File No. 22052 Item No. 11

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force Date: July 25, 2023

☑	**Petition/Complaint**	**Page:** 2782
☐	**Memorandum - Deputy City Attorney**	**Page:**
☑	**Petitioner/Complainant Supporting Documents**	**Page:** 2789 2848
☑	**Respondent's Response**	**Page:**
☐	**Public Correspondence**	**Page:**
☐	**Order of Determination**	**Page:**
☐	**Minutes**	**Page:**
☐	**Administrator's Report**	**Page:**
☐	**No Attachments**	

OTHER

Completed by: C. Leger **Date** 7/20/23

* An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file on a disk

Sunshine Ordinance Task Force
Complaint Summary

File No. 22052

Lee Heidhues vs Fine Arts Museum

Date filed with SOTF:4/29/22

Contact information (Complainant information listed first):
Lee Heidhues (leerossh@gmail.com (Complainant)
Megan Bourne (megan.bourne@sfgov.org); Fine Arts Museum (Respondents)

File No. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum for allegedly violating Administrator Code Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Administrative Summary if applicable:

April 19, 2022, amended request for the following:

all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment, and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
3.12.2021 Ryan Blake

3.18.2021 Ryan Blake
3.23.2021 Ryan Blake
5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre
3.16.2022 Paul Murre (not reported to SF Ethics Commission)

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Complaint Attached.

Petition/Complaint

April 8, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff have met with Platinum Advisors, lobbyist for the FAMSF, 13 times between March 10, 2021- February 23, 2022.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, *their agents, employees, and any other lobbyist not shown on the attached* document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
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8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre

In addition, I am requesting all records of any lobbyist meetings involving Supervisor Chan and the Corporation of Fine Arts Museums which have taken place during March and April 2022.

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
[redacted]
(415) 305-1905

Attachment: Supervisor Chan Reported Contacts List

Cc: DBlum@famsf.org
ethics.commission@sfgov.org

Leger, Cheryl (BOS)

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Friday, April 29, 2022 10:43 PM
To: SOTF, (BOS)
Subject: New Response Complaint Form

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

Your form has a new entry.
Here are the results.

Complaint against which Department or Commission	Fine Arts Museums of San Francisco (FAMSF)
Name of individual contacted at Department or Commission	Megan Bourne - Custodian of Records - Chief of Staff, Executive Secretary to the Board of Trustees
Alleged Violation	Public Records
Sunshine Ordinance Section:	Administrative Code (Sunshine Ord.) Sec. 67.25

Please describe alleged violation	Non Response to Immediate Disclosure Request (IDR) and Amended IDR to obtain documents re relationship with Supervisor Connie Chan pertaining to JFK Drive in Golden Gate Park. I will be submitting copies of both the original and amended IDR in a separate email. In brief - FAMSF and its lobbyist Platinum Advisors had 14 meetings with D1 Supervisor Chan (March 2021-March 2022 inclusive). The meetings are documented with the Ethics Commission. I did not receive even ONE document pertaining to what transpired. On 4.21.2022 I received brief email from Megan Bourne which stated, "FAMSF has provided all responsive records that it is."
Date	4.11.2022 IDR 4.19.2022 Amended IDR
Name	Lee Heidhues
Address	566 40th Ave
City	San Francisco
Zip	94121

Telephone	4153051905
Email	leerossh@gmail.com

Sent via Google Form Notifications

Petitioner's Supporting Documents

Leger, Cheryl (BOS)

From:	Lee Heidhues <leerossh@gmail.com>
Sent:	Tuesday, April 19, 2022 8:13 PM
To:	Bourne, Megan (FAM)
Cc:	dbloom@famsf.org; SOTF, (BOS); Ethics Commission, (ETH)
Subject:	AMENDED. Immediate Disclosure Request - Chapter 67 San Francisco San Francisco Administrative Code Section 67.22
Attachments:	IDR Amended FAMSF 4.19.2022.pdf

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

April 19, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Amended Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an **Amended** **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

The documentation I received on April 18, 2022 is unresponsive.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff met with Platinum Advisors, lobbyist for the FAMSF,13 times between March 10, 2021-February 23, 2022. Despite the number of meetings, FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff there not ONE responsive document was provided. This defies logic and is preposterous on its face.

There was a 14th unreported meeting. This meeting does not appear on the Ethics Commission end of March 2022 'Reported Contacts List'.

Supervisor Chan failed to disclose a phone meeting organized by Paul Murre on March 16, 2022. I obtained an email sent by Paul Murre to you, Megan Bourne, Ryan Blake, Paria Dea and Ian Fregosi, Supervisor Chan's legislative aide. (attached).

The agenda for this meeting was to review topographical maps of the area adjacent to the DeYoung Museum. There should be a record of what transpired. This is just one example. There should be similar records of the other 13 meetings FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff.

I am entitled to receive this documentation.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment, and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

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San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachments: Supervisor Chan Reported Contacts List
March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

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April 19, 2022

mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

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Thank you,

Lee Heidnues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh[illegible]gmail.com
(415) 305-1905

Attachments: Supervisor Chan Reported Contacts List
March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

Reported Contacts List

03/31/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
03/10/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/28/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
02/24/2022	Chan, Connie	Board of Supervisors	Wright, Christopher	San Francisco Partnership	Details
02/17/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/17/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	Chan, Connie	Board of Supervisors	Duong, Noelle	Waymo LLC	Details
02/10/2022	Chan, Connie	Board of Supervisors	Wright, Christopher	San Francisco Partnership	Details
01/20/2022	Chan, Connie	Board of Supervisors	Starrett, JR	Grubhub	Details

Directories
Individual Lobbyists
Lobbyist Clients
Lobbying Firms and Employers
Contacted Public Officials
Lobbying Subject Areas
All Lobbyist Filings

Transactions
Activity Expenses
Political Contributions
Contacts of Public Officials
Payments Promised by Clients
Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

Reported Contacts List

12/10/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
12/09/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
11/04/2021	Chan, Connie	Board of Supervisors	LaPointe, Denise	Millennium Homeowners Association	Details
10/19/2021	CHAN, CONNIE	Board of Supervisors	Clemens, Alexander	JOANNE SIU (249 TEXAS ST)	Details
10/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
09/29/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/22/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/16/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/15/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/14/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/12/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/08/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/08/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/03/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/28/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
07/23/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
07/20/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

06/24/2021	Chan, Connie	Board of Supervisors	Noyola, David G.	AMAZON	Details
06/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
06/09/2021	Chan, Connie	Board of Supervisors	Alborg, Tim	GoBrands Inc.	Details
05/12/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
05/07/2021	Chan, Connie	Board of Supervisors	Tourk, Alex	EVGo Services LLC	Details
05/05/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
04/21/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
04/12/2021	CHAN, CONNIE	Board of Supervisors	HILGART, LAURA	TEAMSTERS LOCAL #665	Details
04/09/2021	Chan, Connie	Board of Supervisors	Zucker, Justin	Tannenbaum/Steven and Renate	Details
04/06/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
04/05/2021	Chan, Connie	Board of Supervisors	Lauter, Samuel	Veritas Investments, Inc	Details
03/23/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/22/2021	Chan, Connie	Board of Supervisors	Piccini, Jacqueline	CRUISE AUTOMATION	Details
03/22/2021	Chan, Connie	Board of Supervisors	Blackstone, Cammy	AT&T	Details
03/22/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	AT&T	Details
03/18/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	HINES	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/10/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/08/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/19/2021	Chan, Connie	Board of Supervisors	Drury, Richard	Philip Kaufman	Details
02/16/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/01/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
02/01/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CALIFORNIA HOTEL & LODGING ASSOCIATION	Details

01/29/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CROWN CASTLE	Details
01/29/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CROWN CASTLE	Details
01/27/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
01/11/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details

Reported Contacts List

08/10/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
07/14/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	WAYMO	Details
05/26/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
05/08/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details

☰ Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

🔍 Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

Reported Contacts List

02/23/2022	FREGOSI, IAN	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories
Individual Lobbyists
Lobbyist Clients
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Payments Promised by Clients
Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

leerossh@gmail.com

From: Paria Dea <pdea@famsf.org>
Sent: Wednesday, March 16, 2022 12:57 PM
To: Fregosi, Ian (BOS)
Cc: Bourne, Megan (FAM)
Subject: Follow-up to 12 PM Mtg
Attachments: Map 4 - EXEC_21_Golden Gate Park Maps_Street Diagram_R4.png; Map 3 - EXEC_21 _Golden Gate Park Maps_Map 4_R5_V2.png; Map 2 - EXEC_21_Golden Gate Park Maps_Map 3_R4.png; Map 1 - EXEC_21_Golden Gate Park Maps_Map 1_R4.png

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Hi Ian,

Thanks again for your time this afternoon. As we discussed, I've attached the documents we reviewed. Please let me know if I can provide any additional information or clarification.

Thank you,

Paria Dea

Fine Arts Museums of San Francisco
de Young \ Legion of Honor

415 750 3690
[redacted]

pronouns: she/her/hers

From:	Paul Murre
To:	Paria Dea; Bourne, Megan (FAM); Fregosi, Ian (BOS); Ryan Blake
Subject:	Connect on GGP with Ian Fregosi
Start:	Wednesday, March 16, 2022 12:00:00 PM
End:	Wednesday, March 16, 2022 12:30:00 PM
Location:	https://[redacted]

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

Join [redacted] Meeting
https://us06web[redacted]us/j/86382012108?pwd=ajBlSUJuQWNkQ1cvWmpVcGVjUmFvZz09

Meeting ID: [redacted] 2108
Passcode: 729136
One tap mobile
+12532158782,[redacted]8#,,,,*729136# US (Tacoma)
+13462487799,[redacted]8#,,,,*729136# US (Houston)

Dial by your location
[redacted] US (Tacoma)
+[redacted] US (Houston)
+[redacted] US (Denver)
+[redacted] US (Washington DC)
+[redacted] US (Chicago)
+[redacted] US (New York)
Meeting ID: [redacted] 2108
Passcode: 729136
Find your local number: https://us06web[redacted]us/u/kbL1fiG3Y

Leger, Cheryl (BOS)

From:	Lee Heidhues <leerossh@gmail.com>
Sent:	Friday, April 29, 2022 11:08 PM
To:	SOTF, (BOS)
Cc:	Ethics Commission, (ETH); Wilson, Eamonn (ETH)
Subject:	Complaint to Sunshine Ordinance Task Force re Fine Arts Museums of San Francisco
Attachments:	IDR FAMSF 4.8.2022.pdf; IDR FAMS Follow up 4.11.2022.pdf; IDR Amended FAMSF 4.19.2022.pdf; 71 FAMSF Response IDR 4.21.2021.jpg

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

Attn: Sunshine Ordinance Task Force
April 29, 2022

I submitted an online Complaint.

The Complaint was filed against The Fine Arts Museum of San Francisco
Megan Bourne - Custodian of Records - Chief of Staff and Executive Secretary to the Board of Trustees
An Immediate Disclosure Request was filed 4.8.2022.
A response to the IDR was not received within 24 hours as required by Sunshine Ordinance Administrative Code section 67.21. I sent FAMSF a Reminder on 4.11.2022.
An Amended Immediate Disclosure Request was filed 4.19.2022.

Reason for filing the Complaint with SOTF
Non Response to Immediate Disclosure Request (IDR) and Amended IDR to obtain documents re FAMSF relationship with Supervisor Connie Chan pertaining to JFK Drive in Golden Gate Park. Copies of the IDRs submitted are attached.
In brief - FAMSF and its lobbyist Platinum Advisors had 14 meetings with D1 Supervisor Chan (March 2021-March 2022 inclusive). The meetings are documented with the Ethics Commission. I did not receive any responsive documents from FAMSF pertaining to what transpired during these meetings.
On 4.21.2022 I received a brief email from Megan Bourne which stated, "FAMSF has provided all responsive records that it is." (attached herein)

April 19, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park

50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Amended Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an **Amended** **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

The documentation I received on April 18, 2022 is unresponsive.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff met with Platinum Advisors, lobbyist for the FAMSF,13 times between March 10, 2021-February 23, 2022. Despite the number of meetings, FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff there not ONE responsive document was provided. This defies logic and is preposterous on its face.

There was a 14th unreported meeting. This meeting does not appear on the Ethics Commission end of March 2022 'Reported Contacts List'.

Supervisor Chan failed to disclose a phone meeting organized by Paul Murre on March 16, 2022. I obtained an email sent by Paul Murre to you, Megan Bourne, Ryan Blake, Paria Dea and Ian Fregosi, Supervisor Chan's legislative aide. (attached).

The agenda for this meeting was to review topographical maps of the area adjacent to the DeYoung Museum. There should be a record of what transpired. This is just one example. There should be similar records of the other 13 meetings FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff.

I am entitled to receive this documentation.

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Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

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5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre
3.16.2022 Paul Murre (not reported to SF Ethics Commission)

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachments: Supervisor Chan Reported Contacts List
March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

--

April 8, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

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2.23.2022 Paul Murre

In addition, I am requesting all records of any lobbyist meetings involving Supervisor Chan and the Corporation of Fine Arts Museums which have taken place during March and April 2022.

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Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
(415) 305-1905

Attachment: Supervisor Chan Reported Contacts List

Cc: DBlum@fcnsf.org
ethics.commission@sfgov.org

Reported Contacts List

02/28/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
02/17/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/17/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	Chan, Connie	Board of Supervisors	Duong, Noelle	Waymo LLC	Details
02/11/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
01/20/2022	Chan, Connie	Board of Supervisors	Starrett, JR	Grubhub	Details

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Individual Lobbyists

Lobbyist Clients

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Directories
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Transactions
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11/15/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
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11/04/2021	Chan, Connie	Board of Supervisors	LaPointe, Denise	Millennium Homeowners Association	Details
10/19/2021	CHAN, CONNIE	Board of Supervisors	Clemens, Alexander	JOANNE SIU (249 TEXAS ST)	Details
10/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
09/29/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/22/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/16/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/15/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/14/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/12/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/08/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/08/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/03/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/28/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
07/23/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
07/20/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details

06/24/2021	Chan, Connie	Board of Supervisors	Noyola, David G.	AMAZON	Details
06/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
06/09/2021	Chan, Connie	Board of Supervisors	Alborg, Tim	GoBrands Inc.	Details
05/12/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
05/07/2021	Chan, Connie	Board of Supervisors	Tourk, Alex	EVGo Services LLC	Details
05/05/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
04/21/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
04/12/2021	CHAN, CONNIE	Board of Supervisors	HILGART, LAURA	TEAMSTERS LOCAL #665	Details
04/09/2021	Chan, Connie	Board of Supervisors	Zucker, Justin	Tannenbaum/Steven and Renate	Details
04/06/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
04/05/2021	Chan, Connie	Board of Supervisors	Lauter, Samuel	Veritas Investments, Inc	Details
03/23/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/22/2021	Chan, Connie	Board of Supervisors	Piccini, Jacqueline	CRUISE AUTOMATION	Details
03/22/2021	Chan, Connie	Board of Supervisors	Blackstone, Cammy	AT&T	Details
03/22/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	AT&T	Details
03/18/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	HINES	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/10/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/08/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/19/2021	Chan, Connie	Board of Supervisors	Drury, Richard	Philip Kaufman	Details
02/16/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/01/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
02/01/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CALIFORNIA HOTEL & LODGING ASSOCIATION	Details

01/29/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CROWN CASTLE	Details
01/29/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CROWN CASTLE	Details
01/27/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
01/11/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details

Reported Contacts List

08/10/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
07/14/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	WAYMO	Details
05/26/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
05/08/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details

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View Expenditure Lobbyist Public Site

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02/23/2022	FREGOSI, IAN	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details

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April 11, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am following up on my Immediate Disclosure Request of April 8, 2022 submitted at 1:34pm. (see attachment).

As required by Chapter 67 San Francisco Administrative Code Sec. 67.21 the FAMSF is REQUIRED to provide a RESPONSE within 24 hours.

That period has lapsed. I have received nothing.

FAMSF is out of compliance with the Administrative Code. Please provide me with a Response.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
(415) 305-1905

Cc:

Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21

3 messages

Lee Heidhues <leerossh@gmail.com> Fri, Apr 8, 2022 at 1:34 PM
To: mbourne@famsf.org
Cc: dblum@famsf.org, ethics.commission@sfgov.org
Bcc: "Ms. Lizzie Ann Heidhues" <eheidhues@gmail.com>

April 8, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts *Museums*

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San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachment: Supervisor Chan Reported Contacts List

Cc: DBlum@famsf.org
ethics.commission@sfgov.org

IDR FAMSF 4.8.2022.pdf
2849K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Fri, Apr 8, 2022 at 1:35 PM
To: leerossh@gmail.com

Address not found

Your message wasn't delivered to **dblum@famsf.org** because the address couldn't be found, or is unable to receive mail.

LEARN MORE
⚠ This link will take you to a third-party site

The response from the remote server was:

```
550 Invalid Recipient - https://community.mimecast.com/docs/DOC-1369#550
[xMI3_OKkMYyHJjJD6XHFTA.us223]
```

Final-Recipient: rfc822; dblum@famsf.org
Action: failed
Status: 5.0.0
Remote-MTA: dns; us-smtp-inbound-2.mimecast.com. (207.211.30.242, the server for the domain famsf.org.)
Diagnostic-Code: smtp; 550 Invalid Recipient - https://community.mimecast.com/docs/DOC-1369#550 [xMI3_OKkMYyHJjJD6XHFTA.us223]
Last-Attempt-Date: Fri, 08 Apr 2022 13:35:17 -0700 (PDT)

---------- Forwarded message ---------
From: Lee Heidhues <leerossh@gmail.com>
To: mbourne@famsf.org
Cc: dblum@famsf.org, ethics.commission@sfgov.org
Bcc:
Date: Fri, 8 Apr 2022 13:34:50 -0700
Subject: Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21
----- Message truncated -----

Lee Heidhues <leerossh@gmail.com> Fri, Apr 8, 2022 at 1:52 PM
To: dbloom@famsf.org

Dina

Here you are

I apologize for having spelled your email address incorrectly in the document.

I will correct the Request and send it to you without the attachment.

BTW my wife Liz Heidhues is a long time member of the FAMSF. We plan on visiting the de Young next Tuesday.

Best,

Lee
[Quoted text hidden]
--
In Solidarity,
Lee

IDR FAMSF 4.8.2022.pdf
2849K

April 19, 2022

Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Amended Immediate Disclosure Request
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2.23.2022 Paul Murre
3.16.2022 Paul Murre (not reported to SF Ethics Commission)

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San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

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March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

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02/11/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	Chan, Connie	Board of Supervisors	Duong, Noelle	Waymo LLC	Details
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09/15/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/14/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/12/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/08/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/08/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/03/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/28/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
07/23/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
07/20/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details

Directories
Individual Lobbyists
Lobbyist Clients
Lobbying Firms and Employers
Contacted Public Officials
Lobbying Subject Areas
All Lobbyist Filings
Transactions
Activity Expenses
Political Contributions
Contacts of Public Officials
Payments Promised by Clients
Employment of City Officers or Employees
View Expenditure Lobbyist Public Site

06/24/2021	Chan, Connie	Board of Supervisors	Noyola, David G.	AMAZON	Details
06/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
06/09/2021	Chan, Connie	Board of Supervisors	Alborg, Tim	GoBrands Inc.	Details
05/12/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
05/07/2021	Chan, Connie	Board of Supervisors	Tourk, Alex	EVGo Services LLC	Details
05/05/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
04/21/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
04/12/2021	CHAN, CONNIE	Board of Supervisors	HILGART, LAURA	TEAMSTERS LOCAL #665	Details
04/09/2021	Chan, Connie	Board of Supervisors	Zucker, Justin	Tannenbaum/Steven and Renate	Details
04/06/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
04/05/2021	Chan, Connie	Board of Supervisors	Lauter, Samuel	Veritas Investments, Inc	Details
03/23/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/22/2021	Chan, Connie	Board of Supervisors	Piccini, Jacqueline	CRUISE AUTOMATION	Details
03/22/2021	Chan, Connie	Board of Supervisors	Blackstone, Cammy	AT&T	Details
03/22/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	AT&T	Details
03/18/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	HINES	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/10/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/08/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/19/2021	Chan, Connie	Board of Supervisors	Drury, Richard	Philip Kaufman	Details
02/16/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/01/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
02/01/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CALIFORNIA HOTEL & LODGING ASSOCIATION	Details

01/29/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CROWN CASTLE	Details
01/29/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CROWN CASTLE	Details
01/27/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
01/11/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details

Reported Contacts List

08/10/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
07/14/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	WAYMO	Details
05/26/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
05/08/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details

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Individual Lobbyists
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All Lobbyist Filings

Transactions
Activity Expenses
Political Contributions
Contacts of Public Officials
Payments Promised by Clients
Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

Reported Contacts List

02/23/2022	FREGOSI, IAN	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

leerossh@gmail.com

From: Paria Dea <pdea@famsf.org>
Sent: Wednesday, March 16, 2022 12:57 PM
To: Fregosi, Ian (BOS)
Cc: Bourne, Megan (FAM)
Subject: Follow-up to 12 PM Mtg
Attachments: Map 4 - EXEC_21_Golden Gate Park Maps_Street Diagram_R4.png; Map 3 - EXEC_21 _Golden Gate Park Maps_Map 4_R5_V2.png; Map 2 - EXEC_21_Golden Gate Park Maps_Map 3_R4.png; Map 1 - EXEC_21_Golden Gate Park Maps_Map 1_R4.png

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

Hi Ian,

Thanks again for your time this afternoon. As we discussed, I've attached the documents we reviewed. Please let me know if I can provide any additional information or clarification.

Thank you,

Paria Dea

Fine Arts Museums of San Francisco
de Young \ Legion of Honor

415 750 3690
[redacted]

pronouns: she/her/hers

From:	Paul Murre
To:	Parja Dea; Bourne, Megan (FAM); Fregosi, Ian (BOS); Ryan Blake
Subject:	Connect on GGP with Ian Fregosi
Start:	Wednesday, March 16, 2022 12:00:00 PM
End:	Wednesday, March 16, 2022 12:30:00 PM
Location:	https:// [redacted]

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

Join [redacted] Meeting
https://us06web[redacted]us/j/86382012108?pwd=ajBISUJuQWNkQ1cvWmpVcGVjUmFvZz09

Meeting ID: [redacted] 2108
Passcode: 729136
One tap mobile
+12532158782,[redacted]8#,,,,*729136# US (Tacoma)
+13462487799,[redacted]8#,,,,*729136# US (Houston)

Dial by your location
[redacted] US (Tacoma)
[redacted] US (Houston)
[redacted] US (Denver)
[redacted] US (Washington DC)
[redacted] US (Chicago)
[redacted] US (New York)
Meeting ID: [redacted] 2108
Passcode: 729136
Find your local number: https://us06web[redacted]us/u/kbL1fiG5Y

Gmail Lee Heidhues <leerossh@gmail.com>

AMENDED. Immediate Disclosure Request - Chapter 67 San Francisco San Francisco Administrative Code Section 67.22

PRR FAMSF <prr@famsf.org> Thu, Apr 21, 2022 at 1:46 PM
To: leerossh <leerossh@gmail.com>

Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco (FAMSF), a department of the City and County of San Francisco.

The San Francisco Ethics Commission is responsible for maintaining all records under the City's lobbying ordinance.

The Fine Arts Museums of San Francisco (FAMSF) has provided all responsive records that it is.

Thank you,

[Quoted text hidden]

[Quoted text hidden]

--

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	Lee Heidhues <leerossh@gmail.com>
Sent:	Thursday, May 19, 2022 2:41 PM
To:	SOTF, (BOS)
Cc:	Chan, Connie (BOS); Ng, Wilson (BOS); Bourne, Megan (FAM)
Subject:	SOTF May 24, 2022 Meeting. Files 22052 and 22053
Attachments:	L SOTF Cheryl Leger 5.19.2022.pdf

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May 19, 2022

Cheryl Leger
Sunshine Ordinance Task Force
Assistant Clerk, Board of Supervisors
One Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: SOTF actions 22052 Fine Arts Museums of San Francisco
and 22053 Supervisor Connie Chan.

Ms. Leger:

In response to your email of May 18, 2022, I plan to participate in the May 24, 2022, SOTF meeting to review my two complaints.
Please put into the record the following.
File 22052. Fine Arts Museums of San Francisco.
I have reviewed the non-response from Megan Bourne, Custodian of Records.
She continues in not providing any documentation regarding the 14 meetings FAMSF and/or its lobbyist Platinum Advisors held with Supervisor Chan during the period March 2021-March 2022. The subject of these meetings was the now signed into law JFK Promenade.
File 22053 Supervisor Connie Chan
I have reviewed the latest response from Supervisor Chan. It appears that the large tranche of documents I received are those I was provided in response to my original records request. I have yet to find any documentation. regarding the 14 meetings FAMSF and/or its lobbyist Platinum Advisors held with Supervisor Chan during the period March 2021-March 2022. The subject of these meetings was the now signed into law JFK Promenade.

