

Date: Oct. 28, 2008

Item No. 6

File No. 08048

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Anonymous Tenants v. Building Inspection Department**
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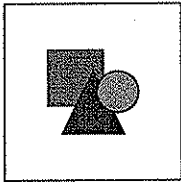
Completed by: Chris Rustom

Date: Oct. 23, 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

October 21, 2008

*ANONYMOUS TENANTS v. DEPARTMENT OF BUILDING INSPECTION
(08048)*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Anonymous Tenants state that on August 13, 2008, they made an Immediate Disclosure Request on the Department of Building Inspection ("DBI") through Building Inspector David Pang for a copy of the permit application for permit # 2008040286, a copy of the Notice of Violation ("NOV") # 200665964, and a copy of all plans. In addition, Tenants request block notification for 2650-52 Hyde Street. On that same day, Tenants allege that Mr. Pang informed Tenants to call Mr. Chavis at City Planning regarding block notification. Tenants responded and again requested a copy of the permit application, the NOV and all plans. On August 21, 2008, Tenants allege that they submitted a third IDR for the same information listed above. To those requests, Tenants allege that they did not receive a response from David Pang or the requested records.

COMPLAINANT FILES COMPLAINT:

On August 25, 2008, the Anonymous Tenants filed a complaint alleging violations of the Sunshine Ordinance.

JURISDICTION

Based on the allegations of the complaint and the sections of the Ordinance stated below, the Task Force has jurisdiction to hear this matter. In addition the parties in this case do not contest jurisdiction.

APPLICABLE STATUTORY SECTION;

1. California Constitution, Article I, Section 3 that states the general principals of public records and public meetings.
2. Sunshine Ordinance Section 67.1 that addresses Findings and Purpose.

Memorandum

3. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents
4. Sunshine Ordinance, San Francisco Administrative Code Section 67.25 addresses Immediate Disclosure Requests.
5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
6. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.
7. California Public Records Act, Government Code Section 6253 deals with public records open to inspection, agency duties, and time limits.
8. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.

APPLICABLE CASE LAW:

none

ISSUES TO BE DETERMINED**1. FACTUAL ISSUES****A. Uncontested Facts:**

- Anonymous Tenants allege that they repeatedly requested Department Building Inspector David Pang for a copy of the permit application for permit # 2008040286, a copy of the Notice of Violation ("NOV") 200665964, and a copy of all plans.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Whether DBI Inspector David Pang's response to the request for documents complied with the requirements of the Sunshine Ordinance.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

- What documents were withheld by the Department of Building Inspection?

Memorandum

LEGAL ISSUES/LEGAL DETERMINATIONS;

- **Were sections of the Sunshine Ordinance (Section 67.21 or 67.25) Public Records Act, and/or California Constitution Article I, Section three violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

Memorandum**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
 - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
 - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
 - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum
ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)
UNLESS OTHERWISE SPECIFIED

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

Section 67.21 addresses general requests for public documents.

This section provides:

- a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.
- b.) A custodian of a public record shall as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.
- c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.
- ...
- k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.
- 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

Memorandum

on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

Section 67.25 provides:

- a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.
- b.) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requestor shall be notified as required by the close of business on the business day following the request.
- c.) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Memorandum

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

- a.) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
- b.) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

Memorandum

c.) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....

Section 6255 provides:

a.) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

b.) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



<complaints@sfgov.org>
08/25/2008 02:20 PM

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

History: This message has been forwarded

Submitted on: 8/25/2008 2:20:00 PM

Department: Building Inspection

Contacted: Inspector David Pang

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated:

Description: We requested for document: copy of current permit application #200804028610, copy of NOV #200665964 and copy of all the plans for 2650-52 Hyde Street but Inspector David Pang refuses to provide.

Hearing: Yes

Date:

Name:

Address:

City:

Zip:

Phone:

Email:

Anonymous: [REDACTED]

Confidentiality_Requested: Yes

User Data



Print - Close Window

Date: Wed, 13 Aug 2008 07:44:16 -0700 (PDT)
From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>
Subject: Re: 2650-52 Hyde Street
To: David.Pang@sfgov.org
CC: Isam.Hasenin@sfgov.org, tenants769np@yahoo.com

**IMMEDIATE DISCLOSURE REQUEST
SUNSHINE REQUEST**

Dear Building Inspector Mr. Pang:

We paid for block notification for 2650-52 Hyde Street but the block notification was not given. We just found out this morning that you issued a permit #200804028610 on April 2, 2008 for 2650-52 Hyde Street. We request that you please provide us with a copy of the permit application, copy of the NOV#200665964 and copy of all the plans.

Thank you very much.



Print - Close Window

Date: Wed, 13 Aug 2008 22:56:22 -0700 (PDT)

From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>

Subject: Re: 2650-52 Hyde Street

To: David.Pang@sfgov.org

CC: Isam.Hasenin@sfgov.org, tenants769np@yahoo.com

**IMMEDIATE DISCLOSURE REQUEST (second request)
SUNSHINE REQUEST**

Dear Inspector Pang:

Thank you for informing us to contact Mr. Chavis at Planning regarding block notification and we did take your advice and contacted him.

We request that you please provide us with a copy of the current permit application # 200804028610, copy of the NOV#200865964 and copy of all the plans for 2650-52 Hyde Street.

Thank you very much.



Date: Thu, 21 Aug 2008 10:16:37 -0700 (PDT)
From: "Tenants 769NorthPoint" <tenants769np@yahoo.com>
Subject: Re: 2650-52 Hyde Street
To: David.Pang@sfgov.org
CC: Isam.Hasenin@sfgov.org, tenants769np@yahoo.com

**IMMEDIATE DISCLOSURE REQUEST (third request)
 SUNSHINE REQUEST**

Dear Inspector Pang:

The law (see below SEC. 67.21 a & b) requires you to relieve the documents that we requested to us within 10 days. (Our first request was on August 13, 2008)

We request again that please provide us with a copy of the current permit application # 200804028610, copy of the NOV#200665964 and copy of all the plans for 2650-52 Hyde Street.

