

# Sunshine Ordinance Task Force 2025 Annual Report

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## Executive Summary

This report provides an overview of the Sunshine Ordinance Task Force goals, activities and accomplishments in 2025. It also addresses the operation and administration of San Francisco's Sunshine Ordinance in 2025. Specifically, it examines the processing of records requests by City bodies, the complaint resolution procedures and outcomes utilized by the Sunshine Ordinance Task Force's (SOTF), and significant problems encountered in the law's administration. Lastly, the report offers recommendations for improving implementation and compliance with the law.

### Key findings:

- Survey results representing 49% of City bodies, NextRequest reporting & a public records request to the SFPD indicated that the City received at least 56,178 records requests in 2025.
- The average time City bodies took to fulfill requests was 11 days according to our survey and 33 days according to NextRequest.
- The SOTF received 127 new complaints and resolved 61 complaints during the year.
- 4 petitioners accounted for 36% of complaints heard, with 1 petitioner responsible for 18% of complaints heard.
- The SOTF found 53 violations in 34 complaints and no violations in 18 complaints.
- Repeat petitioners brought 12 of the 18 complaints in which the Task Force found no violations or made no determination.
- The SOTF took an average of 138 days to hear complaints in 2025, down from 333 days in 2024 and 407 days in 2023.
- The SOTF started 2025 with a backlog of 20 complaints and ended with a backlog of 60 complaints.
- 25% of cases were scheduled within 45 days and a total of 63% were heard within 100 days.
- The SOTF scheduled complaints for hearing before the full Task Force or a committee an average of 2.2 times before resolution.

### Recommendations:

- The SOTF should continue to set explicit goals for the law's "practical and timely" implementation.
- The SOTF should continue to revise procedures to enable the processing of public records complaints as defined by § 67.21(b) within 45 days.
- The Task Force should continue to develop processes to better monitor and enforce compliance with its orders.
- The Task Force should continue to pursue its policy-related duties, including education and advising.

## Introduction

This report offers an overview of the processing of public records requests in San Francisco City and County (the “City”) and the activities of the Sunshine Ordinance Task Force (SOTF) in 2025.

The report first examines the City’s reception and handling of public records requests. We surveyed City bodies to gather information on the number of records requests received, the turnaround time for requests, and other key data on how requests were handled. We also examined a summary report generated by the online platform NextRequest, which facilitates the processing of records requests for many City bodies. This section of the report provides baseline data on the City’s handling of records requests during the calendar year.

The report next reviews complaint resolution procedures and outcomes for 2025. We look at how the Sunshine Ordinance Task Force (SOTF) resolved petitioners’ complaints concerning alleged violations of the Sunshine Ordinance, one of the primary activities of the SOTF. We examine the timeliness, efficiency and outcomes of the complaint resolution processes, as well as data on compliance with SOTF decisions on petitioner complaints.

The report then addresses practical and policy problems encountered in administering the ordinance. Here we review problems and issues raised in 2025 that represent ongoing areas of concern. Along with analysis of these problems, we suggest potential solutions and paths forward.

We conclude by summarizing our findings and considering how the City and Task Force can further strengthen implementation and compliance with the Sunshine Ordinance in the future.

## Purpose, Jurisdiction and Authority of the SOTF

The Sunshine Ordinance, set out in Chapter 67 of the San Francisco Administrative Code, protects the public’s right to know about local government operations, actions and decisions (S.F. Admin. Code § 67.1 (2025)). The Ordinance outlines the public’s rights of access to government

meetings and records, stipulates how City bodies are to provide access, and creates an independent, citizen-led Task Force to oversee its implementation.

The Ordinance envisions a strong Task Force to oversee the law and “protect the public’s interest in open government” (S.F. Admin. Code § 67.1(e) (2025)). It empowers the Task Force to resolve complaints over access to City information, records and meetings and to help formulate open records and meetings policy (S.F. Admin. Code §§ 67.21(e), 67.30(c) (2025)).

City bodies subject to the Sunshine Ordinance include policy and passive meeting bodies in both the City and County of San Francisco.

Under S.F. Admin. Code § 67.3(d) (2025), policy bodies include:

- The Board of Supervisors (BoS)
- Bodies the Board of Supervisors creates by ordinance or resolution
- Bodies listed in the City Charter
- Bodies created by another policy body
- Bodies created by federal, state or local grant whose members are appointed by City officials, employees or agents

Under S.F. Admin. Code § 67.3(c) (2025), passive meeting bodies include:

- Advisory committees created by policy bodies, the Mayor, or department heads
- Groups that discuss or advise the Mayor on fiscal, economic or policy issues
- Occasions to which a majority of members of a policy body are invited
- Bodies that review or make policy related to public health, safety, welfare and homelessness

The Sunshine Ordinance vests the Task Force with both decision making and advisory authority. The Sunshine Ordinance charges the Task Force with reviewing complaints submitted by records

requesters and determining whether the City has responded appropriately to their requests. Specifically, S.F. Admin. Code § 67.21(e) (2025) calls for the Task Force to:

- Inform petitioners of whether their requested records are public
- Order City records custodians to comply with lawful public records requests
- Notify the district attorney or attorney general if custodians do not comply with an SOTF order within 5 days
- Conduct public hearings over records request denials

The Task Force also advises the City on open records and meetings policy, implementation and compliance. Under S.F. Admin. Code § 67.30(c), the Task Force's advisory duties include:

- Advising City bodies and the Board of Supervisors on the law's implementation
- Developing goals to ensure the law's practical and timely implementation
- Proposing amendments to the law
- Reporting on problems encountered in the law's administration to the Board of Supervisors
- Reviewing and requesting reports on the law from the Supervisor of Public Records
- Referring Sunshine Ordinance violations to those with enforcement power
- Reporting on compliance with the Sunshine Ordinance and other locally applicable public meetings and records laws, such as the California Public Records Act and the Ralph M. Brown Act

In sum, the law mandates that the SOTF ensure the public's right of access to public meetings and records through a combination of advisory and decision-making authority. The SOTF oversees implementation and compliance with the law, determines whether violations of the law have occurred, issues orders to City bodies when the law is violated, and advises City government on ongoing and future concerns affecting the law.

## San Francisco's Public Records Requests and Responses

To better understand the City's Sunshine practices and activities, we sought basic data on public records requests and responses during the year. We used a brief survey of City bodies to obtain this data, along with a summary report from NextRequest. Some, though not all, City bodies use NextRequest to receive and/or process public records requests. Wherever possible, we used this report to corroborate and augment data contained in the survey.

### Survey Process and Content

We surveyed City bodies, including policy bodies and passive meeting bodies, that appeared to fall under the Sunshine Ordinance's jurisdiction. Although no definitive list of City bodies exists, we used publicly available sources to identify bodies falling under the Ordinance's jurisdiction. The Office of the City Attorney, the SF.GOV website, and the Charter of the City and County of San Francisco all publish lists of City bodies. We excluded bodies from our list when outside evidence showed that they were exempt from SOTF jurisdiction. We surveyed all remaining bodies.

A short, 10-question survey was sent out on Jan. 7, 2025. The Task Force Administrator forwarded an introductory email, along with a link to the survey, to one or more contact persons for each body. Although any person having custody of a public record qualifies as a custodian of records under the Ordinance (S.F. Admin. Code § 67.21(a) (2025)), many bodies designate a specific person to oversee records requests. The Administrator sent a survey request to designated public records contacts, general contacts if no public records contact was given, or prior contacts known to the SOTF.

The survey contained questions on:

- The number of records requests received
- The number of requests fulfilled

- The number of requests referred to another body for fulfillment
- The number of requests requiring redactions of information
- The average number of days required to fulfill records requests

Survey instructions asked respondents to provide information for public records requests received during the previous calendar year and to leave blank any fields for which they did not have answers. The instructions also asked respondents to complete the survey within 2 weeks, and to submit a screenshot of their NextRequest or GovQA dashboard displaying their records requests activities for the previous year, if available. GovQA is an online platform that some law enforcement agencies, such as the SF Police Department and the Sheriff's Office, use for processing records. The full text of the survey appears in Appendix A.

The survey response rate for 2025 was as follows:

Number of City bodies queried in 2025: 150

Number of contacts responding: 73

Number of City bodies covered by responses: 85

Survey response rate: 57%

We received replies from 73 respondents reporting on a total of 85 City bodies or component bodies. In several cases, individual respondents submitted data for multiple bodies, sometimes in the aggregate. Appendix B contains a complete list of bodies for whom data was reported.

### **Number of Requests Received by City Bodies**

City bodies were asked to report the number of records requests received in 2025. Since we did not receive responses from all City bodies, our survey indicates only a baseline estimate of requests received. The actual number of requests received was almost certainly greater. This year, the San Francisco Police Department, which we suspected received the most requests given a previous year's response, did not respond to our survey. We submitted a public records request

to them containing our survey questions. Their response indicated that they do not track the data requested. However, they did tell us the total number of requests received by 4 units (Body Cameras, Crime Information Services Incident Reports, Legal, and Media Relations) was 35,866. Our analysis below refers only to records requests reported on the survey or on NextRequest, which include more detailed tracking of how requests were handled.