Thank you,
Lee Heidhues
566 40th Avenue

San Francisco, CA 94121

mbourne@famsf.org
connie.chan@sfgov.org
Wilson.i.ng@sfgov.org
--

May 19, 2022

Cheryl Leger
Sunshine Ordinance Task Force
Assistant Clerk, Board of Supervisors
One Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: SOTF actions 22052 Fine Arts Museums of San Francisco
and 22053 Supervisor Connie Chan.

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Thank you.

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121

mbourne@famsf.org
connie.chan@sfgov.org
[illegible]@sfgov.org

Leger, Cheryl (BOS)

From:	Lee Heidhues <leerossh@gmail.com>
Sent:	Sunday, June 26, 2022 8:21 PM
To:	Bourne, Megan (FAM)
Cc:	dbloom@famsf.org; SOTF, (BOS)
Subject:	Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code, Sec. 67.21 - Access for All Ordinance
Attachments:	IDR FAMSF Access for All Ordinance 6.26.2022.pdf

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

June 26, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Access for All Ordinance

Custodian of Records:

I am making an **'Immediate Disclosure Request (IDR)'** to obtain all communication involving The Fine Arts Museums of San Francisco (FAMSF) and the proposed San Francisco ballot measure "Access for All Ordinance" submitted to the Registrar of Voters on June 6, 2022.

The IDR encompasses the period beginning March 1, 2022, up to and including the date of the response to the Request.

I am requesting all communication involving the Fine Arts Museums of San Francisco (FAMSF), Thomas Campbell, Dede Wilsey, The Corporation of Fine Arts Museums, and Platinum Advisors with the following individuals and entities: "Access for All Ordinance", Howard Chabner, Esq., Richard Corriea, Guatam Dutta, Esq., "Open the Great Highway Alliance", Victoria Bruckner, Raul Hernandez, Sheila Koren, Michael Regan, Steven Hill and any other

individuals and entities not listed herein with whom FAMSF, the Corporation of Fine Arts Museums and Platinum Advisors has communicated.

Responsive documents also include all communication involving the parties and the entities listed in the second paragraph of this IDR concerning John F. Kennedy Drive (aka JFK Promenade) in Golden Gate Park, the San Francisco Board of Supervisors, Mayor London Breed, Recreation and Parks Director Phil Ginsburg, and the underground garage adjacent to the De Young Museum.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Cc: DBloom@famsf.org
sotf@sfgov.org

June 26, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Access for All Ordinance

Custodian of Records:

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The IDR encompasses the period beginning March 1, 2022, up to and including the date of the response to the Request.

I am requesting all communication involving the Fine Arts Museums of San Francisco (FAMSF), Thomas Campbell, Dede Wilsey, The Corporation of Fine Arts Museums, and Platinum Advisors with the following individuals and entities: "Access for All Ordinance", Howard Chabner, Esq., Richard Corriea, Guatam Dutta, Esq., "Open the Great Highway Alliance", Victoria Bruckner, Raul Hernandez, Sheila Koren, Michael Regan, Steven Hill, and any other individuals and entities not listed herein with whom FAMSF, the Corporation of Fine Arts Museums and Platinum Advisors has communicated.

Responsive documents also include all communication involving the parties and the entities listed in the second paragraph of this IDR concerning John F. Kennedy Drive (aka JFK Promenade) in Golden Gate Park, the San Francisco Board of Supervisors, Mayor London Breed, Recreation and Parks Director Phil Ginsburg, and the underground garage adjacent to the De Young Museum.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Cc: DBloom@famsf.org

Leger, Cheryl (BOS)

From:	dbloom@famsf.org on behalf of Megan Bourne <mbourne@famsf.org>
Sent:	Thursday, May 19, 2022 4:04 PM
To:	Leger, Cheryl (BOS)
Cc:	PRR FAMSF; Paria Dea
Subject:	Re: FW: SOTF - Notice of Appearance - Education, Outreach and Training Committee: May 24, 2022, 5:30 p.m. REMOTE MEETING
Attachments:	5.18.22 - FAMSF Response - 22052.pdf

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

Hello Ms. Leger,

I am writing to confirm my attendance on behalf of the Fine Arts Museums for the Education, Outreach and Training Committee of the Sunshine Task Force meeting on May 24, 2022 at 5:30 p.m.

Please see attached supplemental documents to be added to File No. 22052.

Thank you,

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

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

May 9, 2022

Ms. Megan Bourne
Fine Arts Museum
Megan.bourne@sfgov.org

Re: Sunshine Ordinance Task Force, File No. 20052

Dear Ms. Bourne:

Please review the complaint as described below and acknowledge your department's position on File No. 22052 regarding an alleged violation of the Sunshine Ordinance.

File No. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum for allegedly violating Administrator Code Section(s) 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

BW:cal

cc: Lee Heidhues (leerossh@gmail.com)

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Memo

To:	San Francisco Sunshine Task Force
From:	Megan Bourne, Chief of Staff
cc:	Thomas P. Campbell, Director of the Fine Arts Museums
Date:	May 11, 2022
Re:	File No. 22052

This submission is in response to complaint File No. 22052 by Lee Heidhues (Complainant).

SUMMARY:

The Fine Arts Museums of San Francisco (Respondent) received an email from Mr. Heidhues (Complainant) on Friday, April 8, 2022 making an Immediate Disclosure Request (IDR). Although Complainant labeled their public records request as an IDR, this type of request is limited to "simple, routine, or otherwise readily answerable request." Admin. Code 67.25(a). Since the request was not "simple, routine, or otherwise readily answerable request," per Admin. Code 67.25(a), Respondent informed Complainant that they would treat this as a Standard Request. Respondent informed Complainant that they would provide a response as soon as possible, but no later than Monday, April 18, 2022, by close of business, per the 10-calendar day requirement. Cal. Govt. Code § 6253(c).

Respondent provided all responsive documents to the Complainant by the deadline of Monday, April 18, 2022. Respondent clarified for the Complainant that the Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c) (3) organization, and not a department of the City and County of San Francisco. Respondent also guided Complainant to the San Francisco Ethics Commission for requesting records related to public disclosures and reporting. Respondent reiterated this information to Complainant following additional communication on Tuesday, April 19, 2022.

Respondent has no additional responsive documents to Complainant's request.

de Young \
\ Legion of Honor
fine arts museums
of san francisco

PRR FAMSF <prr@famsf.org>

Fwd: AMENDED. Immediate Disclosure Request - Chapter 67 San Francisco San Francisco Administrative Code Section 67.22

PRR FAMSF <prr@famsf.org>
To: leerossh <leerossh@gmail.com>

Thu, Apr 21, 2022 at 1:46 PM

Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco (FAMSF), a department of the City and County of San Francisco.

The San Francisco Ethics Commission is responsible for maintaining all records under the City's lobbying ordinance.

The Fine Arts Museums of San Francisco (FAMSF) has provided all responsive records that it is.

Thank you,

Fine Arts Museums of San Francisco

From: **Lee Heidhues** <leerossh@gmail.com>
Date: Tue, Apr 19, 2022 at 8:13 PM
Subject: AMENDED. Immediate Disclosure Request - Chapter 67 San Francisco San Francisco Administrative Code Section 67.22
To: <mbourne@famsf.org>
CC: <dbloom@famsf.org>, <sotf@sfgov.org>, <ethics.commission@sfgov.org>

April 19, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Amended Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an Amended **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

The documentation I received on April 18, 2022 is unresponsive.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff met with Platinum Advisors, lobbyist for the FAMSF,13 times between March 10, 2021- February 23, 2022. Despite the number of meetings, FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff there not ONE responsive document was provided. This defies logic and is preposterous on its face.

There was a 14th unreported meeting. This meeting does not appear on the Ethics Commission end of March 2022 'Reported Contacts List'.

Supervisor Chan failed to disclose a phone meeting organized by Paul Murre on March 16, 2022. I obtained an email sent by Paul Murre to you, Megan Bourne, Ryan Blake, Paria Dea and Ian Fregosi, Supervisor Chan's legislative aide. (attached).

The agenda for this meeting was to review topographical maps of the area adjacent to the DeYoung Museum. There should be a record of what transpired. This is just one example. There should be similar records of the other 13 meetings FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff.

I am entitled to receive this documentation.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment, and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
3.12.2021 Ryan Blake
3.18.2021 Ryan Blake
3.23.2021 Ryan Blake
5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre

3.16.2022 Paul Murre (not reported to SF Ethics Commission)

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachments: Supervisor Chan Reported Contacts List
March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

Respondent's Response

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Thomas Campbell <tcampbell@famsf.org>

Re: Thank you + Sky Wheel

1 me age

Thomas Campbell <tcampbell@famsf.org> Sat, Mar 13, 2021 at 11:19 AM
To: "Chan, Connie (BOS)" <connie.chan@sfgov.org>
Cc "ChanStaff (BOS)" chan taff@ fgov org , "Groth, Kelly (BOS)" kelly groth@ fgov org , Megan Bourne <mbourne@famsf.org>

Connie
Our support for the Ferris wheel is based on the audience it drives to the Music Concourse, the pleasure it gives visitors and the benefit it bring to the de Young
As I said in my note below, we acknowledge the need for financial transparency and the need for disclosure of the financial details.
If evidence of wrong doing emerges, then we will withdraw our support.
Be t, Tom

On Mar 13, 2021, at 10:17 AM, Chan, Connie (BOS) <connie.chan@sfgov.org> wrote:

Thanks for the heads up, Tom. I support for the Wheel to stay for one more year in honor of the original intent of celebrating Golden Gate Park 150th Anniversary. Phil has not provided sound justification for a four-year extension in addition to the lack of transparency on the existing contract, and when revenue generated from public a et going toward a non profit that ha been part of the public corruption investigation, brings to the question why would de Young wants to be involved when public integrity is now in question. Phil seems to just do what Phil wants with Golden Gate Park whether you find common ground with him or not. That's just my two cents. — Connie

Connie Chan
District 1 Supervisor
San Francisco Board of Supervisors

From: Thomas Campbell <tcampbell@famsf.org>
Sent Friday, March 12, 2021 7 36 PM
To: Chan, Connie (BOS); ChanStaff (BOS)
Cc: Groth, Kelly (BOS); Bourne, Megan (FAM)
Subject: Thank you + Sky Wheel

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Dear Supervi or Chan,

Thank you so much for your time this week. It was great to meet you and to see how you have immediately dived into the issues and concerns of D1. I really appreciate you asking how the de Young has fared during the pandemic and your open li tening to our pecific concern about how the mu eum can be acce ed by visitors, staff and people with mobility challenges - while JFK Drive is closed.

Megan and I will be back in touch soon with you and Kelly Groth with follow up materials, and with an invitation for you both to vi it on an upcoming Monday (or any other day convenient for you)

In the domain of no surprises, I want to let you know that Phil Ginsburg asked for the de Young's support of extending the Sky Wheel on the Music Concourse. Alongside our fraught JFK conversations, he and I actively eek common ground, and we are 100% aligned on activating the Mu ic Concour e a a major destination and economic recovery driver. We have voiced our support of the Wheel, in writing and in public comment at the Rec and Park and Historic Preservation Commissions, and we agreed to do so again for

Monday's Rules Committee meeting. In our letter of support (which has not yet gone out), we also acknowledge the need for financial transparency, and we support disclosure of the financial details of the the City' agreement regarding the Wheel If you have que tion or concern about activating the Concourse, please let me know and Megan or I can get on a call with you or Kelly right away.

Thanks again for the good meeting, I hope you have a restful weekend.

All best,
Tom

—

Thomas P. Campbell

Director and CEO

(he, him, his)

Fine Arts Museums of San Francisco

de Young

Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3661

e tcampbell@famsf.org | famsf.org

Please consider making a donation to the Fine Arts Museums Recovery Fund today. Any gift will make an impact.

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Thomas Campbell <tcampbell@famsf.org>

Re: Invitation to visit the de Young

1 me age

Chan, Connie (BOS) <connie.chan@sfgov.org> Wed, Mar 31, 2021 at 11:20 AM
To: "Campbell, Thomas (FAM)" <tcampbell@famsf.org>
Cc Carrie Montgomery cmontgomery@fam f org , "Sonnen chein, Jenny (FAM)" j onnen chein@fam f org , "ChanStaff (BOS)" <chanstaff@sfgov.org>

Thank you, Tom, for the invite. I am looping in my staff (see ChanStaff@sfgov.org) to schedule a time for the visit, and perhaps, both President Walton and I can schedule our visit together. Thanks again for the invite. -- Connie

—

Connie Chan

District 1 Supervisor

San Francisco Board of Supervisors

From: Thomas Campbell <tcampbell@famsf.org>
Date: Tuesday, March 30, 2021 at 10 11 AM
To: Chan, Connie (BOS) <connie.chan@sfgov.org>
Cc: Carrie Montgomery cmontgomery@famsf org , Sonnenschein, Jenny (FAM) <jsonnenschein@famsf.org>
Subject: Invitation to visit the de Young

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

Dear Supervisor Chan,

Since reopening the de Young on March 6, it has been wonderful to see members of our Bay Area communities back in our galleries enjoying our exhibitions, sculpture garden, and permanent collection galleries. I do hope we can welcome you to the museum soon, and I am writing today to invite you to our upcoming private viewing hours on April 5 and May 13 My colleague in our Special Event department hared detail of the e event with you ye terday via a mailchimp invitation, which I have attached to this message as a pdf. Our Calder-Picasso exhibition will be open to guests on April 5 and May 13.

I've copied my colleague Carrie Montgomery (cmontgomery@fam f org) on thi email, a he will be able to an wer any questions you may have about our April 5 and May 13 viewing hours. If you are unable to make it on April 5 or May 13, we would be delighted to book tickets for you to view the exhibition at a later date.

All be t,
Tom

—

Thomas P. Campbell

Director and CEO

(he, him, his)

Fine Arts Museums of San Francisco

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Please consider making a donation to the Fine Arts Museums Recovery Fund today. Any gift will make an impact.

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Thomas Campbell <tcampbell@famsf.org>

Re: Time to Talk

1 me age

Thomas Campbell <tcampbell@famsf.org> Thu, Aug 5, 2021 at 8:32 PM
To: "Chan, Connie (BOS)" <connie.chan@sfgov.org>
Cc "Groth, Kelly (BOS)" kelly groth@ fgov org , "Bourne, Megan (FAM)" mbourne@fam f org

Connie
Thank you. I'll call at 9.30. Will try to get Megan on the call, too.
Best, Tom

On Aug 5, 2021, at 8 07 PM, Chan, Connie (BOS) connie chan@ fgov org wrote

Hello Tom, call me any time between 9:00am to 10:30am tomorrow, Friday, August 6th. Thanks. — Connie

Connie Chan
District 1 Supervisor
San Francisco Board of Supervisors

From: Thomas Campbell <tcampbell@famsf.org>
Sent Thursday, August 5, 2021 7 33 PM
To: Chan, Connie (BOS)
Cc: Groth, Kelly (BOS); Bourne, Megan (FAM)
Subject: Time to Talk

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

Dear Supervisor Chan,

Megan Bourne reached out to Kelly Groth earlier today about setting up a time for us to speak. In the event that Kelly is on vacation, we're following up directly with you. I'll be out of town for the next two weeks and am hoping that we can touch base tomorrow. Could you speak before 10:30 a.m. or after 4:00 p.m.? It would be great to connect with you

All best,
Tom

—

Thomas P. Campbell

Director and CEO

(he, him, his)

Fine Arts Museums of San Francisco

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e tcampbell@famsf.org | famsf.org

Please consider making a donation to the Fine Arts Museums Recovery Fund today. Any gift will make an impact.

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Thomas Campbell <tcampbell@famsf.org>

Re: You're Invited: On the Edge / Friday, November 5, 2021

1 me age

ChanStaff (BOS) <chanstaff@sfgov.org> Tue, Oct 12, 2021 at 3:16 PM
To: "Campbell, Thomas (FAM)" <tcampbell@famsf.org>

Dear Director Campbell,

Thank you again for extending this invitation to Supervisor Chan for the benefit. Apologies, Supervisor Chan has another commitment that evening and unfortunately is not able to attend This sounds like it will be a wonderful event+exhibition, hope that it is a success!

Angelina
415 554 7410

From: Thomas P. Campbell <tcampbell@famsf.org>
Sent: Friday, September 24, 2021 12:28 PM
To: Chan, Connie (BOS) <connie.chan@sfgov.org>
Subject: You're Invited: On the Edge / Friday, November 5, 2021

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

Dear Supervisor Connie,

I hope thi email find you well, and you are enjoying a great tart to Fall

I am reaching out to extend an invitation to our reschedule benefit, **On the Edge**, taking place on **Friday, November 5, 2021** at the de Young. **It would mean so much to me, and to the Museums if you would consider joining as our gue t Plea e ee the attached invitation which include further detail**

We will be honoring pioneering feminist artist **Judy Chicago**, and Oakland-based, artist and landscape designer **Walter Hood** for their extraordinary achievements and commitment to the arts community.

The benefit will coincide with three extraordinary exhibitions on view—the first retrospective of pioneering feminist artist, **Judy Chicago: A Retrospective**, the remarkable career and legacy of Black fashion designer Patrick Kelly, for the West Coast debut of **Patrick Kelly: Runway of Love**, and the site-specific installation in Wilsey Court, **Hung Liu: Golden Gate** (金門), featuring e i ting and new work by Hung Liu highlighting international and dome tic narrative of migration.

Please do not hesitate to reach out to my colleague Jamie DeAraujo, Assistant Director of Special Events, directly at (415) 750 3604 with any que tion , and I look forward to hopefully celebrating with you in November

All my best,
Tom

PDF Page #	Basis for Redaction/Withholding	Citation
1	Personal Phone Number	Cal. Govt. Code § 6254(c)
1	Personal Phone Number	Cal. Govt. Code § 6254(c)
1	Metadata	Cal. Govt. Code § 6253.9(f)
2	Metadata	Cal. Govt. Code § 6253.9(f)
3	Metadata	Cal. Govt. Code § 6253.9(f)
4	Metadata	Cal. Govt. Code § 6253.9(f)
5	Metadata	Cal. Govt. Code § 6253.9(f)
6	Metadata	Cal. Govt. Code § 6253.9(f)
7	Metadata	Cal. Govt. Code § 6253.9(f)
8	Metadata	Cal. Govt. Code § 6253.9(f)
9	Metadata	Cal. Govt. Code § 6253.9(f)
10	Metadata	Cal. Govt. Code § 6253.9(f)

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of san francisco

Thomas Campbell <tcampbell@famsf.org>

RE: October 16 Judy Chicago Performance at de Young: Invitation + Impacts

1 me age

Chan, Connie (BOS) <connie.chan@sfgov.org> Tue, Oct 19, 2021 at 2:36 PM
To: "Campbell, Thomas (FAM)" <tcampbell@famsf.org>
Cc "Yu, Angelina (BOS)" angelina yu@ fgov org , "Bourne, Megan (FAM)" mbourne@fam f org

Hello Tom, my apology for the belated note, thank you for the invite Al o thank to Megan for providing background information on Judy Chicago performance to help us answer questions and concerns from constituents. Talk soon, and please stay in touch. – Connie

Connie Chan

District 1 Supervisor

San Francisco Board of Supervisors

From Thoma Campbell tcampbell@fam f org
Sent: Wednesday, October 6, 2021 1:49 PM
To: Chan, Connie (BOS) <connie.chan@sfgov.org>
Cc: Yu, Angelina (BOS) <angelina.yu@sfgov.org>; Bourne, Megan (FAM) <mbourne@famsf.org>
Subject October 16 Judy Chicago Performance at de Young Invitation + Impact

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

Dear Connie,

On Saturday, October 16, the de Young Mu eum will pre ent a once in a lifetime live performance event, Judy Chicago' *Forever de Young*. The event will take place in front of the de Young at dusk on the evening of the 16th. I invite you to join us for this event and a toast in our Osher Sculpture Garden at 5:00 p.m. The exact time of the performance will be chosen in the moment by Judy Chicago.

Thi i a complicated and ambitiou performance that require ome operational adju tment that will affect our neighboring park institutions.

Mu ic Concour e Drive will be clo ed from 4 00 p m 8 00 p m on October 16th and the 44 O'Shaughne y bu will be re-routed 4:00 p.m. – 8:00 p.m. Access to the Music Concourse Parking Garage entrances at Martin Luther King/Music Concour e and at 10th Avenue/Fulton will not be affected, and the garage will remain open until 8 00 p m The event i permitted by the San Francisco Recreation and Parks Department and the San Francisco Fire Department. The rain date for thi event i Sunday October 17

This performance is presented in conjunction with the *Judy Chicago: A Retrospective* exhibition at the de Young museum. It will be one of Chicago' large t "Atmo phere" performance to date, taking place on a 27 foot high trapezoidal caffold in front of the de Young. Chicago has a long commitment to environmental justice, and she only works with environmentally friendly, non to ic material The pigment he employ , when relea ed into the air, mi with wind and light to create spectacular artistic effects.

To put this performance in an art historical perspective, in the early 2000s, a new generation of scholars surfaced and celebrated Judy Chicago's 1960s and 1970s *Atmospheres* performances as feminist responses to the Light and Space movement. These unprecedented works, which opposed the permanent transformation of landscapes by her male peers and escaped recognition for decades, were finally understood as a form of sustainable earth art that freed color from the rigid tructure of painting and culpture and allowed it to gu h into the air a cloud of pigment

Please let Megan Bourne, cc'd or me me know if you have questions about this event. I hope you will join us for it on October 16.

All best,

Tom

–

Thomas P. Campbell

Director and CEO

(he, him, his)

Fine Arts Museums of San Francisco

de Young

Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3661

e tcampbell@famsf.org | famsf.org

Please consider making a donation to the Fine Arts Museums Recovery Fund today. Any gift will make an impact.

leerossh@gmail.com

From: Paria Dea <pdea@famsf.org>
Sent: Wednesday, March 16, 2022 12:57 PM
To: Fregosi, Ian (BOS)
Cc: Bourne, Megan (FAM)
Subject: Follow-up to 12 PM Mtg
Attachments: Map 4 - EXEC_21_Golden Gate Park Maps_Street Diagram_R4.png; Map 3 - EXEC_21 _Golden Gate Park Maps_Map 4_R5_V2.png; Map 2 - EXEC_21_Golden Gate Park Maps_Map 3_R4.png; Map 1 - EXEC_21_Golden Gate Park Maps_Map 1_R4.png

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

Hi Ian,

Thanks again for your time this afternoon. As we discussed, I've attached the documents we reviewed. Please let me know if I can provide any additional information or clarification.

Thank you,

Paria Dea

Fine Arts Museums of San Francisco
de Young \ Legion of Honor

415 750 3690
pdea@famsf.org
www.famsf.org

pronouns: she/her/hers

IDR FAMSF 4.8.2022.pdf
2849K

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Fri, Apr 8, 2022 at 1:35 PM
To: leerossh@gmail.com

Address not found

Your message wasn't delivered to **dblum@famsf.org** because the address couldn't be found, or is unable to receive mail.

LEARN MORE
⚠ *This link will take you to a third-party site*

The response from the remote server was:

```
550 Invalid Recipient - https://community.mimecast.com/docs/DOC-1369#550
[xMl3_OKkMYyHJjJD6XHFTA.us223]
```

Final-Recipient: rfc822; dblum@famsf.org
Action: failed
Status: 5.0.0
Remote-MTA: *dns; us-smtp-inbound-2.mimecast.com. (207.211.30.242, the server* for the domain famsf.org.)
Diagnostic-Code: smtp; 550 Invalid Recipient - https://community.mimecast.com/docs/DOC-1369#550 [xMl3_OKkMYyHJjJD6XHFTA.us223]
Last-Attempt-Date: Fri, 08 Apr 2022 13:35:17 -0700 (PDT)

---------- Forwarded message ----------
From: Lee Heidhues <leerossh@gmail.com>
To: mbourne@famsf.org
Cc: dblum@famsf.org, ethics.commission@sfgov.org
Bcc:
Date: Fri, 8 Apr 2022 13:34:50 -0700
Subject: Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21
----- Message truncated -----

Lee Heidhues <leerossh@gmail.com> Fri, Apr 8, 2022 at 1:52 PM
To: dbloom@famsf.org

Dina

Here you are

I apologize for having spelled your email address incorrectly in the document.

I will correct the Request and send it to you without the attachment.

BTW my wife Liz Heidhues is a long time member of the FAMSF. We plan on visiting the de Young next Tuesday.

Best,

Lee
[Quoted text hidden]
--
In Solidarity,
Lee

IDR FAMSF 4.8.2022.pdf
2849K

Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21

3 messages

Lee Heidhues <leerossh@gmail.com> Fri, Apr 8, 2022 at 1:34 PM
To: *mbourne@famsf.org*
Cc: dblum@famsf.org, ethics.commission@sfgov.org
Bcc: "Ms. Lizzie Ann Heidhues" <eheidhues@gmail.com>

April 8, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts *Museums*

Custodian of Records:

I am making an **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff have met with Platinum Advisors, lobbyist for the FAMSF, 13 times between March 10, 2021- February 23, 2022.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the *response to the Request. Responsive documents include all communication involving* John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced

written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
3.12.2021 Ryan Blake
3.18.2021 Ryan Blake
3.23.2021 Ryan Blake
5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre

In addition, I am requesting all records of any lobbyist meetings involving Supervisor Chan and the Corporation of Fine Arts Museums which have taken place during March and April 2022.