Thank you.

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;
 ADMINISTRATIVE APPEALS.**

- (a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.
- (b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

August 26, 2008

VIA Fax: 415-554-7854

To: Mr. Chris Rustom
SOTF

From: tenants769np@yahoo.com

Re: Attachments of Complaint against Inspector David Pang,
Department of Building Inspection filed on August 25, 2008.

Total pages: 4 including this cover page.

Dear Mr. Rustom:

Here are the copies of the attachments to the complaint. We were informed that there was some problem with the attachments.

Thank you.



October 7, 2008

Via Email: SOTF@sfgov.org

Mr. Chris Rustom
Asst. Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Complaint No. 08048

Mr. Rustom:

Per the attached response provided to you by the Department of Building Inspection's Deputy Director and Manager of Plan Review Services, Mr. Raymond R. Lui, which addressed directly allegations made about a failure to provide public records, we would appreciate knowing whether or not the Sunshine Task Force has accepted Mr. Lui's explanation.

A complete record of email exchanges with the complainant, where our Plan Review staff explained the process for obtaining the documents they were seeking, is part of the attachment below and which Mr. Lui sent to you in September.

In as much as the Department has been responsive to the complainant, I respectfully request that your notice that we appear at the Task Force's October 28th meeting be withdrawn.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "William Strawn".

William Strawn
Communications Manager

Attachment

C. Raymond R. Lui, Manager, Plan Review Services, John Malamut, City Attorney

September 2008
Chris Rustom (SOTF),

I received complaint #08048 today and I have enquired with Mr. David Pang with regards to his actions related to this case. Based on the string of email correspondence that I have pasted below, it appears that the complainants have believed that our plan reviewers retain copies of permit application submittal packages after approval. We do not. One copy of the permit application and plans are returned to the applicant, and the other copy of the permit application and plans are sent to microfilm (imaging). These kinds of record requests are and should be made with our Records/Microfilm Division. Further, our plan reviewers do not have hard copies of any Notice of Violations (NOVs) that may have been issued. These are readily available through our Records Division.

As you can see from the emails below, Mr. Pang informed the complainants on the procedures regarding obtaining the records they sought. It does not appear that my staff, Mr. David Pang, did anything inappropriately.

Please feel free to call me if you have any questions or comments. Thanks.

Raymond Lui, S.E.
Manager for Plan Review Services Program
City and County of San Francisco
Department of Building Inspection
1660 Mission Street, 2nd Floor
San Francisco, CA 94103
Tel: 415-558-6139
Fax: 415-558-6436

This e-mail is to confirm that the attached complaint and support documents has been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #08048 when submitting any new information and/or supporting documents pertaining to this complaint.

If the Department contests jurisdiction or if the parties request a prehearing conference a hearing will be scheduled with the Complaint Committee of the Sunshine Ordinance Task Force who will determine whether the Task Force has jurisdiction over this matter, and/or to focus the complaint or to otherwise assist the parties to the complaint.

Date: Tuesday, October, 14, 2008
Location: City Hall, Room 406
Time: 4:00 P.M.

If the Department does not contest jurisdiction or if the parties don't request a prehearing conference a hearing will be scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, October 28, 2008
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Any support documents to be considered by committee members, prior to the meeting, must be submitted by 4:00 P.M. Tuesday, September 29, 2008.

email string #1

----- Forwarded by David Pang/DBI/SFGOV on 09/04/2008 03:11 PM -----

David Pang/DBI/SFGOV To tenants769np@yahoo.com
08/13/2008 04:48 PM cc
Subje Fw: 2650-52 Hyde Street
ct

Dear Tenants:

Please contact your plan checker, Gil Chavis, at the Department of City Planning regarding the block notification.

-David

----- Forwarded by David Pang/DBI/SFGOV on 08/13/2008 04:45 PM -----

Anita S. Lee/DBI/SFGOV To David Pang/DBI/SFGOV@SFGOV
08/13/2008 03:10 PM cc
Subje Re: Fw: 2650-52 Hyde StreetNotes Link
ct

David,

If it is block notificaion, then it is handled by City Planning. Will you please ask the customer for a copy of their receipt? Upon receipt of that, I might be able to clarify whether it is a block notification.

Anita Lee
Central Permit Bureau
Department of Building Inspection
1660 Mission Street 1st floor, San Francisco, Ca. 94103
Phone #558-6073

David
Pang/DBI/SFGOV

08/13/2008 09:39 AM

To Anita S. Lee/DBI/SFGOV@SFGOV
cc
Subject Fw: 2650-52 Hyde Street
ct

Anita,
Does your division handle this?
Please contact the customer and cc: me.
-David
558-6007

----- Forwarded by David Pang/DBI/SFGOV on 08/13/2008 09:39 AM -----

Tenants
769NorthPoint
<tenants769np@yahoo.com>

08/13/2008 07:44 AM

To David.Pang@sfgov.org
cc Isam.Hasenin@sfgov.org, tenants769np@yahoo.com
Subject Re: 2650-52 Hyde Street
ct

IMMEDIATE DISCLOSURE REQUEST SUNSHINE REQUEST

Dear Building Inspector Mr. Pang:

We paid for block notification for 2650-52 Hyde Street but the block notification was not given. We just found out this morning that you issued a permit #200804028610 on April 2, 2008 for 2650-52 Hyde Street.

We request that you please provide us with a copy of the permit application, copy of the NOV#200665964 and copy of all the plans.