Total requests received reported on survey: 18,699

Total requests received reported on NextRequest: 10,982

Total requests received reported by SFPD in response to records request: 35,866.

Total requests received on NextRequest by bodies not represented in survey: 1613

Number of City bodies on NextRequest who did not respond to survey: 5

Total requests received according to NextRequest and survey data: 56,178

Survey respondents reported receiving 18,699 requests in 2025. We compared our survey numbers to a NextRequest summary report which showed 10,892 requests received in 2025. Where self-reported and NextRequest numbers differed, Next Request numbers were presumed to be the baseline number, but a higher self-reported number was accepted since self-reported numbers also may include requests received outside of the NextRequest system. See Appendix B for both a list of bodies who responded to the survey and those covered by the NextRequest summary report who did not respond. While many bodies responding to our survey were also included in the Next Request summary report, the report showed that 2 bodies who did not respond to our survey accounted for another 1,613 requests. Together, our survey and our review of the NextRequest summary report show that San Francisco received at least 20,312 records requests. However, SFPD requests dwarf this number with 35,866 requests reported.

Ten City bodies with the greatest numbers of records requests appear in Table 1 below. These bodies received a total of 14,404 requests, or 77% of all requests reported.

<b>San Francisco Bodies</b>	<b>2025 Records Requests</b>
Department of Emergency Management (computer aided dispatch records)	3490
San Francisco Department of Public Health (DPH)	2642
San Francisco Municipal Transportation Agency (SFMTA)	2,024
Sheriff's Office	1,747
San Francisco Public Works	1,419
Building Inspection (reported by ADM)	918
SF Public Utilities (not including Commissions) (reported by ADM)	592
San Francisco Public Utilities Commission	579
Residential Rent Stabilization and Arbitration Board	572
Office of Mayor Daniel Lurie	421
<b>Total</b>	<b>14,404</b>

Table 1: City Bodies with the Most Records Requests Reported 2025

City bodies with the highest numbers of requests included the Department of Emergency Management (computer aided dispatch records) with 3,490, the Department of Public Health with 2,642, and the Municipal Transportation Agency with 2,024. Aside from the top 10, of the remaining 75 bodies reporting, 17 received between 100 and 400 requests, 29 received between 10 and 99, and 29 received 9 or fewer. Due to the wide variation among the number of records requests received, the mean and median averages also show a wide variance. The mean average number of requests reported for each body was 246, while the median was only 27.

Although the data shows that the City received 20,312 records requests in 2025, this number undercounts actual requests received for two reasons. First, many City bodies, most notably the SFPD, did not take the survey. Second, because City bodies do not necessarily receive or record all their requests on NextRequest, the NextRequest summary report also underrepresents the total number of requests received by the City. Separate data obtained from the SFPD showed that the total records requests received was at least 56,178.

### **Requests Fulfilled, Referred, and Redacted**

The survey also asked respondents:

- How often they were able to provide requested records
- How often they referred requesters to other bodies for fulfillment
- How often they redacted information when fulfilling records requests

We report the following data:

Fulfilled requests as reported on survey: 14,078

Fulfilled requests reported on NextRequest: 10,612

Fulfilled Requests on NextRequest by bodies not reporting on survey: 1,495

Total number of fulfilled requests: 15,573 / 20,312 (77%)

Referred requests: 1,489 / 20,312 (7%)

Fulfilled requests with redactions: 5,428 / 20,312 (27%)

These metrics aim to understand the work required to fulfill records requests. Our survey showed City bodies fulfilling 14,078 requests in 2025, while NextRequest showed an additional 1,495 requests closed by 2 bodies who did not respond to our survey. Taken together, our data shows that City bodies who received records requests were able to provide information in 15,573 cases, or about 77% of the time. According to our survey, responding bodies redacted information from records about 27% of the time and referred requests to other bodies who might have access to the requested information about 7% of the time. We note, however, that unfulfilled or redacted requests do not necessarily indicate a failure to follow the law, since both the Sunshine Ordinance and the California Public Records Act list many conditions under which information and records may be withheld or redacted.

### **Average Time to Fulfill Requests**

The survey also addressed the timeliness of information provision. It asked respondents for the average number of days it took to fulfill public records requests. Under S.F. Admin. Code § 67.21(b) (2025), administrative bodies must respond to records requests within 10 days, though exceptions exist for “voluminous” requests, records that are stored remotely, or requests that require consultations with other bodies (S.F. Admin. Code §§ 67.25(b), 67.25(d) (2025)).

Mean average days to fulfill a records request (survey): 11

Median average days to fulfill a records request (survey): 8

Median number of days to fulfill all requests (NextRequest): 9

Mean average days to fulfill all requests (NextRequest): 33

Median initial response time in days (NextRequest): 1

Mean average initial response time in days (NextRequest): 3

While survey data suggested that most City bodies complied with the mandated response times, supplying information within a median of 8 days and a mean of 11 on average, NextRequest data

showed somewhat longer response times. According to NextRequest, most City bodies acknowledged records requests within an average of 3 days and fulfilled them within an average of 33. While 33 days is longer than the Ordinance allows, it does not necessarily indicate a failure to comply with the law, which permits City bodies to release responses to voluminous or complicated requests over an extended time-period. However, median response times on NextRequest were considerably better, with many requests acknowledged within 1 day and fulfilled within 9 days.

The NextRequest data suggests that some City bodies may have underestimated the time taken to process requests. NextRequest tracks response times once a petitioner or respondent enters the request into its system, making their numbers more reliable than those of City bodies, some of whom indicated that they do not track their requests and could only respond to our survey with estimations.

### **Summary of Findings**

The City received at least 56,178 records requests in 2025. Many of these requests clustered around a handful of City bodies including the SFPD, SFMTA, the Department of Emergency Management and the Department of Public Health. The number of requests received varied largely, with some bodies receiving hundreds and even thousands of requests and many others receiving few or no requests. The survey indicated that City bodies fulfilled records requests in requisite time, while NextRequest reporting showed longer response times.

Our data indicates a baseline number of public records requests received by the City, though it offers only a partial and imperfect accounting of the total number of requests received in 2025. We were not able to collect data for all City bodies, and we know little about bodies that did not take our survey or use NextRequest. Much of our data was self-reported, which may have biased or otherwise affected some of the answers given. In addition, some departments do not closely track their records request responses and could only estimate or approximate how many requests they received and how these were handled. Aside from NextRequest reporting, we were unable to triangulate or crosscheck the survey data through other sources.

## SOTF Complaint Resolution & Compliance

The Sunshine Ordinance offers a relatively quick, easy and inexpensive way to resolve conflicts over access to public information and meetings in the City. While California-wide laws direct people to the judicial system to defend their rights of access to the state's public records and meetings (CPRA § 6258 and The Ralph M. Brown Act § 54960.5), the Sunshine Ordinance establishes an independent Task Force to resolve complaints over access to City records.

Whereas the judicial system imposes heavy burdens in terms of time, money and legal expertise for both petitioners and City respondents, the Sunshine Ordinance provides an accessible, timely and low-cost way to challenge and review local governmental decisions to deny access to records or meetings.

The Sunshine Task Force consists of 11 voluntary and unpaid members, appointed by the Board of Supervisors. Members must have experience or demonstrated interest in citizen access or participation in local governance, and some seats require specialized experience in journalism, law and disability access (S.F. Admin. Code § 67.30(a) (2025)). See Appendix C for more information about Members, Vacancies, Demographics & Meeting Attendance. The Task Force reviews complaints, conducts hearings if necessary, and makes determinations on whether the City has correctly implemented the Ordinance. It issues orders documenting specific Sunshine violations and directing City bodies to release records or otherwise comply with the law.

Those denied access to public records or meetings may submit complaints directly to the SOTF. Submissions include a description of any alleged violations in plain language and documentation to support these claims. There is no charge for submitting a complaint.

The Ordinance establishes a timeframe in which the SOTF must resolve complaints over 67.21(b) non-exempt, public records requests (under 67.21b):

*The person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is*

*received, of its determination whether the record requested, or any part of the record requested, is public...Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. (S.F. Admin. Code § 67.21(e) (2025))*

The Sunshine Ordinance envisions the Task Force making determinations and ordering compliance within 45 days of receiving public records complaints.

While the Ordinance does not specify a resolution process, S.F. Admin. Code § 67.21(e) (2025) states that the SOTF may hold public hearings to help resolve complaints:

*Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.*

Hearings offer the Task Force a chance to ask questions of both petitioners and respondents, and to confer with all members on the merits of the complaint. While the Sunshine Ordinance mandates that public records complaints be resolved within 45 days, it does not require that each complaint receive a hearing before the full Task Force.

The Ordinance stipulates that City bodies should comply with Task Force orders within 5 days. However, the Task Force has limited power to enforce compliance. The Ordinance directs the Task Force to refer compliance failures to legal officers of the City or State.

*If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the ordinance (S.F. Admin. Code § 67.21(e) (2025)).*

The Ordinance also allows the Task Force to refer complaints involving willful failures to follow the law by City officials, department heads or managers to San Francisco's Ethics Commission. The Ethics Commission may then determine whether official misconduct took place (S.F. Admin. Code § 67.34 (2025)).

