



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 26, 2017
5:30 PM – 7:30 PM

Regular Meeting

Members: Leuwam Tesfai (Chair), Fiona Hinze and Bruce Wolfe

1. CALL TO ORDER, ROLL CALL AND AGENDA CHANGES

Chair Leuwam Tesfai called the meeting to order at 5:38 p.m. On the call of the roll Chair Tesfai and Members Hinze and Wolfe were noted present. There was a quorum.

There were no agenda changes.

2. Approval of the August 22, 2017, Complaint Committee meeting minutes.

The Committee discussed the draft minutes.

Member Hinze, seconded by Member B. Wolfe, moved to approve the August 22, 2017, Complaint Committee meeting minutes.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

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:

Michael Petrelis expressed thanks to the volunteer members of the Task Force and requested that video of Task Force meetings be broadcast.

Francisco DaCosta commented on the experience of former Task Force members and the lack of meeting access to the inner city.

Ann Treboux submitted the following summary of her public comment:

“Ann Tricky, The Street Artist Program did a faulty investigation. She claimed that she saw me in a google map search selling mass produced items from a table on Market near Spear. The photo was of Market and Drumm and neither me or a table was visible in the photo. Anne Trickey did another Goggle Map search and claimed that I live in a Japanese Restaurant at 129 E. 60ST ST. NYC. Her photo did not depict a Japanese restaurant but a 5 story building. She further claimed that a photo of a Buszzer System was mailboxes and my name was not on them. Margaret Baumgartner of the SF City Attorney's Office attempted to take documents left on the podium at the last appeals hearing. Trickey called my family and tenants in NYC. NYPD Police reports have been filed against her. Clearly there are issues within the street artist program.”

Mike Addario attempt to show a video but could not due to technical difficulty.

The Complaint Committee (Committee) shall hold hearing(s) on File Nos. 17094, 17028, 17046, 17070 and 17096 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 17094:** Complaint filed by Michael Petrelis against President London Breed, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that he has not received a response of any kind from the Office of President Breed. Mr. Petrelis stated that even if the Board of Supervisors are on break they are still responsible for responding to Immediate Disclosure Requests in a timely manner. There were no representatives from the Office of President Breed in attendance.

The Committee opined that Administrative Code, Section 67.25, is relevant to the complaint.

Member Hinze, seconded by Member B. Wolfe, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai
Noes: 0 – None

Member B. Wolfe, seconded by Member Hinze, moved to refer the matter to the Task Force for hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai
Noes: 0 – None

5. **File No. 17028:** Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.26 and 67.27, by failing to respond to an Immediate Disclosure Request in a complete manner.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux disputed the code citations used to justify the withholding of records and stated that the Arts Commission has not stated what documents are being withheld. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that Ms. Treboux has submitted the same request up to six times previously and the Arts Commission has responded on multiple occasions. Ms. Patterson stated that pursuant to California Government Code 6254(c)(k), California Evidence Code 1041 and the advice provided by the Office of the City Attorney, the Arts Commission will not release protected records. Ms. Patterson stated that the Arts Commission responded in a timely manner and has responded to the same request on multiple occasions.

The Committee opined that Administrative Code, Sections 67.25, 67.26 and 67.27 (timely response, limitation to redaction and justification for withholding), are relevant to the complaint.

Member Hinze, seconded by Chair Tesfai, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai
Noes: 0 – None

Member B. Wolfe, seconded by Member Hinze, moved to refer the matter to the Task Force for hearing.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai
Noes: 0 – None

6. **File No. 17046:** Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that she has not received a response to her request. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that a response was provided in a timely manner and that the requested records are exactly the same as those requested in File No. 17028. Ms. Patterson asked the Committee when the department can stop responding if the same requested is submitted on multiple occasions.