Thank you very much.

email string #2

----- Forwarded by David Pang/DBI/SFGOV on 09/04/2008 03:14 PM -----

David
Pang/DBI/SFGOV

08/27/2008 01:54 PM

To Tenants 769NorthPoint <tenants769np@yahoo.com>
cc SOTF@sfgov.org
Subje Re: 2650-52 Hyde StreetNotes Link
ct

Dear Tenants @769 North Point:

To expedite your request, please complete the Microfilm Record Request per my email this morning.

Before you send me a sixth email request, please contact our Microfilm Division at 415-558-6080 and they will be happy to assist you in retrieving the building permit records.

Sincerely,
David Pang

Tenants
769NorthPoint
<tenants769np@yahoo.com>

08/27/2008 12:22 PM

To David Pang <David.Pang@sfgov.org>
cc SOTF@sfgov.org; Isam.Hasenin@sfgov.org
Subje Re: 2650-52 Hyde Street
ct

IMMEDIATE DISCLOSURE REQUEST
SUNSHINE REQUEST

Dear Mr. Pang,

In your today's e-mail you stated: "For the record, I did not receive email dated 8-13-08 (second request) as worded below." please explain exactly what do you mean by "as worded below".

For the record this is our fifth request: please provide us with:

- 1) a copy of the current permit application #200804028610;
- 2) a copy of the NOV # 200665964;
- 3) a copy of all the plans for 2650-52 Hyde Street.

("All the plans" mean plans for this building permit application #200804028610.)

The law (see below SEC. 67.21 a & b) requires you to relieve the documents that we requested to us within 10 days. (Our first request was on August 13, 2008)

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

Thank you.

Have a nice day.

--- David Pang <David.Pang@sfgov.org> wrote:

> Dear Tenants at 769 North Point:

>

> For the record, I did not receive email dated
> 8-13-08 (second
> request) as worded below. I've also included the
> previous chain of email
> correspondances. It was assumed that City Planning
> handled all disclosure
> requests. However in this case, all permits and
> plans may be available to
> the public for viewing by completing the attached
> Microfilm Record Request.
> Fax it to the number on the form and wait for a call
> from our Public

> Service clerk for verification.

>

> Have a nice sunny day in our City!

>

> Sincerely,

> David Pang

> Associate Engineer (not Inspector)

> Plan Review Service Division

> 415-558-6007

>

>

> (See attached file: MicrofilmRecordRequest.pdf)

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Tenants

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769NorthPoint

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<tenants769np@yah

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To

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oo.com>

> David.Pang@sfgov.org

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cc

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08/26/2008 05:48

> Isam.Hasenin@sfgov.org,

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PM

> tenants769np@yahoo.com

>

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Subject

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Fwd: Re:

> 2650-52 Hyde Street

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> IMMEDIATE DISCLOSURE REQUEST (4th Request)

> SUNSHINE REQUEST

>

> Dear Inspector Pang:

>

> Yes, we did contact Planner Chavis regarding the
> planning issue, the BBN.

>

> However this is our fourth request for documents
> which are handled by you
> and Building Department.

>

> We request again, please provide us with a copy of
> the current permit
> application # 200804028610, a copy of the NOV #
> 200665964 and a copy of all
> the plans for 2650-52 Hyde Street.

>

> Thank you.

>

>

> Tenants 769NorthPoint <tenants769np@yahoo.com>

> wrote:

> Date: Thu, 21 Aug 2008 10:16:37 -0700 (PDT)

> From: Tenants 769NorthPoint

> <tenants769np@yahoo.com>

> Subject: Re: 2650-52 Hyde Street

> To: David.Pang@sfgov.org

> CC: Isam.Hasenin@sfgov.org, tenants769np@yahoo.com

>

> IMMEDIATE DISCLOSURE REQUEST (third request)

> SUNSHINE REQUEST

>

> Dear Inspector Pang:

>

> The law (see below SEC. 67.21 a & b) requires you
> to relieve the documents
> that we requested to us within 10 days. (Our first
> request was on August
> 13, 2008)

>

> We request again that please provide us with a copy
> of the current permit
> application # 200804028610, copy of the
> NOV#200665964 and copy of all the
> plans for 2650-52 Hyde Street.

>

> Thank you.

>

> SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC

> RECORDS; ADMINISTRATIVE

> APPEALS.

> (a) Every person having custody of any public

> record or public

> information, as defined herein, (hereinafter

> referred to as a custodian of
> a public record) shall, at normal times and during
> normal and reasonable
> hours of operation, without unreasonable delay, and
> without requiring an
> appointment, permit the public record, or any
> segregable portion of a
> record, to be inspected and examined by any person
> and shall furnish one
> copy thereof upon payment of a reasonable copying
> charge, not to exceed
> the lesser of the actual cost or ten cents per
> page.

> (b) A custodian of a public record shall, as soon
> as possible and within
> ten days following receipt of a request for
> inspection or copy of a public
> record, comply with such request. Such request may
> be delivered to the
> office of the custodian by the requester orally or
> in writing by fax,
> postal delivery, or e-mail. If the custodian
> believes the record or
> information requested is not a public record or is
> exempt, the custodian
> shall justify withholding any record by
> demonstrating, in writing as soon
> as possible and within ten days following receipt
> of a request, that the
> record in question is exempt under express
> provisions of this ordinance.

>

>

>

> August 13, 2008

>

>

> IMMEDIATE DISCLOSURE REQUEST (second request)

> SUNSHINE REQUEST

>

>

> Dear Inspector Pang:

>

> Thank you for informing us to contact Mr. Chavis at

> Planning regarding

> block notification and we did take your advice and

> contacted him.

>

> We request that you please provide us with a copy

> of the current permit

> application # 200804028610, copy of the

> NOV#200665964 and copy of all the

> plans for 2650-52 Hyde Street.