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachment: Supervisor Chan Reported Contacts List

Cc: DBlum@famsf.org
ethics.commission@sfgov.org

Reported Contacts List

02/28/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
02/17/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/17/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	Chan, Connie	Board of Supervisors	Duong, Noelle	Waymo LLC	Details
02/11/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
01/20/2022	Chan, Connie	Board of Supervisors	Starrett, JR	Grubhub	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

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Reported Contacts List

12/10/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
12/09/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
11/04/2021	Chan, Connie	Board of Supervisors	LaPointe, Denise	Millennium Homeowners Association	Details
10/19/2021	CHAN, CONNIE	Board of Supervisors	Clemens, Alexander	JOANNE SIU (249 TEXAS ST)	Details
10/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
09/29/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/22/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/16/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/15/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/14/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/12/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/08/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/08/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/03/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/28/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
07/23/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
07/20/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

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06/24/2021	Chan, Connie	Board of Supervisors	Noyola, David G.	AMAZON	Details
06/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
06/09/2021	Chan, Connie	Board of Supervisors	Alborg, Tim	GoBrands Inc.	Details
05/12/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
05/07/2021	Chan, Connie	Board of Supervisors	Tourk, Alex	EVGo Services LLC	Details
05/05/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
04/21/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
04/12/2021	CHAN, CONNIE	Board of Supervisors	HILGART, LAURA	TEAMSTERS LOCAL #665	Details
04/09/2021	Chan, Connie	Board of Supervisors	Zucker, Justin	Tannenbaum/Steven and Renate	Details
04/06/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
04/05/2021	Chan, Connie	Board of Supervisors	Lauter, Samuel	Veritas Investments, Inc	Details
03/23/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/22/2021	Chan, Connie	Board of Supervisors	Piccini, Jacqueline	CRUISE AUTOMATION	Details
03/22/2021	Chan, Connie	Board of Supervisors	Blackstone, Cammy	AT&T	Details
03/22/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	AT&T	Details
03/18/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	HINES	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/10/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/08/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/19/2021	Chan, Connie	Board of Supervisors	Drury, Richard	Philip Kaufman	Details
02/16/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/01/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
02/01/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CALIFORNIA HOTEL & LODGING ASSOCIATION	Details

01/29/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CROWN CASTLE	Details
01/29/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CROWN CASTLE	Details
01/27/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
01/11/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details

Reported Contacts List

Date	Lobbyist	Subject of Lobbying	Official	Client	
08/10/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
07/14/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	WAYMO	Details
05/26/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
05/08/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

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Reported Contacts List

Date	Filer of	Lobbied Area	Lobbyist	Client	
02/23/2022	FREGOSI, IAN	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

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April 11, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am following up on my Immediate Disclosure Request of April 8, 2022 submitted at 1:34pm. (see attachment).

As required by Chapter 67 San Francisco Administrative Code Sec. 67.21 the FAMSF Is REQUIRED to provide a RESPONSE within 24 hours.

That period has lapsed. I have received nothing.

FAMSF is out of compliance with the Administrative Code. Please provide me with a Response.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

de Young \
\ Legion of Honor
fine arts museums
of san francisco

PRR FAMSF <prr@famsf.org>

Fwd: Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21

PRR FAMSF <prr@famsf.org>
To: leerossh <leerossh@gmail.com>

Mon, Apr 18, 2022 at 12:35 PM

Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco (FAMSF), a department of the City and County of San Francisco. This email is in response to your public records request submitted on Friday, April 8, 2022.

Attached you will find the responsive documents for your request. Additionally, you will find the redaction log for this request, per Admin. Code § 67.26 and Admin. Code § 67.27.

The Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c)(3) organization. All disclosures, pertaining to the Corporation of the Fine Arts Museums (COFAM), have been made publicly available with the San Francisco Ethics Commission, in accordance with local disclosure laws.

Thank you,

Fine Arts Museums of San Francisco

On Mon, Apr 11, 2022 at 6:06 PM PRR FAMSF <prr@famsf.org> wrote:
Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco. "PRR" is an acronym for "public records request."

Thank you,

Fine Arts Museums of San Francisco

On Mon, Apr 11, 2022 at 3:38 PM leerossh <leerossh@gmail.com> wrote:
Attn:FAMSF
Thank you
Please tell me what is PRR.
Lee Heidhues

In Solidarity

Sent from my Sprint Phone.

----- Original message -----
From: PRR FAMSF <prr@famsf.org>
Date: 4/11/22 3:35 PM (GMT-08:00)
To: leerossh@gmail.com
Subject: Re: Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21

Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco. We have received your public records request submitted on April 8, 2022. Immediate disclosure requests must be satisfied no later than the close of business the next business day. Admin. Code § 67.25(a).

Although you have labeled your public records request as an immediate disclosure request, this type of request is limited to "simple, routine, or otherwise readily answerable request." Admin. Code 67.25(a). Since your request is not "simple, routine, or otherwise readily answerable request," per Admin. Code 67.25(a), we are treating it as a standard request.

Standard requests must be satisfied within 10 calendar days. Cal. Govt. Code § 6253(c).

We will provide our response as soon as possible, but no later than Monday, April 18, 2022, by close of business.

Thank you,

Fine Arts Museums of San Francisco

From: Lee Heidhues <leerossh@gmail.com>
Date: April 8, 2022 at 1:35:20 PM PDT
To: mbourne@famsf.org
Cc: dblum@famsf.org, ethics.commission@sfgov.org
Subject: Immediate Disclosure Request - Chapter 67 San Francisco Administrative Code. Sec. 67.21

April 8, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff - Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff have met with Platinum Advisors, lobbyist for the FAMSF, 13 times between March 10, 2021- February 23, 2022.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all

communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
3.12.2021 Ryan Blake
3.18.2021 Ryan Blake
3.23.2021 Ryan Blake
5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake
9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre

In addition, I am requesting all records of any lobbyist meetings involving Supervisor Chan and the Corporation of Fine Arts Museums which have taken place during March and April 2022.

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachment: Supervisor Chan Reported Contacts List

Cc: DBlum@famsf.org
ethics.commission@sfgov.org

2 attachments

001 - R - Responsive Records - LH.pdf
478K

4.8.22 - Public Records Request - Redaction Log.xlsx
321K

April 19, 2022

Mbourne@famsf.org
Megan Bourne
Chief of Staff – Custodian of Records
Fine Arts Museums of San Francisco
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

Subject: Amended Immediate Disclosure Request
Chapter 67 San Francisco Administrative Code, Sec. 67.21
Supervisor Connie Chan meetings with lobbyists for Corporation of Fine Arts Museums

Custodian of Records:

I am making an **Amended** **'Immediate Disclosure Request (IDR)'** to obtain all communication concerning the Corporation of Fine Arts Museums (FAMSF) with the office of District 1 San Francisco Supervisor Connie Chan.

The documentation I received on April 18, 2022 is unresponsive.

San Francisco Ethics Commission records clearly state Supervisor Chan and/or her legislative staff met with Platinum Advisors, lobbyist for the FAMSF,13 times between March 10, 2021- February 23, 2022. Despite the number of meetings, FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff there not ONE responsive document was provided. This defies logic and is preposterous on its face.

There was a 14th unreported meeting. This meeting does not appear on the Ethics Commission end of March 2022 'Reported Contacts List'.

Supervisor Chan failed to disclose a phone meeting organized by Paul Murre on March 16, 2022. I obtained an email sent by Paul Murre to you, Megan Bourne, *Ryan Blake, Paria Dea and Ian Fregosi, Supervisor Chan's legislative aide.* (attached).

The agenda for this meeting was to review topographical maps of the area adjacent to the DeYoung Museum. There should be a record of what transpired. This is just one example. There should be similar records of the other 13 meetings FAMSF lobbyist Platinum Advisors held with Supervisor Chan and her staff.

I am entitled to receive this documentation.

I am requesting all communications between Supervisor Chan, her legislative staff and FAMSF staff including but not limited to; Thomas Campbell, Dede Wilsey, Megan Bourne, Paria Dea, Karen Berniker, Sheila Pressley, Jason Moment, and David Fraze.

The IDR includes the period beginning January 1, 2021, up to and including the date of the response to the Request. Responsive documents include all communication involving John F. Kennedy Drive in Golden Gate Park, the underground garage adjacent to the De Young Museum, The Corporation of Fine Arts Museums, The Fine Arts Museums San Francisco (FAMSF), Platinum Advisors, their agents, employees, and any other lobbyist not shown on the attached document.

Electronic correspondence includes any transmissions routed through the 'sf.gov' account or any personal email account of any individual, entity, or organization. The referenced written communication is defined as any communication be it records of meetings, agendas, e-mail, formal letters, notes, and transcripts of telephonic conversations.

The San Francisco Ethics Commission database shows that Supervisor Chan and/or her legislative Staff held 13 meetings with lobbyists for the Corporation of Fine Arts Museums as follows through February 2022 per the attachment from the Ethics Commission website.

3.10.2021 Ryan Blake
3.12.2021 Ryan Blake
3.18.2021 Ryan Blake
3.23.2021 Ryan Blake
5.05.2021 Ryan Blake
5.08.2021 Ryan Blake
5.26.2021 Ryan Blake
8.10.2021 Ryan Blake

9.15.2021 Paul Murre
9.16.2021 Paul Murre
2.11.2022 Ryan Blake
2.17.2022 Ryan Blake
2.23.2022 Paul Murre
3.16.2022 Paul Murre (not reported to SF Ethics Commission)

Please send me the responsive documents via pdf attachment or advise me when the requested data will be ready for review and copying.

Thank you,

Lee Heidhues
566 40th Avenue
San Francisco, CA 94121-2523
leerossh@gmail.com
(415) 305-1905

Attachments: Supervisor Chan Reported Contacts List
March 16, 2022 emails

Cc: DBloom@famsf.org
ethics.commission@sfgov.org
sotf@sfgov.org

Reported Contacts List

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
03/31/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
03/10/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/28/2022	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
02/24/2022	Chan, Connie	Board of Supervisors	Wright, Christopher	San Francisco Partnership	Details
02/17/2022	Chan, Connie	Board of Supervisors	Noyola, David G.	RECOLOGY	Details
02/17/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
02/11/2022	Chan, Connie	Board of Supervisors	Duong, Noelle	Waymo LLC	Details
02/10/2022	Chan, Connie	Board of Supervisors	Wright, Christopher	San Francisco Partnership	Details
01/20/2022	Chan, Connie	Board of Supervisors	Starrett, JR	Grubhub	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

Reported Contacts List

Date	Filer	Lobbyist	Contact	Client	
12/10/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
12/09/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
11/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
11/04/2021	Chan, Connie	Board of Supervisors	LaPointe, Denise	Millennium Homeowners Association	Details
10/19/2021	CHAN, CONNIE	Board of Supervisors	Clemens, Alexander	JOANNE SIU (249 TEXAS ST)	Details
10/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	SF DEPUTY SHERIFF'S ASSOCIATION	Details
09/29/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/22/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/16/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/15/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details
09/14/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/12/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
09/08/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
09/08/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
09/03/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/28/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
07/23/2021	Chan, Connie	Board of Supervisors	Li, Janice	San Francisco Bicycle Coalition	Details
07/23/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
07/20/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

06/24/2021	Chan, Connie	Board of Supervisors	Noyola, David G.	AMAZON	Details
06/15/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details
06/09/2021	Chan, Connie	Board of Supervisors	Alborg, Tim	GoBrands Inc.	Details
05/12/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
05/07/2021	Chan, Connie	Board of Supervisors	Tourk, Alex	EVGo Services LLC	Details
05/05/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
04/21/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
04/12/2021	CHAN, CONNIE	Board of Supervisors	HILGART, LAURA	TEAMSTERS LOCAL #665	Details
04/09/2021	Chan, Connie	Board of Supervisors	Zucker, Justin	Tannenbaum/Steven and Renate	Details
04/06/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	UNIVERSITY OF SAN FRANCISCO	Details
04/05/2021	Chan, Connie	Board of Supervisors	Lauter, Samuel	Veritas Investments, Inc	Details
03/23/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/22/2021	Chan, Connie	Board of Supervisors	Piccini, Jacqueline	CRUISE AUTOMATION	Details
03/22/2021	Chan, Connie	Board of Supervisors	Blackstone, Cammy	AT&T	Details
03/22/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	AT&T	Details
03/18/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Hayward, A. Boe	HINES	Details
03/12/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/10/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
03/08/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/19/2021	Chan, Connie	Board of Supervisors	Drury, Richard	Philip Kaufman	Details
02/16/2021	CHAN, CONNIE	Board of Supervisors	Abraham, Emily	San Francisco Chamber of Commerce	Details
02/01/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
02/01/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CALIFORNIA HOTEL & LODGING ASSOCIATION	Details

01/29/2021	CHAN, CONNIE	Board of Supervisors	Blake, Ryan	CROWN CASTLE	Details
01/29/2021	CHAN, CONNIE	Board of Supervisors	Murre, Paul	CROWN CASTLE	Details
01/27/2021	chan, connie	Board of Supervisors	Costello, Cassandra	San Francisco Travel Association	Details
01/11/2021	CHAN, CONNIE	Board of Supervisors	GRUWELL, CHRIS S.	TEAMSTER JOINT COUNCIL 7	Details

About the Ethics Commission

The Ethics Commission was established by San Francisco voters in November 1993 and serves the public, City employees and officials and local candidates through education and enforcement of governmental ethics laws including public information reports and advice; campaign disclosure and economic interests filings; lobbyist and campaign consultant registration and reporting; conflicts of interest for City employees; audits; investigations and prosecutions.

Learn More »

Public Records »

Contact Us

Monday - Friday 8:00 A.M. to 5:00 P.M.

25 Van Ness Ave,
Suite 220,
San Francisco, CA 94102
415-252-3100
415-252-3112
ethics.commission@sfgov.org
Make a Records Request

Connect

Resources

Federal Election Commission
Fair Political Practices Commission
California Secretary of State Cal-Access
City & County of San Francisco
San Francisco Department of Elections
San Francisco City Attorney's Office
SF Open Data

Reported Contacts List

08/10/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
07/14/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	WAYMO	Details
05/26/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details
05/08/2021	GROTH, KELLY	Board of Supervisors	Blake, Ryan	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

View Expenditure Lobbyist Public Site

Home > Disclosures > Lobbyist Disclosure > Directories & Search > Reported Contacts List

Reported Contacts List

02/23/2022	FREGOSI, IAN	Board of Supervisors	Murre, Paul	CORPORATION OF FINE ARTS MUSEUMS	Details

Directories

Individual Lobbyists

Lobbyist Clients

Lobbying Firms and Employers

Contacted Public Officials

Lobbying Subject Areas

All Lobbyist Filings

Transactions

Activity Expenses

Political Contributions

Contacts of Public Officials

Payments Promised by Clients

Employment of City Officers or Employees

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fine arts museums
of san francisco

Thomas Campbell <tcampbell@famsf.org>

Accepted: 9:30 am Supervisor Chan [redacted] + Thomas Campbell, FAMSF //

1 me age

Chan, Connie (BOS) <connie.chan@sfgov.org> Fri, Aug 6, 2021 at 10:30 AM
To: "Campbell, Thomas (FAM)" <tcampbell@famsf.org>

invite.ics
2K

AMENDED. Immediate Disclosure Request - Chapter 67 San Francisco San Francisco Administrative Code Section 67.22

PRR FAMSF <prr@famsf.org> Thu, Apr 21, 2022 at 1:46 PM
To: leerossh <leerossh@gmail.com>

Dear Mr. Heidhues:

Thank you for contacting the Fine Arts Museums of San Francisco (FAMSF), a department of the City and County of San Francisco.

The San Francisco Ethics Commission is responsible for maintaining all records under the City's lobbying ordinance.

The Fine Arts Museums of San Francisco (FAMSF) has provided all responsive records that it is.

Thank you,

[Quoted text hidden]

[Quoted text hidden]

--

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Megan Bourne <mbourne@famsf.org>
Sent: Wednesday, May 11, 2022 11:02 AM
To: SOTF, (BOS)
Cc: leerossh@gmail.com; PRR FAMSF
Subject: Re: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22052
Attachments: 5.11.22 - FAMSF Response - 22052.pdf

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

Good morning,

The Fine Arts Museums' response to complaint number 22052 is attached.

Kind regards,
Megan Bourne

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

On Mon, May 9, 2022 at 3:19 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

Megan Bourne and the Fine Arts Museum 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 when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

The Legislative Research Center 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.

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Memo

To:	San Francisco Sunshine Task Force
From:	Megan Bourne, Chief of Staff
cc:	Thomas P. Campbell, Director of the Fine Arts Museums
Date:	May 11, 2022
Re:	File No. 22052

This submission is in response to complaint File No. 22052 by Lee Heidhues (Complainant).

SUMMARY:

The Fine Arts Museums of San Francisco (Respondent) received an email from Mr. Heidhues (Complainant) on Friday, April 8, 2022 making an Immediate Disclosure Request (IDR). Although Complainant labeled their public records request as an IDR, this type of request is limited to "simple, routine, or otherwise readily answerable request." Admin. Code 67.25(a). Since the request was not "simple, routine, or otherwise readily answerable request," per Admin. Code 67.25(a), Respondent informed Complainant that they would treat this as a Standard Request. Respondent informed Complainant that they would provide a response as soon as possible, but no later than Monday, April 18, 2022, by close of business, per the 10-calendar day requirement. Cal. Govt. Code § 6253(c).

Respondent provided all responsive documents to the Complainant by the deadline of Monday, April 18, 2022. Respondent clarified for the Complainant that the Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c) (3) organization, and not a department of the City and County of San Francisco. Respondent also guided Complainant to the San Francisco Ethics Commission for requesting records related to public disclosures and reporting. Respondent reiterated this information to Complainant following additional communication on Tuesday, April 19, 2022.

Respondent has no additional responsive documents to Complainant's request.

Leger, Cheryl (BOS)

From: Paria Dea <pdea@famsf.org>
Sent: Tuesday, July 18, 2023 1:43 PM
To: SOTF, (BOS)
Cc: Bourne, Megan (FAM); Prr Famsf
Subject: Re: SOTF - Updated Notice of Appearance; Sunshine Ordinance Task Force, Special Meeting; July 25, 2023; 4:30 PM, Room 408, City Hall, San Francisco, CA 94102

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

Hello Ms. Leger,

The Fine Arts Museums has no additional response at this time for **File No. 22052**.

Thank you,

Paria Dea, JD
Senior Government Affairs Manager

Fine Arts Museums of San Francisco
de Young \ Legion of Honor

415 750 3690
pdea@famsf.org
www.famsf.org

pronouns: she/her/hers

From: **SOTF, (BOS)** <sotf@sfgov.org>
Date: Tue, Jul 11, 2023 at 3:49 PM
Subject: SOTF - Updated Notice of Appearance; Sunshine Ordinance Task Force, Special Meeting; July 25, 2023; 4:30 PM, Room 408, City Hall, San Francisco, CA 94102
To: MIchael Petrelis <mpetrelis@aol.com>, Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>, Preston, Dean (BOS) <dean.preston@sfgov.org>, Barnes, Bill (BOS) <bill.barnes@sfgov.org>, Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>, Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>, Kilgore, Preston (BOS) <preston.kilgore@sfgov.org>, Bolen, Jennifer M.(BOS) <jennifer.m.bolen@sfgov.org>, Hernandez, Melissa G (BOS) <melissa.g.hernandez@sfgov.org>, San Francisco Living Wage <sflivingwage@gmail.com>, Bukowski, Kenneth (ADM) <kenneth.bukowski@sfgov.org>, Perl, Charles (PUC) <CPerl@sfwater.org>, Ruski Augusto Sa, Mayara (PUC) <MRuskiAugustoSa@sfwater.org>, gizellejane215@gmail.com <gizellejane215@gmail.com>, Maria Schulman <maria.schulman@gmail.com>, Alberto, Justine Eileen (ADM) <justine.alberto@sfgov.org>, gina.mcdee@yahoo.com <gina.mcdee@yahoo.com>, Carroll, Maryellen (DEM) <maryellen.carroll@sfgov.org>, Bourne, Megan (FAM) <mbourne@famsf.org>, Lee Heidhues <leerossh@gmail.com>, Chu, Carmen (ADM) <carmen.chu@sfgov.org>, A.J. White <ajwxxyz@gmail.com>, Maunder, Sara (DPA) <sara.maunder@sfgov.org>, Lim, Victor (DPH) <victor.lim@sfdph.org>, Dave Maass <dm@eff.org>, Mukund Rathi <mukund@eff.org>, Toomey, William (POL) <William.Toomey@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>, Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>, Young, Victor (BOS) <victor.young@sfgov.org>, myankee.sotf@gmail.com <myankee.sotf@gmail.com>, jenn.sotf@gmail.com

<jenn.sotf@gmail.com>, Chris Hyland <vicechairhyland@gmail.com>, Bruce Wolfe <sotf@brucewolfe.net>, lstein.sotf@gmail.com <lstein.sotf@gmail.com>, DSchmi4@aol.com <DSchmi4@aol.com>, Thao Hill <thao.hill.sotf@gmail.com>, lilalahood.sotf@gmail.com <lilalahood.sotf@gmail.com>

Good Afternoon:

In order to prevent any confusion regarding hybrid in-person/remote meetings due to changing meeting requirements we wanted to provide additional information via the below Notice of Hearing. Thank you for your patience.

—

You are receiving this notice because you are named as a Complainant or Respondent in the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: July 25, 2023

Location: Hearing Room 408, City Hall, San Francisco, CA 94102

Time: Special Meeting Convenes - 4:30 p.m.

Complaint Hearings – 5:00 p.m.

(Note: Hearings on complaints will begin no earlier than 5:00 P.M.)

Remote Access and/or In-Person Participation

The Sunshine Ordinance Task Force and its committees convene hybrid meetings that allow in-person attendance, in-person public comment, remote access for petitioners and respondents, and remote public comment via teleconference (via Webex).

Webex Remote Link/Log-in:

https://tinyurl.com/458ekx9w

Password: sunshine

Telephone Call-in:
1 (415) 655-0001 / Meeting ID: 2592 715 5953 # #
(press *3 to enter the speaker line)

Complaints Scheduled for the Special Hearing on July 25, 2023 will begin no earlier than 5:00 p.m. ***The Petitioner and the Respondent are required to attend this hearing.***

CONSENT AGENDA - The Sunshine Ordinance Task Force shall review **File Nos. 22132, 22133** and **23033** to affirm that the Sunshine Ordinance Task Force has jurisdiction; that the noted violations of the Sunshine Ordinance, Brown Act, or California Public Records Act occurred; and, if applicable, to issue an Order of Determination and refer matters to a committee for monitoring. The Complainant and Respondent are not required to attend the July 25, 2023 Special Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations.

File No. 22132 Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 22133 Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 23033: Complaint filed by Andrew J. White against the Department Police Accountability 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 and 67.7(a) by failing to notice the hearing 72 hours in advance of the regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business and 67.7(b) by failing to provide meaningful descriptions that are sufficiently clear and specific to alert a person of average intelligence.

File No. 22082: Complaint filed by Michael Petrelis against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond for public records in a timely and/or complete manner.

File No. 22080: Complaint filed by Mukund Rathi and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 21128: Complaint filed by Maria Schulman against Mayara Ruski, Augusto Sa, and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code, (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Act Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings.

File No. 21150: Complaint filed by Maria Schulman against Justine Alberto and the Animal Care and Control Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to public records request in a timely and/or complete manner.

File No. 22035: Complaint filed by Gina McDonald against the Department of Emergency Management 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. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum 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.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by ***5:00 PM, July 19, 2023 (Wednesday).***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Monday, May 9, 2022 3:18 PM
To:	Bourne, Megan (FAM)
Cc:	leerossh@gmail.com
Subject:	SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22052
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf; 22052 Complaint.pdf; Affirmation Letter 22052.pdf

Good Afternoon:

Megan Bourne and the Fine Arts Museum 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 when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

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

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

The Legislative Research Center 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.

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

May 9, 2022

Ms. Megan Bourne
Fine Arts Museum
Megan.bourne@sfgov.org

Re: Sunshine Ordinance Task Force, File No. 20052

Dear Ms. Bourne:

Please review the complaint as described below and acknowledge your department's position on File No. 22052 regarding an alleged violation of the Sunshine Ordinance.

File No. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum for allegedly violating Administrator Code Section(s) 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

BW:cal

cc: Lee Heidhues (leerossh@gmail.com)

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Wednesday, May 18, 2022 9:42 AM
To:	LIZA murawski; Tran, Sophie (DPH); gina.mcdee@yahoo.com; Lim, Victor (DEM); Carroll, Maryellen (DEM); Bourne, Megan (FAM); Chan, Connie (BOS); leerossh@gmail.com; Yu, Angelina (BOS); Parsons, Winston (BOS); Hsieh, Frances (BOS); Groth, Kelly (BOS)
Cc:	Young, Victor (BOS)
Subject:	SOTF - Notice of Appearance - Education, Outreach and Training Committee: May 24, 2022, 5:30 p.m. REMOTE MEETING

Good Morning:

Notice is hereby given that the Education, Outreach and Training Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on the 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. ***PLEASE CONFIRM YOUR ATTENDANCE BY THURSDAY, MAY 19, 2022, 5:00 PM.***

Date: May 24, 2022

Location: Remote Meeting

Time: 5:30 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.

