

Date: April 22, 2008

Item No. 6a
File No. 08017

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Crossman vs SOTF-A**
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- _____

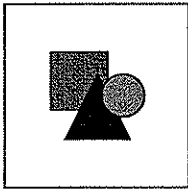
Completed by: Frank Darby

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.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

April 14, 2008

KIMO CROSSMAN v. SOTF ADMINISTRATOR, FRANK DARBY (08017)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

On January 25, 2008, the Sunshine Posse a group of individuals interested in Public Records and Public Meetings issues made an Immediate Disclosure Request ("IDR") to Frank Darby, Sunshine Ordinance Task Force Administrator ("Administrator") for a copy of all e-mails sent and received by the Administrator from January 1, 2008 to January 25, 2008. (The Sunshine Posse sent a supplemental request for e-mails from January 25, 2008 to February 1, 2008).

Before the end of the next business day after the receipt of the IDR, the Administrator responded by requesting an extension of time due to the voluminous amount of materials that he would have to gather.

On February 6, 2008, the Administrator provided the copies of the requested materials but they were batched in groups of 10.

COMPLAINANT FILES COMPLAINT

On March 2, 2008, Kimo Crossman on behalf of the Sunshine Posse filed a complaint online and alleged that the Administrator violated the Ordinance by providing the documents in batches of 10 rather than individual documents.

JURISDICTION

The Sunshine Posse requested public records in the possession of the SOTF Administrator through an IDR. The Administrator provided the documents in batches of ten. Kimo Crossman on behalf of the Sunshine Posse filed a complaint alleging violations of 67.21 and 67.25 and other sections of the Ordinance that are listed in this memorandum. The Task Force has jurisdiction to hear this case and did in fact hear the facts of this case in case number 08013. The Task Force after full hearing decided to take no action on this particular complaint. Now Kimo Crossman alleges the same facts in a new complaint. Procedurally, this should have come back as a motion to reconsider the actions of the Task Force at its hearing on March 25, 2008 - not as a new complaint. Please see Order of Determination in 08013.



<complaints@sfgov.org>
03/20/2008 11:26 AM

To <sotf@sfgov.org>
cc
bcc
Subject Sunshine Complaint

Submitted on: 3/20/2008 11:26:14 AM

Department: Clerk of the Board/SOTF Administrator

Contacted: SOTF Administrator

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 6253 (b), 6253.9 67.21 (l), 67.21-1

Description: I Kimo Crossman am filing this complaint for the Sunshine Posse. They requested all the emails sent to and from SOTF mailbox for January 2008 and the emails provided were bunched in groups of roughly ten a piece intermingling discussions which due to the way Lotus Notes handles grouped email all graphics/images were moved to the bottom of the bulk email rather than associated with the email that they were linked to. The Administrator refused to forward each email separately to preserve the character of the original email. This was unacceptable because there are plans to individually post each message online and this BULK method obstructed that vision.

Hearing: Yes

Date:

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic@net

Anonymous:

User Data

Client IP (REMOTE_ADDR) : 172.31.2.45
Client IP via Proxy (HTTP_X_FORWARDED_FOR) :



"Kimo Crossman "
<kimo@webnetic.net>

03/16/2008 08:42 PM

Please respond to
<kimo@webnetic.net>

To <sotf@sfgov.org>

cc <Angela.Calvillo@sfgov.org>, "Ernest Llorente"
<Ernest.Llorente@sfgov.org>

bcc

Subject SOTF Complaint Failure to forward an email individually
(format requested)

Submitted on: 3/16/08

Department: Clerk of the Board/SOTF Administrator

Contacted: SOTF Administrator

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 6253 (b) (not exact copy), 6253.9 (wrong format),
67.21 (L) (wrong format), Board motion M06-134 (not format requested),
67.21-1 (wrong format)

Description

I Kimo Crossman am filing this complaint for the Sunshine Posse. They requested all the emails sent to and from SOTF mailbox for January 2008 and the emails provided were bunched in groups of roughly ten a piece intermingling discussions which due to the way Lotus Notes handles grouped email all graphics /images were moved to the bottom of the bulk email rather than associated with the email that they were linked to .

The Administrator refused to forward each email separately to preserve the character of the original email. This was unacceptable because there are plans to individually post each message online and this BULK method obstructed that vision.

"Upon request, an *exact* copy shall be provided unless impracticable to do so." Cal. Gov't. Code Section 6253(b) .

Cal. Gov't Code 6253.9. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record

not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information .

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies .

