



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

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

**January 16, 2024**  
**5:30 PM**

**Regular Meeting**

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

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00)**

Chair Schmidt called the meeting to order at 5:34 p.m. On the call of the roll Chair Schmidt and Member Stein were noted present. Member Sugarman was noted absent. A quorum was present.

**Action: Moved by Chair Schmidt, seconded by Member Stein, to continue Item 7 to the February 20, 2024 of the SOTF Complaint Committee.**

**Public Comment:**

Speaker expressed concerns that complaints are delayed to the detriment of the complainant and that complainant should be heard later in the meeting rather than the matter being continued a month.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

2. **Approval of the November 21, 2023, Complaint Committee meeting minutes.** (14:19)

Member Stein provided proposed edits to the minutes.

**Action: Moved by Member Stein, seconded by Chair Schmidt, to approve the November 21, 2023, minutes as amended.**

**Public Comment:**

Peter Warfield, Executive Director Library Users Association, [libraryusers2004@yahoo.com](mailto:libraryusers2004@yahoo.com), P.O. Box 170544, San Francisco, California, 94117-0544, provided suggested changes to the minutes.

Kimo Crossman stated that the password for logging into Webex (“Sunshine”) did not seem to be working.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

3. **Public Comment:** Members of the public may address the Committee on matters that are within the Committee’s jurisdiction but not on today’s agenda. (25:48)

Peter Warfield, Executive Director Library Users Association, stated that they want to know what the Complaint Committee or the Task Force will do when the Library does not provide contact information for the Library Commission.

Mr. Sullivan stated that the Sunshine Ordinance does not contain language similar to the CPRA to assist the public with making a focused and effective request to reasonably describe an identifiable record.

Michael Pretelis stated his support for the Complaint Committee and the Sunshine Ordinance Task Force in legacy media and social media, as it helps keep public officials accountable.

Caroline (SFMTA) expressed interest in knowing whether the complainant in Item 9 was present.

Paul Kniha, Complainant in Item 9 acknowledged that they were present.

4. **File No. 23090:** Complaint filed by Lance Carnes against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner. (35:50)

Lance Carnes (Complainant) provided a summary of his complaint. Mr. Carnes stated that he requested the location of certain trees from the Department of Urban Forestry. Mr. Carnes further stated the trees in the response that he received were mislabeled.

David Steinberg, Public Works (Respondent) provided a summary of the department's position. Mr. Steinberg stated that the information released to Mr. Carnes was the information in the DPW database.

Chris Buck, Public Works (Respondent) provided information about the department's position. Mr. Buck stated that the photographs provided to Mr. Carnes had not been changed or mislabeled and that the department and Mr. Carnes are at an impasse regarding the label for the tree.

A question-and-answer period occurred.

**Action: Moved by Chair Schmidt, seconded by Member Stein, to find that the SOTF has jurisdiction, that the requested documents are public, and to refer the matter to the SOTF for a hearing, including consideration of whether there is a provision of timely/complete records violation or a record-keeping violation under San Francisco Administrative Code Sec. 67.2-7.**

**Public Comment:**

Peter Warfield, Executive Director Library Users Association, stated that the code section for record-keeping should be determined at this meeting, and that going forward the complaint cite Sec. 67.21 and list the elements to be considered.

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

Ayes: 2 - Schmidt, Stein  
Noes: 0 - None  
Absent: 1 - Sugarman

5. **File No. 23061:** Complaint filed by Nora Mishanec against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance) Section(s) 67.21 by failing to provide responsive records in a timely and/or complete manner. (1:04:47)

Nora Mishanec (Complainant) was not present for the hearing and did not notify the SOTF Administrator of their absence.

Christopher G. Beauchamp (Police Department) was present.

A question-and-answer period occurred.

**Action: Moved by Chair Schmidt, seconded by Member Stein, to table the matter per Complaint Procedures Section 7(b), inform the Petitioner that their case is closed and that they have sixty days from this date to reopen their case and proceed with the hearing.**

**Public Comment:**

Mr. Petrelis stated his disappointment that the Chronicle reporter is not present and that they and the Chronicle are not interested in pursuing the matter.