The SOTF follows a 2-step process for resolving complaints. Petitioners first appear before a committee that determines whether the requested records are public and whether the body denying the request falls under the Ordinance’s jurisdiction. This step constitutes a first hearing by committee. The committee also decides whether to send the complaint to the full Task Force for a hearing or for expedited review on a consent agenda. If the complaint is sent to the consent agenda, the full Task Force may vote to adopt the committee’s recommendations or to remove it from the agenda for a regular hearing in the future. The Task Force mainly uses the consent agenda to resolve cases in which the City does not contest alleged Sunshine violations or in which all requested documents have been provided, albeit outside the deadlines prescribed by the Ordinance. In 2025, 22 of the 61 complaints scheduled before the Task Force appeared on the consent agenda, enabling them to be resolved quickly without a full Task Force hearing.

Complaint hearings follow a quasi-judicial process in which the Task Force reviews all complaint documentation, hears from both parties, and determines whether the City followed the law. The Task Force may issue orders that specify which sections of the Ordinance have been violated or require the release of additional documents or information. In some cases, the Task Force directs one of its committees to monitor and report on compliance with an order.

### **SOTF Complaint Hearings and Processing**

Record request laws, the Sunshine Ordinance included, presume that information has a shelf life. Once information can no longer inform a decision, a course of action, a news story, or some other intended use, its utility to the requester often attenuates or even expires. Sunshine Ordinance deadlines, such as prescribing a 10-day response time for requests, 45 days to determine petitioner appeals in public records cases, or 5 days to comply with an order, acknowledge this reality. Although the Task Force may fail to meet these deadlines, the timely implementation of the law should remain a paramount goal for Task Force members.

This section of the report looks at how the Task Force processed and resolved complaints in 2025, with particular attention paid to the timeliness of the complaint process. Our data sources include SOTF meeting agendas and minutes, staff notes, orders of determination, monthly administrator reports, complaint petitions, and communication with SOTF members.

### Number of Complaints Reviewed

This section provides information on the number and type of complaints scheduled for review during the year. It refers only to complaints scheduled before the full Task Force for a regular hearing or consent calendar review. It does not include complaints which were only heard in committees but had yet to reach the full Task Force.

Total SOTF meetings held: 12 (10 regular and 2 special)

Regular SOTF meetings cancelled: 2

Total complaints scheduled (regular and consent agenda hearings): 61

Complaints scheduled for resolution by hearing: 38

Complaints scheduled for resolution by consent agenda: 22

Reconsideration requests of previous complaint resolutions: 0

Complaints scheduled for compliance hearings: 11

Complaints involving immediate disclosure requests (IDRs): 13

Sixty-one complaints were scheduled for hearing over 12 SOTF meetings. Thirty-eight complaints were scheduled for a full hearing, and 22 were placed on a consent agenda for expedited review. There were no requests for reconsideration of previously resolved cases. Eleven cases were scheduled for compliance reviews to determine whether City bodies had followed Task Force orders. Twenty complaints scheduled in 2025 involved immediate disclosure requests, a special category of public records requests that require a response within 1 day, rather than the 10-day response time normally allotted.

### Number of Hearings Scheduled and Average Days to Hearing

Hearing and reviewing cases comprised the majority of work done by the Task Force.

Total SOTF hearings scheduled 2025: 82

SOTF hearings continued: 7

SOTF hearings held 2025: 75

Education, Outreach and Training Committee hearings held: 19

Complaints Committee hearings held: 30

Compliance and Amendments Committee hearings held: 8

Total committee hearings held: 53

Total combined hearings scheduled for SOTF and committees: 137

Mean average number of hearings scheduled: 2.18 (133/61)

In total, 137 hearings were scheduled for the 61 complaints that came before the full Task Force, including new complaints, compliance hearings and requests for reconsideration. Hearings were continued on 7 occasions, and 75 hearings were held for all complaints processed during the year. In addition, 53 complaints were heard first in committees, who considered whether to send the complaint to the SOTF as a regular hearing or consent agenda item. The Complaint Committee heard the bulk of new complaints. Appendix D shows the total number of hearings held before the full Task Force and its committees.

The Task Force took the goal of processing public records cases within the 45 days mandated by the Ordinance as a renewed object of focus. In mid-2023, the Task Force began expediting the processing of alleged S.F. Admin. Code § 67.21 (2025) timeliness violations and placing straightforward cases in which all responsive documents already had been provided on a consent calendar.

Mean average days between complaint filing and hearing: 138

Median average days between complaint filing and hearing: 60

Mean average days between request for reconsideration and hearing: N/A

Complaints scheduled for hearing within 45-days: 15 / 61 (25%)

Complaints scheduled for hearing within 46-100 days: 23 / 61 (38%)

The mean average number of days petitioners waited to have their complaint heard was 138. However, the median average was 60 days. See Appendix E for Average Days Between Petitions and Scheduled Hearing 2025. These numbers were a significant improvement over 2024, where the mean was 333 and the median 337. In 2025, the Task Force also made a concerted effort to clear cases that had been pending for multiple years, possibly leading to a higher overall mean average for cases heard. At the same time, new procedures instituted in mid 2024 and designed to expedite the resolution of §67.21 timeliness complaints appeared to have a significant effect on case processing times. In 2024, only 1 complaint met the 45-day deadline and only 17 cases were heard between 46 to 100 days. This year, 15 cases were heard within 45 days and another 23 within 46 to 100 days.

Complaints pending at beginning of the year: 21

New complaints filed during the year: 127

Complaints pending at the year's end: 60

Ratio of complaints received to complaints scheduled during 2025: 127 / 61

Percentage of total records requests represented by new complaints: 127 / 20,312 (.62%)

At the beginning of the year, the SOTF had a backlog of 20 complaints. A significant rise in the number of complaints received over the two previous years increased the backlog of pending complaints to 60 by the end of the year. During 2025, 127 new complaints were received.



Chart 1: Complaints Filed by Year

Over the past 7 years, the Task Force received a mean average of 120 complaints per year and a median average of 127. The year 2024, in which petitioners filed only 62 complaints, appears to be an anomaly.

In addition, the Task Force is unable to resolve the number of complaints received annually under current procedures. The chart below shows the number of complaints filed over the past 4 years alongside the number of complaints processed each year.



Chart 2: Complaints Resolved and Received by Year

In 2025, 127 cases were filed, and 61 were processed. This chart suggests that current procedures cannot resolve the number of complaints received each year within the deadlines mandated by the Ordinance.

#### Petitioners and Respondents with Multiple Complaints

Some petitioners and respondents appeared before the Task Force on multiple occasions, requiring more time and resources than others.

Petitioners filing 3 or more complaints: 4

Complaints brought by repeat petitioners: 22/61 (36%)

City bodies receiving 3 or more complaint: 4

Breakdown of city bodies receiving 3 or more complaints:

Fine Arts Museum: 4

Human Rights Commission: 6

San Francisco Municipal Transit Authority: 12

San Francisco Police Department: 4

The Sunshine Ordinance places no limits on the number of complaints a single petitioner can submit each year. In 2025, 4 petitioners accounted for 36% of the cases brought before the Task Force. In 2024, 7 petitioners accounted for over half the complaints brought. A single petitioner may file multiple justified complaints. In addition, some City bodies were named in multiple complaints, possibly indicating broader compliance problems within these bodies. Yet, multiple alleged violations do not necessarily signal ongoing compliance problems, since the SOTF may not find violations in all cases or the complaints received might represent a small subset of the overall number of records requests the body handles.

### **SOTF Complaint Resolution Outcomes**

The Sunshine Ordinance allows the Task Force to hold hearings on complaints and to determine whether City bodies should release requested public records. In this section, we look at the outcomes of complaint hearings, with particular attention paid to violations found by the Task Force, how often the SOTF supported petitioner's claims, and whether City bodies complied with Task Force orders. We consider the Task Force's confirmation of alleged violations a measure of the SOTF's support for petitioners' rights. However, this measure is an imperfect one, since alleged violations may or may not constitute actual violations of the law.

Total alleged violations: 88

Most common alleged violations:

67.21 failing to respond to a records request in complete/timely manner: 34/88 (38%)

67.25 failing to respond to an immediate disclosure request in complete/timely manner: 13/88 (15%)

Total alleged timeliness violations: 47/88 (53%)

Petitioners alleged 88 violations spread over a total of 61 complaints. The most common alleged violations claimed that City bodies had not provided records in a complete or timely manner, accounting for 38% of all alleged violations. Fifteen percent of the alleged violations concerned immediate disclosure requests, which require City bodies to respond within one day of receiving the request.

Total violations found: 53

Ratio of violations found to violations alleged: 53 / 88 (60%)

Number of violations found related to open meetings: 14

Number of violations found related to public records: 36

Most common violations found:

67.21(b) failing to comply with a request for public information: 11/53 (21%)

67.21 failing to respond to a records request in complete/timely manner: 9/53 (17%)

67.25(a) failing to respond in a timely manner: 4/53 (7.5%)

Total timeliness violations found: 24/53 (45%)

In 2025, the Task Force confirmed 60% of alleged violations. Comparatively, the Task Force confirmed 38% in 2024, 59% in 2023, and 88% in 2022. Fourteen violations were related to failure to follow rules for open meetings and 36 were related to public records violations.