>

> Thank you very much.
>
> ***** PREVIOUS CHAIN OF EMAIL
> CORRESPONDANCE*****
> Dear Tenants at 769 North Point,
>
> I could not respond earlier due to my sick time off
> during the last three
> business days. Did you ever contact City Planning
> per earlier chain of
> emails noted below?
>
> Sincerely,
> David Pang
> Associate Engineer
> Plan Review Service Division
>
>
>
>
>
> Tenants
>
> 769NorthPoint
>
>
=== message truncated ===

email string #3

----- Forwarded by David Pang/DBI/SFGOV on 09/04/2008 03:16 PM -----

Tenants
769NorthPoint
<tenants769np@yahoo.com>
08/27/2008 02:50 PM

To David Pang <David.Pang@sfgov.org>
cc SOTF@sfgov.org, Isam.Hasenin@sfgov.org
Subject Re: 2650-52 Hyde Street
ct

IMMEDIATE DISCLOSURE REQUEST (6th request)
SUNSHINE REQUEST

Dear Mr. Pang:

Our requests to you for public record have nothing to do with the Microfilm. Please comply with the Sunshine Law by providing us with the requested public record immediately.

Thank you.

David Pang <*David.Pang@sfgov.org*> wrote:

Dear Tenants @769 North Point:

To expedite your request, please complete the Microfilm Record Request per my email this morning.

Before you send me a sixth email request, please contact our Microfilm Division at 415-558-6080 and they will be happy to assist you in retrieving the building permit records.

Sincerely,
David Pang

Tenants
769NorthPoint
oo.com> David Pang
cc
08/27/2008 12:22 SOTF@sfgov.org,
PM Isam.Hasenin@sfgov.org
Subject
Re: 2650-52 Hyde Street

IMMEDIATE DISCLOSURE REQUEST
SUNSHINE REQUEST

Dear Mr. Pang,

In your today's e-mail you stated: "For the record, I did not receive email dated 8-13-08 (second request) as worded below." please explain exactly what do you mean by "as worded below".

For the record this is our fifth request: please provide us with:

- 1) a copy of the current permit application #200804028610;
- 2) a copy of the NOV # 200665964;
- 3) a copy of all the plans for 2650-52 Hyde Street. ("All the plans" mean plans for this building permit application #200804028610.)

The law (see below SEC. 67.21 a & b) requires you to relieve the documents that we requested to us within 10 days. (Our first request was on August 13, 2008)

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under

express provisions of this ordinance.

Thank you.

Have a nice day.

--- David Pang wrote:

> Dear Tenants at 769 North Point:
>
> For the record, I did not receive email dated
> 8-13-08 (second
> request) as worded below. I've also included the
> previous chain of email
> correspondances. It was assumed that City Planning
> handled all disclosure
> requests. However in this case, all permits and
> plans may be available to
> the public for viewing by completing the attached
> Microfilm Record Request.
> Fax it to the number on the form and wait for a call
> from our Public
> Service clerk for verification.
>
> Have a nice sunny day in our City!
>
> Sincerely,
> David Pang
> Associate Engineer (not Inspector)
> Plan Review Service Division
> 415-558-6007
>
>
> (See attached file: MicrofilmRecordRequest.pdf)
>
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>
> Tenants
>
> 769NorthPoint
>
>> To

> oo.com>
> David.Pang@sfgov.org
>
> cc
> 08/26/2008 05:48
> Isam.Hasenin@sfgov.org,
> PM
> tenants769np@yahoo.com
>
> Subject
> Fwd: Re:
> 2650-52 Hyde Street
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> IMMEDIATE DISCLOSURE REQUEST (4th Request)
> SUNSHINE REQUEST
>
> Dear Inspector Pang:
>
> Yes, we did contact Planner Chavis regarding the
> planning issue, the BBN.
>
> However this is our fourth request for documents
> which are handled by you
> and Building Department.
>
> We request again, please provide us with a copy of
> the current permit
> application # 200804028610, a copy of the NOV #
> 200665964 and a copy of all
> the plans for 2650-52 Hyde Street.
>

> Thank you.
>
>
> Tenants 769NorthPoint
> wrote:
> Date: Thu, 21 Aug 2008 10:16:37 -0700 (PDT)
> From: Tenants 769NorthPoint
>
> Subject: Re: 2650-52 Hyde Street
> To: David.Pang@sfgov.org
> CC: Isam.Hasenin@sfgov.org, tenants769np@yahoo.com
>
> IMMEDIATE DISCLOSURE REQUEST (third request)
> SUNSHINE REQUEST
>
> Dear Inspector Pang:
>
> The law (see below SEC. 67.21 a & b) requires you
> to relieve the documents
> that we requested to us within 10 days. (Our first
> request was on August
> 13, 2008)
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> of the current permit
> application # 200804028610, copy of the
> NOV#200665964 and copy of all the
> plans for 2650-52 Hyde Street.
>
> Thank you.
>
> SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC
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> APPEALS.
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> record or public
> information, as defined herein, (hereinafter
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> a public record) shall, at normal times and during
> normal and reasonable
> hours of operation, without unreasonable delay, and
> without requiring an
> appointment, permit the public record, or any
> segregable portion of a
> record, to be inspected and examined by any person
> and shall furnish one

- > copy thereof upon payment of a reasonable copying
- > charge, not to exceed
- > the lesser of the actual cost or ten cents per
- > page.
- > (b) A custodian of a public record shall, as soon
- > as possible and within
- > ten days following receipt of a request for
- > inspection or copy of a public
- > record, comply with such request. Such request may
- > be delivered to the
- > office of the custodian by the requester orally or
- > in writing by fax,
- > postal delivery, or e-mail. If the custodian
- > believes the record or
- > information requested is not a public record or is
- > exempt, the custodian
- > shall justify withholding any record by
- > demonstrating, in writing as soon
- > as possible and within ten days following receipt
- > of a request, that the
- > record in question is exempt under express
- > provisions of this ordinance.
- >
- >
- >
- > August 13, 2008
- >
- >
- > IMMEDIATE DISCLOSURE REQUEST (second request)
- > SUNSHINE REQUEST
- >
- >
- > Dear Inspector Pang:
- >
- > Thank you for informing us to contact Mr. Chavis at
- > Planning regarding
- > block notification and we did take your advice and
- > contacted him.
- >
- > We request that you please provide us with a copy
- > of the current permit
- > application # 200804028610, copy of the
- > NOV#200665964 and copy of all the
- > plans for 2650-52 Hyde Street.
- >
- > Thank you very much.

