

6) I have not received a response to my letter regarding the Assessor's calendar and continue to await it.

7) As we know, 67.29-5 the Prop G calendar is a floor for disclosure, in fact Prop 59 includes the "writings of officials" in the California Constitution. The redaction of the names of employee is absolutely illegal under CPRA and sunshine does not control under 6253 (e) where a local ordinance provides for lesser disclosure and Sunshine does not restrict disclosure of this information anyhow.

8) The other redactions outlined in the letter were not marked on the calendar as being removed nor justification which is required.

Kimo Crossman
Complainant



April 3, 2008

Honorable Members, Sunshine Ordinance Task Force
Sunshine Ordinance Task Force
c/o Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Sunshine Complaint: #07088

Dear Task Force Members:

This letter is in response to Chairman Richard Knee's letter dated March 24, 2008 requesting that the Office of the Assessor-Recorder address three additional concerns the Task Force's Compliance and Amendments Committee (CAC) have which stem from our letter dated January 24, 2008. In addition, it is the intent of this letter to respond to Chairman Knee's addendum dated March 25, 2008.

The following addresses Chairman Knee's March 24th letter:

- The CAC requests clarification as to whether *any* City entity was discussed during entries deleted that are of a "purely per personal/private nature ... and personal or social events in which business pertaining to the Office of the Assessor-Recorder were not discussed." To clarify: the entries in question refer to personal activities such as childcare coordination, medical appointments, and/or social activities in which City business was not discussed.
- There were no calendar entries involving meetings with the City Attorney's Office that pertained to Sunshine or ethics issues. Calendar entries involving meetings with the City Attorney's Office were not disclosed because disclosure of the time or date of such a meeting might compromise the attorney-client privileged communication between the department and its attorneys. A taxpayer, business competitor of a taxpayer, or other interested person might be able to glean the substance of a privileged communication by knowing the time or date of a particular meeting. Nevertheless, in the spirit of Sunshine, the Assessor-



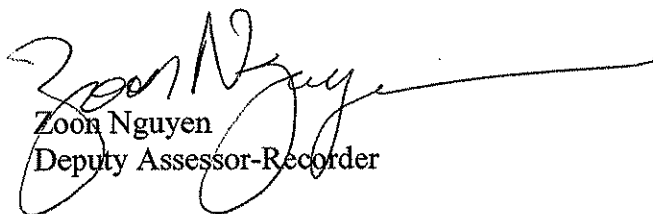
Recorder will agree to provide for the period from June 1, 2007 through November 5, 2007 the aggregate number of calendar entries involving meetings with the City Attorney's Office. During that period there were 15 meetings with the City Attorney's Office. Such disclosure by the Assessor-Recorder shall not be interpreted or construed as a waiver of the attorney-client privilege.

- The justification for providing only job titles is done pursuant to Admin. Code Sec. 67.29-5. In reference to what a department head is required to provide in his/her public calendar, page 82 of the 2007-08 edition of the Good Government Guide explains that "The [Sunshine] Ordinance does not state that the official must include on the calendar the names of individuals attending the meeting. Admin. Code Sec. 67.29-5."

In an email dated March 27, 2008, Chairman Richard Knee made an additional request that asks for the inclusion of "a list of steps that the Assessor-Recorder's Office is taking to implement a policy regarding calendar redactions." The policy that our office has and will continue to implement is to adhere to the requirements, in their entirety, as laid out in Admin. Code Sec. 67.29-5, highlighted by the statements that every Department Head's calendar include "the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed...", and "the calendar shall include a general statement of issues discussed."

Thank you for your time, and if you have any additional questions, please feel free to contact me at 415-554-4734.

Sincerely,



Zoon Nguyen
Deputy Assessor-Recorder



Richard Knee
<rak0408@earthlink.net>
03/25/2008 01:13 PM

To phil.ting@sfgov.org, zoon.nguyen@sfgov.org
cc SOTF_Administrator <soff@sfgov.org>, Crossman Kimo
<kimo@webnetic.net>
bcc
Subject Sunshine complaint #07088: addendum

Phil Ting, Assessor-Recorder
Zoon Nguyen, Deputy Assessor-Recorder

In re: Sunshine Ordinance Task Force Complaint #07088, Kimo Crossman vs.
Assessor-Recorder's Office

Dear Sir and Madam:

In a letter that I e-mailed to you on Monday, March 24, 2008, I requested that you appear at the next regular meeting of the Sunshine Ordinance Task Force's Compliance and Amendments Committee, on April 9, 2008, to address certain concerns regarding the above-cited case, and that you provide certain information in writing by April 2, 2008.