While most confirmed violations related to timeliness, other violations included failing to hold open and public meetings, failing to provide official calendars, and failing to provide records incrementally as they became available. The remaining violations were relatively infrequent.

Table 2 shows all violations found by the SOTF.

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<b>Section Violated</b>	<b>Frequency</b>	<b>Description</b>
67.21b	11	failing to comply with request for public information

67.21	9	failing to respond to a public records request in a timely and/or complete manner
67.25a	4	failing to respond in a timely manner
67.21e	3	failing to send an authorized representative to the hearing
67.5	3	failing to hold open and public meetings
67.25d	3	failing to produce responsive records on incremental or rolling basis
67.29-5	2	failing to respond to Prop G calendar request in timely manner
67.21c	2	failing to provide a citation for refusing to release public records
67.7	2	failing to provide accurate login information for remote meeting access
67.7a	1	failing to publicly notice meeting within 72 hours & to post an agenda with meaningful descriptions in a timely manner
67.7d	1	acting on an item that does not appear in the posted meeting agenda
67.11	1	failing to properly notice a closed session hearing
67.16	1	failing to provide minutes within 10 days of meeting
67.25	1	failing to respond to IDR in complete/timely manner

67.15	1	failing to provide an opportunity for members of the public to address the body
67.10b	1	meeting in closed session on non-permitted topic
67.34	1	willful failure to discharge duties under SO, Brown and CPRA
67.15c	1	failing to apply time limits uniformly to members of the public during public comment
67.14a	1	violating the right of persons attending open or public meetings to take video or audio recordings of the proceedings
67.15c	1	failing to apply time limits uniformly to members of the public during public comment periods
CPRA 7922.500	1	delaying and obstructing access to public records
67.20b	1	meeting in closed session on non-permitted topic
67.27b	1	failing to cite specific statutory authority that prohibits public disclosure
<b>Total</b>	<b>53</b>	

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Table 2: Violations Found by SOTF 2025

In sum, petitioners alleged more violations than the Task Force ultimately found, though most allegations were upheld.

We also considered whether the Task Force ruled for or against petitioners on a case level, as opposed to that of individual allegations. We counted the confirmation of one or more claims as a

ruling in favor of the petitioner's case and the lack of confirmation for any claim as a ruling against the petitioner's case.

Complaints in which at least 1 violation was found: 34

Complaints in which "no violation" was found: 18

Complaints in which SOTF confirmed alleged violations: 34/61, or 56%

Complaints receiving no ruling, i.e. withdrawn, tabled, dismissed or continued: 11/61 (18%)

Repeat petitioner complaints closed without a determination: 6/22 (27%)

Total repeat petitioner complaints in which no violation was found- 6/22 (27%)

Total repeat petitioner complaints with no violation or closed without a determination: 12/22 (54.5%)

The Task force confirmed alleged violations in 34 complaint cases and denied them in 18, 12 of which were brought by repeat petitioners. Overall, the SOTF confirmed one or more alleged violations in 56% of all complaints. An additional 11 cases received no ruling because, although scheduled, they were closed or continued before their hearing. While many petitioners alleged more violations than the SOTF ultimately found, the Task Force did confirm one or more alleged violations in most cases.

We noted earlier that four petitioners accounted for 22 of 61, or just over a third of all complaints heard by the SOTF. In just over a quarter of these complaints, the SOTF found no violations. In another quarter, the petitioners dropped the complaint before a determination was made. Overall, in half these complaints, as was also the case in 2024, repeat petitioners either closed the complaint after it was scheduled or no violation was found.

### Compliance with SOTF Orders

While the Task Force may find City bodies in violation of the Ordinance and order them to release records, it has limited powers to ensure compliance with its orders. The Sunshine

Ordinance directs the Task Force to notify the district attorney or attorney general if City bodies do not comply with its orders within 5 days. However, this rarely happens in practice. Instead, a Task Force Compliance & Amendments committee may try to work with respondents to obtain documents ordered released by the SOTF. If those attempts fail, the committee sends the case back to the full Task Force to consider whether to forward it to the district attorney or attorney general.

In 2025, the Task Force issued 54 orders to resolve complaints. Many of these orders included directions to the Task Force administrator or one of its committees to monitor compliance.

Number of orders issued: 54

Number of orders with directions to monitor compliance: 20

Number of orders with confirmed compliance: 0

Number of orders with confirmed noncompliance: 6

Complaints referred to the District Attorney or Ethics Commission: 2

Twenty orders included directives to confirm that petitioners had received requested documents or that respondents had released them, to help both parties refine the request, to review submitted documents, or to otherwise ensure compliance. To date, the Task Force has not confirmed compliance with any orders issued in 2025. In 6 cases, City bodies refused to comply with orders, including the Municipal Transportation Authority, the Police Department, the Zoo and the Fire Commission. The SOTF also sent 2 complaints to the Ethics Commission or District Attorney for further review and possible enforcement action, including cases involving the Fire Commission and now-recalled Board of Supervisor member, Joel Engardio.

### **Summary of Complaint Resolution Findings and Discussion**

The Ordinance charges the Task Force with developing goals to ensure the law's practical and timely implementation. It also mandates the resolution of public records complaints within 45 days, and reporting of noncompliance with Task Force orders within 5 days. Over the last few

years, the Task Force has made procedural changes designed to better meet the goal of resolving section 67.21(b) complaints within 45 days. Most notably, they have implemented a consent agenda to expedite the processing of complaints alleging 67.21 timeliness violations. This report shows that the SOTF has made significant progress on processing cases in a timely and more efficient manner. The average number of days to process a case has shrunk from 407 in 2023 to 138 in 2025, and an increasing number of cases are being heard within the deadlines set by the Ordinance.

The consent agenda has also enabled the Task Force to hear more cases per year on average. In 2024 and 2025, the SOTF scheduled 73 and 61 complaints for hearing respectively, compared to 49 in 2023 and 55 in 2022. Each complaint was scheduled an average of 2.2 times before it was resolved. Complaints on the consent agenda were resolved without a second full hearing, unlike those scheduled for a regular hearing. Since 2024, when committees prioritized timeliness complaints for faster resolution, a growing percentage of cases, 62% in 2025, were resolved in under 100 days, and one-quarter of cases were resolved in 45 days. However, given that in 2025 petitioners submitted 127 new complaints, far more than the Task Force has processed in any given year, the Task Force should continue to seek out ways to resolve complaints more efficiently.

The Task Force may also want to develop strategies to limit the number of complaints submitted by repeat petitioners in a year. In 2025, repeat petitioners brought 12 complaints, nearly one-fifth of all complaints heard, in which no violation was found. These complaints took up disproportionate time and resources and unduly delayed the hearings of other petitioners. Out of fairness to all petitioners, the Task Force may want to limit the number of complaints any one petitioner can have heard per year or suspend the hearing of further petitions after 3 findings of no violation.

The Task Force continues to act as a strong proponent of Sunshine rights, supporting petitioners' claims in 56% of cases. However, the Task Force has been less effective in ensuring compliance with its orders. In 2025, 20 orders contained follow-up directives, yet the Task Force has been unable to confirm compliance in a single case. It did confirm non-compliance in 6 cases. The Task Force also has few avenues to compel compliance. S.F. Admin. Code § 67.21(e) (2025) of the Ordinance states that if a City body fails to comply with a Task Force order within 5 days,

“The Sunshine Task Force shall notify the district attorney of the attorney general who may take whatever measures she or he deems necessary to ensure compliance with the provisions of this ordinance.” While the Task Force referred one case to the District Attorney and another to the Ethics Commission for further action during the year, these bodies have little history of acting on Task Force referrals. Moreover, in February of 2025, the Ethics Commission dismissed an earlier SOTF referral with the claim that they had no jurisdiction over the matter, despite a provision in the Ordinance deeming willful failure to follow Sunshine laws official misconduct to be handled by the Ethics Commission (S.F. Admin. Code § 67.34 (2025)).

### Practical and Policy Problems

The Sunshine Ordinance directs the Task Force to alert the Board of Supervisors to practical and policy problems associated with administering the Ordinance during the year. The Task Force as a body has endorsed all items included in this section. Items not endorsed by the full Task Force, but which one or more members wanted to bring to the Board of Supervisors’ attention, appear in *Appendix F*.

### **The Ethics Commission and Enforcement of the Sunshine Ordinance (Authored by Matthew Yankee)**

The Sunshine Ordinance envisions two distinct pathways for the Ethics Commission to enforce and ensure compliance with the Sunshine Ordinance.

S.F. Admin. Code § 67.34 (2025) states, “The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.”

S.F. Admin. Code § 67.35(d) (2025) states, “Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a City or State official 40 days after a complaint is filed.”

When City departments and officials have failed to comply with orders issued by the Sunshine Ordinance Task Force (SOTF), it has historically referred these matters to the Ethics Commission as either “willful violations” under S.F. Admin. Code § 67.34 (2025) or “non-willful violations” under S.F. Admin. Code § 67.35(d) (2025). The Ethics Commission has promulgated rules for handling these referrals under Section 10 of their Enforcement Regulations (Ethics Commission, 2018).