>
> ***** PREVIOUS CHAIN OF EMAIL
> CORRESPONDANCE*****
> Dear Tenants at 769 North Point,
>
> I could not respond earlier due to my sick time off
> during the last three
> business days. Did you ever contact City Planning
> per earlier chain of
> emails noted below?
>
> Sincerely,
> David Pang
> Associate Engineer
> Plan Review Service Division
>
>
>
>
>
> Tenants
>
> 769NorthPoint
>
>
>==== message truncated ====



Tenants 769NorthPoint
<tenants769np@yahoo.com>

10/15/2008 01:52 PM

To DBIcustomerservice@sfgov.org, SOTF@sfgov.org,
William.Strawn@sfgov.org, Daniel.Lowery@sfgov.org,
Donal.Duffy@sfgov.org, Raymond.R.Lui@sfgov.org,
Kimo Crossman <kimo@webnetic.net>, Christian Holmer
cc <mail@csrsf.com>, Tenants769np@yahoo.com

bcc

Subject Re: Immediate Disclosure Request / Sunshine Request

IMMEDIATE DISCLOSURE REQUEST SUNSHINE REQUEST

To every person in Building Department:

Re: 2650-52 Hyde Street

We request that you provide us with copies of two basic and simply documents as following:

- 1) A copy of Notice Of Violation (NOV) #200665964;
- 2) A copy of all the plans in connection with Building Permit Application # 200804028610.

Please distribute this request to the staff who has custody, control, possess and/or access to these documents and comply with the law. (see below)

Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

Sec. 67.25. Immediacy Of Response.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be **justified, in writing**, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available

67.21 (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. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

Please comply with the law by providing the requested two basic and simply documents to us. Please provide the document in PDF form and e-mail to us. If there is a problem for you to comply with the law please let us know the reason(s) immediately,

Thank you.

William Strawn/DBI/SFGOV
10/16/2008 11:37 AM

To Tenants 769NorthPoint <tenants769np@yahoo.com>, Alan
E. Whiteside/DBI/SFGOV@SFGOV
cc mail@csrsf.com, SOTF/SOTF/SFGOV@SFGOV,
william.strawn@sfgov.org
bcc
Subject Re: Immediate Disclosure Request / Sunshine Request 

City and County of San Francisco
Department of Building Inspection
Acting Director

Gavin Newsom, Mayor
Vivian L. Day, C.B.O.,

1660 Mission Street – San Francisco CA 94103
Office (415) 558-6088 – FAX (415) 558-6401
Website: www.sfgov.org/dbi

October 16, 2008

Tenants769np@yahoo.com
sotf@sfgov.org – Complaint Ref. No. 08048

Dear Tenants769 North Point:

In response to your email of October 15, 2008 to the Department of Building Inspection for an "Immediate Disclosure" public records' request, please find attached a PDF of the Notice of Violation No. 200665964 – as requested. Please note that this NOV has been available on the DBI web site, through its online Permit Tracking System, for the past two years and thus readily accessible to you. Please visit www.sfgov.org/dbi and click on the Permit Tracking System link in order to access the overwhelming majority of public records on 2650-2652 Hyde Street.

With respect to your second request for "a copy of all the plans in connection with Building Permit Application Number 200804028610," as DBI's Plan Reviewer David Pang explained to you in his email dated and sent on August 13, 2008, to view these plans requires that you submit a microfilm request. Mr. Pang even sent you this request form, so that you might fill it out and fax it to our Records Division for processing. You are mistaken when you responded to Mr. Pang that having access to these plans "...have nothing to do with the Microfilm," as you emailed to Mr. Pang on August 27, 2008.

Per Sunshine Request requirements, a Microfilm Request must be filled out in order for DBI to respond to your request. The plans for application #2008-04-02-8610 are in our Papervision and may be called up for viewing. To obtain copies, all customers must follow the same rules as for any request. They must have written consent from the owners of the property to obtain copies of plans; this is required by California State law.

In addition, please note the following requirements for public records:

If the customer views the plans at our offices, 1650 Mission Street, Third Floor, and does not request copies, there is no charge.

If the customer requests only copies of the permit application and views the plans at our offices, the fee is the minimum microfilm charge of \$6.50.

If the customer obtains written consent from the property owner, and provides us with this signed affidavit, the charge is \$5.00 per plan sheet (our records indicate there are six plans connected with this permit application).

If the customer also wants permit application copies, it is \$3.00 per sheet.

While we also would normally charge \$3.00 per page for the requested Notice of Violation, we are waiving this charge and simply providing you with a PDF of the NOV, which you could have obtained from the DBI web site.

As Mr. Pang explained to you on August 13, 2008, the above details would have been provided had you called our Microfilm Division, Tel. 415/558-6080, as he urged you to do.

Per the City Attorney, all fees must be paid prior to releasing copies of these plans.

Thank you, again, for your interest in the Department of Building Inspection.