The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

The Board motion M06-134 unanimously approved states that the Clerk shall provide public records in the format requested by the requestor (attached)

SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.

(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

67.21 (l)

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department , its officers or employees , including disk , tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated.

On Feb 12, 2008 12:18 PM, SOTF <sotf@sfgov.org> wrote:

This e-mail is in response to your request below. Your request is for e-mails sent and received from January 26, 2008 to February 1, 2008.

We have located approximately 52 e-mails responsive to your requests. Pursuant to State and Local law, we are in the process of reviewing these records and redacting personal information such as e-mail addresses, home phone numbers and addresses. (See Cal. Gov. Code §§ 6250, 6254(c), 6254 (k), Cal. Const., Art. I, § 1, and San Francisco Administrative Code § 67.1 (g)). This may require that we print out e-mail records, which require redaction. When possible, redacted e-mails will be forwarded via e-mail with the word "Redacted" used to replace information that has been redacted. Non-redacted e-mails will be forwarded to you on a rolling basis. We will notify you when the e-mail records that require redaction and/or other correspondence that exist only in paper are available for pickup, in the office of the Clerk of the Board.

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



m06-0134.pdf

----- Message from "Sunshine Posse" <sunshine.posse@gmail.com> on Sun, 16 Mar 2008 20:36:33 -0700

To: <kimo@webnetic.net>
Subject: Fwd: SOTF Correspondence Sent & Received_pt2

----- Forwarded message -----

From: SOTF <sotf@sfgov.org>
Date: Thu, Feb 14, 2008 at 1:06 PM
Subject: SOTF Correspondence Sent & Received_pt2
To: sunshine.posse@gmail.com

Below are e-mail's sent and received for January 26 through February 1, 2008.

Personal e-mail addresses, telephone numbers and home addresses have been redacted [Redacted](Cal Gov Code Section 6250, 6254 (c), 6254 (k), Cal Constitution, Article I, Section 1).

Four Order of Determinations attached to e-mails for complaint numbers 07083, 07085, 07093, and 07097 (totalling 4 pages) were deleted (as indicated by the word Redacted below) because we were unable to redact personal information within the e-mail. The pages will be made available at a cost of 40 cents. Please let us know if you wish to prepay for copies of the printed Order of Determinations and have them mailed.

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

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

SOTF/SOTF/SFGOV

01/28/2008 04:12 PM To
Redacted, Fire Commission, zanoff
Andy
cc
Ernest.llorente@sfgov.org
Subject
#07083_John Darmanin v. Fire
Commission

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.

Redacted

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

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

SOTF/SOTF/SFGOV

01/28/2008 04:12 PM To
Redacted, gfta@sfgov.org, Khan

Wong, brett.conner@sfgov.org
cc

Subject
#07085_Mr. Alvin v. Grants for the
Arts

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.

Redacted

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

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

SOTF/SOTF/SFGOV

01/28/2008 04:12 PM To
Redacted, Sophie Maxwell, Jon Lau,
Emily Rogers
cc

Subject
#07093_Patrick Monk vs Supervisor
Sophie Maxwell

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.

Redacted

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

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

SOTF/SOTF/SFGOV

01/28/2008 04:13 PM To
Redacted, dparker@sfgov.org
cc

Subject
#07097_Steve Lawrence v. Public
Utilities Commission

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.

Redacted

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

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

"Burton H Wolfe"
<bhwolfe@msn.com>

To
01/28/2008 04:37 PM <wildwestpublishing_45@msn.com>
cc

Subject
Heeeeeeeere's Barry called "Barack"

The Bay Area Haloo (Embedded image moved to file: pic01065.jpg)
All the Views and News the SF Chronicle will not publish
January 28, 2008

Volume 2, No. 14

You missed some hilarious Hillary jokes that I posted yesterday because you have not yet signed up for the BAH. Ask to be on the mailing list and I will send them to you. - Burton H. Wolfe

aaaaaaaaaaaaaaaaaaaaa

Heeeeeeeere's Barry, called "Barack." Since he and his supporters are running a racist campaign as that term is generally understood, he has to expect some nasty jokes in kind, and here they come.

They are being delivered on the Late Night shows, especially by Jay Leno. They are starting to pop up all over the internet. There is at least one satirical video in which "Barack" (Barry is his real name) is called a "mulatto" who is running to be "the first Negro president of the United States" and who, when asked what he considers to be a stupid question by a black-skinned man, calls that man a "nigger." You can expect to see much more of the same, along with the types of satirical images which follow the jokes I have supplied here, as the Clintons and their supporters become more desperate. But what you see now is very mild to what you are going to see if the Democratic Party is stupid and crazy enough to nominate the lying demagogue Barry Durham called "Barack Obama" as its choice to be president of the U.S. The Republican-controlled, Big Business-controlled Mass Miscommunications Media is licking its monster chops at the prospect. What is more, no matter how dirty they might play it, the maxim from the 18th-Century playwright Charles Churchill will apply: "A joke's a very serious thing."