Complaints:

File No. 21125: Complaint filed by Liza Murawski against the Department of Public Health (DPH) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 22035: Complaint filed by Gina McDonald against the Department of Emergency Management for allegedly violating Administrator 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. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum for allegedly violating Administrator Code Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 22053: Complaint filed by Lee Heidhues against Supervisor Connie Chan (Board of Supervisors) for allegedly violating Administrator Code Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

For a document to be considered, it must be received at least four (4) working days before the hearing. ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 19, 2022..***

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

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

The Legislative Research Center 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.*

Leger, Cheryl (BOS)

From: Megan Bourne <mbourne@famsf.org>
Sent: Wednesday, May 18, 2022 9:42 AM
To: SOTF, (BOS)
Subject: Out of Office May 17 - 23 Re: SOTF - Notice of Appearance - Education, Outreach and Training Committee: May 24, 2022, 5:30 p.m. REMOTE MEETING

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

Thank you for your email. I am out of office on vacation May 17 - 23 Please contact Dina Bloom, dbloom@famsf.org if you need immediate assistance.

Kind regards,
Megan

--

Megan Bourne

she/her/hers

Chief of Staff, Executive Secretary to the Board of Trustees

Fine Arts Museums of San Francisco

de Young | Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

p 415.750.3669

mbourne@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Monday, July 10, 2023 11:59 AM
To:	Michael Petrelis; Safai, Ahsha (BOS); Preston, Dean (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); Kilgore, Preston (BOS); Bolen, Jennifer M.(BOS); Hernandez, Melissa G (BOS); San Francisco Living Wage; Bukowski, Kenneth (ADM); Perl, Charles (PUC); Ruski Augusto Sa, Mayara (PUC); gizellejane215@gmail.com; Maria Schulman; Alberto, Justine Eileen (ADM); gina.mcdee@yahoo.com; Carroll, Maryellen (DEM); Bourne, Megan (FAM); leerossh@gmail.com; Chu, Carmen (ADM)
Cc:	Somera, Alisa (BOS); Calvillo, Angela (BOS); Young, Victor (BOS); myankee.sotf@gmail.com; jenn.sotf@gmail.com; Chris Hyland; Bruce Wolfe; lstein.sotf@gmail.com; DSchmi4@aol.com; Thao Hill; lilalahood.sotf@gmail.com
Subject:	SOTF - Notice of Appearance; Sunshine Ordinance Task Force, Special Meeting; July 25, 2023; 4:30 PM, Room 408, City Hall, San Francisco, CA 94102
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

In order to prevent any confusion regarding hybrid in-person/remote meetings due to changing meeting requirements we wanted to provide additional information via the below revised Notice of Hearing. Thank you for your patience.

--

You are receiving this notice because you are named as a Complainant or Respondent in the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: July 25, 2023

Location: Hearing Room 408, City Hall, San Francisco, CA 94102

Time: Special Meeting Convenes - 4:30 p.m.
Complaint Hearings – 5:00 p.m.
(Note: Hearings on complaints will begin no earlier than 5:00 P.M.)

Remote Access and/or In-Person Participation

The Sunshine Ordinance Task Force and its committees convene hybrid meetings that allow in-person attendance, in-person public comment, remote access for petitioners and respondents, and remote public comment via teleconference (via Webex).

Webex Remote Link/Log-in:
https://tinyurl.com/458ekx9w
Password: sunshine

Telephone Call-in:
1 (415) 655-0001 / Meeting ID: 2592 715 5953 # #
(press *3 to enter the speaker line)

Complaints Scheduled for Hearing on July 25, 2023 will begin no earlier than 5:00 p.m. ***The Petitioner and the Respondent are required to attend this hearing.***

CONSENT AGENDA - The Sunshine Ordinance Task Force shall review **File Nos. 22132** and **22133** to affirm that the Sunshine Ordinance Task Force has jurisdiction; that the noted violations of the Sunshine Ordinance, Brown Act, or California Public Records Act occurred; and, if applicable, to issue an Order of Determination and refer matters to a committee for monitoring. The Complainant and Respondent are not required to attend the July 25, 2023 Special Sunshine Task Force meeting but may attend to provide testimony during the public comment period for this item related to the above-listed determinations.

File No. 22132 Complaint filed by Michael Petrelis against Supervisor Ahsha Safai, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 22133 Complaint filed by Michael Petrelis against Supervisor Dean Preston, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.29-5, by failing to respond to a request for Proposition G Calendar in a timely and/or complete manner.

File No. 22031: Complaint filed by Gizelle Rabi and Karl Kramer against City Administrator Carmen Chu and the Office of the City Administrator 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. 22032: Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission 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. 21128: Complaint filed by Maria Schulman against Mayara Ruski, Augusto Sa, and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code, (Sunshine Ordinance), Section(s) 67.21, 67.26(b) and 67.27, and California Public Records Act Section 6253(d), by failing to respond to a request for public records in a timely and/or complete manner and failing to provide written justification for withholdings.

File No. 21150: Complaint filed by Maria Schulman against Justine Alberto and the Animal Care and Control Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to public records request in a timely and/or complete manner.

File No. 22035: Complaint filed by Gina McDonald against the Department of Emergency Management 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. 22052: Complaint filed by Lee Heidhues against Megan Bourne and the Fine Arts Museum 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.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by ***5:00 PM, July 19, 2023 (Wednesday).***

File No. 18049 Item No. 5

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Compliance and Amendments Committee Date: August 27, 2019

☐	Petition/Complaint	Page: 208
☐	Memorandum - Deputy City Attorney	Page: 210
☐	Petitioner/Complainant Supporting Documents	Page: 224
☐	Respondent's Response	Page: 421
☐	Public Correspondence	Page:
☐	Order of Determination	Page: 204
☐	Minutes	Page:
☐	Administrator's Report	Page:
☐	No Attachments	

OTHER

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Completed by: C. Leger Date 8/21/19

*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

City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
March 25, 2019

DATE DECISION ISSUED
March 6, 2019

CASE TITLE – Robert M. Smith v. Fine Arts Museums of San Francisco
File No.18049

FACTS OF THE CASE

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

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On July 17, 2018, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

> The Compliance and Amendments Committee (Committee) reviewed File No. 18049 to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e). The Complainant and Respondent were **NOT REQUIRED** to attend the July 17, 2018, Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.
>
> Member Hinze, seconded by Chair Cannata, moved to find that the SOTF has jurisdiction in File Nos. 18049 and that the records are public. A hearing on the merits of the complaint will be scheduled on a future date.

On August 28, 2018, the Compliant Committee continued the matter to their next meeting and requested that the Respondent provide the requested information.

> Robert M. Smith (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Smith stated that he has not received a copy his application to be a docent and a roster of current docents from the Fine Arts

Museums as requested. Mr. Smith stated that FAMSF has not conformed to the law in regards to the public records and that he is not required to narrow the nature of his request.

Melissa Powers, Manager of Board Relations and Special Projects (Respondent), provided a summary of the department's position. Ms. Powers stated that the Fine Arts Museums of San Francisco are governed one governmental agency and two 501c(3) non-profit organizations. Ms. Powers stated that all employees, whether they work for the City or the two nonprofits, have the same email domain name at famsf.org and that all emails would need to be reviewed to determine which are considered to be a public record. Ms. Powers stated that it was determined that there were over 250 thousand records which would need to be reviewed by staff which is overly burdensome and requested that Mr. Smith narrow the scope of his request. Ms. Powers stated that FAMSF responded to the requests in a timely manner and that requests for extension were properly invoked. Ms. Powers suggested an invocation of the rule of reason may be required in order to prevent disruption of the regular duties of the department by limited the amount of staff hours to work on the Mr. Smith's public records request.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member B. Wolfe and Chair Tesfai requested that Ms. Powers provide information five days before the next Complaint Committee hearing regarding what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity; the public entity and the two private entities.

Member B. Wolfe, seconded by Member Hinze, moved to continue the matter to the next Complaint Committee for hearing and requested information from the Respondent.

On January 22, 2019, the Complaint Committee heard the matter and referred it to the Sunshine Ordinance Task Force for hearing.

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to make three points: 1) that Ms. Powers promised to make documents available on a rolling basis and that there was a duty to make them available; 2) Ms. Powers has very little training in Sunshine; 3) that the Museums have provided very few documents.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that at the last meeting of the Complaint Committee there were questions that were to be sent to the City Attorney regarding what does and does not apply to Co-FAM and that

she is awaiting the legal opinion. Ms. Powers stated that she has provided public documents to Mr. Smith and that she has requested search terms from Mr. Smith to narrow of the scope of the document review. Ms. Powers stated that her resources have been taxed to the limit and that there is no intention of malfeasance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cate, seconded by Member Martin, moved to refer the matter to the SOTF for hearing.

On March 6, 2019, the SOTF heard the matter.

Robert Smith, (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Mr. Smith stated that the Museum consistently does not produce documents. Mr. Smith spoke about silos 1, 2 and 3; that silo 1 (FAM) is a public department and silos 2 and 3 (Co-FAM and FAMSF) are private departments of the Museum. Mr. Smith stated that his request for documents is to silo 1 which is public and a City Department. Mr. Smith stated that he believes that all employees of the Museum are City employees. Mr. Smith stated that all employees of the Museums share the same computers and that the Museums are not providing records.

Melissa Powers, Fine Arts Museum, (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith has received his responsive documents. Ms. Powers stated that Mr. Smith is not entitled to the records of Co-FAM. Ms. Powers stated that she has asked Mr. Smith to provide search terms to narrow the scope of the request. Ms. Powers stated that she has a small pool of employees to review over 70,000 documents and inquired as to how do they find correspondence related to what Mr. Smith requests. Ms. Powers stated that not all of the employees of the Museum are City employees.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cannata requested that the first 10% (7,000) of the 70,000 documents be made available by the Museums and should be provided to Mr. Smith before the next Committee meeting.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that The Fine Arts Museums violated Administrative Code (Sunshine Ordinance), Section 67.21(e), by failing to provide documents in a timely or complete manner.

DECISION AND ORDER OF DETERMINATIONS

On March 6, 2019, Member Hyland, seconded by Member J. Wolf, moved to find that the Fine Arts Museums violated Administrative Code, Section 67.21(e), by failing to provide documents in a timely and/or complete manner.

The motion PASSED by the following vote:

Ayes: 9 - Cannata, Hinze, Hyland, Martin, LaHood, Tesfai, J. Wolf, Yankee, B. Wolfe
Noes: 0 - None
Absent: 2 - Cate and Chopra

Chair B. Wolfe requested that the matter be referred to the Compliance and Amendments Committee to ensure that the requested records are provide to Mr. Smith on a rolling basis (10% of the total by the April meeting of the Committee).



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Robert M. Smith (Petitioner/Complainant)
Fine Arts Museums (Respondent)

Young, Victor

From: SOTF, (BOS)
Sent: Tuesday, July 03, 2018 2:14 PM
To: 'SJonz@famsf.org'
Cc: Leger, Cheryl (BOS); 'sotf@brucewolfe.net'; 'RMS'; Calvillo, Angela (BOS)
Subject: SOTF - Update/Request - Complaint No. 18049 (Robert Smith V Fine Arts Museums of SF
Attachments: 18049 SOTF Complaint 2 of 5.pdf; 18049 SOTF Complaint 3 of 5.pdf; 18049 SOTF Complaint 4 of 5.pdf; 18049 SOTF Complaint 1 of 5.pdf; 18049 SOTFComplaint 5 of 5.pdf; 18049 SOTF Complaint Summary.pdf; 18049 SOTF Complainant Support Documents.pdf; SOTF - Complaint Procedure 2018-01-16 FINAL.PDF

Dear Mr. Jonz:

Upon review of the complaint and discussions with Mr. Smith it is my understanding that 5 separate requests for records were submitted as listed below. I have separated each of the requests into its own complaint file for the to SOTF's review. It is requested that the FAMSF provide a separate response to each of the complaints in order to focus the issues for the SOTF. I do understand that the FAMSF may have grouped their response to Mr. Smith but would appreciate anything you can do to separate the issues.

Upon approved of the SOTF Chair the matter may be scheduled for an initial hearing before the Complaint Committee either on July 24, 2018, or August 28, 2018, at 5:30 p.m.

18049-1, 1/9/18 - Request for a response to a list of 21 different items.

18049-2, 1/20/18 – Follow up request for records adding a 22nd requested item.

18049-3, 2/20/18 – Request for correspondence from Sept 1, 2017 to present.

18049-4, 3/23/18 – Request for 4 different rosters of docents at FAMSF.

18049-5, 4/5/18 – Request for all documents related to invitations and applications by Robert M. Smith from January 1, 1997 to present to be a docent at the Museum.

Please contact me if you have any questions.

-

The Fine Arts Museums of San Francisco has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the complaints within five business days.

The Respondent is required to submit a written response to 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. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.

3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

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

The Complainant alleges:
Complaint Attached.

Both parties (Complainant and Respondent) **will be contacted once a hearing date is determined.** Attached is the Sunshine Ordinance Task Force's complaint procedures.

Victor Young
Administrator, Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org


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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.*

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

NICHOLAS COLLA
Deputy City Attorney

Direct Dial: (415) 554-3819
Email: nicholas.colla @sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force

FROM: Nicholas Colla
Deputy City Attorney

DATE: August 23, 2018

RE: Complaint No. 18049 – Smith v. the Fine Arts Museum of San Francisco

COMPLAINT

Complainant Robert Smith ("Complainant") alleges that the Fine Arts Museums of San Francisco ("the Museum") violated public records laws by failing adequately and timely respond to his five requests for public records.

COMPLAINANT FILES COMPLAINT

On June 6, 2018, Complainant filed this complaint with the Task Force regarding the Museum's alleged failure to adequately respond to his multiple records requests.

JURISDICTION

The Museum is a department subject to the provisions of the Sunshine Ordinance regarding public records. The Museum does not contest jurisdiction to hear this complaint.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request.

APPLICABLE CASE LAW

- None

BACKGROUND

Complainant filed this complaint with the Task Force on June 6, 2018 in which he alleges that the Museum failed adequately respond to his five requests for public records made on the following dates:

Request No. 1:

- January 9, 2018—a request for a response to 21 separately enumerated requests for records and/or explanations.

Museum Response:

"Some items were questions and not public records requests. Some records requests were for records of the Corporation of the Fine Arts Museums (COFAM) or the Fine Arts

Museums Foundation (FAMF), both of which are private, non-profit 501(c)(3) charitable organizations. COFAM and FAMF provided some records to Complainant as a courtesy.

In addition to providing responsive records, and explanations to Complainant's questions, Respondent provided Complainant with the following point of clarification regarding COFAM and FAMF: The Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums Foundation (FAMF) are private, nonprofit 501(c)(3) charitable organizations whose primary purpose is to support the Fine Arts Museums of San Francisco. In addition, it is noted that some of the information you have requested represents records of COFAM and FAMF, neither of which are City Departments or agencies. The Respondent made a good faith, reasonable search effort for the requested records by reviewing hard copy files and electronic document storage where responsive records likely would be found and circulating the request among employees likely to have or know of responsive records.

Request No. 2:

- January 20, 2018—a follow up request adding a 22nd item to the previous January 9, 2018 request in which Complainant stated as follows: "Please identify the "other agency" that you state has "a substantial interest in the determination of the request " and that you are consulting with and provide all correspondence (as defined in my original request) between FAMSF and that agency with regard to my request."

Museum Response:

The Fine Arts Museums consulted with the Department of Human Resources and the Office of the City Attorney regarding your request. There are no responsive records.

Request No. 3:

- February 20, 2018—Request for the following:
  - 1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;
  - 2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

Museum Response:

The Museum replied on March 1, 2018 requesting that Complainant narrow the scope of the request. On March 3, 2018, Complainant allegedly narrowed the scope of the request. On April 3, 2018, the Museum asked that Complainant further narrow down the scope of the request. Complainant allegedly never replied to this request to further narrow the request.

Request No. 4:

- March 23, 2018—Request for four rosters of "all trained and then serving docents" of the Museum from years 2015 to 2018.

Museum Response:

On Wednesday, March 28, 2018, Complainant mailed the responsive records to Complainant first class by USPS.

Request No. 5:

- April 5, 2018—Requst for the following:
  - All documents relating in any fashion to invitations to and applications by Robert M. Smith from January 1, 1997 to the present to be a docent at the Museums. (Please note this request is not somehow to be construed as limited to my applications, but includes all documents as described. Also, kindly note that I am unwilling to extend the 10-day deadline; it is a single, straightforward, well-defined, limited request.)

Museum Response:

After a thorough review of files and records it has been determined that neither FAMSF nor COFAM are in possession of any communication regarding an invitation to you or application from you, other than what you are already aware of and have received (see attached). No COFAM or FAMSF staff keep such records associated with the docent training program which is maintained by a group of volunteers not employed with or by FAMSF or COFAM. No records or communication can be located from the time period you request beginning in 1997. There was no formal written invitation and invitations may have been by word of mouth.* Complainant has stated that he received an invitation from the Museums by email. It is unclear to Respondent when the email was sent or by who. Respondent did not find such an email during its record search.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- Did the Museum ever invoke extension's to provide records responsive to Complainant's request?
- Did Complainant ever follow up with the Museum's requests to narrow the scope of his requests?
- Did Complainant ever utilize requests under Adminstrative Code Section 12L to seek information from the Museum's associated privately ran non-profit organizations?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Museum fail to comply with Administrative Code Section 67.21 by failing to timely/adequately respond to any of Complainant's five requests?
- Is the Museum obligated to provide explananations to questions that don't call for records?
- Did the Museum adequately assist Complainant in attempting to locate the records he desired?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: August 23, 2018
PAGE: 4
RE: Complaint No. 18049 – Smith v. the Fine Arts Museum of San Francisco

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE**.

* * *

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: August 23, 2018
PAGE: 5
RE: Complaint No. 18049 – Smith v. the Fine Arts Museum of San Francisco

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

Leger, Cheryl (BOS)

From: Colla, Nicholas (CAT) <Nicholas.Colla@sfcityatty.org>
Sent: Wednesday, January 16, 2019 3:52 PM
To: SOTF, (BOS)
Cc: WOLF, MARC (CAT)
Attachments: THE HONORABLE TONY STRICKLAND.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding the request for information for file no. 18049, please see the attached advisory opinion.

In the attached opinion, the court found that open meeting requirements under the Brown Act, as well as public records laws under the CPRA, extend to a private non-profit corporation formed for the purpose of providing educational tv programming for children pursuant to an agreement with a municipality.

Most notably for the purposes of applying this opinion to the facts of file no. 18049, the case cites to *International Longshoreman's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, which held in part that "a public body may delegate the performance of administrative functions to a private entity if it retains ultimate control over administration so that it may safeguard the public interest."

The opinion also cites to CPRA section 6252, which defines a "local agency" as follows:

'Local agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

Here's the relevant subsections of Section 54952 for determining whether the non-profit at issue should be defined as a local agency:

> (c)(1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
> (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
> (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
> (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a

member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

85 Ops. Cal. Atty. Gen. 55 (Cal.A.G.), 2002 WL 406716

Office of the Attorney General

State of California
Opinion No. 01-401
March 14, 2002

*1 THE HONORABLE TONY STRICKLAND
MEMBER OF THE STATE ASSEMBLY

THE HONORABLE TONY STRICKLAND, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following questions:

1. Do the open meeting requirements of the Ralph M. Brown Act apply to the meetings of the governing board of a private, nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services?

2. Do the records disclosure requirements of the Public Records Act apply to such a corporation?

CONCLUSIONS

1. The open meeting requirements of the Ralph M. Brown Act apply to the meetings of the governing board of a private, nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services.

2. The records disclosure requirements of the Public Records Act apply to a private, nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services.

ANALYSIS

In 1995, the City of Thousand Oaks ("City") granted Ventura County Cablevision ("Cablevision") a franchise to install and operate a cable television system within the City. Cablevision agreed to set aside a channel for educational use and to operate the channel until such time as the City designated a nonprofit corporation to assume operational control. Cablevision also agreed to grant $25,000 for the purchase of television production equipment to a consortium of educators to be designated by the City. [1]

In 1996, a nonprofit public benefit corporation ("Corporation") was organized with the stated purpose of "join[ing] together the area's schools, universities, and colleges and other educational organizations in order to establish and implement policies for the management, utilization, programming and scheduling of one or more dedicated educational access community cable TV channels." The City designated the Corporation as the entity responsible for programming the educational access channel ("Channel 21") to be set aside under Cablevision's franchise agreement. The City also designated the Corporation as the recipient of Cablevision's $25,000 production equipment grant and similar grants, thereby providing the Corporation with an initial capitalization of $57,000.

The Corporation currently has five directors, three of whom are appointed by the Conejo Valley Unified School District ("School District"); the other two directors must be approved by the School District. One of the Corporation's directors is a School District trustee. The School District provides $200 annually towards the Corporation's franchise fees.

*2 Insofar as we have been advised, no City officer has served as a director of the Corporation, and the City has not directly contributed money to the Corporation since the original grants of $57,000. However, the City has the right to review and approve any guidelines the Corporation has or might adopt concerning the use of Channel 21 and has the right to terminate the authority previously delegated to the Corporation to provide programming for the channel.

1. Public Meeting Requirements

The first question to be resolved is whether the meetings of the Corporation's board of directors are subject to the open meeting requirements of the Ralph M. Brown Act (Gov. Code, §§ 54950-54962; "Brown Act"). [2] We conclude that they are.

The Brown Act generally requires the legislative body of a local public agency to hold its meetings open to members of the public. (§§ 54951, 54952, 54953, 54962.) Agendas of the meetings must be posted (§§ 54954.1, 54954.2), and the public must be given an opportunity to address the legislative body on items of interest (§ 54954.3).

The evident purposes of the Brown Act are to allow the public to attend, observe, monitor, and participate in the decision-making process at the local level of government. Not only are the actions taken by the legislative body to be monitored by the public but also the deliberations leading to the actions taken. (§ 54950; see *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 373, 375; *Frazer v. Dixon Unified School Dist.* (1993) 18 Cal.App.4th 781, 794-798; *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 100; *Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 45.)

Subdivision (a) of section 54953 provides for meetings of local agencies to be open to the public:
"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

A "local agency" is defined in section 54951 as follows:
"As used in this chapter, 'local agency' means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency."

The term "legislative body" is defined in section 54952 to include the board of private corporations in specified circumstances:
"As used in this chapter, 'legislative body' means

"

"(c)(1) A board, commission, committee, or other multimember body that governs a private corporation or entity that either

"(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation or entity.

*3 "(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

""

Under the language of section 54952, subdivision (c)(1)(A), the board of directors of the Corporation would constitute a "legislative body" subject to the Brown Act if the Corporation was created by an elected legislative body to exercise authority lawfully delegated by such elected legislative body. (See *Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist.* (2001) 87 Cal.App.4th 862, 868-873; *International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 293-300.)

In the present circumstances, the city council of the City (an elected legislative body of a local agency) played a role in bringing the Corporation into existence by (1) granting a franchise to Cablevision, (2) requiring Cablevision to set aside an educational channel, (3) designating the Corporation as the entity to operate the channel, and (4) indirectly providing the Corporation with an initial capitalization of $57,000. The term "created by" in section 54952, subdivision (c)(1)(A), means that the "City 'played a role in bringing' the [private corporation] 'into existence.' [Citation.]" (*Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist., supra,* 87 Cal.App.4th at p. 870, citing *International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc., supra,* 69 Cal.App.4th at p. 295.)

The authority to operate the educational access channel was lawfully delegated to the Corporation by the city council of the City. (See § 53066; 47 U.S.C. §§ 521, 531; see also *International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc., supra,* 69 Cal.App.4th at p. 297 ["a public body may delegate the performance of administrative functions to a private entity if it retains ultimate control over administration so that it may safeguard the public interest"].) Here, the City has reserved the right to review and approve any guidelines the Corporation has concerning the use of Channel 21 and has reserved the right to terminate its authority previously delegated to the Corporation.

Both of the conditions of section 54952, subdivision (c)(1)(A), have therefore been met, resulting in the Corporation's board coming within the meaning of a "legislative body" for purposes of the Brown Act's requirements.

Moreover, the Corporation's board also constitutes a "legislative body" under the terms of section 54952, subdivision (c)(1)(B). The Corporation receives funds from the School District, a local agency (§ 54951). Not only does the School District appoint three of the Corporation's five directors, it must approve the appointments of the other two directors as well. One of the School District's trustees is a Corporation director with full voting rights. Hence, the Corporation's board constitutes a "legislative body" as defined in section 54952, subdivision (c)(1)(B).

*4 We conclude that the open meeting requirements of the Brown Act apply to the meetings of the governing board of a private, nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services.

2. Public Records Requirements

The second question to be resolved is whether the records of the Corporation are subject to the requirements of the Public Records Act (§§ 6250-6276.48). We conclude that they are.

