

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
June 8, 2021**

DATE DECISION ISSUED
February 3, 2021

CASE TITLE – Patrick Monette-Shaw v. The City Attorney’s Office
File No. 20062

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 20062: Complaint filed by Patrick Monette-Shaw against the City Attorney’s Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21 by failing to respond to a records request in a timely and complete manner.

HEARING ON THE COMPLAINT

On February 3, 2021, the Sunshine Ordinance Task Force acting in its capacity to hear petitions/complaints heard the matter.

Monette-Shaw (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Monette-Shaw stated that his records request involved the case of the State of California fining the City and County of San Francisco Dept. of Public Health \$100,000.00 and that the entire issue is a public record. Mr. Monette-Shaw stated that on October 29, 2019, the Board of Supervisors passed approval of the settlement and on November 5, 2019, he submitted a request to the City Attorney for calculations of time spent on the case. Mr. Monette-Shaw noted that on November 13, 2019, the City Attorney replied that the suit was still active and could not provide the requested records. Mr. Monette-Shaw stated that on November 15, 2019, the Mayor signed off on the settlement. Mr. Monette-Shaw stated that on December 5, 2019, the City Attorney’s Office claimed that the suit was not closed. Mr. Monette-Shaw noted that the Dept. of Public Health, the Board of Supervisors and the Mayor signed off on paying the fine and at the time of his request and there was no ongoing litigation. Mr. Monette-Shaw stated that the settlement agreement was signed on November 20, 2019.

The Respondent was not present for the hearing and did not inform the SOTF Administrator of their absence.

Action: Moved by Member Hyland, second by Member Yankee, to find jurisdiction and records are public.

FINDINGS OF FACT AND CONCLUSION OF LAW

Action: Moved by Chair Wolfe, second by Member Wong, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21(e),

DECISION AND ORDER OF DETERMINATIONS

On February 3, 2021, Moved by Member Hyland, second by Member Yankee, to find jurisdiction and records are public.

The motion PASSED by the following vote:

Ayes: 10 - Hyland, Yankee, Wolfe, Forsley, Stein, Frazier,
Padmanabhan, Neighbors, Schmidt, Wong

Noes: 0 - None

Absent:1 - LaHood

On February 3, 2021, moved by Chair Wolfe, second by Member Wong, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21(e), by not providing a representative at the SOTF hearing.

The motion PASSED by the following vote:

Ayes: 11 - Wolfe, Wong, Forsley, Stein, Frazier, LaHood, Padmanabhan,
Neighbors, Schmidt, Hyland

Noes: 0 - None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Patrick Monette-Shaw (Petitioner/Complainant)
The City Attorney's Office (Respondent)