But can he show he is Irish enough?

Barry Durham, who has taken the name of his biological father so as to be able to identify himself as an "African-American," has succeeded in getting away with his scam so far. But gradually the facts undercutting the scam are beginning to emerge. He was abandoned by his Kenyan father when he was two years old, rejected that father the rest of his life, was raised entirely by his white mother and white maternal grandparents of Irish/English descent dating back several centuries, was named "Barry" by his mother Ann Durham, was enrolled at the ritzy and predominantly white college preparatory Punahou School in Honolulu as Barry, was financed through Columbia University and Harvard Law School by white people, owes everything he is today to white people, has facial features (other than brownish skin color) that are more European than African, is neither a "black" nor an "African-American" no matter how those terms may be defined, and hence cannot be what he proposes to be: "the first black president" or "the first African-American president" of the U.S. Hence, as he moves out of the south into the far west and north, the major "joke" to be found is as follows:

Barack Obama has been able to convince "black" people that he is black enough for them to be supporting him as the potential "first black president of the U.S." As he moves into California and then over to New York, however, he faces a different problem: How can he convince the majority of the people of those states that he is Irish enough?

The factor behind the rise of white support for "Obama" in the South

During his campaign in the South, it was revealed that among the white ancestors of "Barack Obama" (as Barry Durham is being identified) were

slaveholders. As soon as that became known, it is estimated that white support for him in the southern states shot up 50 percent.

Suddenly a potential disaster appears in the "Obama" campaign

Just as things seemed to be going so well for "Barack Obama," he was endorsed by John Kerry and Ted Kennedy.

The White House as the Black House?

Headline in the Rocky Mountain News of January 17, 2008: "Racist Obama Joke Leaves Banquet Crowd Gasping." The story underneath pertained to what Colorado businessman William R. Farr offered as a gag when hosting the National Western Stock Show's annual Citizen of the West Banquet in Denver. Reading what he pretended to be a telegram from the White House, he interposed this comment:

"They're going to have to change the name of that building if Obama's elected."

In the ensuing hullabaloo, Farr was misquoted by the Mass Miscommunications Media as having said "they're going to have to change the name of that building to the Black House if Obama is elected." Either way, the attacks on him were so vociferous and widespread that he apologized publicly, after which he privately shook hands with all the white men and women of Colorado congratulating him for getting in that joke which, they told him, was abundantly justified and earned by "Obama," his supporters, the Democratic Party, and the Mass Miscommunications Media which has falsely and fraudulently identified "Barack" (Barry) millions of times as a "black." And that is the real joke.

And here come the funny images.

(Embedded image moved to file: pic00920.jpg)

(Embedded image moved to file: pic20107.jpg)

You think it is bad now? Wait till you see what comes if he is nominated.
----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

SOTF/SOTF/SFGOV

01/28/2008 04:38
PM

To

Allen Grossman
<grossman356@mac.com>

cc

Subject

Re: Fwd: Response to requests for
OD and Referral Letters(Document
link: SOTF)

Mr Allen Grossman,

Attached is a draft letter. We are still waiting for the finalized letter.

(See attached file: 07077_Referral to EC_v2.pdf)

Chris Rustom
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

Allen Grossman
<grossman356@mac.com>
To
SOTF <sotf@sfgov.org>
01/26/2008 11:59 AM cc
Doug Comstock <dougcoms@aol.com>
Subject
Fwd: Response to requests for OD
and Referral Letters

Mr. Darby,

It appears that these letters were signed(and sent?). Could you please send me a copy of the one I requested.

Thank You

Allen Grossman

Begin forwarded message:

From: Dougcoms@aol.com
Date: January 25, 2008 6:16:43 PM PST
To: grossman356@mac.com
Subject: Re: Response to requests for OD and Referral Letters

Allen - I think this was done. Sorry I lost track of this email. -d

Biggest Grammy Award surprises of all time on AOL Music.

(

<http://music.aol.com/grammys/pictures/never-won-a-grammy?NCID=aolcmp00300000002548>

)

----- Forwarded by SOTF/SOTF/SFGOV on 02/12/2008 02:19 PM -----

ali-aba@ali-aba.org

rg

01/28/2008 07:32

PM

To

SOTF@SFGOV.ORG

cc

Subject

Last chance: Attorney-client
privilege and work product
protection, 75 min., teleseminar or
audio webcast, Jan. 30

No images? Click to view as a web page.