I write to you now to ask that your written and/or verbal information also include a list of the steps that the Assessor-Recorder's Office is taking to implement a policy regarding calendar redactions.

Again: Please route any and all correspondence on this matter via the Task Force Administrator's Office and copy it to Mr. Crossman; both e-mail addresses appear in the headers at the top of this message. Thank you for your kind attention.

Sincerely,
Richard Knee, Chairman
Sunshine Ordinance Task Force Compliance and Amendments Committee

Cc: Task Force Administrator's Office; Kimo Crossman



Richard Knee
<rak0408@earthlink.net>
03/24/2008 01:18 PM

To phil.ting@sfgov.org, zoon.nguyen@sfgov.org
cc SOTF_Administrator <sotf@sfgov.org>, Crossman Kimo
<kimo@webnetic.net>
bcc
Subject Sunshine complaint #07088

Phil Ting, Assessor-Recorder
Zoon Nguyen, Deputy Assessor-Recorder

In re: Sunshine Ordinance Task Force Complaint #07088, Kimo Crossman vs.
Assessor-Recorder's Office

Dear Sir and Madam:

In response to the above-referenced matter, Ms. Nguyen sent a letter to the Task Force on January 24, 2008, describing certain deletions from the Mr. Ting's activities calendar: entries of a purely personal/private nature; entries subject to attorney-client privilege; entries involving confidential taxpayer information; and replacements of Assessor-Recorder and other employees' names with job titles.

The Task Force appreciates your response. However, the information provided therein has raised additional concerns, which the Task Force's Compliance and Amendments Committee (CAC) would like you to address:

1. "Entries of a purely personal/private nature ... and personal or social events in which business pertaining to the Office of the Assessor-Recorder were not discussed." The CAC believes this description to be too narrow; specifically, there is a question of whether business pertaining to *any* City entity was discussed.
2. "Entries involving meetings with the City Attorney that are to remain confidential due to attorney-client privileged communication." In its Order of Determination on this matter, the Task Force found that attorney-client privilege covers only the subject matter of such meetings; it does not cover the fact that a meeting took place. Moreover, as you might be aware, the Sunshine Ordinance stipulates that consultations with the City Attorney regarding sunshine or ethics issues are not covered under attorney-client privilege.
3. "Specific names of Assessor-Recorder staff and other government employees were replaced by job title." The Task Force believes there is no justification in statutory or case law for this type of redaction or revision to records. If you know that such justification exists, you are required to cite it to the requester of the record.

In addition, the Task Force believes that when dealing with a record request, the responding entity must indicate when a redaction has taken place and indicate the type of information that has been deleted or changed.

The CAC requests that you or a representative from your Office who is knowledgeable on this matter appear at its next regular meeting to address these concerns. The meeting is scheduled for Wednesday, April 9, 2008, at 4 p.m. in City Hall Room 406. The CAC also requests a written response to this note by Wednesday, April 2, 2008, to help Committee members and parties in interest prepare to discuss this matter.

Please route any and all correspondence on this matter via the Task Force Administrator's Office and copy it to Mr. Crossman; both e-mail addresses appear in the headers at the top of this message. Thank you for your kind attention.

Sincerely,
Richard Knee, Chairman
Sunshine Ordinance Task Force Compliance and Amendments Committee

Cc: Task Force Administrator's Office; Kimo Crossman



SOTF/SOTF/SFGOV
03/18/2008 03:49 PM

To Tim Kingsbury/ASRREC/SFGOV@SFGOV, Zoon
Nguyen/ASRREC/SFGOV@SFGOV
cc kimo@webnetic.net
dougcoms@aol.com; rak0408@earthlink.net;
bcc elc@lrolaw.com; Ernest.llorente@sfgov.org;
sotf@brucewolfe.net; hjslaw@jps.net; Madeleine
Licavoli/BOS/SFGOV@SFGOV
Subject March 12, 2006 CAC Hearing Notice Omission re:
#07088_Crossman vs Assessor's Office

Hello Mr. Kingsbury,

Thanks for contacting the office regarding the Assessor's Office absence from the March 12, 2008. After reviewing the e-mail notice of the meeting that was sent out to the parties it appears that our office inadvertently omitted to notify your office of the Compliance and Amendments Committee's (CAC) meeting. Please accept our apologies for this omission.

