File No. 22125	
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Completed by: C. Leger

Item No. 6

## SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST

Compliance and Amendme	nts Committee	Date:	April 25, 2023
	- Deputy City Attorne aplainant Supporting Response condence mination s Report	y	Page:
OTHER			

Date

4/21/23

<sup>\*</sup>An asterisked item represents the cover sheet to a document that exceeds 25 pages.

The complete document is in the file.

#### Sunshine Ordinance Task Force Complaint Summary

File No. 22125

HVSafe v. Planning Commission

Date filed with SOTF: 10/27/2022

Contact information (Complainant information listed first):

<u>HV Safe (team@hvsafe.com</u> (Complainant)

Rich Hillis (<u>rich.hillis@sfgov.org</u>); Laura Lynch (laura.lynch@sfgov.org) (Respondent)

File No. 22125 Complaint filed by HVSafe against Rich Hillis and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Please check there does not seem to be a difference with file no. 22124

# Petition/Complaint

## New Complaint and 67.21(d) petition against San Francisco Planning and **Rich Hillis**

From: team@hvsafe.com <team@hvsafe.com>

sotf@sfgov.org <sotf@sfgov.org>

supervisor.records@sfcityatty.org <supervisor.records@sfcityatty.org>

CC: team@hvsafe.com <team@hvsafe.com>

Date: Tuesday, September 14th, 2021 at 9:01 AM

Dear Supervisor of Records: Please determine in writing that these records are public and order them disclosed.

Dear SOTF: Please file a new complaint, provide a file number, and serve notice on the Respondents.

- Complainant: HVSafe
- Respondents: San Francisco Planning and Rich Hillis

#### Allegations:

- CPRA Gov Code 6253 failure to provide a determination of disclosable public records within 10 days
- SF Admin Code 67.21 unreasonable delay

This disclosure request was made on August 24th, 2021; copy attached. As of the filing of this complaint no response has been received as required by the CPRA and Sunshine Ordinance.

Sincerely, **HVSafe** 

58.16 KB @ 1 file attached



Mayes Valley Octavia Historic Fre... (58.16 KB)

## Hayes Valley Octavia Historic Freeway Commemoration Project -Immediate Disclosure Request

From: team@hvsafe.com <team@hvsafe.com>

To: laura.lynch@sfgov.org <laura.lynch@sfgov.org> rich.hillis@sfgov.org <rich.hillis@sfgov.org> lily.langlois@sfgov.org <lily.langlois@sfgov.org>

CC: team@hvsafe.com <team@hvsafe.com>

Date: Tuesday, August 24th, 2021 at 11:48 AM

To Whom It May Concern at San Francisco Planning, Rich Hillis, Lily Langlois, and Laura Lynch:

Please find the below Immediate Disclosure Request (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by August 25th, 2021. Rolling responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. You must provide exact copies of every responsive record. Do not: print and scan electronic records, provide only the final message in a thread instead of the entire thread, convert native files to PDFs, combine or merge multiple records together, or provide black and white versions of any color record. Provide only copies of records not requiring fees and inperson inspection of all other records (GC 6253).

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for the request below (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a website to publish records, please make them completely public without any login, sign-in, or agreement to any type of terms of use or acceptable use policies.

Your agency must comply with the above; you cannot wait until we file a complaint.

We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file a complaint for each and every Sunshine Ordinance or CPRA violation.

Provide a copy of the \$50,000 signed agreement with San Francisco Parks Alliance for the Hayes
 Valley Octavia Historic Freeway Commemoration Project

Preserve and do not destroy any originals of responsive records until the final adjudication of any appeals; we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct,

indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely, HVSafe

From:	TEAM <team@hvsafe.com></team@hvsafe.com>
Sent:	Friday, October 21, 2022 9:43 PM
-	COTE (COC)

To: SOTF, (BOS)

Subject: RE: HVSafe 2 petitions against San Francisco Planning and Rich Hillis
Attachments: SOTF-Complaint-Request 2.pdf; SOTF-Complaint-Request 1.pdf

Hello Cheryl.
Thanks for your reply.
Yes we want to proceed with both complaints.
See attached.