Sincerely,

William Strawn



ImmedDisclos769NPointOct1608.pdf

William Strawn
Communications Manager
Department of Building Inspection
San Francisco, CA 94103
william.strawn@sfgov.org
Tel. 415/558-6250 (O)
Blackberry: 415/850-9816



Tenants 769NorthPoint
<tenants769np@yahoo.com>
>

10/16/2008 04:03 PM

William Strawn <william.strawn@sfgov.org>,
To SOTF@sfgov.org, "Alan E. Whiteside"
<Alan.Whiteside@sfgov.org>, Ann.Aherne@sfgov.org
Kimo Crossman <kimo@webnetic.net>, Allen Grossman
cc <grossman356@mac.com>, Christian Holmer
<mail@csrsf.com>, Tenants769np@yahoo.com

bcc

Subject Fwd: Re: Immediate Disclosure Request / Sunshine Request

Dear Mr. Strawn:

Thank you for responding to our request. The NOV in PDF you sent is without the attachment. In other words you did not provide us with a copy of the actual complete NOV. We have tried many times to find a copy of NOV's on the DBI's web site but with No success. The DBI's web site dose not allow us to view the actual copy of the NOV but only mentions that NOV was sent to the owner.

With respect to DBI's permit tracking system, you are mistaken in that you stated that the NOV's are available at this site. What you find at this site are complaints and permits but not the actual NOV. The complaint page mentions that the first NOV sent but does not state what the violation is.

The violation should be listed in the NOV. In this case, the NOV has an attachment but you did not provide us with the attachment which is part of the NOV.

There are 26 permit and complaints at the DBI's web site for 2650-52 Hyde Street. We don't believe that 26 documents are overwhelming. There are NOV'S against this property but the NOV's/public records are not provided for the public to review.

Please inform us what section of the Sunshine Request requirements that require a Microfilm Request must be filled out in order for DBI to respond to public's request for public record/documents/?

Please inform us what section of California State Law stating that in order to obtain copies of the public records, plans for building permit application #200804028610 in this case, the requester must have written consent form the owners of the property?

With respect to the plans, we understand that they are public records and we are entitled to obtain a copy.

It would be an unreasonable hardship on us the neighbors to hire an architect to go to microfilm's computer to review and explain the plans to us.

Again, you did not provide us with PDF of NOV. with the attachment. No plan was provided by you.

Please comply with the law by providing us with a copy of actual NOV. with attachment and plans.

Thank you.


. --- William Strawn wrote: > Subject: Re: Immediate Disclosure Request / Sunshine > Request
> To: Tenants 769NorthPoint , > "Alan E. Whiteside" > CC: mail@csrsf.com, > SOTF , >
> william.strawn@sfgov.org > From: William Strawn > Date: Thu, 16 Oct 2008 11:37:49 -0700 >
> City and County of San Francisco > Gavin > Newsom, Mayor > Department of Building
> Inspection > Vivian > L. Day, C.B.O., Acting Director > > 1660 Mission Street â€“ San
> Francisco > CA 94103 > Office (415) 558-6088 â€“ FAX (415) > 558-6401 > Website:
> www.sfgov.org/dbi > October 16, 2008 > > Tenants769np@yahoo.com > sotf@sfgov.org â€“
> Complaint Ref. No. 08048 > > Dear Tenants769 North Point: > In response to your email of
> October 15, 2008 to the > Department of Building > Inspection for an â€œImmediate
> Disclosureâ€ public > recordsâ€™ request, please > find attached a PDF of the Notice of
> Violation No. > 200665964 â€“ as > requested. Please note that this NOV has been > available
> on the DBI web > site, through its online Permit Tracking System, for > the past two years and >
> thus readily accessible to you. Please visit > www.sfgov.org/dbi and click > on the Permit
> Tracking System link in order to > access the overwhelming > majority of public records on
> 2650-2652 Hyde Street. > > With respect to your second request for â€œa copy of > all the plans
> in > connection with Building Permit Application Number > 200804028610,â€ as DBIâ€™s >
> Plan Reviewer David Pang explained to you in his > email dated and sent on > August 13, 2008,
> to view these plans requires that > you submit a microfilm > request. Mr. Pang even sent you this
> request form, > so that you might fill > it out and fax it to our Records Division for > processing.
> You are mistaken > when you responded to Mr. Pang that having access to > these plans
> â€œhave > nothing to do with the Microfilm,â€ as you emailed > to Mr. Pang on August 27,
> 2008. > > Per Sunshine Request requirements, a Microfilm > Request must be filled out > in
> order for DBI to respond to your request. The > plans for application > #2008-04-02-8610 are in
> our Papervision and may be > called up for viewing. > To obtain copies, all customers must
> follow the same > rules as for any > request. They must have written consent from the > owners
> of the property to > obtain copies of plans; this is required by > California State law. > > In
> addition, please note the following requirements > for public records: > If the customer views the
> plans at our > offices, 1650 Mission Street, > Third Floor, and does not request copies, > there is
> no charge. > If the customer requests only copies of the > permit application and > views the
> plans at our offices, the fee is the > minimum microfilm > charge of \$6.50. > If the customer
> obtains written consent from > the property owner, and > provides us with this signed affidavit,
> the > charge is \$5.00 per plan > sheet (our records indicate there are six > plans connected with
> this > permit application). > If the customer also wants permit application > copies, it is \$3.00
> per > sheet. > > While we also would normally charge \$3.00 per page > for the requested Notice
> of Violation, we are waiving this charge and simply > providing you with a > PDF of the NOV,
> which you could have obtained from > the DBI web site. > > As Mr. Pang explained to you on
> August 13, 2008, the > above details would > have been provided had you called our Microfilm
> Division, Tel. > 415/558-6080, as he urged you to do. > > Per the City Attorney, all fees must
> be paid prior > to releasing copies of > these plans. > > Thank you, again, for your interest in the
> Department of Building > Inspection. > > Sincerely, > > > William Strawn > > > (See

attached file: > ImmedDisclos769NPointOct1608.pdf) >>>> William Strawn >
Communications Manager > Department of Building Inspection > San Francisco, CA 94103 >
william.strawn@sfgov.org > Tel. 415/558-6250 (O) > Blackberry: 415/850-9816



ImmedDisclos769NPointOct1608.pdf

William Strawn/DBI/SFGOV
10/17/2008 01:56 PM

To Tenants 769NorthPoint <tenants769np@yahoo.com>
cc SOTF/SOTF/SFGOV@SFGOV, mail@csrsf.com,
william.strawn@sfgov.org
bcc
Subject Re: Follow up to your questions from yesterday 

October 17, 2008

Déar Tenants769NorthPoint:

Thank you for your follow up email yesterday, and for pointing out that I neglected to include page two of the Notice of Violation that was in the PDF attachment sent to you yesterday. This second page contains "Warnings" in English, Spanish and Chinese about consequences should the property owner fail to respond to the Department's Notice(s) of Violations.