The Sunshine Ordinance Task Force works cooperatively and diligently with City departments and officials to compel compliance with its orders, and it rarely exercises its authority to make official referrals to the Ethics Commission. In fact, in 2025, the SOTF made only two (2) “willful violation” referrals and one (1) “non-willful violation” referral to the Ethics Commission. Despite receiving only a small number of referrals from the Sunshine Ordinance Task Force, Ethics Commission staff recently proposed that the Ethics Commission adopt revised Enforcement Regulations (Ethics Commission, 2025) which would severely restrict its ability to enforce and ensure compliance with the Sunshine Ordinance and orders issued by the SOTF.

Members of the Sunshine Ordinance Task Force noted the following concerns with the proposed Enforcement Regulations revisions:

1. The proposed revisions effectively remove a portion of S.F. Admin. Code § 67.35(d) (2025) as it relates to the Ethics Commission’s role in enforcing non-willful violations of the Sunshine Ordinance, essentially ignoring a portion of a voter-approved initiative. While the Charter does not explicitly extend the Ethics Commission jurisdiction over Sunshine Ordinance matters, it also does not explicitly prohibit it. Moreover, because S.F. Admin. Code § 67.35(d) (2025) was approved by the voters at the November 2, 1999, General Election – six years after the approval of the Ethics Commission Charter Amendment (Proposition K) – it should be interpreted as an

additional duty of the Ethics Commission beyond the prescribed duties established in the Charter by Proposition K.

2. The definition of “willful failure” as used in S.F. Admin. Code § 67.34 (2025) remains undefined in the proposed revisions. The SOTF has, on numerous occasions, requested that the Ethics Commission establish a working definition of that term to eliminate ambiguity. The law in California includes several instances where the term “willful” is used, often in the context of enhanced penalties for statutory violations, and appellate courts have developed a workable definition. “Willful” does imply a certain level of intent, but there is not a requirement of specific intent to violate the law. The Court of Appeal, for instance, in *May v. New York Motion Picture Corp.*, held the term willful “in its ordinary use, merely means that one intentionally fails or refuses to perform an act which is required to be done” (*Davis v. Morris*, 1940, pp. 274-275, citing *May v. New York Motion Picture Corp.*, 1920, p. 404). “In civil cases the word ‘willful’ does not necessarily imply anything blamable, or any malice or wrong toward the other party, or perverseness or moral delinquency, but merely that the thing done or omitted to be done, was done or omitted intentionally” *Id.*

3. While the proposed revisions preserve the Ethics Commission’s role in enforcing “willful failures” of the Sunshine Ordinance, they continue to delegate primary responsibility of that role to Ethics Commission staff. The SOTF considers potential “willful failure” violations to be among the most egregious violations of the Sunshine Ordinance, and it often spends an extraordinary amount of time attempting to resolve these violations prior to, or even without, referring them to the Ethics Commission. The SOTF has also demonstrated considerable restraint in making enforcement referrals to the Ethics Commission. Thus, the SOTF strongly believes that any enforcement referrals for “willful failure” violations deserve the full attention of the appointed Ethics Commissioners, and they should be decided in a transparent manner as part of a public hearing.

4. In its July 7, 2025 memorandum to the Ethics Commissioners, Ethics Commission staff described Sunshine Ordinance, Brown Act, and California Public Records Act violations as “... minor or unintentional open government infractions ...” which “... dilutes the limited staff and

legal resources and diverts attention from matters with systemic impact or greater public harm.”

While that may be the personal opinion of Ethics Commission staff, it is a subjective characterization that exists nowhere in the law – there is nothing in San Francisco’s Charter or ordinances which establishes such a hierarchy of infractions. In fact, in adopting the Sunshine Ordinance, San Francisco voters reinforced the belief that, “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” (S.F. Admin. Code § 67.1(e) (2025)). The SOTF does see some violations of an inadvertent nature, but there are also many others that are not inadvertent. Likewise, one might think of some claims as “minor” while others are far more serious. Any recommendations to alter the existing Ethics Commission Enforcement Regulations should not hinge upon these faulty mischaracterizations.

The ability to enforce the Sunshine Ordinance through a comprehensive administrative process not only preserves and protects the principles of government transparency, but it also saves the City and County of San Francisco substantial time and costs associated with litigation. As an example, the Sunshine Ordinance Task Force referred a matter to the Ethics Commission in 2024 after the Police Department and Chief of Police failed to comply with its order related to the release of certain public records. When the Ethics Commission failed to promptly resolve the referral, the petitioner/complainant escalated the matter to the San Francisco Superior Court (*Ladies & Gentleman, Inc. v. City and County of San Francisco Policy Department*) requesting a Writ of Mandate. The SOTF was informed in 2025 that the Police Department eventually provided the requested public records — but only after litigation was initiated. This litigation would have been unnecessary had an effective, efficient, and respected administrative compliance process been in place.

The Sunshine Ordinance Task Force recognizes that certain limitations exist on enforcement and compliance mechanisms under both the Charter and the Sunshine Ordinance. However, instead of improving the administrative compliance process for Sunshine Ordinance violations, the proposed revisions to the Ethics Commission’s Enforcement Regulations further weakens it. Therefore, the Sunshine Ordinance Task Force urges the Ethics Commission to explore all

enforcement opportunities available under current law, and if they are insufficient, to collaborate with the SOTF and Board of Supervisors on a legislative proposal to provide meaningful enforcement of the Sunshine Ordinance, Brown Act, and California Public Records Act.

### **2025 California Public Records Act (“CPRA”) Court Cases & the Scope of Access to Law Enforcement Records (Authored by Dean Schmidt)**

California courts in 2025 continued the expansion of the scope of access to law enforcement records that began with the Legislature’s 2018 enactment of S.B. 1421 and A.B. 748, publishing a pair of opinions setting forth rules allowing expanded access to video footage of law enforcement incidents and to investigation files regarding officer shootings and use of force. Cal. Assembly Bill 748, 2017-2018 Reg. Sess. (2018); Cal. Senate Bill 1421, 2017-2018 Reg. Sess. (Cal. 2018). In addition, the California Supreme Court in *City of Gilroy v. Superior Court*, a case involving access to drone footage, acknowledged the need to address violations of the CPRA even in certain circumstances where an agency claims it has nothing left to produce thus rendering a legal claim, in effect, “moot.” *City of Gilroy v. Superior Court*, S282937, S282950, (Cal. Jan 15, 2026). The City, the SFPD and this Task Force should remain cognizant of the ways in which the courts are interpreting S.B. 1421 and A.B. 748, which changed the scope of disclosable police personnel records and audio or video footage related to critical incidents, such as serious misconduct, use of force, and discharge of a firearm.

### **Critical Incident Video/Audio**

In *Sacramento Television Stations Inc. v. City of Roseville*, a public records request sought police audio and video recordings of a 43-minute sequence involving 6 shots being fired between City of Roseville police and an armed hostage-taker. *Sacramento Television Stations Inc. v. City of Roseville*, 111 Cal.App.5th 984 (2025). Roseville police gave up 39 second snippets from body cams of 4 officers; and audios lasting 37 seconds and just under 3 minutes, and zero drone footage. A trial court rejected a request for further footage starting when police arrived and extending to include post-apprehension medical attention, evidence collection and securing of

the scene. The City of Roseville took the position that (1) any footage was protected by the active investigation exemption; and (2) the partial disclosure was sufficient to “depict” the critical incident.

Before California Assembly Bill No. 748, agencies generally could decline to release body camera footage by invoking a CPRA exemption for law enforcement investigatory records. Assembly Bill No. 748 created section 7923.625 of the California Government Code (CPRA), which now provides in relevant part: that “a video or audio recording that relates to a critical incident” may only be withheld during an “active criminal or administrative investigation.” Disclosure may be delayed for up to 45 days if this would “substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source;” beyond 45 days up to one year “if the agency demonstrates that disclosure would substantially interfere with the investigation;” and beyond one year only “if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation.”

The Court of Appeal rejected the finding that the “active investigation” exemption applies. The pending criminal trial would not automatically qualify, as “a pending criminal prosecution, by itself and without more information, is not an ‘active investigation’ within the meaning of subdivision (a).” (*Sacramento Television*, 111 Cal.App.5th at 996). The same Legislature that passed Assembly Bill No. 748 also passed Cal. Senate Bill No. 1421. By its terms, Senate Bill No. 1421 reflects the Legislature’s understanding that a “proceeding,” such as criminal prosecution is sometimes distinct from an “investigation.” Cal. Senate Bill 1421, 2017-2018 Reg. Sess. (Cal. 2018).

While there may be times when there is an active investigation and there is also a pending criminal prosecution, the Court of Appeal determined there was not substantial evidence presented to the superior court that there was an investigation that was active when the superior court ruled. “The totality of the evidence appears to consist of statements in a declaration by Abril’s prosecutor that it was the People’s concern that the release of certain images presented at Abril’s preliminary hearing ‘would create traumatic publicity for the victims and would greatly impair’ Abril’s “ability to receive a fair jury trial.” Despite this declaration and the pending prosecution, the investigation had no longer been an active one.