Under the Public Records Act, a state or local public agency is generally required to allow any member of the public to inspect the records in its custody. (§§ 6250, 6252, 6253; *Register Div. of Freedom Newspaper, Inc. v. County of Orange* (1984) 158 Cal.App.3d 893, 901.) "[A]ccess to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250; see *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1338; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136, 1141.)

Local public agencies (see § 6252, subd. (d)) that are subject to the public disclosure of their records are defined in section 6252, subdivision (b), as follows:
" 'Local agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952."

The Corporation meets the test for being a local agency as that term is defined in section 6252. As found in answer to the first question, the Corporation is a nonprofit entity whose board of directors constitutes a "legislative body" pursuant to section 54952, subdivision (c).[3] Our answer to the first question thus answers the second question.

We conclude that the disclosure requirements of the Public Records Act apply to a private, nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services.

Bill Lockyer
Attorney General
Marjorie E. Cox
Deputy Attorney General

Footnotes

1 The Cable Communications Policy Act of 1984 (47 U.S.C. §§ 521-573) authorizes local governments to require cable operators to enter franchise agreements governing the operation of their cable systems and to set aside channels for "public, educational, or governmental use" (47 U.S.C. §§ 521, 531) "as part of the consideration an operator gives in return for permission to install cables under city streets and to use public rights-of-way" (*Denver Area Ed. Telecommunications Consortium, Inc. v. FCC* (1996) 518 U.S. 727, 734 (plur. opn. of Breyer, J.). (See also Gov. Code, § 53066; 46 Ops.Cal.Atty.Gen. 22, 24 (1965).)

2 All references hereafter to the Government Code are by section number only.

3 Subdivision (d) of section 54952 refers to the lessees of certain hospitals.

85 Ops. Cal. Atty. Gen. 55 (Cal.A.G.), 2002 WL 406716

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Sunshine Ordinance Task Force
Complaint Summary

File No. 18049 (1 through 5)

Robert M. Smith v. Fine Arts Museums of San Francisco (FAMSF)

Date filed with SOTF: 6/6/18

Contacts information (Complainant information listed first):
Robert M. Smith (Complainant)
rms@robertmsmith.com
Skot Jonz (Respondent)
SJonz@famsf.org

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Administrative Summary if applicable:

Upon review of the provided correspondence there appears to be 4 different request for records and 1 follow up request submitted on the following dates: 1/9/18, 1/20/18, 2/20/18, 3/23/18 and 4/5/18. The Complaint alleges that the Fine Arts Museums has not responded or has responded to the request in an incomplete manner.

18049-1, 1/9/18 - Request for a response to a list of 21 different items.

18049-2, 1/20/18 – Follow up request for records adding a 22nd requested item.

18049-3, 2/20/18 – Request for correspondence from Sept 1, 2017 to present.

18049-4, 3/23/18 – Request for 4 different rosters of docents at FAMSF.

18049-5, 4/5/18 – Request for all documents related to invitations and applications by Robert M. Smith from January 1, 1997 to present to be a docent at the Museum.

It is requested the FAMSF provided a summary of how they responded to each of the individual request for records as the SOTF will most likely review each of the requests as a separate and independent complaints.

6/5/18, SOTF received verbal request and support documents to open complaint file.

1/9/18, RMS submitted request for records to Fine Arts Museums (FAM) listing 21 separate items.

1/19/18, FAM responded to request invoking an extension of time to respond pursuant to – Government Code 6253(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.

1/20/18, RMS responded with clarifications for Item 18 and Item 22.

2/22/18, RMS letter to FAM, appears to be a new request for additional records regarding documents related to complaints by RMS. It does not appear to be related to the initial 1/9/18 request.

2/20/18 with follow-up on 2/22/18, Appears to be a 3rd request for records related to communications between certain parties.

3/2/28, FMA response, requesting RMS to narrow the scope of the request. There does not appear to be a response narrow the document request.

There were a series of communications that do not appear to be related to the 1/9/18 or 2/22/18 request or it was unclear dated 2/26/18, 2/27/18, 3/1/18 and 3/3/18.

3/17/18 RMS sent follow-up letter to FMA

3/23/18, RMS provided addition follow-up request to FMA

3/27/18, FAM provided information regarding the public records request

3/28/18 FAM stated that requested records have been mailed.

4/3/18, FAM, responds to the 2/22/18 request, again request that the request be narrowed as the current format is voluminous, extremely time consuming and burdensome. In its current form there would be approximated 250,000 emails that would need to be review and possible redacted. Also stated that they would work on it on a rolling basis until the heard back. In addition, FAM stated that they were going through the process of an email migrations that is limiting their ability to perform a complete search.

4/5/18, RMS responded to the FAM 4/3/18 email stating that FAM has 10 day to comply and submitted an additional request for records.

4/11/18, FAM responded to RMS 4/5/18 request for records.

6/5/18, RMS following with FAM stated he has not received any records and has filed a complaint with the SOTF.

Complaint Attached.

Complainant/Petitioners Documents Submission

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, August 19, 2019 2:58 PM
To: SOTF, (BOS)
Subject: RE: SOTF -

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

I am assuming that the Museums are sending you a copy of everything they send me, by thumb drive—so that the public can access them. Right?

Thanks.

Robert M. Smith,

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, August 19, 2019 12:44 PM
To: RMS; Melissa Powers
Subject: SOTF - Notice of Appearance - Sunshine Ordinance Task Force: September 4, 2019, 4:00 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: September 4, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 19058: Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 27, 2019.***

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

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, August 19, 2019 12:31 PM
To: 'RMS'
Subject: RE: 18049 and 18083
Attachments: SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.

Dear Mr. Smith:

Please see the attached Notice of Appearance which says that responsive documents are due tomorrow, August 20. Regarding your file No. 19058; that matter is scheduled to be heard on September 4, 2019, before the Task Force.

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

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From: RMS <rms@robertmsmith.com>
Sent: Monday, August 19, 2019 9:27 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: 18049 and 18083

Thank you. When are the papers due for both of these matters? And when is the third matter scheduled? Thanks again.

Please forgive the brevity. Sent from a mobile device.

Robert M. Smith

On Aug 19, 2019, at 9:11 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Mr. Smith:

Please see attached the Notice of Appearance for August 27, 2019 Compliance and Amendments Committee which includes your matters 18049 and 18083. See you next week.

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

<image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, August 17, 2019 5:20 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: 18049 and 18083

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

Hi, not sure what's happening when. Can you tell me please which of the three matters is before which Committee or the Task Force when. And when the papers for each are due to you? Thank you very much.

Robert M. Smith
rms@robertmsmith.com
+1.415.242.9800

<mime-attachment>

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, July 13, 2019 9:28 AM
To: 'Melissa Powers'
Cc: Leger, Cheryl (BOS)
Subject: RE: FAMSF SOTF Matters 18049 and 18083

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

Dear Ms. Powers,

RE: SOTF Matters 18049 and 18083 –

You state you have withheld records, but you have not identified those records. You are obliged to provide me with a log of what you have withheld and the individual legal grounds for each record you have withheld. As to both of these matters, please do so no later than July 19, 2019. (I am certain you must have such a log.)

I believe you said you are being advised on these matters by the San Francisco City Attorney. Is that not right?

Thank you.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 10, 2019 8:31 PM
To: SOTF, (BOS)
Subject: RE: Q -- Requests #18049 and #18083

Thank you. I am aware that I may file suit. What was mentioned at the last meeting was "a list" of options; the list was said to include the Ethics Committee and the District Attorney. I was told there were many other options on the list; I'd like to know what they are. Thank you, Robert M. Smith

---

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, June 10, 2019 8:19 AM
To: Robert M. Smith
Subject: RE: Q -- Requests #18049 and #18083

Dear Mr. Smith:

I spoke with the Chair of the Complaint Committee and asked your question. Chair Martin stated that you can always file suit. Let me know if you have further questions.

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


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, June 8, 2019 5:56 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: Q -- Requests #18049 and #18083

Dear Cheryl,

Do you have an answer as to the list of actions I can take with regard to my matters (DA, Ethics, etc.)?

Thank you,

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 04, 2019 11:59 AM
To: Robert M. Smith
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Dear Mr. Smith:

I have DRAFTED an Agenda for the Compliance and Amendments Committee hearing for June 18 and both your files 18049 and 18083 are included. I will try to get an answer tomorrow evening on the actions you can take for your matters (DA, Ethics, etc.) tomorrow evening. I just want to confirm with Chair Martin his recommendations at the Complaint Committee hearing. Hope you are having a nice day.

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


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 12:40 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

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Madam Clerk,

I realize you may be quite busy, but might I have a response to the questions in the two emails sent to you earlier? (The questions appear below.)

Thank you very much,

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Friday, May 31, 2019 3:33 PM
To: 'SOTF, (BOS)'
Subject: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Hello,

1. The chair the other night said there were several remedies for non-compliance—District Attorney, Ethics Commission, and "a list" of others. What is the list of other possibilities that he referred to?

2. When is my next appearance, and before what group? (I assume that the appearance will be for both of my Requests, since my suggestion that they be put on the same agenda was accepted.)

3. Do you have the OD in the Saudi financing matter from the Chair?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, June 5, 2019 10:46 AM
To: SOTF, (BOS)
Subject: RE: Requests #18049 and #18083 SOTF

Thank you very much. I appreciate it. But at this point I'd prefer to skip the Compliance Committee and go straight to the Task Force again; this will save *everyone* time. I still have received no financial documents at all with regard to my Saudi funding request, and the Compliance Committee will – realistically -- be powerless to help at this point. (Two OD's have already been issued against the Museums.)

What makes this quite urgent now is the stepping down of Diane B. Wilsey as President of the Board of the Fine Arts Museum of San Francisco (FAMSF) and as Chair of the Board of the Corporation of the Fine Arts Museums (COFAM) yesterday afternoon (6.4.19).

Sincerely,
Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 04, 2019 11:59 AM
To: Robert M. Smith
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Dear Mr. Smith:

I have DRAFTED an Agenda for the Compliance and Amendments Committee hearing for June 18 and both your files 18049 and 18083 are included. I will try to get an answer tomorrow evening on the actions you can take for your matters (DA, Ethics, etc.) tomorrow evening. I just want to confirm with Chair Martin his recommendations at the Complaint Committee hearing. Hope you are having a nice day.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 12:40 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

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Madam Clerk,

I realize you may be quite busy, but might I have a response to the questions in the two emails sent to you earlier? (The questions appear below.)

Thank you very much,

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Friday, May 31, 2019 3:33 PM
To: 'SOTF, (BOS)'
Subject: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Hello,

1. The chair the other night said there were several remedies for non-compliance—District Attorney, Ethics Commission, and "a list" of others. What is the list of other possibilities that he referred to?

2. When is my next appearance, and before what group? (I assume that the appearance will be for both of my Requests, since my suggestion that they be put on the same agenda was accepted.)

3. Do you have the OD in the Saudi financing matter from the Chair?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 11:30 AM
To: 'Bruce Wolfe'
Cc: 'Melissa Powers'; SOTF, (BOS)
Subject: Non-compliance with Orders of Determination

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

Dear Mr. Wolfe,

I apologize for intruding again on your volunteer time, but the email chain below speaks for itself. I won't dilate on it.

SOTF has already issued two Orders of Determination against the Museums. The Museums are – apparently intentionally – not going to comply. SOTF has had the issue raised throughout my – and its -- effort to prise documents from these City Museums. SOTF has also had the issue looked into a few times by City and legal experts, and ruled on it. The issue has been settled, and was the subject of the two Orders of Determinations. We all thought the Requests were – at long last! -- being complied with. Now, with an apparent attempt at stealth, the Museums are again not complying with the law. I am confident SOTF will find this willful misconduct as exasperating and offensive as I do.

I am therefore obliged to ask, on an urgent basis, that the full Task Force deal with the both matters again -- this time, ***in as effective and final a fashion as possible***.

(A clerk stated at the last meeting that, going forward, SOTF will place both of my pending matters against the Museums on the same meeting agenda, and hear both at the same meeting. I hope that will occur as to this issue. I have received no financial documents in response to my Saudi funding request.)

I am copying the representative of the Museums, as well as the SOTF clerk, on this email.

Thank you, and the Task Force, once again.

Respectfully,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, May 31, 2019 6:37 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

Mr. Smith,

FAMSF is the Department of the City and against whom your Complaint is against, and for the entity that I am responding on behalf of. The documents you have been receiving are responsive to your request for public records per Complaint File 18049.
Thank you and have a nice weekend,
On behalf of FAMSF,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Fri, May 31, 2019 at 12:01 PM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

Your response raises the following questions:

(1) You have changed the entities you represent, apparently. You have been representing The Fine Arts Museums of San Francisco (FAMSF), The Corporation of the Fine Arts Museums (COFAM), and The Fine Arts Museum Foundation (FAMF). Now you say you are representing only FAMSF. Who is representing COFAM and FAMF?

(2) I asked you in my email: "Do the documents you have provided include COFAM and Foundation documents?" You did not respond. Again , have I received the records requested from COFAM and FAMF?

Thank you,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, May 30, 2019 8:17 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

Mr. Smith,

In response to your questions -

1. Yes, we corrected 196 documents and resent the updated ones to you with the mailing on April 29. To quote my April 29 email to you: "We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index" The index reflects the current status and redactions of all documents.

2. Regarding the documents with the word RELEASED on the index, we originally provided that document to you with redactions on our April 12 mailing. As stated above, we subsequently reviewed those redactions. If the document has the word RELEASE next to it, it means we resent you that document with no redactions.

3. With my signature, I'm indicating that I am responding on behalf of FAMSF, regarding your request for FAMSF records.

On behalf of FAMSF,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Thu, May 30, 2019 at 10:50 AM Robert M. Smith <rms@robertmsmith.com> wrote:

> Dear Ms. Powers,
>
> To be clear:--
>
> Do you mean, of the 7,000 documents in Phase 1, you corrected 196 documents by removing some or all of the redactions in them? And did you correct the Index to Phase 1 after having done that?
>
> What does "Release" mean in what you have provided?

You say you are responding "On behalf of FAMSF." Do the documents you have provided include COFAM and Foundation documents?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 31, 2019 12:02 PM
To: 'Melissa Powers'; SOTF, (BOS)
Subject: RE: Redaction Indices

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

Dear Ms. Powers,

Your response raises the following questions:

(1) You have changed the entities you represent, apparently. You have been representing The Fine Arts Museums of San Francisco (FAMSF), The Corporation of the Fine Arts Museums (COFAM), and The Fine Arts Museum Foundation (FAMF). Now you say you are representing only FAMSF. Who is representing COFAM and FAMF?
(2) I asked you in my email: "Do the documents you have provided include COFAM and Foundation documents?" You did not respond. Again , have I received the records requested from COFAM and FAMF?

Thank you,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, May 30, 2019 8:17 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

Mr. Smith,
In response to your questions -
1. Yes, we corrected 196 documents and resent the updated ones to you with the mailing on April 29. To quote my April 29 email to you: "We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index" The index reflects the current status and redactions of all documents.
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3. With my signature, I'm indicating that I am responding on behalf of FAMSF, regarding your request for FAMSF records.

On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

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Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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e mpowers@famsf.org | famsf.org

On Thu, May 30, 2019 at 10:50 AM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

To be clear:--

Do you mean, of the 7,000 documents in Phase 1, you corrected 196 documents by removing some or all of the redactions in them? And did you correct the Index to Phase 1 after having done that?

What does "Release" mean in what you have provided?

You say you are responding "On behalf of FAMSF." Do the documents you have provided include COFAM and Foundation documents?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, May 17, 2019 3:54 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing
Attachments: SOTF_Order_18049.pdf

Dear Mr. Smith:

Attached please find your Order of Determination signed by Chair Wolfe for File No. 18049. I apologize for not getting it to you earlier. The Complaint Committee hearing is to confirm that you are receiving your documents from the Museum timely and complete. It should not take long. You are the first item on the Agenda after Public Comment. Let me know if this works for your schedule. Again, I am sorry to have noticed you so late.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 3:47 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

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Re another Hearing on the Status of the Order of Determination 18049—

I don't understand.

Wasn't this matter already voted on, and an Order of Determination granted?

I never heard back from you in response to my email right after that hearing as to when I would receive that Order of Determination.

Thank you.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 3:38 PM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - May 28, 2019 Complaint Committee hearing

Good Afternoon:

I apologize for sending this Notice today. You were inadvertently not included when I originally sent out the original notice.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 28, 2019

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18049: Hearing on the Status of the Order of Determination: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 22, 2019.***

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

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Cheryl Leger
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Tel: 415-554-7724

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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 redocted. 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.*

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 29, 2019 3:52 PM
To: prr@famsf.org
Cc: SOTF, (BOS)
Subject: Questions File No. 18049

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

Dear Ms. Powers,

You are sending about half of the documents specified by the Committee! (4,000 of 7,000.)

What do you mean: "We are also not providing documents exempt from disclosure based on these provisions"? You have cited no provisions.

I gather you are saying there are 196 documents with redactions in your first group of documents, as now amended by you. Is that right? How many redacted documents were there originally?

How many redacted documents are there in the second group?

How many total documents will there be?

Thank you.

Very truly yours,
Robert M. Smith

Mr. Smith,

Today, April 29, 2019, FAMSF is sending you by U.S. Mail a thumb drive with over 4,000 documents in relation to File No. 18049 for delivery to you by Wednesday, May 1. We have included an index of redactions, identifying the basis for redactions per document. We are also not providing documents exempt from disclosure based on these provisions.

We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index and the above-mentioned documents are included in the Phase 2 tab.

If you have questions concerning any document's redaction(s), please direct your queries to prr@famsf.org, noting which specific document you are asking about.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, April 20, 2019 1:26 PM
To: SOTF, (BOS); 'Melissa Powers'
Subject: RE: Patent bad faith

Importance: High

Please note, Committee Members and SOTF:

Ms. Powers wishes you to believe the Museums are proceeding in good faith.

Here she demonstrates their apparent true intent: To delay delivery of the documents to me – despite the Committee's decision – until *after* the Committee hearing so that I cannot address the documents or their redaction. This appears to me a sand-box effort at manipulation of the Committee and of me and a bad-faith subversion – What other word can there be for it? – of the Sunshine Ordinance and the related statutory scheme.

In my view, this ought to make you angry.

The time has come, I think, to refer this to the District Attorney – Hasn't it?

Sincerely,
Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 19, 2019 10:20 AM
To: Melissa Powers
Cc: Robert M. Smith
Subject: RE: Memorializing the results of yesterday's Committee meeting--

Dear Ms. Powers and Mr. Smith:

The committee decided that Mr. Smith ***should receive his documents by May 1, 2018***, so Ms. Powers you might consider messengering your thumb drive or sending it via overnight mail on 4/30/19.

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

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From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, April 18, 2019 5:52 PM
To: Robert M. Smith <rms@robertmsmith.com>
Cc: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Mr. Smith,

- From what I understand, and after listening to the audio of the April 16 hearing, we owe you documents in two week review increments; two weeks after the date of the hearing would be May 1. I had planned on sending you the next batch of documents on May 1 via USPS and you will likely receive it a day or so after.

Cheryl: Can you please confirm with the Committee members exactly what type of schedule they want - is it permissible to send the documents on May 1st?

- While 5,000 documents was a stated goal, if the Museums provide less than that, then it will be noted when we send you the documents. I made it clear at the hearing that I do not believe the Museums can meet a production goal of 5.000 every two weeks. We will articulate with each submission what we are providing to you on a rolling basis and I will copy the Task Force on the input (as well as the Clerk, Cheryl, the materials separately). Our submissions will demonstrate our good faith efforts.

- For the previously redacted documents, while this was not stated as being required, we will re-review them and, if appropriate, provide you updated documents. We will also provide you an index of what the statutory basis is for redactions to supplement the basis we have already provided to you. For any document with redactions you do not agree with, the Committee requested that you provide the Museums an index of those you specifically take issue with and so inform the Committee every two weeks. This was noted around the 37 minute mark on the audio of the hearing.

- I have been part of the review and redaction process that has taken place so far. Someone has also been hired to work on this full time. However, I am the responsible party. Everyone is trained.

- I provided the information as to the IT algorithm on the record, which was accepted by the Committee. Please refer to the 42 minute mark of the audio of the hearing.

For any further issues you may have, please direct your questions to Ms. Leger and she can seek clarification from the Committee members.

Thank you,

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Wed, Apr 17, 2019 at 5:04 PM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers, Please do so by the close of business tomorrow, Thursday, April 18, 2019 so there is time to deal with any issue. Thank you. Very truly yours, Robert M. Smith

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From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, April 17, 2019 11:22 AM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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As to material that the Museums have already redacted in the documents that you furnished me last Saturday, April 13, 2019 , the Museums must give me – as directed by the Committee -- a specific, legally cognizable reason for each particular redaction the Museums made.

I understand from what you have told the Sunshine Ordinance Task Force and its components that you have been personally trained in the subject of freedom of information (specifically, the Sunshine Act, Public Records Requests, and the like) and that you are the person redacting the materials.

Also, as the Committee directed, the Museums are to furnish me in writing with the algorithm devised by their IT personnel to identify the documents that must be turned over to me.

If this does not in any way agree with your understanding, please inform me immediately in writing.

Thank you for your assistance.

Very truly yours,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 19, 2019 3:12 PM
To: SOTF, (BOS)
Cc: 'Melissa Powers'
Subject: RE: Memorializing the results of yesterday's Committee meeting--

Importance: High

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

Madam Clerk,

As you can see, Ms. Powers wants me to communicate with the Committee through you, rather than communicating with her. So be it.

Just to be clear, I don't agree with what Ms. Powers has said, but -- to save everyone's time — I'll discuss that at the next meeting of the Committee, live.

At this point, I want to say only: I am not interested in purported demonstrations of good faith. I want the documents I am entitled to. It has, after all, been a year and a half. And, look, Ms. Powers is now quibbling in aid of getting an extra day!

Please also note:

The Museums originally said they had ONE QUARTER MILLION responsive documents – so the task, they argued, was impossible.

When they were found to have violated the law, the number of documents plummeted to 70,000.

But – wait – when the time arrived when they actually had to produce the documents, the number somehow fell to 35,000.

And what do you suppose the final number will be?

Respectfully,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, April 18, 2019 5:52 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Manager of Board Relations and Special Projects

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Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Thank you for your assistance.

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, April 17, 2019 5:09 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Mr. Smith,
I am, in earnest, working on this, I have some other timely due outs and I will do the best I can. I will do so by end of week though.
Thank you for your understanding.
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, April 17, 2019 11:19 AM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Memorializing the results of yesterday's Committee meeting--

Importance: High

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To: SOTF, (BOS)
Subject: PRR's Matter No. 18049

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I am sending you three (sent earlier) that I want to be certain get into the 18049 file. Thanks. This is #2.

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Sunday, March 17, 2019 7:00 PM
To: 'Melissa Powers'; 'Leger, Cheryl (BOS)'; 'SOTF, (BOS)'
Subject: RE: PRR's

Dear Ms. Leger,

Please make sure this exchange becomes part of the SOTF record in this matter. Thank you.
Could you also please calendar both matters before SOTF again in May (not just the Saudi funding matter), because as to the first matter I intend to ask SOTF for a referral at this point to the District Attorney.
Also, I note that Ms. Powers has been using a different email address for you. Should I also be using that address for you? I assume that all emails to both of your addresses make their way to the SOTF files concerning these matters.

Dear Ms. Powers,

As to your email to me of March 15, 2019 --

(1) The IT department of the Museums has had a year and a quarter to do whatever they need to do. To disclose at this point that they have done nothing demonstrates colossal bad faith ;
(2) I have not asked, as the Requests and the record in this matter repeatedly show, just for emails to and from COFAM and FAMSF. That is a false limitation;
(3) You have also misrepresented the deadline for the 70,000 records. You owed me the first 7,000 documents no later than last Friday, March 15, 2019. SOTF directed you to present those by that deadline, and you agreed to. As you also know, the Museums are to provide 7,000 more documents each week until you have given me all of the 70,000 documents you state you have that are responsive to my Requests. I have received precisely zero of those 70,000 documents from you;
(4) I know nothing of any Compliance Committee meeting. SOTF has – unanimously -- found a violation by the Museums and directed compliance by the Museums. You have already failed in that compliance.

Sincerely,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, March 15, 2019 2:59 PM
To: RMS
Cc: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: Status Check

Mr. Smith,

IT is still working on the best way to make available COFAM to/from FAMSF emails available for review, which is expected to begin by next Tuesday. The Museums are aware of the 7,000 documents, due to you, deadline by the next April Compliance Committee meeting.

I wanted to provide you an update, as I stated last week I would.
Thank you.

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, April 11, 2019 3:08 PM
To: SOTF, (BOS)
Subject: Files of PRR's 18049 AND 18083

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

I am sending you three (sent earlier) that I want to be certain get into the 18049 file. Thanks. This is #1.

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Tuesday, April 09, 2019 3:12 PM
To: 'Melissa Powers'
Cc: 'Leger, Cheryl (BOS)'
Subject: RE: Files of PRR's 18049 AND 18083

Dear Ms. Powers:

I must ask in all candor and with amazement how you can be providing these responses.