I am attaching a PDF of this second page, and do apologize for omitting it yesterday.

I also am attaching a PDF of the State's Health and Safety Code, which contains the requirement explained yesterday that in order to obtain copies of plans, you must obtain the permission of the owner and the design professional responsible for those plans. The particular section you may want to review is Section Two, 19851. Should you have legal interpretation questions about this code, please contact John Malamut, Deputy City Attorney, who is the City Attorney assigned to the Department of Building Inspection.

Thank you, again, for your interest in the Department of Building Inspection.

Sincerely,

William Strawn



Code2650Hyde.pdf



HealthCode2650Hyde.pdf

William Strawn
Communications Manager
Department of Building Inspection
San Francisco, CA 94103
william.strawn@sfgov.org
Tel. 415/558-6250 (O)
Blackberry: 415/850-9816



Tenants 769NorthPoint
<tenants769np@yahoo.com>

10/17/2008 04:45 PM

To William Strawn <william.strawn@sfgov.org>,
SOTF@sfgov.org, Vivian.Day@sfgov.org, "Alan E.
Whiteside" <Alan.Whiteside@sfgov.org>,
Kimo Crossman <kimo@webnetic.net>, Allen Grossman
cc <grossman356@mac.com>, Christian Holmer
<mail@csrsf.com>, PRO-SF <home@prosf.org>,
bcc

Subject Re: Follow up to your questions from yesterday

Dear Mr. Strawn:

Thank you for your e-mail letter of Oct. 17, 2008.
Unfortunately you did not send us the complete NOV
which includes the attachments. Inside the body of the
first page of the NOV, it states: "SEE ATTACHMENTS"
"PER ATTACHED LETTER FROM WING LAU, BUILDING PERMIT
#200512210791 HAS BEEN SUSPENDED"

It is very clear that this Attached letter is attached
to the NOV and it is made part of the NOV. and is
retained by DBI. The
letter is not the pre-printed materials in English,
Spanish and Chinese on the back of the NOV. (you name
the back page as second page of NOV).

Please comply with the Law by providing us with a copy
of the letter from Wing Lau, in PDF form and e-mail to
us immediately.

Thank you.

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>



Tenants 769NorthPoint
<tenants769np@yahoo.com>

10/20/2008 08:26 AM

To William Strawn <william.strawn@sfgov.org>,
SOTF@sfgov.org, Vivian.Day@sfgov.org, "Alan E.
Whiteside" <Alan.Whiteside@sfgov.org>,
Kimo Crossman <kimo@webnetic.net>, Allen Grossman
cc <grossman356@mac.com>, Christian Holmer
<mail@csrsf.com>, PRO-SF <home@prosf.org>,
bcc

Subject re: withheld documents

Dear Mr. Strawn:

A friendly reminder to produce documents. Please see
e-mail below.

Tenants 769NorthPoint <tenants769np@yahoo.com> wrote:

Date: Fri, 17 Oct 2008 16:45:44 -0700 (PDT)

From: Tenants 769NorthPoint <tenants769np@yahoo.com>

Subject: Re: Follow up to your questions from yesterday

To: William Strawn <william.strawn@sfgov.org>, SOTF@sfgov.org,

Vivian.Day@sfgov.org, "Alan E. Whiteside" <Alan.Whiteside@sfgov.org>,
Ann.Aherne@sfgov.org

CC: Kimo Crossman <kimo@webnetic.net>, Allen Grossman <grossman356@mac.com>,
Christian Holmer <mail@csrsf.com>, PRO-SF <home@prosf.org>,
Tenants769np@yahoo.com

Dear Mr. Strawn:

**Thank you for your e-mail letter of Oct. 17, 2008. Unfortunately you
did not send us the complete NOV. which includes the attachments.**

**Inside the body of the first page of the NOV, it states: "SEE ATTACHMENTS" "PER
ATTACHED LETTER FROM WING LAU, BUILDING PERMIT #200512210791 HAS
BEEN SUSPENDED"**

**It is very clear that this Attached letter is attached to the NOV and it is
made part of the NOV. and is retained by DBI.**

**The letter is not the pre-printed materials in English, Spanish and
Chinese on the back of the NOV. (you name the back page as second
page of NOV).**

**Please comply with the Law by providing us with a copy of the letter
from Wing Lau, in PDF form and e-mail to us immediately.**

Thank you.



Tenants 769NorthPoint
<tenants769np@yahoo.com>

10/20/2008 06:28 PM

To William Strawn <william.strawn@sfgov.org>,
SOTF@sfgov.org, Vivian.Day@sfgov.org, "Alan E.
Whiteside" <Alan.Whiteside@sfgov.org>,
Kimo Crossman <kimo@webnetic.net>, Allen Grossman
cc <grossman356@mac.com>, Christian Holmer
<mail@csrsf.com>, PRO-SF <home@prosf.org>,

bcc

Subject Re: Public records

Dear Mr. Strawn:

Thank you for providing us with the attachments for the NOV.

According to the NOV. this code section 102.1 is in the same line as the box checked SEE ATTACHMENTS. Is this sec. 102.1 part of the violation? If it is, would you please provide us with a copy of building code sec. 102.1.