The Court of Appeal then went on to rule regarding how much more footage should have been made available to the public. California Government Code section 7923.625(e) explains that “a video or audio recording relates to a critical incident” if it depicts specified incidents, including “[a]n incident involving the discharge of a firearm at a person by a peace officer or custodial officer.” The Court emphasized the language in subdivision (b) of the statute stressing the importance of a “viewer’s ability to fully, completely, and accurately comprehend the events captured” in a recording that “relates to a critical incident” Cal. Gov’t Code § 7923.625(b)(1).

The disclosures that were provided were deemed to be too narrow “mere seconds of context surrounding an officer’s discharge of a firearm will rarely if ever be sufficient to understand what happened.” Reasoning further that people “who hear a story interrupted by gaps of abstraction may be puzzled at the missing chapters,” the Court of Appeal concluded that there “is no reason to believe that, with the passage of Assembly Bill No. 748, the Legislature sought merely to require the disclosure of decontextualized, atomized data” (*Sacramento Television*, 111 Cal.App.5th at 999-1000). “Sufficient context preceding a peace officer’s discharge of a firearm at a person is essential to understanding what occurred—just as sufficient context following the final shot is.”

The Court concluded the requester was entitled to, at minimum, (a) uninterrupted copies of all Roseville PD recordings of the April 6 occurrence that were captured during the three-minute window of time when, the City alleges, the entire incident involving firearm discharge by Roseville PD took place, along with (b) additional recordings that provide sufficient context to permit an understanding of why the first shot was fired and what happened in the immediate aftermath of the final shot. This would not, however, include post-shooting footage of officers providing first aid to the wounded and collecting evidence after a shooting. The trial court was ordered to review all the recordings in camera, both audio and video, to determine and disclose the amount of context sufficient to understand a recording of any officer’s firearm discharge.

### **Reports and Investigative Findings about Officer Shootings**

Another 2025 California court also issued a broad interpretation of a new exception, to the exemption for peace officer personnel records. The City of Vallejo Police Department in 2021

conducted an investigation around police officers who had devised a practice of bending a point on their star-shaped badge each time they shot someone while on duty. The investigation resulted in a 167-page written report accompanied by 27 exhibits and a supplement. In 2022 that report was sought in a CPRA request. The city denied the request asserting the California Penal Code section 832.7(b) exemption that shields peace officer personnel records. A trial court's approval of the City's denial was overturned by the Court of Appeal decision in *City of Vallejo v. Superior Court*, 112 Cal.App.5th 565 (2025). The police department treated the investigation into badge bending as an internal affairs investigation, notified specific officers they were being investigated for possible violations of several department policies, including its policy pertaining to the use of force, and the independent investigator made findings as to whether these officers violated those policies. The badge bending had apparently been going on for about 17 years. It was done purportedly to recognize those who were able to withstand the intense pressure inherent in aiming and firing a weapon at someone.

With the passing of S.B. 1421 in 2018, public record access includes "records relating to the report, investigation or findings" following an incident involving discharge of a firearm by a peace officer at a person. Cal. Penal Code § 832.7(b)(1)(A)(i) (2025). The Court of Appeal rejected Vallejo's narrow interpretation, instead opining: "we cannot imagine the Legislature intended that such an investigation into a practice associated with police officers' lethal use of their firearms remain secreted from public purview." Reference was made to a different Court of Appeal's recent pronouncement about the importance of transparency with respect to officers' "use of force" to help "build public trust" in law enforcement. *Becerra v. Superior Court*, 44 Cal.App.5th 897, 920 (2020).

It is immaterial that there had already been individual administrative investigations of the shootings examined by the independent investigator, the records of which, the city points out, it had already made public. "The language of subdivision (b) is not confined to the administrative investigations that necessarily follow officer shootings," but it does encompass an independent investigation of, in this case, "a practice associated with" police shootings. *City of Vallejo*, 112 Cal.App.5th 565, 585. Nor does the substance of the independent investigator's findings weigh in the balance. The exception is not, in other words, limited to records relating to reports and investigations of police shootings wherein the officer is found to have used excessive force or

acted in violation of department policies pertaining to use of force. The court distinguished other provisions of subdivision (b) that are expressly limited to records relating to reports and investigations of a “sustained finding,” for example, of the use of unreasonable or excessive force.

Having ordered the investigation be disclosed, the Court of Appeal went on to discuss the issue of potential redaction of names of police officers. This began with a recognition set forth by the Supreme Court in *Long Beach Police Officers Ass’n v. City of Long Beach*) that “there is no question that the personal safety of police officers is important and there is legitimate concern about” retaliation from “angry members of the community after an officer-involved shooting.” *Id.* at 75. Regardless, the *City of Vallejo* went on, “for more than a decade, our courts, including our Supreme Court, have held these general concerns are insufficient to withhold officer names under the CPRA’s catchall exemption.” *City of Vallejo v. Superior Court*, 112 Cal.App.5th 565, 588. Noting that the language regarding weighing certain costs and benefits of disclosure in section 6255 is identical to the provisions of Cal. Penal Code § 832.7(b), the Court held these cases apply with equal measure here. Accordingly, a directive that all officer names be redacted is improper.

Instead, the trial court was ordered to prohibit redaction of names of those officers who were given notice of the investigation. As to other officers, some of whose names might appear in the records in a far more peripheral role, the public’s interest in the disclosure of their names may not be nearly as weighty as it is with respect to officers who were given notice of the investigation, and the balance could tip towards nondisclosure. Moreover, as observed in *Long Beach*, circumstances can change and a “later evidentiary showing” (*Long Beach* at 75), may show with the requisite degree of particularity “a clear overbalance on the side of confidentiality” as to the name of a particular officer (*Id.* at 67). The matter was sent back to the trial court to “engage in an exacting examination as to the redaction of the officer names.”

### **Supreme Court Holds Door Open to Granting Remedies to CPRA Requesters Above and Beyond Records Acquisition**

In litigation over compliance with the CPRA, it is probably fair to say the claim essentially seeks to obtain withheld records that might exist that were requested; the defendant will often seek to

vindicate any records that were withheld in reliance on certain legal exemptions. A court will examine the scope of the request, the manner in which a search was conducted to fulfill the request, and if the search was sufficient, whether the defending agency fully produced non-exempt records and whether any claims of exemption are valid. The basic order in a CPRA litigation involves compelling production of remaining records that do not qualify as exempt from production.

The California Supreme Court in *City of Gilroy v. Superior Court* asked whether and when it might be appropriate for a trial court to go beyond issuing a basic order compelling production and issue a declaration under the authority of the declaratory relief provision contained in the CPRA at Cal. Gov't Code section 7923.000. *City of Gilroy v. Superior Court*, S282937, S282950 (Cal. Jan 15, 2026). The underlying litigation in *City of Gilroy* involved a CPRA request made to the Gilroy Police Department seeking bodycam, video and audio recordings of homeless encampment sweeps by City of Gilroy police after an initial response that they were exempt from production. *City of Gilroy* at S282950.

The Supreme Court discussed, with clear approval, the decision approving a granting of declaratory relief in *Community Youth Athletic Center v. City of National City*, 220 Cal.App.4th 1385 (2013). As pertinent here, National City violated the CPRA because in its search responding to a request for records, it “gave up too soon and did not press the matter sufficiently, to a reasonable extent, at a time when” most of the requested information - underlying raw data – still existed (*Id.* at 1428). The court there further concluded that the plaintiff might qualify for an attorney fee award. It was due to the insufficient response by the City therein that records that could have been secured were instead lost or destroyed as part of a routine/scheduled records deletion – a common scenario.

The Supreme Court also mentioned the older case *Cook v. Craig*, which involved an agency that refused production of records of certain of its internal procedures, then, when faced with a lawsuit, insisted the records need not be disclosed but that it would “voluntarily” disclose a copy to the requester. *Cook v. Craig*, 55 Cal.App.3d 773 (1976). The requester still wished to obtain declaratory relief, the agency contended this had become a moot point.. The agency pointed to the availability of an attorney’s fees award to the requester if declaratory relief were granted, and contended this would incentivize other requesters toward frivolous litigation merely to obtain a

fees award. The Court of Appeal favored the requester: “the position of defendant that it has no legal obligation to disclose these procedures, and its voluntary disclosure only after litigation was commenced, we cannot say that the dispute will not recur” (*Id.* at 780). The court therefore held that “voluntary disclosure does not resolve plaintiffs’ action for ‘declaratory relief’ as to whether the procedures are required to be disclosed under the CPRA.”

The *City of Gilroy* court also placed reliance on analogous case law under the federal Freedom of Information Act. (FOIA; 5 U.S.C. § 552 et seq.). In *Hajro v. U.S. Citizenship and Immigration Services*, the Ninth Circuit Court of Appeals stated that there are “two separate claims that complainants can bring against an agency under FOIA” *Hajro v. U.S. Citizenship and Immigration Services*, 811 F.3d 1086, 1102-1103 (9th Cir. 2016)). The first type of claim is “a suit where a plaintiff attacks a specific agency action for (1) ‘improperly’ (2) ‘withheld’ (3) ‘agency records’” (*Id.* at 1103). For this type of claim — referred to as “specific FOIA request claims” — the court determined that “after the agency produces all non-exempt documents and the court confirms the agency’s proper invocation of an exemption, the specific FOIA claim is moot because the injury has been remedied.”