Cal. Govt. Code Sec. 6250 says the exact opposite of the proposition that you cite it for. It stands unequivocally for the public's right to know, not privacy:

"In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

Similarly, you cite the Sunshine Act. In the section you cite the Act states:

" g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)."

Again, this propounds as law the exact opposite of the proposition you have cited it for.

It is remarkable that a city entity could be withholding documents, or parts of them, and have the temerity to offer as a defense the authorities you have offered as justification.

It does, however, in my view, support a claim of utter bad faith on the part of the Museums.

That view is further supported by the fact that I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Tuesday, April 09, 2019 2:46 PM
To: Robert M. Smith
Cc: Leger, Cheryl (BOS)
Subject: Re: Files of PRR's 18049 AND 18083

Mr. Smith,

We will be sending you the 7,000 documents on Friday, April 12. I will notify you when the drive(s) has been sent.

The Museums provided you its responsive documents to your latest request, which had one redaction based on personal privacy. Privacy is protected under: Cal. Govt. Code §§ 6250;

Cal. Const., Art. I, §§ 1; Admin. Code §67.1(g).

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
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On Sat, Apr 6, 2019 at 3:42 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> To memorialize the situation contemporaneously, for the Committee's benefit and that of the Task Force, with regard to both of these Requests:--
>
> My correspondence to the Museums is going unanswered (as was my request to their Director of Public Relations, Miriam Newcomer, with regard to the financing of the Muslim Fashion exhibition).

Ms. Powers told me the Museums would be sending me documents on a thumb drive prior to your next meeting.

I replied:

"Thank you. I look forward to receiving it (or them). There will, I assume, be 7,000 documents. Is that correct? "

I received no answer.

Also, I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition. I summarized the situation in an email to Ms. Powers earlier:

"It has taken the Museums nearly six (6!) months to provide me with *parts* of a public document that was apparently handed out to everyone who came to the Contemporary Muslim Fashions exhibition and, I am sure, to many, many others;

(1) The Museums continue to redact information on the specious ground that you wish to protect "personal privacy". What is your precise legal basis for these current redactions?

(2) The Museums do this while the Museums are represented (and, one would imagine, guided) by two attorneys: Lauren Curry, a Deputy City Attorney in the San Francisco City Attorney's Office, and Patrick M. Glenn, a partner in the Hanson Bridgett law firm;

(3) The Records Request asked for: **All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.** (Please see the Request for the complete wording.) I see no documents relating to financing—ledgers, receipts, acknowledgement of contributions, accountings of inflows and outflows relating to the exhibition, financial analysis, list of donors and amounts, records of expense for travel, hotel, meal, entertainment (along with any reimbursement for the same), and the like. These items are certainly available – most of them are likely legally required to be maintained by the Museums for tax and other purposes, but the Museums are withholding them. At this point, since the Request is clear, one can assume only that such conduct is intentional."

To be clear: I again received no response from Ms. Powers. Not a single financial document – and not even a legally cognizable basis for the redactions they made.

May I repeat the obvious -- this course of conduct cannot be inadvertent; it must be intentional. And may I repeat that I shall therefore be asking for a referral to the District Attorney.

Sincerely,

Robert M. Smith

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Thursday, April 11, 2019 11:26 AM
To: SOTF, (BOS)
Subject: Re: SOTF - Compliance and Amendments Committee Agenda for April 16, 2019

Are they in chronological order?

Please forgive the brevity. Sent from a mobile device.

On Apr 11, 2019, at 11:18 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Mr. Smith:
>
> I checked me records and I have included everything submitted to me in the packet. One email is out of order and many emails are included in a string, not as a separate document so that nothing gets repeated. Please check. Thank you.
>
> Cheryl Leger
> Assistant Clerk, Board of Supervisors
> Tel: 415-554-7724
>
> <image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.
>
> The Legislative Research Center 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: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, April 11, 2019 10:24 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Compliance and Amendments Committee Agenda for April 16, 2019

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

I may be wrong, but it appears that a fair amount of my correspondence to the Task Force has been omitted. I have recently sent some correspondence to SOTF and some correspondence to the Respondent with copies to SOTF that do not seem to be there. Is that right? Thank you, Robert M. Smith

---

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Thursday, April 11, 2019 10:07 AM
To: Denta Tadesse; COTHRAN, GEORGE (CAT); GUZMAN, ANDREA (CAT); COTE, JOHN (CAT); Mazzola, Lori (ADM); Gavin, John (ECN); Hennessy, Vicki (SHF); SFSD Civil (SHF); Robert M. Smith; Melissa Powers; SJonz@famsf.org
Subject: SOTF - Compliance and Amendments Committee Agenda for April 16, 2019

Good Morning:

The agenda packet for the April 16, 2019, Compliance and Amendments Committee, 4:30 pm hearing is available online at the following link:

https://sfgov.org/sunshine/sites/default/files/cac041619_agenda.pdf

The packet material is linked to each item listed on the agenda mark with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

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

<image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
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Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Tuesday, April 9, 2019 3:12 PM
To: 'Melissa Powers'
Cc: Leger, Cheryl (BOS)
Subject: RE: Files of PRR's 18049 AND 18083

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Dear Ms. Powers:

I must ask in all candor and with amazement how you can be providing these responses.

Cal. Govt. Code Sec. 6250 says the exact opposite of the proposition that you cite it for. It stands unequivocally for the public's right to know, not privacy:

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Similarly, you cite the Sunshine Act. In the section you cite the Act states:

" g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)."

Again, this propounds as law the exact opposite of the proposition you have cited it for.

It is remarkable that a city entity could be withholding documents, or parts of them, and have the temerity to offer as a defense the authorities you have offered as justification.

It does, however, in my view, support a claim of utter bad faith on the part of the Museums.

That view is further supported by the fact that I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Tuesday, April 09, 2019 2:46 PM
To: Robert M. Smith

Cc: Leger, Cheryl (BOS)
Subject: Re: Files of PRR's 18049 AND 18083

Mr. Smith,

We will be sending you the 7,000 documents on Friday, April 12. I will notify you when the drive(s) has been sent.

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Cal. Const., Art. I, §§ 1; Admin. Code §67.1(g).

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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e mpowers@famsf.org | famsf.org

On Sat, Apr 6, 2019 at 3:42 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> To memorialize the situation contemporaneously, for the Committee's benefit and that of the Task Force, with regard to both of these Requests:--
>
> My correspondence to the Museums is going unanswered (as was my request to their Director of Public Relations, Miriam Newcomer, with regard to the financing of the Muslim Fashion exhibition).
>
> Ms. Powers told me the Museums would be sending me documents on a thumb drive prior to your next meeting.
>
> I replied:

"Thank you. I look forward to receiving it (or them). There will, I assume, be 7,000 documents. Is that correct? "

I received no answer.

Also, I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition. I summarized the situation in an email to Ms. Powers earlier:

"It has taken the Museums nearly six (6!) months to provide me with *parts* of a public document that was apparently handed out to everyone who came to the Contemporary Muslim Fashions exhibition and, I am sure, to many, many others;

(1) The Museums continue to redact information on the specious ground that you wish to protect "personal privacy". What is your precise legal basis for these current redactions?

(2) The Museums do this while the Museums are represented (and, one would imagine, guided) by two attorneys: Lauren Curry, a Deputy City Attorney in the San Francisco City Attorney's Office, and Patrick M. Glenn, a partner in the Hanson Bridgett law firm;

(3) The Records Request asked for: **All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.** (Please see the Request for the complete wording.) I see no documents relating to financing—ledgers, receipts, acknowledgement of contributions, accountings of inflows and outflows relating to the exhibition, financial analysis, list of donors and amounts, records of expense for travel, hotel, meal, entertainment (along with any reimbursement for the same), and the like. These items are certainly available – most of them are likely legally required to be maintained by the Museums for tax and other purposes, but the Museums are withholding them. At this point, since the Request is clear, one can assume only that such conduct is intentional."

To be clear: I again received no response from Ms. Powers. Not a single financial document – and not even a legally cognizable basis for the redactions they made.

May I repeat the obvious -- this course of conduct cannot be inadvertent; it must be intentional. And may I repeat that I shall therefore be asking for a referral to the District Attorney.

Sincerely,

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, April 6, 2019 3:43 PM
To: Leger, Cheryl (BOS)
Cc: 'Melissa Powers'
Subject: RE: Files of PRR's 18049 AND 18083

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Ms. Powers told me the Museums would be sending me documents on a thumb drive prior to your next meeting.

I replied:

"Thank you. I look forward to receiving it (or them). There will, I assume, be 7,000 documents. Is that correct? "

I received no answer.

Also, I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition. I summarized the situation in an email to Ms. Powers earlier:

"It has taken the Museums nearly six (6!) months to provide me with *parts* of a public document that was apparently handed out to everyone who came to the Contemporary Muslim Fashions exhibition and, I am sure, to many, many others;

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May I repeat the obvious -- this course of conduct cannot be inadvertent; it must be intentional. And may I repeat that I shall therefore be asking for a referral to the District Attorney.

Sincerely,

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Saturday, March 23, 2019 5:10 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Public Record Requests

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

Mr. Smith,
That is what the hearing's audio record reflects at the 4 hour and 4-6 minute mark.
Thank you.
Melissa Powers

On Sat, Mar 23, 2019 at 5:04 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> Ms. Powers,
>
> How in the world did you come by that understanding?
>
> Thank you.
>
> Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Saturday, March 23, 2019 3:37 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Public Record Requests

Mr. Smith,

It is the Museums' position that it owes 7,000 documents to you by April 16th.

Could the Task Force please publish its directive to eliminate any further disagreement on the matter.

Thank you,

Melissa Powers

On Sat, Mar 23, 2019 at 3:05 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> Ms. Powers:
>
> This will memorialize that, again, I have still received nearly zero documents from you, although two weeks have now gone by and I should have received 14,000 documents from you.
>
> Thank you for your attention.
>
> Sincerely,
>
> Robert M. Smith

--

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
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Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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--

Melissa Powers
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Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, March 23, 2019 3:06 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Record Requests

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Ms. Powers:

This will memorialize that, again, I have still received nearly zero documents from you, although two weeks have now gone by and I should have received 14,000 documents from you.

Thank you for your attention.

Sincerely,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, March 23, 2019 3:01 PM
To: SOTF, (BOS)
Subject: RE: Public Record Request

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

Hi—Do we have a date in May for both matters? And when will I be receiving the determination or finding?

Thank you, Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, March 17, 2019 7:00 PM
To: 'Melissa Powers'; Leger, Cheryl (BOS); SOTF, (BOS)
Subject: RE: PRR's

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Dear Ms. Leger,

Please make sure this exchange becomes part of the SOTF record in this matter. Thank you.
Could you also please calendar both matters before SOTF again in May (not just the Saudi funding matter), because as to the first matter I intend to ask SOTF for a referral at this point to the District Attorney.
Also, I note that Ms. Powers has been using a different email address for you. Should I also be using that address for you? I assume that all emails to both of your addresses make their way to the SOTF files concerning these matters.

Dear Ms. Powers,

As to your email to me of March 15, 2019 --

(1) The IT department of the Museums has had a year and a quarter to do whatever they need to do. To disclose at this point that they have done nothing demonstrates colossal bad faith ;
(2) I have not asked, as the Requests and the record in this matter repeatedly show, just for emails to and from COFAM and FAMSF. That is a false limitation;
(3) You have also misrepresented the deadline for the 70,000 records. You owed me the first 7,000 documents no later than last Friday, March 15, 2019. SOTF directed you to present those by that deadline, and you agreed to. As you also know, the Museums are to provide 7,000 more documents each week until you have given me all of the 70,000 documents you state you have that are responsive to my Requests. I have received precisely zero of those 70,000 documents from you;
(4) I know nothing of any Compliance Committee meeting. SOTF has – unanimously -- found a violation by the Museums and directed compliance by the Museums. You have already failed in that compliance.

Sincerely,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, March 15, 2019 2:59 PM
To: RMS
Cc: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: Status Check

Mr. Smith,

IT is still working on the best way to make available COFAM to/from FAMSF emails available for review, which is expected to begin by next Tuesday. The Museums are aware of the 7,000 documents, due to you, deadline by the next April Compliance Committee meeting.

I wanted to provide you an update, as I stated last week I would.
Thank you.

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Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, March 11, 2019 5:37 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Is there another hearing set in these matters?

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

Do I get something in writing about the Task Force's finding of a violation?

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, March 11, 2019 4:03 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: SOTF - Is there another hearing set in these matters?

Dear Mr. Smith:

Thank you for your email of today. At this time, our April SOTF Agenda is full. We hope to schedule your next hearing before the Task Force in May.

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

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, March 11, 2019 10:34 AM
To: Leger, Cheryl (BOS)
Subject: Re: SOTF Deadlines

Cheryl,
Thank you - I did and confirmed at hour 4 and 4-6 minutes. I believe we are now only to correspond via the Compliance Committee. Can you please confirm my point of contact there?
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Mar 11, 2019 at 10:09 AM Leger, Cheryl (BOS) <cheryl.leger@sfgov.org> wrote:

> Dear Ms. Powers:
>
> That I what I remember, but I have not checked the audio to confirm. I suggest that you do that as soon as you can. The audio was posted last Friday. Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, March 11, 2019 10:04 AM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: Re: SOTF Deadlines

Cheryl,

Thank you - I appreciate you checking and confirming.

Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Mon, Mar 11, 2019 at 9:47 AM Leger, Cheryl (BOS) <cheryl.leger@sfgov.org> wrote:

Dear Ms. Powers:

I posted the agenda and audio last Friday and just checked. It is all there. April 16 is the next Compliance and Amendments meeting. Yes, the SOTF has requested that your office that you provide the 7,000 of records to Mr. Smith before the next meeting. Have a nice day.

From: Melissa Powers <mpowers@famsf.org>
Sent: Saturday, March 9, 2019 11:27 AM
To: Robert M. Smith <rms@robertmsmith.com>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: Re: SOTF Deadlines

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

Cheryl,

Please see Mr. Smith's summary below.

Our belief is that the decision was 7,000 documents had to be provided to Mr. Smith by the next Compliance Committee meeting on what I believe is April 15. Can you or someone from SOTF confirm. I looked for the audio the other day and had not seen it posted.

Thank you,

Melissa Powers

On Sat, Mar 9, 2019 at 11:14 AM Robert M. Smith <rms@robertmsmith.com> wrote:

> Dear Ms. Powers,
>
> You told the Sunshine Ordinance Task Force that you had some 70,000 documents responsive to my Requests.
>
> The Task Force found unanimously that the Museums had violated the law and directed you to provide me with 7,000 documents a week for 10 weeks, beginning immediately (hiring additional personnel if necessary to comply).

I am waiting for the documents.

Thank you.

Sincerely,

Robert M. Smith

--

Melissa Powers
Manager of Board Relations and Special Projects

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e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, March 9, 2019 11:14 AM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: SOTF Deadlines

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

Dear Ms. Powers,

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The Task Force found unanimously that the Museums had violated the law and directed you to provide me with 7,000 documents a week for 10 weeks, beginning immediately (hiring additional personnel if necessary to comply).

I am waiting for the documents.

Thank you.

Sincerely,
Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Tuesday, March 5, 2019 3:45 PM
To: SOTF, (BOS)
Subject: RE: Public Records Request Dated September 3, 2018

049 please.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, March 05, 2019 1:44 PM
To: Robert M. Smith
Subject: RE: Public Records Request Dated September 3, 2018

Dear Mr. Smith:

Thank you for your email. I will put it into the file so please tell me which matter does this email refer to; 18049 or 18083? Thank you.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Tuesday, March 5, 2019 12:29 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: 'Melissa Powers' <mpowers@famsf.org>
Subject: FW: Public Records Request Dated September 3, 2018

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

I would like, Madam Clerk, this correspondence sent by the Museums yesterday (two days before the full hearing) to be added to the official file for SOTF in this matter.

I understand it is too late to be made part of tomorrow's record, but I shall have it and intend to refer to it, and I want it to be part of the record of this proceeding and available if any members of the Task Force ask for it.

The Museums have now – *half a year later and without explanation or apology* – removed redactions in material (five documents) they had provided redacted. And redactions continue to be made that, on their face, ought not to be.

(As to the one line they say refers to attorney-client privilege, the line is either advice of counsel, or it isn't.)

If this weren't a public tragedy, it would surely be a comedy. Especially, in my view, when one bears in mind the fact that the Museums have two attorneys – Lauren Curry of the San Francisco City Attorney's Office and Patrick M. Glenn of the Hanson Bridgett law firm.

Thank you,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Monday, March 04, 2019 10:19 AM
To: RMS
Subject: Re: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

Please find attached documents related to this prior request, with less redactions than in the originally provided documents.
You will still see personal contact/information redacted, and there is one line that refers to attorney client privilege.

Thank you.
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Sep 27, 2018 at 12:07 PM Melissa Powers <mpowers@famsf.org> wrote:

| Mr. Smith,

I am providing the following documents responsive to your September 3rd request for:

> Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

As you know, the Fine Arts Museums of San Francisco (FAMSF) is a Department of the City and County of San Francisco; counsel to FAMSF is provided by the San Francisco City Attorney's Office. We do not disclose any privileged communication between FAMSF and its attorneys. State law renders communications made in confidence as part of the attorney-client relationship between the City Attorney's Office and City officials and employees privileged. Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq. This privilege extends to all such communications, including those pertaining to open government and conflict of interest/ethics issues, notwithstanding language in the Sunshine Ordinance suggesting the contrary that is superseded by the Charter and state law. St. Croix v. Superior Court (2014) 228 Cal.App.4th 434. Additionally, some information was redacted to protect personal privacy.

I will be working on the review for your request for correspondence and documents relating . .to and/or from the FAMF and FAMSF, between January 2018-March 3, 2018. I will keep you posted on my progress.

Thank you,
Melissa Powers
Manager of Board Relations and Special Projects

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p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Sep 27, 2018 at 11:27 AM, RMS <rms@robertmsmith.com> wrote:

Ms. Powers,

I have not received a response to the request dated September 3, 2018.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Monday, September 10, 2018 9:48 AM

To: rms@robertmsmith.com
Subject: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

I am writing in response to your public records request of September 3rd to the Fine Arts Museums of San Francisco.

In your request you ask for:

Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

Please be advised that we are hereby invoking an extension of not more than 14 days from September 13th, to respond to your request pursuant to the California Public Records Act. The Fine Arts Museums of San Francisco are invoking the extension on the grounds that staff will need to consult with the City Attorney's Office regarding your request. We will endeavor to respond to you as quickly as possible.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

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p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	Robert M. Smith <rms@robertmsmith.com>
Sent:	Tuesday, March 5, 2019 12:29 PM
To:	SOTF, (BOS)
Cc:	'Melissa Powers'
Subject:	FW: Public Records Request Dated September 3, 2018
Attachments:	Ethics Commission Filing Reminder for FAMSF Trustees(Doc1).pdf; IDRcomms(Doc2).pdf; Public Records Act question(Doc3).pdf; MOU4.pdf; Notice of New Law Related to April 2 Filing Deadlines(Doc5).pdf

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I understand it is too late to be made part of tomorrow's record, but I shall have it and intend to refer to it, and I want it to be part of the record of this proceeding and available if any members of the Task Force ask for it.

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Thank you,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
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Thank you.
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Melissa Powers
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I will be working on the review for your request for correspondence and documents relating . .to and/or from the FAMF and FAMSF, between January 2018-March 3, 2018. I will keep you posted on my progress.

Thank you,
Melissa Powers
Manager of Board Relations and Special Projects

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Ms. Powers,

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From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Monday, September 10, 2018 9:48 AM
To: rms@robertmsmith.com
Subject: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

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In your request you ask for:

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Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco

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Legion of Honor

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p 415.750.3690

e mpowers@famsf.org | famsf.org

From: Megan Bourne
To: "Lisa Campbell"
Cc: Skot Jonz
Subject: RE: FW: Ethics Commission Filing Reminder for FAMSF Trustees
Date: Thursday, March 08, 2018 12:26:03 PM
Attachments: image001.png

Hi Lisa,

David does not need to disclose any investments other than those in the disclosure categories. Let us know if it does not work for you to remove the pre-populated declarations and we'll get help from the Ethics Commission on updating his filing.

Many thanks,
Megan

From: Lisa Campbell [mailto:lisa.campbell@appdynamics.com]
Sent: Thursday, March 8, 2018 11:36 AM
To: Megan Bourne
Subject: Fwd: FW: Ethics Commission Filing Reminder for FAMSF Trustees

Hi Megan,
I just wrote to Skot with some questions about David Wadhwani's Form 700. Would you mind lending a little guidance if you can? Otherwise, I can wait for him to return. Happy to talk on the phone if that's easier. Thanks, Lisa

---------- Forwarded message ----------
From: **Lisa Campbell** <lisa.campbell@appdynamics.com>
Date: Thu, Mar 8, 2018 at 11:28 AM
Subject: Fwd: FW: Ethics Commission Filing Reminder for FAMSF Trustees
To: sjonz@famsf.org

Hi Skot,

I'm an assistant in David Wadhwani's office. I have a question about Form 700, which other assistants have filled out for David in the past. Does he need to go into detail on disclosures that don't have anything to do with the four categories listed in the email below? I am filing electronically and I see past records of the purchase of his home, stocks, etc. that are not relevant to the categories. When I click through to the final document I'm no longer able to select NONE for section 4. Can I go ahead and remove his declarations that don't relate to the 4 categories below (ie, art, construction, signaling systems, doing business with FAMSF) so that we can select NONE?

Thanks,
Lisa

--
Lisa Campbell | Executive Assistant
Mobile: +1 415.517.6138
Email: lisa.campbell@appdynamics.com

APPDYNAMICS

303 Second Street, North Tower, 8th Floor, San Francisco, CA 94107
t: +1 415.442.8400
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From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Thursday, March 1, 2018 1:21 PM
Cc: Megan Bourne <MBourne@famsf.org>
Subject: Ethics Commission Filing Reminder for FAMSF Trustees
Importance: High

Dear FAMSF Trustees –

This is a friendly reminder regarding the **April 2, 2018** deadline for public filings with the San Francisco Ethics Commission (covering the period January 1 to December 31, 2017).

Good news! Starting this year, the three filings (Statement of Economic Interests, Sunshine Ordinance Declaration and Certificate of Ethics Training) are filed at the same time with the same deadline. The Sunshine Ordinance Declaration and Ethics Certificate are now combined into one form **Ethics and Sunshine Training Declaration Form**. There is no provision in state law to extend the deadline. Learn more about Late Filing and Enforcement.

Click this link for information about the Annual Statements of Economic Interests (Form 700).

To file all three forms, login to the Ethics Commission **e-filing system**.
To learn how to obtain access to the e-filing system, visit the **account setup** page.

Regarding the Statement of Economic Interests, below are disclosure categories to consider. If you have none, simply check the NONE Box in Section 4 of the SEI FORM 700:

Disclosure Category 2. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, involved in the buying or selling of works of art and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 3. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, engaged in the construction trade and which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 4. Persons in this disclosure category shall disclose all investments and business

positions in any business entity, and income from any source, involved in the sale and/or installation of signaling systems, including fire alarms, burglar alarms and similar systems, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Disclosure Category 5. Persons in this disclosure category shall disclose all investments and business positions in any business entity, and income from any source, which does business with The Fine Arts Museums of San Francisco, or has done business with the Museums within the two years prior to the date any disclosure statement must be filed, or which may foreseeably do business with the Museums in the future.

Important note regarding your address: This information is public record and not redacted, so anyone walking in to the Ethics Commission to request records will be able to see your home address. If the request is made online, your home address will supposedly be redacted. If you have not done so already, please consider changing your address to that of the Museum (50 Hagiwara Tea Garden Drive, San Francisco, CA 94118).

Delinquent Filers: Names will be posted on the Ethics Commission website, and delinquent filers will not be allowed to participate or vote in meetings.

DO YOU NEED MORE INFO OR HELP? The Ethics Commission is offering a one-hour information session to filers:

Monday, **March 12th 2018** – 1:00 PM to 2.00PM
Ethics Commission, 25 Van Ness Ave, Room 70 (lower level)
San Francisco, CA 94102
Please use this online form to sign up for the information sessions.

If you are unable to attend, Ethics Commission staff are happy to provide you with one-on-one guidance. ethics.commission@sfgov.org - (415) 252-3100 - www.sfethics.org

You may also contact me at anytime, if you have questions or need assistance.

Skot Jonz
Manager of Board Relations

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de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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Follow Legion of Honor Museum Facebook | Twitter | Instagram

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Lisa Campbell | Executive Assistant
e: lisa.campbell@appdynamics.com
m: 415.517.6138

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The Application Intelligence Company
303 Second Street, North Tower, 8th Floor, San Francisco, CA 94107.
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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, February 27, 2019 10:56 AM
To: SOTF, (BOS)
Subject: FW: Files No. 18049 and File No. 18083 -- PLEASE PROVIDE TO THE FULL TASK FORCE

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

Please confirm receipt. Thank you.

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Tuesday, February 26, 2019 4:11 PM
To: 'SOTF, (BOS)'
Subject: RE: Files No. 18049 and File No. 18083 -- PLEASE PROVIDE TO THE FULL TASK FORCE

PLEASE PROVIDE TO THE FULL TASK FORCE -- RE: Files No. 18049 and File No. 18083

RE: File No. 18049:

The representative of the Museums, Ms. Melissa Powers, admitted many months ago to the Committee that the requested materials are owed to me and promised the Committee the Museums would furnish them to me on a "rolling basis."