Mr. Pang at DBI informed us that when we complete the Microfilm Record Request form for the public records requested, the records are readily available through Microfilm Division of DBI. Mr. Pang is mistaken.

To set the record straight, we did follow Mr. David Pang's instructions: 1) by contacting Planner Gil Chavis for BBN issue; and 2) by filling out the Microfilm Record Request form not once but twice for the public records because we wanted to make sure we would receive the public records.

Every time we had to wait at least one week for the result and on both occasions were informed that Microfilm Division does not have the NOV nor any related documents to the NOV nor any letter issued by DBI.

We request that DBI attaches these two attachments back to the NOV as they originally were attached. They should not be separated away from the NOV. as you now inform us that this is the case. These attachments are part of the NOV. and should be together as a complete document and should not be withheld from the public.

The complete NOV. including the attachments are public records and should be easily access by the public without making the public going through so much effort and trouble.

Thank you.

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Tenants 769NorthPoint
<tenants769np@yahoo.com>

10/21/2008 02:27 PM

SOTF@sfgov.org, William Strawn
To <william.strawn@sfgov.org>, Vivian.Day@sfgov.org, "Alan
E. Whiteside" <Alan.Whiteside@sfgov.org>,
Kimo Crossman <kimo@webnetic.net>, Allen Grossman
cc <grossman356@mac.com>, Christian Holmer
<mail@csrsf.com>, PRO-SF <home@prosf.org>,
bcc

Subject Re: SO Complaint # 08048

SOTF complaint # 04048

Dear Chair Lady and Members of the SOTF:

We requested three documents from Mr. David Pang at Department of Building Inspection (DBI) relating to a new project at 2650-52 Hyde Street. DBI issued an over the counter permit for the project on 4-2-08.

The three requested documents:

- 1) copy of the building permit application #200804028610;
- 2) copy of NOTICE OF VIOLATION (NOV.) #200665964; (NOTICE OF VIOLATION is issued by Department of Building Inspection (DBI) and is Part of the Building Permit Application.
- 3) copy of the plans.

The complete information within the body of many documents are not transformed to website, sometimes only the title of the documents are mentioned.

Mr. David Pang refused to provide these documents and requested that we should contact planner Gil Chavis and complete the Microfilm Record Request form for the public records requested and the records are readily available through Microfilm Division of DBI. Mr. Pang ignored our request for assistance for filling out the form. But Mr. Pang is mistaken. Some of the records are not available from Microfilm Division.

To set the record straight, we did follow Mr. David Pang's instructions:

- 1) by contacting Planner Gil Chavis for BBN issue; and
- 2) by filling out the Microfilm Record Request form not once but twice for the public records on Sept. 30, 2008 and on Oct. 9, 2008 because we wanted to make sure that we would receive the public records requested. (NOV is stated in 2008 permit application but was issued in 2006) Each time we had to wait at least once week for the result and on both occasions

we were informed that Microfilm Division does not have the NOV. nor any related documents to the NOV. nor any letter issued by DBI.

Planner Chavis told us that he was unable to address any of our questions/concerns without a copy of the plans but he would order the building permit application and a set of the Plans. After three weeks waiting, Planner Mr. Chavis informed us that he received notice from microfilm staff that his order is ready and asked us to come in to review together. On 10/7/08 we went to Planning. He told us there were no plans because he forgot to order a set of plans. But he gave us a copy of the building permit application.

Microfilm Staffs requested that we must view the plans on their computer at 1650 Mission St. Room 302 and refused to allow us to review a hard copy of plans. Unfortunately Planner Mr. Chavis at 1660 Mission St. is not allowed to go next door at 1650 Mission, to the Microfilm office to view the Plans on Microfilm's computer. Mr. Chavis therefore had to reorder a set of the Plans on Oct. 9, 2008 and we again have to wait. As of today (Oct. 21, 2008) we are still waiting.

Notice Of Violation (NOV) was issued by Building Dept. and DBI retains the original NOV. in their file.

From DBI's website it states that Building Dept. mailed copy of the NOV. to the owner of 2650-52 Hyde Street but DBI refuses to provide us a copy of this NOV.

On Oct. 7, 2008, without providing the public records requested, DBI requested SOTF's scheduled hearing of Oct. 28, 2008 be withdrawn. We opposed DBI's request because we did not receive the public records requested.

After numerous e-mails with Mr. Strawn at DBI, on Oct. 16, 2008, he released a copy of NOV. but not the complete NOV. In the body of the NOV it states "SEE ATTACHMENTS."

On Oct. 17, 2008, Mr. Strawn released the back page of NOV. (He named it page 2). It is not the attachments that are attached to the NOV and are made a part of the NOV.

After several e-mails, on Oct. 20, 2008, DBI released a copy of a complete NOV to us. It contains NOV and two pages of attachments stating that the owners submitted false plans claiming they have an existing garage and storage room but DBI concluded that the first floor level is UNEXCAVATED area and therefore DBI SUSPENDED THE PERMIT in 2006. The attachments were signed by Wing Lau, Acting Deputy Director and Ms. Amy Lee, Acting Director.

It is very clear that the NOV and attachments are the public records.

It took 68 days after we made the request for public records and 47 days after we filed the SOTF complaint,

before DBI finally released a copy of a complete NOV to us.

This NOV has front and back page and 2 pages of attachments.

The back page contains only pre-printed materials.

Our e-mail of Oct. 20, 2008 to Mr. William Strawn at DBI, we request that DBI attach these two attachments back to the NOV as they originally were attached. They should not be separated away from the NOV as Mr. Strawn informed us that this is the case. These attachments are part of the NOV. and should be together as a complete document and should not be withheld from the public.

We are waiting for his response.

The complete NOV. including the attachments are public records and should be easily access by the public without making the public going through so much effort and trouble.

Thank you.