Online CLE Forward to a Friend
(Embedded image moved to file: pic08579.gif)ALI-ABA
(Embedded image moved to file:
pic02102.gif)Continuing Leadership in
Professional Education

(Embedded image moved to file: pic10292.jpg)

Attorney-Client Privilege and
Work Product Protection
Telephone Seminar/Audio Webcast
Replay with Live Q&A: \$119
Wednesday, January 30, 2008
1 - 2:15 pm EST
Major changes are afoot in
attorney-client privilege and
work product protection that can
create an evidentiary minefield
for you and your clients.
Proposed Rule 502 of the Federal
Rules of Evidence was approved
by the Judicial Conference this
September and referred to
Congress for enactment.

What is the effect of these proposed changes and other recent developments in evidentiary protections, and how will they affect your practice and the advice you give to your clients? Led by an expert faculty, including the author of Rule 502, this timely and informative encore presentation will cover these important topics, among many:

(Embedded image moved to file: pic32177.gif)
Scope of waiver Inadvertent disclosure, including new FRCP Section 26(b)(5)(B)

(Embedded image moved to file: pic09714.gif)
Effect of court orders and party agreements

(Embedded image moved to file: pic15263.gif)
Appealability of adverse privilege determinations

(Embedded image moved to file: pic15933.gif)Register now

Need ethics credit? This program qualifies for 1.0 to 1.5

ethics credit hours, depending on state requirements, in
MCLE jurisdictions that accredit live telephone seminars
and/or webcasts.

(Embedded image moved to file: pic30971.gif)ALI-ABA
Great CLE makes great lawyers. Meet your CLE requirements with
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215.243.1600
www.ali-aba.org

(Embedded image moved to file: pic30795.gif)

(Embedded image moved to file: pic07980.gif)Precycle — Reduce waste, print
only when necessary.

[Update Your Preferences](#) | [Cease ALI-ABA email](#) | [Forward to a Friend](#)

If your Internet provider filters incoming e-mail, please add ali-aba.org
to your
list of approved senders to ensure that you receive future e-mails.

        
pic01065.jpg pic00920.jpg pic20107.jpg pic08579.gif pic02102.gif pic10292.jpg pic32177.gif pic09714.gif pic15263.gif
    
pic15933.gif pic30971.gif pic30795.gif pic07980.gif 07077_Referral to EC_v2.pdf

FILE NO. 061418

MOTION NO. *MO6-134*

1 [Providing policy direction to the Office of the Clerk of the Board of Supervisors regarding
2 public access to its records.]

3 **Motion providing policy direction to the Office of the Clerk of the Board of Supervisors**
4 **regarding public access to its records.**

5
6 WHEREAS, The Office of the Clerk of the Board provides public access to records of
7 the Board of Supervisors/Clerk of the Board in a timely manner; and

8 WHEREAS, The Office of the Clerk of the Board has provided records upon request to
9 members of the public since June 2000 in Portable Document Format (PDF); and

10 WHEREAS, The City Attorney's Office has orally advised City departments that in
11 response to a public records request for an electronic copy of a record, a City department may
12 provide the record to the requester in PDF; and

13 WHEREAS, The Office of the Clerk of the Board has relied on the City Attorney's
14 advice; and

15 WHEREAS, Two complaints were filed with the Sunshine Ordinance Task Force
16 regarding the alleged failure of the Office of the Clerk of the Board to provide a public record
17 in the original Word Format and failure to provide written justification for withholding; now,
18 therefore, be it

19 MOVED, That it shall be the policy of the Board of Supervisors that the Office of the
20 Clerk of the Board provides public access to records in PDF the format requested by the
21 requestor.

22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**Tails
Motion**

File Number: 061418

Date Passed: December 5, 2006


Motion providing policy direction to the Office of the Clerk of the Board of Supervisors regarding public access to its records.

December 5, 2006 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

File No. 061418

I hereby certify that the foregoing Motion
was APPROVED on December 5, 2006 by the
Board of Supervisors of the City and County
of San Francisco.