Thanks. HVSafe

----- Original Message ----On Sunday, October 16th, 2022 at 12:09 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Hello TEAM: I am in receipt of and thank you for your email below. Apologies for not responding to your original email, but I checked my records and did not find anything regarding your request. During the past year, the Sunshine Task Force has worked diligently to respond to the backlog of requests due the Pandemic. If you still want to pursue this request, I will open a complaint file. Just let me know. Thank you.

I will be on vacation beginning October 17, 2022, returning October 24, 2022. Should you have a question regarding the Sunshine Task Force, please contact Victor Young at <a href="Victor-Young@sfgov.org">Victor-Young@sfgov.org</a>. Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

#### Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

https://url.avanan.click/v2/\_\_\_www.sfbos.org\_\_\_.YXAzOnNmZHQyOmE6bzpiN2ZmOGE2MTk2YmZiMTQ 3MmJmN2MwYWI1OWZmMjMxNzo2OjA1NWM6OWJjZjk3ZWUyYml0ZTg0ZmNiYmRlY2YxMWQxZTQwO TEwNTUxOTFjZDNhMTRkMGU2MTVhMmE0Yzc2MDUxNzZmZTp0OlQ

The <u>Legislative Research Center</u> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: TEAM <team@hvsafe.com>

Sent: Thursday, October 13, 2022 12:32 PM

To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>; Records, Supervisor

(CAT) <Supervisor.records@sfcityatty.org>

Cc: team@hvsafe.com

**HVSafe** 

Subject: Re: HVSafe 2 petitions against San Francisco Planning and Rich Hillis

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Can someone let us know why these requests have gone unanswered? It's been well over a year.	
Thanks.	

----- Original Message ----On Wednesday, November 3rd, 2021 at 7:03 PM, TEAM <team@hvsafe.com> wrote:

We've reached out several times regarding 2 requests, both attached here.					
Kindly let us know what the status is.					
We will try to follow up via phone in the days to come as well; as we're not sure what the turnaround time is on these requests.					
Thank you.					
10/0-6-					
HVSafe					
Greetings.					
This is a 2nd follow up to our request for complaint filing.					
Please advise. Thank you.					
HVSafe					
Original Message					
On Tuesday, September 28th, 2021 at 6:10 PM, TEAM < team@hvsafe.com > wrote:					
Good evening.					
We're looking to follow up on the below; we're checking on the status.					
*Note this is 1 of 2 complaints we've sent over; this is not to be confused with the one sent over today.					
Thank you.					
HVSafe					

----- Original Message -----

On Tuesday, September 14th, 2021 at 9:01 AM, TEAM <team@hvsafe.com> wrote:

Dear Supervisor of Records: Please determine in writing that these records are public and order them disclosed.

Dear SOTF: Please file a new complaint, provide a file number, and serve notice on the Respondents.

- Complainant: HVSafe
- Respondents: San Francisco Planning and Rich Hillis

#### Allegations:

- CPRA Gov Code 6253 failure to provide a determination of disclosable public records within 10 days
- SF Admin Code 67.21 unreasonable delay

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Sincerely,

**HVSafe** 

## New Complaint and 67.21(d) petition against San Francisco Planning and Rich Hillis

From: team@hvsafe.com <team@hvsafe.com>

To: sotf@sfgov.org <sotf@sfgov.org>

supervisor.records@sfcityatty.org <supervisor.records@sfcityatty.org>

CC: team@hvsafe.com <team@hvsafe.com>

Date: Tuesday, September 14th, 2021 at 9:01 AM

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58.16 KB @ 1 file attached

A Hayes Valley Octavia Historic Fre... (58.16 KB)

## Hayes Valley Octavia Historic Freeway Commemoration Project -Immediate Disclosure Request

From: team@hvsafe.com <team@hvsafe.com>

To: laura.lynch@sfgov.org <laura.lynch@sfgov.org> rich.hillis@sfgov.org <rich.hillis@sfgov.org> lily.langlois@sfgov.org>

CC: team@hvsafe.com <team@hvsafe.com>

Date: Tuesday, August 24th, 2021 at 11:48 AM

To Whom It May Concern at San Francisco Planning, Rich Hillis, Lily Langlois, and Laura Lynch:

Please find the below Immediate Disclosure Request (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by August 25th, 2021. Rolling responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. You must provide exact copies of every responsive record. Do not: print and scan electronic records, provide only the final message in a thread instead of the entire thread, convert native files to PDFs, combine or merge multiple records together, or provide black and white versions of any color record. Provide only copies of records not requiring fees and inperson inspection of all other records (GC 6253).