Virtually nothing has been "rolled."

What has been 'rolled" has had redactions, the basis for which are wholly unexplained – likely because there is no justifiable basis.

AND

RE: File No. 18083:

I asked the Public Information person at the Museums whether the Saudis had contribute money to the Museums. (The Museums were then presenting an Islamic Fashion exhibition.)

I did not get even the courtesy of a response.

I then filed a PRR for documents concerning that topic. The Museums gave me a few documents only *after* I had warned them that some of the facts were already available on the web. (They initially said they had few, or no, documents.)

Again, there were unexplained redactions.

There was also a withholding of documents – presumably the bulk of the documents -- based on the wrong-headed theory that the materials were immune to public scrutiny because the Museums are managed by a not-for-profit entity. Even after SOTF counsel showed this theory to be wrong and SOTF sent that opinion to the Museums, the Museums have persisted; they have turned over no documents.

In the meantime, the exhibition has run its course and closed.

(Remarkably, the Museums are being advised by two lawyers – Lauren Curry of the San Francisco City Attorney's Office and Patrick M. Glenn of the Hanson Bridgett law firm. The latter the representative of the Museums, Ms. Melissa Powers, has steadfastly refused to identify to the Committee.)

Recently, the Museums had the shamelessness to request that these matters be put over until May. The PRR's were first sent to the Museums on January 9, 2018 – one year and two months ago; and the Complaints were lodged with SOTF on June 6, 2018 – 9 months ago.

There is no argument that the documents should have been turned over more than a year ago. They Museums have already skated through the closing of an exhibition without providing the documents. Apparently, some employee or adviser (I am sure no lawyer) may be counseling them that, since SOTF has no power to impose punishment, they should be scofflaws. This is a remarkable, and contemptible course for city museums to follow.

In my view, this behavior should be disclosed to the public and perhaps the National Endowment for the Arts. The NEA sets standards for its grantees and indemnitees. The Museums are among those. I am certain the NEA's standards do not reward scofflaws.

From:	Megan Bourne
To:	Skot Jonz
Subject:	RE: IMMEDIATE DISCLOSURE REQUEST FOR MOU listed as Appendix B for the upcoming January 25, 2018 FAMSF Board meeting
Date:	Tuesday, January 23, 2018 12:52:17 PM

yes

From: Skot Jonz
Sent: Tuesday, January 23, 2018 12:46 PM
To: Megan Bourne
Subject: FW: IMMEDIATE DISCLOSURE REQUEST FOR MOU listed as Appendix B for the upcoming January 25, 2018 FAMSF Board meeting

OK to provide?

From: Anmarie Mabbutt [redacted]
Sent: Tuesday, January 23, 2018 12:44 PM
To: Skot Jonz
Subject: IMMEDIATE DISCLOSURE REQUEST FOR MOU listed as Appendix B for the upcoming January 25, 2018 FAMSF Board meeting

Dear Skot,

I am making the following IMMEDIATE DISCLOSURE REQUEST under the California Public Records Act and the San Francisco Sunshine Ordinance:

1. I would like to receive a full and complete electronic copy of the MOU outlining the roles and responsibilities for FAMSF, COFAM and FAMF listed as Appendix B for the upcoming January 25, 2018 FAMSF Board meeting.

The agenda for the January 25, 2018 is listed on the famsf.org website but no supporting documents are posted for the meeting.

Thank you for your assistance with this public records request.

Sincerely,

Anmarie

From: Ed Prohaska <eprohaska@famsf.org>
Sent: Monday, April 23, 2018 3:20 PM
To: Miriam Newcomer; Megan Bourne; Skot Jonz
Cc: Linda Butler
Subject: RE: IMMEDIATE DISCLOSURE REQUEST FOR COPY OF FAMF'S WRITTEN ASSIGNMENT OF ITS INTEREST IN DEYOUNG LEASE TO COFAM

Hi Miriam,
Please keep in mind that our only requirement is that FAMSF provide records, and we are not required even in that case to provide explanatory information to accompany the records. My changes in green. Regarding Max's departure date – I thought it was through June.
Thanks
Ed

From: Miriam Newcomer [mailto:mnewcomer@famsf.org]
Sent: Monday, April 23, 2018 3:10 PM
To: Ed Prohaska <eprohaska@famsf.org>; Megan Bourne <MBourne@famsf.org>; Skot Jonz <SJonz@famsf.org>
Cc: Linda Butler <lbutler@famsf.org>
Subject: FW: IMMEDIATE DISCLOSURE REQUEST FOR COPY OF FAMF'S WRITTEN ASSIGNMENT OF ITS INTEREST IN DEYOUNG LEASE TO COFAM

As she's claiming to write and article, Skot and I determined that it would be best for me to take over communication. This is short but please confirm we agree on the responses below. [redacted]

Dear Anmarie,

Skot passed along your email – thank you for this follow up to your original request. My notes are below in red. Please don't hesitate if you should require ~~any additional information.~~ additional FAMSF records.

Thank you,
Miriam

Miriam Newcomer
Director of Communications

Fine Arts Museums of San Francisco
de Young | Legion of Honor
415.750.3554 | 310.592.5238 (c)

@deyoungmuseum | @legionofhonor

From: Anmarie Mabbutt [redacted]]
Sent: Friday, April 20, 2018 2:29 PM
To: Skot Jonz
Cc: Megan Bourne; Max Hollein

Subject: IMMEDIATE DISCLOSURE REQUEST FOR COPY OF FAMF'S WRITTEN ASSIGNMENT OF ITS INTEREST IN DEYOUNG LEASE TO COFAM

Dear Skot,

Thank you for getting back to me last week.

Back on October 16, 2017, I requested a copy of FAMF's transfer of its right to occupy and operate the DeYoung Museum to COFAM. You responded with a copy of the Lease between FAMF and the City and County of San Francisco. The Lease was and is not responsive to that request.

I am making the following IMMEDIATE DISCLOSURE REQUESTS UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SAN FRANCISCO SUNSHINE ORDINANCE:

1. I want a full and complete electronic copy of any and all written agreements/documents and any amendments thereto regarding FAMF's transfer to COFAM of its right to occupy and operate the DeYoung. FAMSF has ~~We have~~ no responsive records.

Under the terms of the lease, the FAMSF Board or the Director of Museums needs to approve the transfer, sublease or assignment of FAMF's rights to occupy and operate the DeYoung Museum.

Since the reopening of the DeYoung in October 2005, COFAM has assessed and collected tens of millions of dollars in special exhibit and private rental fees.

2. I want a full and complete electronic copy of any and all written documents authorizing COFAM to assess, collect and keep as private not public revenue the special exhibit and private rental fees. FAMSF has ~~We have~~ no responsive records.

I very much appreciate a timely response. I am fact checking for my article and would like to be sure to report correctly as to the written authorization, if any, for COFAM to occupy and operate the DeYoung museum and retain as revenues all special exhibit and private rental fees.

If you could also please confirm Mr. Hollein's last day of service as the Director of Museums. Max Hollein will be with the Museums through July 2018. The exact day of departure is still under determination.

As always thank you for your assistance.

Sincerely,

Anmarie

From: Megan Bourne
To: "Laure Headrick"; Skot Jonz
Subject: RE: Notice of New Law Related to April 2 Filing Deadlines
Date: Monday, April 02, 2018 3:21:18 PM
Attachments: image001.png

Hi Laure,
It's wonderful to receive greetings from [redacted]!

Yes, unfortunately, Trustees on Leave of Absence must do these filings. I'm looping in Skot, who can contact the Ethics Commission about your filing issues.

Kind regards,
Megan

From: Laure Headrick [redacted]]
Sent: Monday, April 2, 2018 7:36 AM
To: Megan Bourne
Subject: Fwd: Notice of New Law Related to April 2 Filing Deadlines

Hello Megan,

Greetings from [redacted]. I hope you are well and everything is going well in San Francisco. Sorry, to bother you, but I am catching up on emails and saw the note below.

I saw this and wanted to confirm whether or not I need to fill out? For some reason when I click on the links - nothing appears to be happening?

Let me know, how best to handle because it may be trying to block me given I am logging in from [redacted]?

Thanks Laure

Begin forwarded message:

From: "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>
Subject: Notice of New Law Related to April 2 Filing Deadlines
Date: March 28, 2018 at 4:26:03 AM GMT+2
To: "Pelham, Leeann (ETH)" <leeann.pelham@sfgov.org>

Dear City Board and Commission Members:

This notice is provided to alert you to a new City law that could impact your ability to participate in or take action on matters pending before your board or commission, and to remind you of critical steps to take now to avoid inadvertently breaching the new law's provisions.

Operative April 16, 2018, a new *"no file-no vote"* law will be in place. This new law is designed to strengthen public confidence in the integrity of government by ensuring that board and commission

members have the information and tools they need to avoid conflicts of interests. It is also designed to support transparency in government by supporting the public's ability to monitor officials' compliance with core ethics standards of City service.

Your annual filing deadline is April 2, 2018.



24/7 help is available online

Specifically, the new law provides for the disqualification of members of City boards and commissions from participating in or voting on matters before their boards and commissions if those individuals have not completed the following core ethics requirements and until such time that these requirements are met:

E-filing of required Statement of Economic Interests (Form 700);

Completion of Ethics Training;

Completion of Sunshine Ordinance Training; and

E-filing of Ethics and Sunshine Training Declaration Form to certify these trainings have been completed.

As a reminder, the April 2nd deadline for complying with each of these core ethics requirements is just around the corner. Please remember that detailed information and tools to complete these requirements by April 2nd are accessible 24/7 on the Ethics Commission's website.

No File-No Vote: An Overview

Under existing law, if a City official who must file a Form 700 fails to do so, they are subject to potential late fees and penalties for failing to file. Such failure to file may also

result in discipline. The new no file-no vote law builds on these existing provisions. It was proposed last Fall by the Ethics Commission and was adopted unanimously by the Board of Supervisors and signed by Mayor Farrell in mid-March.

- Beginning April 16, 2018, members of City boards or commissions who (1) have failed to fulfill the core ethics requirements shown above,*and* (2) have been notified by the Ethics Commission of their failure to timely fulfill these core ethics requirements, will be disqualified from participating in and voting on matters listed on their boards' and commissions' meeting agendas if they have not fulfilled those obligations within 30 days of notice from the Ethics Commission.

- The law enacted a new public announcement requirement so that the names of board or commission members who have not yet fulfilled their core ethics requirements will be identified at the outset of board or commission meetings following the filing deadline, stating that official will be disqualified from participation in and voting on matters coming before the board or commission pending the fulfillment of their core ethics requirement obligations.

- The Ethics Commission will be working with Department Heads, Board and Commission Secretaries, Filing Officers and City Attorneys to establish procedures to notify Commission Secretaries (or persons who fulfill that role) if the appointed officer has failed to timely complete the core ethics requirements identified above.

- A member of a City Board or Commission may seek a waiver from the disqualification provision for cause from the Ethics Commission Executive Director. If cause is shown, the Executive Director may grant a waiver. While any such waiver request is pending, the member continues to be disqualified.

- The Ethics Commission will also be reaching out to Departments to develop procedures for identifying board and commission members who are delinquent in fulfilling the core ethics requirements that are the subject of the new law. These processes will be critical for enabling the Ethics Commission to maintain on its website the required list of names, departments, and positions of persons who are required to file a Form 700, complete their Ethics training, their Sunshine Ordinance training, and file their *Ethics and Sunshine Training Declaration Form,* but have failed to do so on a timely basis.

To help ensure those who may be impacted by the law are informed of its provisions, and to help promote the law's effectiveness in practice, the Ethics Commission plans to consult broadly with City departments, boards, and commissions as further information and resources are developed. As we do, we welcome your feedback and suggestions to help make sure those materials are most useful.

Thank you in advance for taking all necessary steps to fulfill these important ethics

obligations and ensuring your valued public service on the City's behalf can continue without interruption. And, as always, if you have any questions about the law or how it applies to you, please feel free to contact our office. We can be reached at ethics.commission@sfgov.org or at (415) 252-3100 and we will be happy to assist you.

Sincerely,

LeeAnn

LeeAnn Pelham
Executive Director

cc: Elected Officials
Department Heads
Filing Officials

P.S. A copy of this notice is also attached as a pdf for those who find that a helpful format.

San Francisco Ethics Commission
25 Van Ness Avenue Suite 220
San Francisco, CA 94102
415.252.3100
leeann.pelham@sfgov.org
https://sfethics.org

LAURE FULLERTON HEADRICK
MANAGING PARTNER
[redacted]

From:	Valdez, Marie (MYR)
To:	Prohaska, Ed (FAM)
Cc:	Jason Seifer; Megan Bourne; SkotJonz; CURRY, LAUREN (CAT)
Subject:	RE: Public Records Act question
Date:	Wednesday, February 28, 2018 10:19:14 AM

Hi Ed,

Department budget submissions are public records, so you can feel free to provide copies to satisy this disclosure request. Happy to answer further questions on our call.

Best,

Marie Valdez
Mayor's Office of Public Policy and Finance
City and County of San Francisco
marie.valdez@sfgov.org | (415) 554-5965

From: Ed Prohaska [mailto:eprohaska@famsf.org]
Sent: Wednesday, February 28, 2018 10:07 AM
To: Valdez, Marie (MYR) <Marie.Valdez@sfgov.org>
Cc: Jason Seifer <jseifer@famsf.org>; Megan Bourne <MBourne@famsf.org>; Skot Jonz <SJonz@famsf.org>; CURRY, LAUREN (CAT) <Lauren.Curry@sfcityatty.org>
Subject: Public Records Act question

Hi Marie,
We received the request below.
Is everything we submitted on 2/21 now public?
We can discuss this at 11 if you prefer.

Thank you.
Ed

I am making the following IMMEDIATE DISCLOSURE REQUEST under the California Public Records Act and the San Francisco Sunshine Ordinance:
I would like to receive a full and complete electronic copy of FAMSF's annual budget submission to the Controller's Office for the upcoming FY 2018-2019 including all forms, memos, reports and any introductory or cover letters.

Ed Prohaska
Chief Financial Officer

Fine Arts Museums of San Francisco | de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118

direct 415.750.2643
eprohaska@famsf.org | www.famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, January 30, 2019 5:44 PM
To: SOTF, (BOS)
Subject: RE: SOTF - File Nos. 18049 and 18083

Ms. Leger, Would you please see that all the members of the Task Force receive a copy of this? Thank you. –

Thank you for providing the Opinion of the City Attorney's Office confirming that both COFAM and FAMF are legally obliged to respond to my Public Record Requests.

I very much appreciate that, but I'm concerned that the Task Force may be led astray by a red herring that has been offered. My requests were to the Museums – not these other entities, which I did not know existed. As the matter has developed, the Requests clearly apply to these other included entities, but there has never been a question (indeed, the Museums have conceded this) that the Museums themselves must respond. That they have not done.

Please do not be misled by the arguments that have been made on behalf of the included entities (COFAM and FAMF). These entities are, by the way, represented by retained counsel, Patrick M. Glenn, Esq., of the firm of Hanson Bridgett in San Francisco. The Museums are represented by Lauren Curry, Esq. of the San Francisco City Attorney's Office.

Again, may I urge that you not allow yourselves to be misled by the red herring that has been served up.

I look forward to a speedy determination of this very old matter.

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Wednesday, January 30, 2019 10:24 AM
To: Robert M. Smith
Cc: Melissa Powers
Subject: RE: SOTF - File Nos. 18049 and 18083

Dear Mr. Smith:

At this time we have tentatively scheduled both of your matters to be heard before the SOTF on the March calendar. However, it is up to the Chair to approve the Agenda. I will confirm as soon as possible.

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

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, January 28, 2019 11:53 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - 18049,

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Are the two matters scheduled yet to go to the full SOTF?

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, January 28, 2019 10:04 AM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - 18049, Deputy City Attorney research and response

Dear Mr. Smith and Ms. Powers:

I believe that the email below and the attached opinion answer your questions. Let me know if you need anything further.

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

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

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From: Colla, Nicholas (CAT) <Nicholas.Colla@sfcityatty.org>
Sent: Monday, January 28, 2019 9:59 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: WOLF, MARC (CAT) <Marc.Price.Wolf@sfcityatty.org>
Subject: FW:

Here you go

Nick Colla
Deputy City Attorney
Office of City Attorney Dennis Herrera
Direct: (415) 554-3819
Fax: (415) 437-4644
Email: nicholas.colla@sfcityatty.org

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From: Colla, Nicholas (CAT)
Sent: Wednesday, January 16, 2019 3:52 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Wolf, Marc Price (CAT) <Marc.Price.Wolf@sfcityatty.org>
Subject:

Regarding the request for information for file no. 18049, please see the attached advisory opinion.

In the attached opinion, the court found that open meeting requirements under the Brown Act, as well as public records laws under the CPRA, extend to a private non-profit corporation formed for the purpose of providing educational tv programming for children pursuant to an agreement with a municipality.

Most notably for the purposes of applying this opinion to the facts of file no. 18049, the case cites to *International Longshoreman's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, which held in part that "a public body may delegate the performance of administrative functions to a private entity if it retains ultimate control over administration so that it may safeguard the public interest."

The opinion also cites to CPRA section 6252, which defines a "local agency" as follows:

'Local agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

Here's the relevant subsections of Section 54952 for determining whether the non-profit at issue should be defined as a local agency:

(c)(1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Young, Victor (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, January 16, 2019 2:08 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Notice of Hearing - Complaint Committee: January 22, 2019 5:30 p.m. Re: File No. 18049 (1-5): --

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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

Re: File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. **[YEAR-OLD PRR.]**

POINT ONE. Ms. Powers promised you – *please consult the record* – that she would make these documents available on a rolling basis. That she has not done, although -- incredibly -- a year has gone by since the PRR. This alone defeats any argument that there is not a duty to make the documents available. She has acknowledged that duty to you, and her boss, Ms. Bourne, the Chief of Staff of the Museums, has told you the Museums have spent "hundreds of hours" on this. These hours have yielded almost no documents.

Any journalist would ask: What is in these documents that makes Museum representatives so very afraid of answering the PRR, as they are legally required to do?

POINT TWO. The few recent documents that Ms. Powers is responsible for having provided are heavily redacted—without any explanation as to what was redacted or on what basis. Ms. Powers told you that she has had no training with regard to public records requests, but she has apparently heavily used the counsel of the City Attorney's Office (putting aside the fact that she is hardly the sole administrative employee of the Museums, and reports to the Chief of Staff, Ms. Bourne.] In my view, there must be individual, as well as institutional, liability.

They promised documents; they have not provided them; and the ones they have provided are redacted with no stated basis or authority.

POINT THREE. In an excess of caution and for the avoidance of doubt--

(a) My PRR was addressed to the Museums, not COFAM or anyone else. The Museums are public—no one denies that.

(b) I am entitled – and so is every other San Franciscan -- to all documents that the Museums and the not-for-profit share in their files (electronic or otherwise);

(c) I am also entitled to what only COFAM may have in its files. There are statutory exceptions with regard to not-for-profit entities that determine whether they must respond to PRR's. One of these is whether the entity shares a Board

with the public entity. This entity has the SAME Board as the Museums, which are public entities. I have already provided the documentation of this to you; and

POINT FOUR. Ms. Bourne stated in her testimony to you that the City Attorney's Office has given unbounded legal advice to the not-for-profit COFAM. The City Attorney would be barred from doing that if the entity were not, in its official legal opinion, public. The City Attorney's Office states that its mission is to: "[R]epresent the City in all legal proceedings in which it has an interest and to provide the highest quality legal advice to City officers, boards and commissions. (Charter § 6.102.)" If the position taken by Ms. Powers is correct, the City Attorney has done something very wrong. If the City Attorney's Office has behaved properly, then this client must be a public entity.

What should be transparent here is being kept secret. What do these employees of the Museums wish so desperately to keep from public scrutiny? Ms. Powers is withholding the City's documents from the public.

Respectfully,

Robert M. Smith.
rms@robertmsmith.com

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, December 16, 2018 3:39 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums

Importance: High

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

Hi Cheryl, Hope you are having happy holidays.

I write for two reasons:

To ask that both of the matters pertaining to the Museums before the Task Force be combined and dealt with, at this point, by the Task Force itself to avoid further delay.

I asked for the first documents nearly a year ago—January 9, 2018. Despite promises by the Museums to the Committee that they would provide all of the documents on a "rolling basis," they have provided almost none.

I have appeared three times now before the committee.

My request for the Saudi support documents is, obviously, time-related, and months – not days, not weeks -- have now passed. The Museum's only response is that the "operating" Silo (Two) of the Museum is largely staffed by "private" employees (although the Board of that Silo is exactly the same board as the Museum Board itself – *see please* the statute relating to not-for-profits working for City agencies). Consider also please that this Silo Two stoutly makes the argument – indeed, its only argument – that it is **not** a municipal entity but is, self-admittedly, receiving regularly and frequently the advice of the SF City Attorney's Office.

I want to make it clear beyond peradventure that I am ultimately seeking from a competent entity a referral to the District Attorney's Office for a criminal investigation into the conduct of the Museums and the conduct of those apparently *intentionally* not providing these public documents. In my mind, that inquiry should include those in the City Attorney's Office who are ostensibly providing counsel to an entity they are apparently arguing is not a city entity.

It is a serious matter when a public museum, receiving public funds, sitting on public land, and with public employees renders itself unaccountable by keeping its records hidden from public view. This is a fundamental and naked assault on transparency, the law, and therefore democracy itself. And it is continuing.

Again, I ask that both of the matters pertaining to the Museums be combined and dealt with, by the Task Force itself – as soon as practicable.

Thank you. And, again, happy holidays.

Cordially,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, November 7, 2018 2:50 PM
To: 'Melissa Powers'; SOTF, (BOS)
Subject: RE: File No 18049 - Resubmission of Documents

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I'm not following, Ms. Powers. If the names are on the documents, they are there – and I am entitled to them It doesn't matter who put them there — it could be the Museum ticket taker. They don't have to be the product of email, if that is what you are saying.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, November 07, 2018 2:45 PM
To: Robert M. Smith; SOTF, (BOS)
Subject: Re: File No 18049 - Resubmission of Documents

Mr. Smith,

I am aware. For the first document, the subject line is the person I mentioned in the meeting, that was a name of someone who was brought into the e-mail exchange, where it was redacted, but did not make any contact through e-mail. The Committee seemed to accept that this person's name was redacted. The same applies for the name of an individual in the attachment with the title Samuel Palmer.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Wed, Nov 7, 2018 at 2:27 PM, Robert M. Smith <rms@robertmsmith.com> wrote:

Certain names and subjects are still blacked out. Please have a look at what you sent me. Thank you.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, November 07, 2018 11:57 AM
To: RMS; SOTF, (BOS)
Subject: File No 18049 - Resubmission of Documents

Mr. Smith,

In light of the discussion at the last hearing, concerning redactions to your request for information, I am resubmitting documents in response to Complaint #3, File No. 18049. I have not re-attached enclosures that never had any redactions.

Thank you.

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	Robert M. Smith <rms@robertmsmith.com>
Sent:	Sunday, November 4, 2018 4:13 PM
To:	SOTF, (BOS)
Subject:	RE: Complaint Committee hearing remarks of Ms. Bourne

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

{Cheryl, would you please give this to the Committee and the Task Force? Thanks, Bob}

Please note the recent remarks to the Committee of the Chief of Staff of the Museums, Ms. Megan Bourne. She said that there had been many conferences with lawyers in the City Attorney's Office and that the Museums had spent "hundreds of hours" in trying to respond to my requests.

May I ask you to consider please:

"Hundreds of hours" and they have managed to give me only a handful of documents?

Robert M. Smith
rms@robertmsmith.com
+1.415.242.9800

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, October 27, 2018 4:57 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Complaint Committee
Attachments: Memo to SOTF re Silos and City Attorney 10.25.18.docx

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

Hi Cheryl, Please give the attached memo requested by the Committee to the Committee (and to the Task Force) and to the Deputy City Attorney **designated in the memo**. Again, many thanks. Cordially, Bob Smith (And don't worry for a nanosecond about the 2 vs. 3 meeting business – they're fortunate to have you as a clerk.)

*[Cheryl, would you be kind enough to pass this on, as was requested at the last meeting, to the Task Force and to the Deputy City Attorney working on behalf of the Task Force – **not** the attorney whose client is the museums. Thank you, Bob Smith]*

THE SILOS -- AND THE CITY ATTORNEY'S OFFICE

THE SILOS

At the three Committee meetings that have taken place on this matter, I've referred to the three parts of the museums as three silos. We have the museums (which I referred to as SILO ONE), the entity that manages the museums (SILO TWO), and the fundraising arm (SILO THREE).

The position the museums are taking is that I am not entitled, as a member of the public, to any documents from SILOS TWO AND THREE. I do *not* believe that this position is legally correct.