That Court also described a second type of FOIA claim – “a FOIA pattern or practice claim — a ‘claim that an agency policy or practice will impair the party’s lawful access to information in the future.’” (*Hajro* at 1103). This type of alleged FOIA violation is not “merely an isolated incident.” The Supreme Court in *City of Gilroy* then discussed in detail a second federal case, *Payne Enterprises, Inc. v. U.S.*, to demonstrate how this second kind of FOIA claim might look. The requester in *Payne* was frustrated when officers at Air Force Logistics Command (‘AFLC’) bases refused to supply it with copies of bid abstracts. *Payne Enterprises, Inc. v. U.S.*, 837 F.2d 486 (D.C. Cir. 1988). The base officers perfunctorily invoked FOIA exemptions in justifying their denials. Payne appealed these denials to the Secretary of the Air Force, who without exception ordered disclosure. Nevertheless, AFLC officers continued to refuse Payne’s FOIA requests for bid abstracts, thereby necessitating further — and invariably successful — administrative appeals. The delay occasioned by these appeals injured Payne’s business by frustrating its clients’ desire for the prompt delivery of information on contract bids (*Payne* at 487). Payne eventually filed suit “challenging the Air Force’s practice of unjustified delay and seeking declaratory and injunctive relief.”

The trial court ruled that “[t]he Secretary’s inability to deal with AFLC officers’ noncompliance with the FOIA, and the Air Force’s persistent refusal to end a practice for which it offers no justification, entitle Payne to declaratory relief” (*Id.* at 494). In short, *Payne* involved an agency’s egregious noncompliance with federal records disclosure law that continued notwithstanding the requester’s repeated resort to internal agency remedies, warranting a judicial declaration that the complained-of conduct was unlawful.

The Supreme Court in *City of Gilroy* held that the CPRA authorizes declaratory relief that a public agency has violated its provisions even in some circumstances when it is uncontested that there are no existing nonexempt records to disclose – when this could “resolve an ongoing dispute about the parties’ respective statutory rights and obligations and thus serve to guide their future conduct.”

California courts have begun to offer more detailed interpretations of how government actors should apply S.B. 1421 and A.B. 748. These rulings include the ideas that: law enforcement bodies cannot demonstrate that investigations remain active merely by pointing to a pending criminal prosecution without offering further specific evidence about ongoing investigative efforts, that they must disclose uninterrupted audio and video recordings of an entire critical incident along with the surrounding context; and that they must disclose not only investigations of specific incidents after the fact, but also investigations of practices related to police shootings and the names of those noticed in such investigations. The courts have also raised the idea that agency policies or practices that fail to comply with statutory rights of information access might warrant declaratory relief, such as attorney’s fees, for those harmed by them.

## **Report Conclusion and Recommendations**

The Task Force plays a vital role in supporting and safeguarding individual rights of access to public information, records and meetings. An independent regulatory commission put in place by voters, the Task Force often sides with petitioners when resolving appeals over City responses to records requests or public meetings practices. The Task Force has also taken steps in recent years to improve their processes for handling complaints cases. These improvements have led to a significant rise in the number of cases heard and resolved each year and a reduction in the time it

takes to resolve them. However, the Task Force continues to receive more cases that it can process under current procedures. Most cases still take more than 45 days to hear. As a result, petitioners with legitimate claims must often wait at least 3x that long to receive the redress they seek. The Task Force also continues to address how to ensure compliance with its orders. However, in 2025, we were unable to confirm compliance with any order.

The Task Force continues to search for ways to effectively administer the law and meet the benchmarks set out in the Ordinance. As it moves forward, the Task Force should continue to:

Set explicit goals for the law’s “practical and timely” implementation.

Identifying goals and tracking the progress made on these goals enables the Task Force to channel limited time and resources towards agreed upon priorities. The Task Force has for the past few years focused on the goal of more efficiently processing complaints and has seen significant results. The Task Force should continue to set explicit goals, and measure its progress on these goals, around the timely implementation and compliance with the law.

Refine procedures to enable the processing of more public records complaints within 45 days.

Recent procedural adjustments have brought the Task Force closer to this goal. In 2025, 25% of complaints were resolved within 45 days and 62% within 100 days. However, because the Task Force typically receives over 100 complaints annually, it must continue to look for ways to process cases more quickly and efficiently. Strategies may include the adoption of any number of proposals that the Task Force has continued to raise, such as allowing some cases to be decided by committees or without a full hearing, limiting the number of cases heard from one petitioner annually, identifying complaints that petitioners do not plan to pursue prior to their scheduling, creating guidelines for City bodies around the handling of immediate disclosure requests, and the more efficient handling of Task Force meetings.

Develop processes to monitor compliance.

Task Force orders increasingly include follow up instructions, asking respondents to send confirmation of compliance to the Task Force Administrator, the Chair, or to the Compliance and Amendments committee. To date, the Compliance and Amendments committee has sought to work with respondents informally to achieve compliance with orders, particularly since referrals

to the other agencies have produced little response. At present, no formal process exists for determining whether a City body has complied with an order or for tracking the outcomes of each order. The Task Force should continue to address how best to monitor and confirm compliance with its orders both to gauge its own effectiveness in administering the law and to increase the likelihood the petitioners receive the information and documents to which they are entitled.

Pursue policy-related duties, including education and advising.

While hearing complaint cases tends to dominate Task Force time and resources, the Task Force also has policy-related duties. These include advising the City on the law's implementation, giving input on the City's Sunshine training, educating the public on the law and its uses, and proposing amendments to clarify gray areas in the law. This year SOTF's Education, Outreach & Training Committee began discussions with the City Attorney's Office on how to assist with the next update of the mandatory Ethics and Sunshine training materials for City employees. The Committee's goal is to offer practical and experience-based suggestions to help improve these trainings. The Compliance and Amendments committee worked on proposed changes to the Sunshine Ordinance with the goal of bringing the Ordinance up to contemporary practices and standards.

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## Appendix A: Survey Text

### SOTF Department Survey - 2025

The Sunshine Ordinance Task Force (SOTF) requests that you provide information on the public records requests your administrative body received and processed during the 2025 calendar year. Please answer the following questions to the best of your ability and **submit your response by January 23, 2025**. If your body does not collect information that would enable you to answer a question, you may leave that question blank. The data you provide is public and subject to the terms & conditions stated on this survey platform. The SOTF will use your answers to create an overview of San Francisco Sunshine activity in 2025. If you have any questions, please email Laura Stein, SOTF Vice-Chair and Survey Administrator, at [Lstein.sotf@gmail.com](mailto:Lstein.sotf@gmail.com). We request that in addition to taking the survey, those using NextRequest or GovQA generate a summary report from either platform covering the period 1/1/2025-12/31/2025 and email it to [Lstein.sotf@gmail.com](mailto:Lstein.sotf@gmail.com). Thank you for completing this survey!

- Email
- What is your name?
- For which body or bodies are you answering this survey? (Please name them all.)
- In 2025, how many public records requests did your body (bodies) receive?
- In 2025, how many public records requests were submitted to your body (bodies) on NextRequest or GovQA? (Please email a summary report generated from the platform to [sotf@sfgov.org](mailto:sotf@sfgov.org) covering the period 1/1/2025 through 12/31/2025.)
- In 2025, for how many public records requests was your body (bodies) able to provide the requested information?
- In 2025, for how many public records requests did you refer the requester to another body for the information sought?
- In 2025, for how many public records requests did you redact information in your response?
- What was the mean average time (in days) it took your body (bodies) to fulfill a public records request in 2025? (Mean Average Time = Total Days Spent ÷ Number of Requests)
- What was the median average time (in days) it took your body (bodies) to fulfill a public records request in 2025? (Median Average Time: Arrange all data points from smallest to largest and pick the one in the middle. If there are two middle values, take the mean of those two numbers.)