Member Hinze, seconded by Chair Tesfai, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai
Noes: 0 – None

Member B. Wolfe, seconded by Member Hinze, moved to combine the matter into File No. 17028 as the same nucleus of facts are present with the same Petitioner and Respondent.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

Noes: 0 – None

7. **File No. 17070:** Complaint filed by Michael Addario against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.24, by failing to respond to a public records request in a complete manner.

Mike Addario (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Addario provided a history summary of his request and stated that he has not received the requested records. Mr. Addario, upon questioning from the Committee, stated that he would like information which show who authorized Mr. Lazaar (Arts Commission), in 1974 to undermine the enforcement of Proposition J. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that Mr. Lazar has retired. Ms. Patterson stated that the Arts Commission does not have any records regarding any relevant advice provided by the Office of the City Attorney's to Mr. Lazar and that it is her understanding that any advice provided by the Office of the City Attorney was in a verbal format. Ms. Patterson stated that if any records exist it would be protect under Attorney Client privilege.

The Committee suggested that the Arts Commission should have assisted Mr. Addario and directed him to request the records from the City Attorney's Office. The Committee suggested that there may be phone records in possession of the Office of the City Attorney.

The Committee opined that Administrative Code, Sections 67.21(b)(f), are relevant to the complaint.

The Committee requested the City Attorney to provide advice regarding the possibility of requesting the attendance of a former city employee to provide testimony on a complaint.

Member Wolfe, seconded by Member Hinze, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

Noes: 0 – None

Member B. Wolfe, seconded by Member Hinze, moved to refer the matter to the Task Force for hearing.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

Noes: 0 – None

8. **File No. 17096:** Complaint filed by Kevin Williams against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Kevin Williams (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Williams stated that he provided a list of over 20 requested records and the Arts Commission has refused to respond to the request or has provided incorrect information. Mr. Williams listed some of the information not provided as follows: salaries of board members, rents, current articles of incorporation. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson stated that the request was originally sent to the Opera House staff but a response was still provided in a timely manner by the end of the next business day. Ms. Patterson stated that the Opera House management is a non-profit organization not subject to the Sunshine Ordinance and that all documents required by Administrative Code 12L has been provided. Ms. Patterson stated that the Arts Commission does not have records related to the Opera House operations and its Board Members and that Administrative Code 12L only require the sharing of financial documents. Ms. Patterson stated that the Arts Commission referred Mr. Williams to departments in possession of the requested records and also contacted the agency city agencies in question in order to gather records for Mr. Williams. Ms. Patterson stated that the City Attorney's Office was consulted to determine how the Arts Commission should respond to the request submitted by Mr. Williams.

The Committee questioned whether the Sunshine Ordinance or Administrative Code (Section 12L, non-profits) should be applied as the initial request was sent to a non-profit agency. Based upon the discussions it appears that the request sent to the Opera House was forwarded to the Arts Commission who then responded to the request pursuant to the Sunshine Ordinance. The Committee request the City Attorney to provide advice on the requirements of Administrative Code 12L and whether or not it applies to the complaint.

The Committee suggested that other information require by Administrative Code 12L should be provided (minutes and agenda).

The Committee opined that Administrative Code, Section 67.21, related to providing a complete response and providing assistance to the requester are relevant to the complaint.

Member Wolfe, seconded by Member Hinze, moved to find that the Task Force has jurisdiction in the matter and find that the requested records are public.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

Noes: 0 – None

Member B. Wolfe, seconded by Member Hinze, moved to refer the matter to the Task Force for hearing.

Public Comment:

Ann Treboux provided general comments regarding action of the Arts Commission.

Francisco DaCosta provided a summary of the complaint and suggested that there are lies.

Mike Addario comment on the complaint and the waste of funds to various organizations.

The motion PASSED by the following vote:

Ayes: 3 – Hinze, B. Wolfe, Tesfai

Noes: 0 – None

The Committee requested that Mr. Williams provide a detailed list of the records that he has not yet received.

9. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee.**

There was none.

10. **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:35 p.m.

APPROVED: 10/24/17
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.