



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

**Hearing Room 408**  
**City Hall, 1 Dr. Carlton B. Goodlett Place**  
**San Francisco, CA 94102-4689**

**September 19, 2023**  
**5:30 PM**

**Regular Meeting**

**Members:** Dean Schmidt (Chair), Laura Stein and Saul Sugarman

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

Chair Schmidt called the meeting to order at 6:00 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Sugarman was noted absent. There was a quorum.

There were no agenda changes.

**2. Approval of the August 15, 2023, Complaint Committee meeting minutes.**

**Action: Moved by Member Stein, seconded by Chair Schmidt, to approve the August 15, 2023, minutes as amended.**

Public Comment:

None.

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

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Sugarman

**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:

None.

4. **File No. 23024** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Paul Kniha (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Kniha stated that he submitted a letter requesting a grievance. Mr. Kniha stated he also applied for medical leave and a made a Sunshine request for which he believes is the reason he was fired. Mr. Kniha was told that all communications were exempt from disclosure because they were attorney/client privileged and all documents requested were subject to that disclosure.

Leanne Nhan (San Francisco Municipal Transportation Agency) (Respondent), provided a summary of the department's position. Ms. Nhan stated that her department received Mr. Kniha's records request but did not respond because the records were attorney/client privileged. Ms. Nhan stated that their Deputy City Attorney advised that the records should not be produced.

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

**Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing with no recommendation but to determine the applicability of attorney/client exemption claimed.**

Public Comment:

None.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

5. **File No. 23079** Complaint filed by Lance Carnes against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner.

Lance Carnes (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Carnes stated that he was on an email list with members of the Department of Public Works on a case that covered the street trees on Market Street. Mr. Carnes stated that one of the BART Engineers noticed that one of the trees was dead and should be removed due to a possible hazard. Mr. Carnes stated that he asked for pictures of what a tree such as this one would look like. Mr. Carnes stated that the photos were not provided in a timely manner, and he filed request No. 23164.

David Steinberg (Public Works) (Respondent), provided a summary of the department's position. Mr. Steinberg stated that Mr. Carnes submitted two records requests on June 12, 2023, and records were released timely to Mr. Carnes. Mr. Steinberg stated that records from the first request were released and that the second request noted that they had no other records in that date range and closed it and provided a link to the first request.

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

**Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing.**

Public Comment:

None.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

6. **File No. 23028** Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that she made a request for records using the Next Request portal, which she has done many times. Ms. Schulman stated that she did not receive a response and on March 9, 2023, she filed a complaint. Ms. Schulman stated that she received records but that they were not keyed by footnote. Ms.

Schulman noted that the respondent claimed the request was not simple, but the records provided were emails sent over the course of three weeks.

Sara Maunder (Department of Police Accountability) (Respondent), provided a summary of the department's position. Ms. Maunder stated that her department uses Next Request for all records requests and that Ms. Schulman's request was not routine and simple. Ms. Maunder stated that the portal is there to post documents and generally they also provide a letter. Ms. Maunder stated that the response was provided, and the records were public, and the records were provided within five days of receipt of the request.

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

**Action: Moved by Member Stein, seconded by Chair Schmidt, moved to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing.**

Public Comment:

Anonymous stated that making a public records request and using the portal is confusing.

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

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Sugarman

7. **File No. 23035** Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Maria Schulman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Schulman stated that on March 21, 2023, she filed an Immediate Disclosure Request for records through Next Request. Ms. Schulman stated that in the past the respondent had no issue with the Petitioner using this venue for records requests. Ms. Schulman stated that a staff person was disinclined to provide the records requested but learned that DPA was short-staffed and hoped that person would learn and understand the process.

Sara Maunder (Department of Police Accountability) (Respondent), provided a summary of the department's position. Ms. Maunder referenced the hearing in File No. 23028, but also stated that this case involved a different set of records.

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

**Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing. The Committee also requested that File Nos. 23028 and 23035 be scheduled and heard together.**

Public Comment:

None.

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

Ayes: 2 - Stein, Schmidt

Noes: 0 - None

Absent: 1 - Sugarman

8. **File No. 23080** Complaint filed by Marc Bruno against Patrick Hannon and the Dept. of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner.

Marc Bruno (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Bruno stated that on August 21, 2023, he submitted an Immediate Disclosure Request asking for photos of an inspection in his building. Mr. Bruno stated that the photos have not been provided. Mr. Bruno noted that the result of the inspection directly affects the residents' understanding of the habitability of the building.

Christine Gasparac (Department of Building Inspection) (Respondent), provided a summary of the department's position. Ms. Gasparac stated that their IT department did a search and the records that were provided. Ms. Gasparac stated that it is possible that an inspector took the photos and provided them himself. Ms. Gasparac noted that she has no idea why these records would be withheld.

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

**Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the Task Force has jurisdiction, that the requested records are public, and to continue the matter to the October 2023 Complaint Committee hearing. The Committee requested the Respondent to search for the photos if possible and requested Ms. Gasparac to attempt to locate the records discussed by Monday September 25, 2023.**

Public Comment:

None.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

9. **Discuss proposing edits to expedite complaint process, per Ordinance requirements.**

Chair Schmidt and Member Stein discussed the complaint procedures and extensive delays lasting up to two years and possible solutions.

Public Comment:

None.

10. **Announcements, Comments, Questions, and Future Agenda Items by Members of the Complaint Committee.**

There were no announcements or comments.

11. **ADJOURNMENT**

There being no further business the meeting was adjourned at 8:59 p.m.

**APPROVED: October 17, 2023  
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.