Appendix B: City Bodies with Reported Data

City Bodies for which Responses were Submitted

1. ADM- Office of the City Administrator (excluding Central Office)
2. ADM- Office of the City Administrator Central Office
3. ADM - Office of the County Clerk
4. Airport Commission
5. Animal Care and Control
6. Arts Commission
7. Asian Art Museum
8. Assessment Appeals Board No. 1, 2 and 3
9. Assessor-Recorder
10. Board of Examiners, Department of Building Inspection
11. Child Support Services
12. Children and Youth Fund Oversight and Advisory Committee
13. Citizens Committee on Community Development
14. Citizens' General Obligation Bond Oversight Committee
15. Civil Service Commission
16. Commission of Animal Control and Welfare
17. Commission on Community Investment and Infrastructure
18. Controller's Office
19. Department of Building Inspection (ADM)
20. Department of Children, Youth, and their Families
21. Department of Disability and Aging Services (part of HSA)
22. Department of Early Childhood
23. Department of Emergency Management (computer aided dispatch printouts/address histories)
24. Department of Emergency Management (except 911 records, managed separately)
25. Department of Police Accountability (DPA)
26. Department of Public Health
27. Department of Technology (ADM)
28. Department on the Status of Women
29. Disability and Aging Services Advisory Council
30. Disability and Aging Services Commission
31. District Attorney (SFDA)
32. Downtown Revitalization Financing District (DRFD)
33. Elections Commission
34. Entertainment Commission

35. Environment Department
36. Ethics Commission
37. Film SF
38. Fire Commission
39. Fire Department (not including Fire Commission and Property records)
40. Food Security Task Force
41. Free City College Oversight Committee
42. Health Service System
43. Homelessness and Supportive Housing (HSH)
44. Housing Stability Fund Oversight Board
45. Human Rights Department and Commission
46. Immigrant Rights Commission
47. Juvenile Probation Department
48. Library (ADM)
49. Local Agency Formation Commission
50. Local Homeless Coordinating Board
51. Mayor's Office of Housing and Community Development
52. Office of Cannabis
53. Office of Civic Engagement & Immigrant Affairs
54. Office of Community Investment & Infrastructure
55. Office of Contract Administration
56. Office of Economic and Workforce Development
57. Office of Labor Standards Enforcement
58. Office of Mayor Daniel Lurie
59. Office of Small Business
60. Office of the Chief Medical Examiner
61. Our City, Our Home Oversight Committee
62. Oversight Board
63. Police Commission
64. Port of San Francisco
65. Public Works (ADM)
66. Recreation and Parks Department
67. Refuse Rate Board
68. Rent Stabilization and Arbitration Board
69. San Francisco Employees' Retirement System
70. San Francisco Transportation Authority
71. San Francisco Health Authority
72. San Francisco Human Rights Commission (HRC) (Dept and Commission)
73. San Francisco Human Services Agency
74. San Francisco Municipal Transportation Agency (SFMTA) (ADM)

75. San Francisco Municipal Transportation Agency (SFMTA) Citizens Advisory Council
76. San Francisco Office of the Public Defender (PDR)
77. San Francisco Public Utilities Commission
78. San Francisco Public Works
79. San Francisco Youth Commission
80. Sheriff's Office
81. South of Market Community Stabilization Fund Community Advisory Committee
82. Treasurer & Tax Collector (TTX) (ADM)
83. Urban Forestry Council
84. Veterans Affairs Commission
85. War Memorial

City Bodies Included in NextRequest Summary Report for Which No Response was Submitted and Number of Records Requests Received by NextRequest

1. ADM- Real Estate (0)
2. Capital Planning Committee (0)
3. Fire Department (Property Records) (1611)
4. SF City Attorney (2)
5. SF Housing Authority (0)

**Appendix C: SOTF Members, Vacancies, Demographics & Meeting Attendance 2025**

Number of SOTF Member Seats- 13

Number of Voting Seats: 11

Number of Ex-officio Nonvoting seats (appointed by Mayor and Clerk of the Board): 2

SOTF Support Staff: 1

Number of SOTF Seats Filled: 11

Number/Percentage of Voting Seats Filled: 10 (91%)

Number/Percentage of Nonvoting seats Filled: 1 (50%)

Seat 1 (SPJ nominated attorney)- Dean Schmidt

Seat 2 (SPJ nominated journalists)- Lila LaHood

Seat 3 (Member of press or electronic media with citizen access interest)- Saul Sugarman

Seat 4 (SPJ nominated)- Ankita Mukhopadhyay Kumar

Seat 5 (LWVSF nominated)- Maxine Anderson

Seat 6 (Consumer advocacy experience) – Laura Stein, Vice Chair

Seat 7 (Consumer advocacy experience)- Matthew Yankee, Chair

Seat 8 (Demonstrated interest citizen access/participation)- Chris Hyland

Seat 9 (Demonstrated interest citizen access/participation)- David Pilpel

Seat 10 (Demonstrated interest citizen access/participation)- VACANT

Seat 11 (Demonstrated interest citizen access/participation)- Bruce Wolfe

Ex-officio- Clerk of the Board Designee/non-voting- VACANT

Ex-officio- Mayoral designee/non-voting- Michael Adams

Support Staff: Patricia Petersen, Senior Management Assistant

Voting Member demographics:

Gender: Male- 7, Female- 4

Race/Ethnicity: Caucasian- 9, African American- 1, South Asian- 1

Disability- 1

Regular meeting attendance 2025

Seat 1 Dean Schmidt, 10/10

Seat 2 Lila LaHood, 9/10

Seat 3 Saul Sugarman, 9/10

Seat 4 Ankita Mukhopadhyay Kumar, 8/10

Seat 5 Maxine Anderson, 9/10

Seat 6 Laura Stein, Vice Chair, 9/10

Seat 7 Matthew Yankee, Chair, 10/10

Seat 8 Chris Hyland, 9/10

Seat 9 David Pilpel, 9/10

Seat 10 VACANT

Seat 11 Bruce Wolfe, 9/10

## Appendix D: Hearings Held in 2025

<b>File #</b>	<b>Full SOTF Hearings</b>	<b>EOTC Committee Hearings</b>	<b>Complaint Committee Hearings</b>	<b>Compliance &amp; Amendments Committee Hearings</b>	<b>Total Hearings</b>
23099	4		2		6
24056	1		1		2
24065	1		1		2
25001	1		1		2
24066	2		1		3
25003	4		1		5
25012	1				1
25014	1				1
22010	6		1	1	8
25004	1				1
25007	1				1
25006	1		1		2
25009	1				1
25015	1				1
25018	1				1
25021	2		1		3
24064	1		1		2
25025	1				1
24022	2	1			3
24030	2	1			3
24036	2	1			3
25029	1		1		2

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23092	1		1		2
25030	1		1		2
25032	1		1		2
24060	1	1			2
25041	1		1		2
24004	1		1		2
23020	2	1			3
23036	2	1		1	4
25034	1		1		2
25039	2		1		3
25046	1	1			2
25047	1	1			2
25048	2	1			3
25052	1	1			2
25028	2		1		3
25035	1	1			2
25036	1	1			2
25054	1				1
25038	1		1		2
25059	1		1		2
25060	1		1		2
25065	1		1		2
25043	1		1		2
25061	1		1		2
24007	1	1			2
25037	1	1			2
25042	1	1			2

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25053	1	1			2
25071	1	1			2
25063	2				2
25073					0
25074	1		1		2
23085	1			1	2
24015	1			1	2
25057	1	1			2
25077	1		1		2
25080					0
25033	1	1	1		3
25075			1		1
Total	80	19	30	4	133

## Appendix E: Average Days Between Petitions and Scheduled Hearing 2025

23099	12/2/24	1/21/25		50
24056	10/20/24	1/21/25		93
24065	12/18/24	2/5/25		49
25001	1/6/25	2/5/25		30
24066	12/20/24	2/5/25		47
25003	1/7/25	2/5/25		29
25012	2/14/25		3/5/2025 continued 4/2/25	19
25014	2/22/25		3/5/25	11
22010	2/22/22			
25004	1/23/25	3/5/25		41
25007	1/23/25	3/5/25		41
25006	1/13/25	3/5/25		52
25009	2/7/25	3/5/25		27
25015	2/25/25	4/2/25		37
25018	2/28/25	4/2/25		34
25021	3/17/25	5/7/25	7/2/25	52
24064	12/2/24	5/7/25 continued	6/4/25	157
25025	4/1/25	5/7/25		36
24022	4/24/24		6/4/25	406
24030	5/26/24		6/4/25	374
24036	6/18/24		6/4/25	351
25029	4/14/25		6/4/25	51
23092	10/23/23	6/4/25		590
25030	4/11/25	6/4/25		54
25032	4/25/25	6/4/2025 continued 9/3/25		40
24060	11/18/24	6/4/25		198
25041	5/21/25		7/2/25	42
24004	1/12/24	7/2/25		171
23020	3/8/23	3/6/24		
23036	3/22/23	3/6/24		
25034	4/28/25	7/2/25		65
25039	5/16/25	7/2/25		47
25046	6/1/25		8/6/25	66

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25047	6/1/25		8/6/25	66
25048	6/12/25		8/6/2025; 9/3/25	55
25052	6/6/25		8/6/25	61
25028	4/14/25	7/2/25 continued 8/6/2025		80
25035	4/28/25	8/6/25		101
25036	5/6/25	8/6/25		93
25054	6/16/25	8/6/25		52
25038	5/13/25		9/3/25	114
25059	6/12/25		9/3/25	84
25060	7/8/25		9/3/25	58
25065	7/30/25	9/3/25		36
25043	4/25/25	9/3/25		131
25061	7/9/25	9/3/25		57
24007	2/6/23		10/15/25	982
25037	5/5/25		10/15/25	163
25042	5/27/25		10/15/25	141
25053	6/13/25		10/15/25	124
25071	8/31/25		10/15/25	45
25063	4/14/25	10/15/2025, 12/3/25		184
25073	7/3/25	10/15/2025 continued		104
25074	9/15/25		11/5/25	51
23085	9/20/23	11/5/25		777
24015	1/25/24	11/5/25		650
25057	6/26/25	11/5/25		132
25077	10/6/25	11/5/25		31
25080	10/14/25		12/5/2025 continued	52
25033	3/20/25	12/5/25		260
25075	9/30/25	12/5/2025 continued		66
Average Days to SOTF Review				138