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

Ayes: 2 - Schmidt, Stein  
Noes: 0 - None  
Absent: 1 – Sugarman

6. **File No. 23067:** Complaint filed by Kimo Crossman against the Office of the Chief Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner; 67.28 by failing to make public records available for inspection and copying; California Public Records Act (CPRA) 6253(a) by failing to allow public records to be available for inspection; and CPRA 6253.1(a) by failing to allow access to an electronic public record. (1:10:43)

Kimo Crossman (Complainant) provided a summary of his complaint. Mr. Crossman stated that he requested a free uncertified electronic copy of his neighbor's death certificate from the Office of the Medical Examiner (OME). Mr. Crossman further stated that the OME would only provide a certified certificate for \$49, and denied his request to come to their office and take a picture of the certificate because their office is not open to the public. Mr. Crossman stated that he paid the \$49 and submitted an appeal to the OME Supervisor of Records, who refused to determine that the records were public and told the department to refund his fee and do a one-time non-precedent setting delivery of the records. Mr. Crossman stated that the City Attorney's Office supports the OME.

The Office of the Medical Examiner (Respondent) was not present for the hearing and did not notify the SOTF Administrator of their absence.

A question-and-answer period occurred.

**Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, that the requested documents are public, and to refer the matter to the SOTF for a hearing to consider whether there are any of the alleged violations, as well as failing to send an authorized representative to the hearing (Sec. 67.21(e)).**

**Public Comment:**

- Peter Warfield, Executive Director Library Users Association, stated that that per Sec. 67.28(a) no fee shall be charged for making public records available for review.
- Michael Petrelis expressed support for Kimo Crossman and is bothered that the OME did not call in.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

7. **File No. 23092:** Complaint filed by Zach Karnazes against the Mayor's Office on Disability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.12, 67.15, and 67.25, by failing to provide an opportunity for members of the public to directly address a body on items of interest on the agenda.

*(On January 16, 2024 at Item 1, the Complaint Committee continued Item 7 to the February 20, 2024 of the SOTF Complaint Committee.)*

8. **File No. 23093** Complaint filed by Michael Petrelis against the Mayor's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5 by failing to respond to a public records request for Prop G calendar entries in a timely and/or complete manner. (1:29:14)

Mister Pretelis (Complainant) provided a summary his complaint. Mr. Pretelis stated that his request was submitted October 13, 2023 and that the Mayor's office did not provide all of the records requested until January 11, 2024.

Hank Heckel, Mayor's Office (Respondent) provided a summary of the department's position. Mr. Heckel stated that the complaint was received on October 13, 2023 and after taking a 14 day-extension produced the first installment on October 21 with additional entries to come on a rolling basis. Mr. Heckel further stated that a second batch

was produced on December 21, 2023 and the third and final batch was produced on January 11, 2024. Mr. Heckel further stated that all requested records have been provided.

A question-and-answer period occurred.

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

**Public Comment:** None.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 - Sugarman

9. **File No. 23096** Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(k) by failing to provide records that may fall under the scope of attorney/client privileged in a timely and/or complete manner. (1:46:31)

Paul Kniha (Complainant) provided a summary of his complaint. Mr. Kniha stated that the memo in response to his complaint received from Shana Dines / SFMTA was redacted on the basis of attorney-client privilege and may have redacted recipients not covered by the privilege.

Shana Dines, SFMTA (Respondent) provided a summary of the department's response. Ms. Dines stated that the SFMTA was advised by their City Attorney that the memo was consistent with the evidence code and the administrative code, was protected under those provisions, and they were not authorized to disclose it.

A question-and-answer period occurred.

**Action:** Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, that the requested documents are public, and forward the matter to the SOTF to consider whether the documents were properly redacted/withheld.

**Public Comment:** None.

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

Ayes: 2 - Schmidt, Stein

Noes: 0 - None

Absent: 1 – Sugarman

- 10. **File No. 23095** Hearing - Proposed edits to the SOTF Complaint Procedure to expedite complaint processing, per the Sunshine Ordinance requirements. (*Discussion and Action*) (2:00:53)

The Committee discussed proposed changes to the complaint process to expedite the complaint process. Chair Schmidt will present information to the SOTF about court cases that may affect decisions that are not made within a statutory time period.

**Public Comment:** None.

**No action taken.**

- 11. **Announcements, Comments, Questions, Future Agenda Items, and Pending Calendar by members of the Committee. (2:21:57)**

The Committee discussed that the Compliance and Amendments Committee expressed interest in considering revisions to the handling of complaints and the complaint process. The Committee further discussed that Chair Yankee asked if the Complaint Committee was considering changes and was informed that it has been discussed and a proposal will be developed.

- 12. **ADJOURNMENT (2:23:40)**

There being no further business the meeting was adjourned at 7:58 p.m.

**APPROVED: 2/20/2024**  
**Complaint Committee**  
**Sunshine Ordinance Task Force**

N.B. The Minutes of this meeting set forth all actions taken by the Sunshine Ordinance Task Force on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

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