Please note that after hearing discussion from the complainant and reviewing your response to the Order of Determination the CAC continued the matter to their April 9, 2008, meeting. You will be receiving a letter from the Chair of the committee, Richard Knee, in response to your letter and to request additional information. The next CAC meeting is as follows:

Date: Wednesday, April 9, 2008
Location: City Hall, Room 406
Time: 4:00 p.m.

Frank Darby, Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307



kimo <kimo@webnetic.net>
Sent by:
kimocrossman@gmail.com

02/01/2008 09:44 AM

Please respond to
kimo@webnetic.net

To SOTF <soft@sfgov.org>
"Phil Ting" <Phil.Ting@sfgov.org>, Assessor
cc <Assessor@sfgov.org>, "Tim Kingsbury"
<Tim.Kingsbury@sfgov.org>, "Zoon Nguyen"
bcc
Subject Re: Order of Determination: File #07088_Kimo Crossman v.
Assessor's Office

SOTF Please add this to the file for this matter

Dear Assessor's office,

I have seen the letter you sent regarding calendar redactions. It was a surprise to me because of the following:

- 0) The letter was not sent to me. Please include me on all communications on this matter.
- 1) I specifically requested all calendars, not just Prop G version. I am still requesting all calendars that contain city business.
- 2) Under 67.26, 67.27 all redactions must be keyed with express permissive exemptions, specific facts and applicable balancing tests - that has not occurred. No Redactions were marked on the calendar provided to me. It is in fact unclear if a new calendar was created selectively or if the original was provided with redactions that were not keyed.
- 3) I request the most detailed view of the calendar entries, it is not clear that that was provided.
- 4) You had indicated that staff names were replaced with staff titles. Changing the Public Record is never allowed under law. Additionally if that viewed as a redaction, that is not a legal redaction (see 2).
- 5) As we know the SOTF found Phil Ting violated the Sunshine Ordinance 67.25 d, for failure to provide his readily accessible calendar on a daily incremental basis and instead took 14+ days to provide it. Since Calendars are frequently requested of public officials, the verbal claim that the office had never dealt with a matter like this does not hold any weight. I request a written response addressing this violation by Mr. Ting and a plan for corrective action written by him.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

January, 24, 2008

Honorable Members, Sunshine Ordinance Task Force
Sunshine Ordinance Task Force
c/o Frank Darby, Jr., Administrator
Office of the Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Sunshine Complaint: #07088

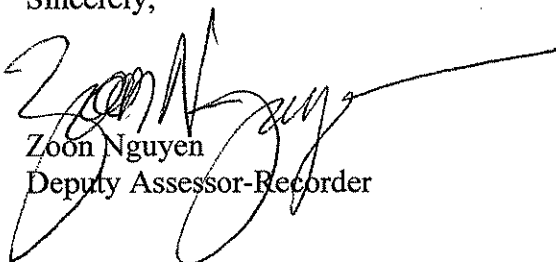
Dear Task Force Members:

This letter is in response to the Sunshine Ordinance Task Force Order of Determination dated January 17, 2008. The following entries were deleted from the calendar:

- Entries of a purely personal / private nature (such as childcare coordination, medical appointments, etc.), and personal or social events in which business pertaining to the Office of the Assessor-Recorder was not discussed;
- Entries involving meetings with the City Attorney that are to remain confidential due to attorney-client privileged communication;
- Entries involving confidential taxpayer or taxpayer information regarding assessments; and
- Specific names of Assessor-Recorder staff and other government employees were replaced by job title.

Thank you for your time, and if you have any questions, please feel free to contact me at 415-554-4734.

Sincerely,



Zoon Nguyen
Deputy Assessor-Recorder

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2008 JAN 24 PM 2:25
BY SK / - CR