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- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a website to publish records, please make them completely public without any login, sign-in, or agreement to any type of terms of use or acceptable use policies.

Your agency must comply with the above; you cannot wait until we file a complaint.

We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file a complaint for each and every Sunshine Ordinance or CPRA violation.

Provide a copy of the \$50,000 signed agreement with San Francisco Parks Alliance for the Hayes
 Valley Octavia Historic Freeway Commemoration Project

Preserve and do not destroy any originals of responsive records until the final adjudication of any appeals; we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct,

indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely, HVSafe

# Respondent's Response

From: Lynch, Laura (CPC)

Sent: Thursday, January 12, 2023 12:22 PM

To: SOTF, (BOS)

Cc: Ionin, Jonas (CPC); Hillis, Rich (CPC)

Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22125

Attachments: SOTF - 22125.pdf

#### Hi Cheryl,

Please see the attached response. We acknowledge that the Department missed the initial request. Responsive documents were provided to the requestor on January 6, 2023 and January 12, 2023.

Please note that we did not attach copies of the responsive documents because it was over 1,800 pages. Please let me know if you would like a link to these files.

Thank you,

Laura

Laura Lynch, Senior Planner Manager of Commission Affairs

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628-652-7554| www.sfplanning.org San Francisco Property Information Map

Expanded in-person services at the Permit Center at 49 South Van Ness Avenue are available. Most other San Francisco Planning functions are being conducted remotely. Our staff are <u>available by e-mail</u>, and the Planning and Historic Preservation Commissions are convening remotely. The public is <u>encouraged to participate</u>. Find more information on our services here.

From: SOTF, (BOS) <sotf@sfgov.org> Sent: Thursday, January 5, 2023 9:40 AM

To: Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Lynch, Laura (CPC) <laura.lynch@sfgov.org>

Cc: TEAM <team@hvsafe.com>

Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22125

#### Good Morning:

Rich Hillis and the Planning Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). The SOTF requests that you submit your response to our office the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your

defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22125 when submitting any new information and/or supporting documents pertaining to this complaint.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724



Click to complete a Board of Supervisors Customer Service Satisfaction form.

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#### SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724 Fax: 415 554-7854 TDD/TTY: 415 554-5227



City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco 94102-4689

January 5, 2023

Rich Hillis Laura Lynch Planning Commission Rich.Hillis@sfgov.org

Re: Sunshine Ordinance Task Force, File No. 22125

Dear Mr. Hillis and Ms. Lynch:

Please review the complaint as described below and acknowledge your department's position on File No. 22125 regarding an alleged violation of the Sunshine Ordinance.

File No. 22125 Complaint filed by HVSafe against Rich Hillis and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Please choose ONE answer. You may, if you wish, also attach any additional explanation.

- [a] acknowledge noncompliance for all allegations below
- [b] department/agency declares no-contest to all allegations below
- [c] deny one or more allegations below (please state an additional explanation which of the allegations you deny, and supporting evidence and/or argument)

If you or your entity acknowledges noncompliance or declares no-contest, the SOTF may, at its discretion, issue an Order of Determination against you or your entity for the allegations listed above without a hearing, and thereafter refer the matter to the Compliance & Amendments Committee for monitoring as needed.

Please respond within the next five business days of the date on this notice, with your acknowledgment. If it is not received within five business days, we will assume that you have acknowledged no-contest.

Very Truly Yours,

Matthew Yankee, Chair Sunshine Ordnance Task Force

MY:cal

Cc: HV Safe (team@hvsafe.com)



## MEMO TO THE SUNSHINE ORDINANCE TASK FORCE

January 12, 2023

**Complaint Number:** 

22125

Staff Contact:

Laura Lynch 628.652.7554

Laura.Lynch@sfgov.org

### Complaint

Complaint filed by HV Safe against Rich Hillis and San Francisco Planning, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67 .21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

#### **Planning Department's Response**

The Planning Department agrees with the allegation for violating Administrative Code Sections 67.21 and 67.25. The Planning Department acknowledges that the initial Immediate Disclosure Request was missed. As soon as it came to the Department's attention, responsive records were provided. We apologize for this mistake and are working to remedy such an issue in the future.

