



**SUNSHINE ORDINANCE TASK FORCE**  
**Complaint Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**MINUTES**

**October 20, 2020**  
**5:30 PM**

**Remote Regular Meeting**

**Members:** Fiona Hinze (Chair), Matthew Yankee and Dean Schmidt

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Chair Hinze called the meeting to order at 5:37 p.m. On the call of the roll Chair Hinze and Members Yankee and Schmidt were noted present. A quorum was present.

There were no agenda changes.

**2. Approval of the September 15, 2020, Complaint Committee meeting minutes.**

Member Yankee noted corrections to the start time of the meeting and the spelling of the Petitioners name in file no. 19145, item 7 in the Minutes.

**Action: Moved by Member Yankee, second by Member Schmidt, to approve the September 15, 2020, Complaint Committee meeting minutes as amended.**

Public Comment:

Anonymous stated that a correction to page 4 of the Minutes, file no. 19120.

**The motion PASSED by the following vote:**

Ayes: 3 - Hinze, Yankee, Schmidt  
Noes: 0 - None

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

Anonymous noted that several recordings of meetings are not provided on the webpage. Anonymous also asked that the form he submitted at the SOTF October 7, 2020 hearing be reviewed.

4. **File No. 19097:** Complaint filed by Anonymous against Mohamed Nuru, Jeremy Spitz and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner. (00:12:15 - 00:38:38)

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on August 3, 2019, he sent an Immediate Disclosure Request for government and personal email accounts of several (Department of Public Works (DPW)) DPW senior managers along with a request for the metadata of those records. Anonymous stated that he requested the electronic format specifically instructing them to not exclude email headings and metadata. Anonymous noted that some of the emails provide a time stamp and some do not. Anonymous also stated that no legal justification for redactions were provided. Anonymous stated that Mr. Steinberg has provided a variety of emails and metadata records in the past. Anonymous asked that the Committee find that these are public records.

David Steinberg (Department of Public Works (DPW)) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that that in July, 2020, he released a number of emails in native format by accident. Mr. Steinberg stated that DPW uses NextRequest which keeps emails related to the request and has changed the way files are processed. Mr. Steinberg stated that neither he nor his IT team knows how to edit metadata. Mr. Steinberg noted that metadata is not easily generated. Mr. Steinberg pointed out that Anonymous agrees that providing metadata can be a security risk. Mr. Steinberg stated that in his experience when a file is converted to a pdf, it can wipe out other links. Mr. Steinberg noted that Anonymous was notified of the legal justifications for redactions on some of the responsive records. Mr. Steinberg stated that he tried to work with Anonymous before getting his materials to him in a timely manner.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Member Yankee, seconded by Member Schmidt, to find that the requested records are public and to refer the matter to the SOTF for hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Yankee, Schmidt, Hinze

Noes: 0 - None

5. **File No. 19128:** Complaint filed by Anonymous against Chief William Scott, Sgt. Brian Rodriguez, Michael Andraychak and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27 and 67.29-7(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner. (00:38:42 - 01:01:08)

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he requested records having to do with the police raid on journalist Brian Carmody which both the Police Department and the FBI participated in. Anonymous stated that the Police Department denied that the requested records are public citing the California Public Records Act and the Sunshine Ordinance. Anonymous stated that he found an email from Brian Rodriguez asking about a forensic analysis to be performed on Mr. Carmody's computer using a different domain than sfgov.org. Anonymous stated that he sent to Mr. Rodriguez on his official email address a request to provide all copies of the email thread using all his other domains. Anonymous stated that the Police Department refused to provide the requested records. Anonymous cited *City of San Jose v. Superior Court* (2017).

Sgt. Michael Andraychak (Police Department) (Respondent), provided a summary of the department's position. Sgt Andraychak stated that Anonymous did not follow the protocols for a Sunshine request and when the request was received on December 2, 2019, by Brian Rodriguez, he did not know what to do with it. Sgt Andraychak stated that it was forwarded to him on December 4. Sgt. Andraychak also stated that Anonymous' request did not follow the standard protocols of an Immediate Disclosure Request. Sgt. Andraychak stated that Mr. Rodriguez did not have responsive records from his personal email account. Sgt. Andraychak stated that his office did refer Anonymous to the Federal Bureau of Investigation (FBI) for their records.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Member Yankee, seconded by Member Schmidt, to find that the requested records are public and to refer the matter to the SOTF for hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Yankee, Schmidt, Hinze

Noes: 0 - None

6. **File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (01:01:15 - 01:35:20)

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that he intended to include pages from a contract with (Office of Economic and Workforce Development, (OEWD)) and Parks Alliance. Mr. Hooper stated that he has received documents that he did not request. Mr. Hooper stated that he is still waiting for portions of the contract for the Dolores Park neighborhood including records sent from Parks Alliance to OEWD. Mr. Hooper stated that those records include video, attendance lists, emails, text messages, minutes of all formation committee meetings, all raw data related to Green Benefits District (GBD) surveys, engineers report and all documents related to funding and initiation of management plans.

Marianne Thompson (Office of Economic and Workforce Development) (Respondent), provided a summary of the department's position. Ms. Thompson stated that the matter is being heard again because Mr. Hooper believes that he has not received all documents relevant to the GBD. Ms. Thompson stated that all records have been provided to Mr. Hooper and the SOTF Administrator. Ms. Thompson stated that Mr. Hooper has not clarified what specifically he has not received. Ms. Thompson stated that she has provided Mr. Hooper all records both via email several times and thumb drive. Ms. Thompson stated that the raw data Mr. Hooper is seeking was provided as a survey monkey spread sheet. Ms. Thompson has provided Mr. Hooper with eight separate documents that were from Parks Alliance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Yankee suggested that Mr. Hooper provide a list of materials that he believes are still outstanding.

**Action: Moved by Member Schmidt, seconded by Member Yankee find that the requested records are public and to refer the matter back to the SOTF for hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Schmidt, Yankee, Hinze

Noes: 0 - None

7. **File No. 19062:** Complaint filed by John Hooper against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner. (01:35:25 - 01:49:06)

John Hooper (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hooper stated that many of his arguments are similar to File No. 19161. Mr. Hooper stated that he filed a complaint with Public Works (DPW) is because DPW has a fulltime employee whose title was Green Benefits District Coordinator and could answer questions about where the money is going and what documents exist.

David Steinberg (Department of Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that he saw the documents from the January hearing and none of them have to do with this case. Mr. Steinberg stated that he has provided Mr. Hooper with his requested records. Mr. Steinberg stated that Mr. Hooper believes that he should obtain records from a third party; the San Francisco Parks Alliance. Mr. Steinberg noted that he does not have the contracts from Parks Alliance and that those records were provided by Ms. Thompson. Mr. Steinberg stated that on February 14, 2020, he provided all requested documents in the possession of DPW.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

**Action: Moved by Schmidt, seconded by Member Yankee, to find that the requested records are public and to refer the matter back to the SOTF for hearing.**

Public Comment:

None.

**The motion PASSED by the following vote:**

Ayes: 3 - Schmidt, Yankee, Hinze

Noes: 0 - None

8. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:28 p.m.

**APPROVED: 11/17/2020**  
**Complaint Committee**  
**Sunshine Ordinance Task Force**

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.