Gloria L. Young
Clerk of the Board

**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**

January 14, 2008

San Francisco Ethics Commission
30 Van Ness # 3900
San Francisco CA 94102

Regarding: #07077 complaint of Allen Grossman and the November 27, Order of Determination from the Sunshine Ordinance Task Force against the Office of the District Attorney, through its representative Sandip Patel, for violation of Sunshine Ordinance §§67.21, 67.21-1, 67.25, 67.26, and 67.27 and Government Code Sections 6253 and 6253.9 for failure to provide records, failure to use computer technology to provide access to records, failure to respond in a timely manner, failure to keep withholding to a minimum, and failure to justify withholding.

At their special meeting on Tuesday, January 8, 2008, the San Francisco Sunshine Ordinance Task Force voted that the attached complaint #07077 of Allen Grossman and the November 27, 2007 Task Force Order of Determination be referred to the Ethics Commission with a finding of willful failure to comply with the Sunshine Ordinance, failure to comply with the Order of Determination, and failure to comply with Government Code Sections 6253 and 6253.9 of the California Public Records Act. Under the Sunshine Ordinance, those acts shall be deemed official misconduct.

This request and referral is made under Section 67.30 (c) and 67.34 whereby the Task Force shall make referrals to a municipal office with enforcement power under the Sunshine 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. Complaints involving allegations of willful violations of the Sunshine Ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

Attached to this letter is (1) the November 27, 2007 Task Force Order of Determination, (2) documents regarding this complaint that have been submitted to the Sunshine Ordinance Task Force, (3) the minutes from the Task Force meetings of November 27, 2007, and January 8, 2008, and (4) the minutes from the Compliance and Amendments Committee meeting of December 12, 2007.

Ethics Commission

January 14, 2008

Page 2 of 2


If you need any further information, including tape recordings of any of the meetings referenced above, please feel free to contact me, or the Task Force Administrator Frank Darby at (415) 554-7724.

Doug Comstock, Chair
Sunshine Ordinance Task Force

cc: Allen Grossman, Complainant
Kamala Harris, District Attorney
Sandip Patel, District Attorney Representative
Paul Henderson, Deputy District Attorney
Ernie Llorente, Deputy City Attorney



SOTF/SOTF/SFGOV
04/03/2008 01:26 PM

To SOTF/SOTF/SFGOV@SFGOV, kimo@webnetic.net
cc kimo@webnetic.net, Angela Calvillo/BOS/SFGOV@SFGOV
bcc
Subject SOTF-A Response: Complaint: #08017_Kimo Crossman vs
COB & SOTF-A 

This e-mail is the Department's response to the above titled complaint.

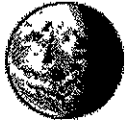
The Department is not contesting that the Task Force has jurisdiction over this matter. However, the complaint is without merit.

On February 25, 2008, the Sunshine Posse sent the Department an IDR requesting, among other things, "all emails sent to or from the SOTF account or paper only documents sent to or from SOTF from Jan 1st - Jan 25th." On February 1, 2008, the Sunshine Posse sent another request extending the period from Jan 26th - 2/1."

The Department responded by providing approximately 40 separate e-mails (limited to size) containing over 300 compiled e-mails that were responsive to the request. No records were denied and no content was redacted.

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



"Sunshine Posse "
<sunshine.posse@gmail.com>
m>
04/03/2008 09:53 PM

To SOTF <sotf@sfgov.org>, kimo@webnetic.net
cc
bcc
Subject Please Add to file Complaint #08017

----- Forwarded message -----

From: **Sunshine Posse** <sunshine.posse@gmail.com>

Date: Mon, Feb 11, 2008 at 11:41 PM

Subject: Re: SOTF Response to 1/25/08 IDR

To: SOTF <sotf@sfgov.org>, Allen Grossman <grossman356@mac.com>, Wayne Lanier <w_lanier@pacbell.net>, kimo@webnetic.net, "home@prosf.org" <home@prosf.org>

While we continue to await a response on the issues raised, we point out also that the motion adopted unanimously by the Supervisors allows a requestor to obtain records in the format requested.

<http://www.sfgov.org/site/uploadedfiles/bdsupvrs/motions06/m06-0134.pdf>

We reiterate our request that Paper only documents be emailed as scanned pdf and **the emails be provided in their original electronic format and not groups of emails.**



"Kimo Crossman "
<kimo@webnetic.net>
04/03/2008 09:54 PM

To "SOTF" <sotf@sfgov.org>
cc
bcc
Subject RE: SOTF-A Response: Complaint: #08017_Kimo Crossman
vs. COB & SOTF-A

Please add to the Sections alleged violated for this complaint 67.29-2

Also the statement below that "no content was redacted" is not correct,
email addresses were redacted and the SOTF found by Order of Determination
in March 2008 that that was incorrect.

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