The Planning Department's Office of Commission Affairs received Complaint Number 22124 on January 05, 2023 and provided the responsive documents directly to HV Safe on January 06, 2023 and January 12, 2023.

From: SOTF, (BOS)

Sent: Thursday, January 5, 2023 9:40 AM

To: Hillis, Rich (CPC); Lynch, Laura (CPC)

Cc: TEAM

Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22125

Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent

Materials FINAL for PILOT.pdf; 22125 Complaint.pdf; Affirmation Letter 22125.pdf

#### Good Morning:

Rich Hillis and the Planning Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). The SOTF requests that you submit your response to our office the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22125 when submitting any new information and/or supporting documents pertaining to this complaint.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724



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#### SUNSHINE ORDINANCE TASK FORCE



Tel: 415 554-7724 Fax: 415 554-7854 TDD/TTY: 415 554-5227 City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco 94102-4689

January 5, 2023

Rich Hillis Laura Lynch Planning Commission Rich.Hillis@sfgov.org

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Please choose ONE answer. You may, if you wish, also attach any additional explanation.

- [a] acknowledge noncompliance for all allegations below
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Very Truly Yours,

Matthew Yankee, Chair Sunshine Ordnance Task Force

MY:cal

Cc: HV Safe (team@hvsafe.com)

From:	TEAM <team@hvsafe.com></team@hvsafe.com>
Sent:	Thursday, November 10, 2022 12:16 PM
To:	Leger, Cheryl (BOS); SOTF, (BOS)
Subject: Attachments:	Fw: Re: FW: HVSafe 2 petitions against San Francisco Planning and Rich Hillis Hayes Valley Octavia Historic Freeway Commemoration Project - Communications Disclosure Request 091321.pdf
Want to confir	m you received this.
HVSafe	
Original I	Message
	y, November 2nd, 2022 at 7:56 AM, TEAM <team@hvsafe.com> wrote:</team@hvsafe.com>
	ed is the second complaint.
A re -fo	orward of our original email complaint petition should be in your inbox as well.
HVSaf	ie e
	Original Message
	esday, November 1st, 2022 at 11:36 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:</sotf@sfgov.org>
	Dear HV Safe: I have reviewed your two attached complaints and they appear to be identical. Unless you can prove that they are two separate claims, I will close 22125 and proceed with 22124.
	Cheryl Leger
	Assistant Clerk, Board of Supervisors
	Cheryl.Leger@sfgov.org
	Tel: 415-554-7724
	Fax: 415-554-5163
	https://url.avanan.click/v2/www.sfbos.org,YXAzOnNmZHQyOmE6bzo3ZmQ0Yzg yZTBmOTZjMGVmZDhiZDY2NDhINDE3OGNjODo2OjJiYjk6NDUyZjlkOWQ1NWZhYWFIM WU4NDNjMzQ4NmIyOTBmZmUxYjg4MDhiMzRIOTJjYjFmZTg3Y2RjYjBiODJIMGVjNzp0Ol Q

From: SOTF, (BOS)

**Sent:** Friday, April 14, 2023 4:16 PM

To: Donohue, Virginia (ADM); SF Sunshine; Tucker, John (FIR);

ralowenthalbowlingball@hotmail.com; FireRequests, FIR (FIR); Hillis, Rich (CPC); TEAM; Lynch, Laura (CPC); Heckel, Hank (MYR); Nickolopoulos, Sheila (MYR); Marina Skater;

Toomey, William (POL) Young, Victor (BOS)

Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee: April 25,

2023; 4:30 p.m. - Room 408, City Hall

#### Good Afternoon:

Cc:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force.

Date: April 25, 2023

Location: Room 408, City Hall

Time: 4:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

File No. 22113 Complaint filed by Anonymous (SFS) against Virginia Donohue and the Department of Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.26 and 67.27.

File No. 23018: Complaint filed by Ralowe Ampu against Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 22125 Complaint filed by HVSafe against Rich Hillis and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 23021 Complaint filed by Anonymous (PBB) against the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 23022 Complaint filed by Anonymous (PBB) against the Mayor's Office of Housing and Community Development for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 23001 Complaint filed by Olga Tikhonova against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

#### Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing. For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, April 20, 2023.

Cheryl Leger Assistant Clerk, Board of Supervisors Tel: 415-554-7724

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