See 85 Ops. Cal. Att'y. Gen. 55 (2002) (private, nonprofit corporation that received funds from school district and had on its corporate board one of district's trustees with full voting rights, and was created by the City, which lawfully delegated authority to it to operate an educational access channel, was subject to CPRA and opening meetings laws); *see also Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist.*, 87 Cal. App. 4th 862, 869-73, 104 Cal. Rptr. 2d 857 (2001) (the record indicates that the POA was formed and structured in such a way as to take over administrative functions that normally would be handled by City. 87 Cal. App. 4th 865).

Whether it is correct or not, however, there is no question that I -- and every other member of the public -- is entitled to everything in SILO ONE. I am speculating, but a reasonable supposition is that SILOS ONE, TWO and THREE communicate with one another in order to function. Therefore, SILOS TWO and THREE have likely sent documents to SILO ONE. If that is true, I am entitled to every one of those documents that I wish to see. This is a matter of basic public records, or freedom of information, law.

THE CITY ATTORNEY'S OFFICE

There is a further troubling element in this matter.

The City Attorney's Office has apparently walled off the attorney for SOTF from the attorney who advises the museums.

The difficulty is that the managerial and fundraising arms (SILOS TWO AND THREE) rely on the argument that they are not public. They are therefore not entitled to receive legal advice from the City Attorney's Office. That would be an obvious misuse of public funds.

A representative of the museums at the last Committee hearing said that they had received advice again and again from the City Attorney's Office.

The City Attorney should be apprised of what appears to be a misuse of public funds. I warned the City Attorney's Office in writing about this earlier – they were on notice.

What is perhaps worse is this: The City Attorney should be championing the right of the public to see public records – not trying to assist entities to shield those records from public access.

The City Attorney has proclaimed: "San Francisco has long been at the national forefront of efforts to advance civil rights … and ensure social justice." This activity of the Office is not at the forefront of any such effort; rather it is leading a charge in the other direction.

It is ironic that a former City Attorney resigned from the Board of Silo Two because, she said, of the lack of transparency at the museums. That fact alone makes it critical that these records be open to the public – now.

May I suggest with professional collegiality and respect, counsel, that there is a duty here.

Thank you for your kindness in reviewing this.

#####

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, October 17, 2018 3:32 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Records Request Dated September 3, 2018

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

Allow me to quote from information provided by SOTF:

"Are some documents exempt from disclosure?

"Under the California Public Records Act and the San Francisco Sunshine Ordinance, some records are exempt from disclosure. Examples of records that do not have to be disclosed are:

- Personnel records
- Medical records
- Home telephone numbers
- Social Security numbers
- Documents that are subject to the attorney client privilege
- Trade secrets
- Documents protected from disclosure by the State Constitutional Right to Privacy
- Certain law enforcement records
- Records protected from disclosure by state and federal laws"

I see nothing about material that may "implicate the privacy rights of individuals of which would shed no light on the operations of City government."

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, October 17, 2018 3:21 PM
To: SOTF, (BOS)
Subject: MOU

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

Can you please provide me with the MOU the Museums furnished to you yesterday? Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, October 17, 2018 3:20 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Records Request Dated September 3, 2018

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

1. Re your redaction – Who is doing the deeming? I asked you for your legal authority for doing what you have done and you have provided none:

"You say you redacted information from these documents to "preserve personal privacy." Whose privacy? And on what statutory ground? I believe that when someone writes a city entity, that writing is in general subject in its entirety to a public records request."

2. The request for Saudi-related material – I will let the Request speak for itself – is obviously an Immediate Disclosure Request. Let's not play games, please: I said it was for immediate journalistic purposes. Two weeks is a century in journalism. And the search term "Saudi" in your records simply cannot be that burdensome. I take it as further evidence of bad faith on the Museum's part.

3. With further regard to evidence of bad faith. I call attention to my email of yesterday which warned against exactly what you have done – providing documents at the very last moment before the Committee's deadline. You cannot possibly be heard to maintain that after nearly a year this is an accident.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, October 17, 2018 2:07 PM
To: RMS
Subject: Re: Public Records Request Dated September 3, 2018

Mr. Smith,

Regarding your first point, we redacted information deemed to implicate the privacy rights of individuals of which would shed no light on the operations of City government.

Regarding your request relating to Saudi Arabia, you have not specifically cited this as an Immediate Disclosure Request. If that was your intention, based on the voluminous amount of electronic matter I will be reviewing, we are hereby invoking an extension of not more than 14 days from October 15th, to respond to your request pursuant to the California Public Records Act. We will endeavor to respond to you as quickly as possible.

I sent the MOU discussed at the last hearing into SOTF yesterday. Having no relation to next week's meeting, I am attaching the documents responsive to your request concerning correspondence and documents relating to correspondence between FAMF and FAMSF. Any matter redacted has been deemed either outside the scope of the request or to implicate the privacy rights of individuals of which would shed no light on the operations of City government. Please note an attachment in Doc d and e is the same (Acq Report), so I have only provided it one time.

Thank you.
Melissa Powers

Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Oct 16, 2018 at 11:10 AM, Robert M. Smith <rms@robertmsmith.com> wrote:

Ms. Powers, You say you redacted information from these documents to "preserve personal privacy." Whose privacy? And on what statutory ground? I believe that when someone writes a city entity, that writing is in general subject in its entirety to a public records request. Please advise and, if I am correct, please comply with the law. Thank you.

Also, please expedite my latest request relating to Saudi Arabia (the request specifies how) since it is meant for immediate journalistic purposes.

Finally, you and your predecessor have assured me that you would be providing the materials I have requested on a rolling basis, but I have yet to receive any of the material so requested and promised. The delinquency of the Museums is now nearing the one-year mark. I am obliged to, and do, protest, in the strongest terms and reserve all of my rights. (I hope, and believe, you would not engage in what would be the adolescent and bad-faith tactical behavior of giving me some material close to 5 p.m. tomorrow, the deadline for the SOTF Committee hearing next week, so that I would be precluded from responding in writing prior to the hearing.)

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, October 17, 2018 11:29 AM
To: SOTF, (BOS)
Subject: RE: Complaint Committee meeting October 23, 2018

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

In the event that I am not permitted to speak at the meeting next week, I should like to bring the following to the attention of the Committee:

This is an extraordinary and egregious matter.

We have a city agency properly asked for documents. The agency has acknowledged the request and promised to provide the documents on a rolling basis. Nearly one year later it has provided almost no documents.

On its face, this would seem a violation of the law. I respectfully request that the matter be referred to the District Attorney now for investigation and possible prosecution.

Additionally, if a municipal attorney has counselled the agency not to provide the documents, or to delay doing so, I would ask that action be taked against that attorney as well.

Thank you.

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Tuesday, October 16, 2018 11:10 AM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Records Request Dated September 3, 2018

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

Ms. Powers, You say you redacted information from these documents to "preserve personal privacy." Whose privacy? And on what statutory ground? I believe that when someone writes a city entity, that writing is in general subject in its entirety to a public records request. Please advise and, if I am correct, please comply with the law. Thank you.

Also, please expedite my latest request relating to Saudi Arabia (the request specifies how) since it is meant for immediate journalistic purposes.

Finally, you and your predecessor have assured me that you would be providing the materials I have requested on a rolling basis, but I have yet to receive any of the material so requested and promised. The delinquency of the Museums is now nearing the one-year mark. I am obliged to, and do, protest, in the strongest terms and reserve all of my rights. (I hope, and believe, you would not engage in what would be the adolescent and bad-faith tactical behavior of giving me some material close to 5 p.m. tomorrow, the deadline for the SOTF Committee hearing next week, so that I would be precluded from responding in writing prior to the hearing.)

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, October 10, 2018 4:20 PM
To: SOTF, (BOS)
Subject: Re: Complaint Committee meeting October 23, 2018

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

I'm available, Cheryl. Thanks.

Please forgive the brevity. Sent from a mobile device.

Robert M. Smith, Esq.

rms@robertmsmith.com
www.robertmsmith.com
+1.415.242.9800

On Oct 10, 2018, at 9:26 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers and Mr. Smith:
>
> I write to let you both know that we have tentatively scheduled your matter before the Complaint Committee for October 23, 2018, at 5:30 pm. Please confirm whether or not you are available on that date. Please respond to this email. Thank you.
>
> Cheryl Leger
> Assistant Clerk, Board of Supervisors
> Tel: 415-554-7724
>
> <image001.png> Click here to complete a Board of Supervisors Customer Service Satisfaction form.
>
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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, October 10, 2018 10:21 AM
To: SOTF, (BOS)
Cc: RMS
Subject: Re: Complaint Committee meeting October 23, 2018

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

Good morning,
Yes, I am available.
Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Saturday, September 22, 2018 11:33 AM
To: SOTF, (BOS)
Subject: RE: Robert Smith v. Fine Arts Museums of San Francisco

Cheryl, Per our conversation of yesterday, I am sending this along. It brings together some of my recent communications to make sure they find their way to the file for the Committee to see. Again, many thanks! Cordially, Bob Smith

1. I have -- still -- received **no** documents at all since the last hearing before the Committee;

2. Despite the Committee's request, the Museums have provided to the Committee no agreement or contract between either of the two private entities and the public entity;

3. Please note that the Museums' position is that they will not turn over communications between private entity employees and other private entity employees, even though such documents are in the records of the public entity and have been requested. The Museums maintain these documents are somehow exempt; on its face, this cannot be correct. (Ms. Powers said, you may recall, at the last meeting of the Committee, that she and **all** other employees are employees of the private entity COFAM.)

It is now clear, if it was not before, that the Museums have no intention of obeying the law.

I therefore find myself obliged to ask the Committee, with respect, to recommend to the Task Force that it make an immediate referral to the Ethics Commission with a recommendation that the Commission refer the matter to the District Attorney for investigation into the conduct of the Museums and possible criminal prosecution.

Thank you for your kind attention.

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, September 19, 2018 3:12 PM
To: SOTF, (BOS)
Subject: RE: Robert Smith v. Fine Arts Museums of San Francisco

Dear Ms. Leger,

Please pass this along to the Committee prior to the meeting next week. Thank you. --

1. I have -- still -- received **no** documents at all since the last hearing before the Committee;

2. Despite the Committee's request, the Museums have provided to the Committee no agreement or contract between either of the two private entities and the public entity;

3. Please note that the Museums' position is that they will not turn over communications between private entity employees and other private entity employees, even though such documents are in the records of the public entity and have been requested by Complainant. The Museums maintain these documents are somehow exempt; on its face, this cannot be correct. (Ms. Powers said, you will recall, at the last meeting of the Committee, that she and **all** other employees are employees of the private entity COFAM.)

Thank you for your kind attention.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Wednesday, September 19, 2018 9:13 AM
To: RMS
Cc: Melissa Powers
Subject: FW: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)

Dear Mr. Smith:

We received the attached materials from Melissa Powers of the Fine Arts Museums of San Francisco yesterday and we are forwarding it to you. Feel free to contact me if you have questions.

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

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From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Tuesday, September 18, 2018 3:24 PM
To: SOTF, (BOS)
Subject: Re: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)

Hi Cheryl,
Per your e-mail, please find the attached presentation.
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Sep 18, 2018 at 12:01 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> I write to follow up on the request of Compliant Committee to provide information on what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity and the two private entities. Please have that information available as soon as possible. The Complaint Committee hearing will take place on September 25, 2018 at 5:30 pm in room 408 at City Hall. Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, September 19, 2018 9:51 AM
To: SOTF, (BOS)
Subject: RE: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)

Hi Cheryl,

The Committee asked for the **contracts or agreements** between the city entity and the other two entities. Were they provided? (I don't see them in the material you were kind enough to send me.)

They appear to have construed literally your reminder, which read " information on what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity and the two private entities" -- instead of providing the contracts that the Committee asked for.

Thanks again,

Bob Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Wednesday, September 19, 2018 9:13 AM
To: RMS
Cc: Melissa Powers
Subject: FW: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)

Dear Mr. Smith:

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From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Tuesday, September 18, 2018 3:24 PM
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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Wednesday, September 19, 2018 9:13 AM
To: 'RMS'
Cc: 'Melissa Powers'
Subject: FW: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)
Attachments: FAMSF_Presentation_File No. 18049.pdf

Dear Mr. Smith:

We received the attached materials from Melissa Powers of the Fine Arts Museums of San Francisco yesterday and we are forwarding it to you. Feel free to contact me if you have questions.

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

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Monday, September 17, 2018 10:46 AM
To: SOTF, (BOS)
Subject: RE: Referral

In advance of the hearing in a week:--

I have received **no** documents from the Museums since the last hearing.

It is now clear, if it was not before, that the Museums have no intention of obeying the law.

I am therefore obliged to ask the Committee, with respect, to recommend to the Task Force that it make an immediate referral to the Ethics Commission with a recommendation that the Commission refer the matter to the District Attorney for investigation into the conduct of the Museums and possible criminal prosecution.

Thank you for your kind attention.

COMPLAINANT'S REPLIES TO RESPONDENT'S RESPONSES TO COMPLAINTS 1 THROUGH 5

JULY 13, 2018

The Museums have created a private board to fundraise and a private entity to run the Museums. I have asked for communication from those entities to the Museum, which are public. They have refused to provide the communications. Communications from third parties to public entities are available under the Sunshine Act, and related legislation.

Then the Museum has argued that the requests are too voluminous. They also argued that they have a quarter million items on their servers. And they argue that they are--and have for some time been--migrating their information from one computer system to another.

The number of items on their servers is irrelevant.

The computer transition is another red herring. The Museums continue to operate with whatever system or systems they are using. This is not a cognizable excuse.

Finally, at their request, I offered to shorten drastically the time period so that I might begin, at least, to see some -- indeed, *any* -- of the materials. Instead of providing the material responsive to the time-limited concession I made at their request, they then said they wanted a topic-limited request. As you can appreciate, it is difficult to provide a topic-limited list if they have shown me *nothing at all*.

Then they said they would begin to provide the material on a rolling basis. Over many months, *they have "rolled out" nothing --I repeat, nothing* -- to me.

To determine their good faith, I asked how many person hours they were spending on the "rolling" effort. They refused to respond.

A disturbing element is the continuing effort to shield the materials of the operating arm and the fundraising arms of this public entity from public view. While the Museums may have privatized these functions, in a formal legal sense, I --and every other citizen--is entitled to every jot and tittle of correspondence sent by those privatized agencies to the Museums and copies of any materials sent by the Museums to them (with copies presumably retained in Museums files).

The brazen attempt to hide museum operations from the public could not be clearer.

Finally, I asked for materials relating to my own application to be a Docent at the Museums and was told those are in the hands of one of the privatized entities or in the hands, even, of rag-tag volunteers responsible to no one and with no Museum document involvement. But I have forwarded to SOTF (and the Museums) emails to me relating to exactly that topic not from privatized entities but from Museum personnel--namely, their Director of Education, Sheila Pressley .

This attempt to escape public scrutiny by a public art museum, sitting on public land, is depressing. The attempt to make the argument that we have privatized the operating arm of the museum so that the public may not know how it is run is equally depressing. But this ploy doesn't work when the operating arm communicates with the Museums--and all of that communication lands at the public entity and must therefore lawfully be available under the Sunshine and related legislation.

At the end of the day, this is our Art Museum. San Francisco's Art Museum. Its lawyers have evidently tried hard, but of necessity failed to shield it from public scrutiny.

In the matter before SOTF, what the Museums, a city entity, have done so far is disregard the law and provide not one document of the many that *they said they would give me* on a "rolling basis" on the ground, among other absurd ploys, of a change in their computer systems.

#####

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Monday, September 03, 2018 3:47 PM
To: SOTF, (BOS)
Subject: ATTACHED IS ROBERT M. SMITH'S COMMENTS FOLLOWING THE COMMITTEE MEETING OF AUGUST 28, 2018
Attachments: ROBERT M. SMITH'S COMMENTS FOLLOWING THE COMMITTEE MEETING OF AUGUST 28, 2018.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your kind attention.

Robert M. Smith

ROBERT M. SMITH'S COMMENTS FOLLOWING THE COMMITTEE MEETING OF AUGUST 28, 2018

SUMMARY

The view of the Museums is that two of the Museum's silos are entirely out of reach of the public. They contend that they are private, and documents provided by those two silos to the silo that they acknowledge to be a municipal entity are also out of reach of Public Record Requests.

This can be looked at as the contaminated pipe problem: I cannot get any public documents out of the public-entity's pipe because they have deliberately contaminated the pipe with an array of private documents. Since they have intermingled everything, their theory is they are obliged to provide nothing. On its face, this is absurd. Every public entity could refuse to provide the public with admittedly public records by intermingling into public files documents sent to them by allegedly private entities.

They have also taken the position -- *please see above* -- that contracts between the city and those entities are also not, under the law, publicly available. They have not given them to me, nor have they provided a reason for refusing to do so.

Finally, they have taken the position that the Museums have nothing to do the Docent Program, which is apparently run by a group of homeless vagabonds (or, at least with no home in the Museums) who function with no museum support, management, or direction --and who maintain no releasable records of any kind. (All this despite the fact that the Docent Program managers -- consisting of 21 women and one man -- are prominently featured as an important "leadership" group on the Museum's own website.)

As for the Museums having been timely in their responses: The Museums may have answered on time, even asked timely for extensions, then--when the extended date arrived--provided nothing. Or they said they would provided on a " rolling basis" -- invoking the statute -- then provided not one gosh-darn document on the purported "roll." That is the actual circumstance.

Finally, p*lease note*: The Museums have waived the wand of "private corporation" as if it is magic and prevents disclosure of documents in the public files without citing a single legal authority exempting such documents from my -- or any one else's-- request.

To update the Committee, I have not, since the Committee hearing, received one single document more from the Museums.

DETAILS

1. *The Jan. 9, 2018 request.* The Museums said they received this request on **January 10, 2018.** They said it was "voluminous" and cited Cal. Gov't Code §6253(c)(2) and (3). They said: "We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business **February 2, 2018."**

They also said: "All contracts such as those with N(ational) E(ndowment) for the A(rts) are with COFAM, and are not subject to the Public Records Act or the San Francisco Sunshine Ordinance."

On **Feb. 2, 2018**, they referred nine of the requests to "COFAM" and "FAMF" -- neither of which, they said, are City Departments or agencies. **Neither COFAM nor FAMF ever responded to me.** (I asked what authority they had to send my requests to entities they regarded as private; they said they had such authority. I guess this pipe flows in only one direction. They can send material they have from me, a member of the public, to the two private silos, but can't send any information they have from the two allegedly private silos to me.)

On **Feb 2, 2018,** they did provide, from the Mayor's Office an email about emergency preparedness, my own docent application, and a ground lease they have with the City and County.

2. On **Feb. 24, 2018** I asked for "all documents relating to all **contracts and/or agreements and/or grants with COFAM, Corporation of the Fine Arts Museums of San Francisco** from January 1, 2015 to the present." **I have never received anything in response.** Have we reached the point in this society where a public (unclassified) contract can be secret by law?

3. I had requested materials relating to the Docent program. They said they had none:

"After a thorough review of files and records it has been determined that neither FAMSF or COFAM are in possession of any communication regarding an invitation to you or application from you, other than what you are already aware of and have received (see attached). **No COFAM or FAMSF staff keep such records associated with the docent training program which is maintained by a group of volunteers not employed with or by FAMSF or COFAM. No records or communication can be located from the time period you request beginning in 1997**. (Emphasis supplied.)

"There was no formal written invitation and invitations may have been by word of mouth."

I replied: "The invitations were sent out by email by a paid Museum employee on a Museum email account, and your HR Department appears to have been involved, as was the Museum's Education Director (a full-time Museum employee). It is not true that there were no written invitations, since the Museum sent me one!"

4. **On April 3, 2018** the Museums thanked me for limiting my request ("Thank you for agreeing to initially begin with the time period *January 1, 2018* for both requests.") and said: "**Until we hear back from you, staff will continue to work on responding to your request by allocating a certain number of hours per week on your request. We intend to produce records as soon as reasonably possible on a "rolling" basis, starting with the first week of January, then the second week of January, and so forth.** However, the search process would be more efficient and possibly more effective in locating records in which your interest would be greatest, if the search could be narrowed along the lines discussed above."

By **April 19, 2018**, I had received **nothing** from them, and wrote this to the Museums:

"It has now been more than three weeks, and **I have not received a single document**.
"I am entitled, also, to know how many hours staff is spending each week in answering my request. Otherwise, neither I nor any reviewing court can judge the reasonableness of the Museum's response.
"Thank you."

On **March 27, 2018,** Mr. Jonz had written:

1. **" The COFAM<>FAMSF and FAMSF<>FAMF correspondence from January 1, 2018 to March 1, 2018. We are not willfully withholding documents, but have encountered some serious technical issues with the IT Dept** conducting a complex email migration from Outlook to Gmail, which has prevented their ability to conduct a thorough search. I will know more about this tomorrow. (Emphasis supplied.)

2. **"Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own."

The next day I wrote with regard to my request for Docent rosters sent on March 23, 2018: "Someone can surely just print out physical copies of the four rosters and mail them to me by first-class USPS mail today, no?"

Mr. Jonz replied: "Hi, Yes, that's right...assuming I can locate the physical rosters I would be happy to put them in the mail to you ASAP. Skot"

They had them, and I did receive them in the mail on or about March 29 or 30, 2018. This is -- *please see above* -- after the Museums had flatly told me they had no such materials.

I have never -- still -- received a single document on the "rolling basis" the Museums invoked. Nor do I have any idea how may persons hours a week -- if any -- are being devoted to compliance by the Museums. I did somehow manage to bludgeon out of them a roster of docents they said they did not have -- by suggesting the use of a key by a janitor.

5. The view of the Museums is that two of the Museum's silos are entirely out of reach of the public. They contend that they are private, and documents provided by those two silos to the silo that they acknowledge to be a municipal entity are also out of reach of Public Record Requests. This can be looked at as the contaminated pipe problem: I cannot get any public documents out of the public-entity's pipe because they have deliberately contaminated the pipe with an array of private documents: Since they have intermingled everything, nothing--their theory is -- can be provided. On its face, this is absurd. Every public entity could refuse to provide the public with admittedly public records by intermingling what they allege are private records.

They have also taken the position -- *please see above* -- that contracts between the city and those entities are also not, under the law, publicly available; they have not given them to me, nor provided a legal reason -- or, indeed, any reason -- for refusing to do so.

Finally, they have taken the position that the Museums have nothing to do the Docent Program, which they would like me to see as apparently run by a group of homeless vagabonds (or, at least with no home in the Museums) who function with no museum support, management, or direction --and who maintain no releasable records of any kind. (All this despite the fact that the Docent Program managers -- consisting of 21 women and one man -- are prominently featured as an important "leadership" group on the Museum's own website.)

As for their being timely: The Museums may have answered on time, even asked timely for extensions, then--when the extended date arrived--provided nothing. Or said they would provide the documents on a "rolling basis" -- invoking the statute -- then provided not one gosh-darn document on the purported roll.

Finally, *please be kind enough to note*, Committee Chair and members: The Museums have waived the wand of private corporation as if it is magic and prevents disclosure of documents in the public files without citing a single legal authority exempting such documents from my -- or any one else's-- request. That's one heck of a wand -- usually created in this society (but not in this case) by some reference to legal authority of some sort or other.

[TO ANY CITY ATTORNEY OR DEPUTY CITY ATTORNEY WHO MAY REVIEW THIS MEMO: PLEASE REMEMBER, AS I AM CONFIDENT YOU WILL, THAT YOU MAY NOT REPRESENT OR TENDER ADVICE TO PRIVATE, NON-CITY ENTITIES.]

######

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Monday, September 03, 2018 3:42 PM
To: 'Skot Jonz'
Cc: SOTF, (BOS)
Subject: PUBLIC RECORDS REQUEST DATED SEPTEMBER 3, 2018

Follow Up Flag: Follow up
Flag Status: Flagged

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST DATED SEPTEMBER 3, 2018

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

Dear Mr. Jonz,

You have been kind enough to tell me that your position includes responding to Public Record Requests and similar requests (enumerated above) addressed to the Museums.

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

As you likely know, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

1. Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

(end of request)

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, July 16, 2018 8:59 AM
To: RMS
Cc: SJonz@famsf.org; Calvillo, Angela (BOS)
Subject: SOTF - Update/Request - Complaint No. 18049 (Robert Smith V Fine Arts Museums of SF) - File NO. 18049
Attachments: RMS SOTF REPLY TO DE YOUNG'S RESPONSES TO COMPLAINTS 1-5 7.14.18.docx

Importance: High

Dear Mr. Smith:

The SOTF is in receipt of your additional submission and we will place it into your complaint file. Thank you.

Victor Young 415-554-7724
Administrator, Sunshine Ordinance Task Force

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, July 14, 2018 3:06 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Young, Victor <victor.young@sfgov.org>
Subject: RE: SOTF - Update/Request - Complaint No. 18049 (Robert Smith V Fine Arts Museums of SF)
Importance: High

Attached is my Reply to the De Young's Responses. Thank you again. As always, please do not hesitate to contact me.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

COMPLAINANT'S REPLIES TO RESPONDENT'S RESPONSES TO COMPLAINTS 1 THROUGH 5

JULY 13, 2018

The Museums have created a private board to fundraise and a private entity to run the Museums. I have asked for communication from those entities to the Museum, which are public. They have refused to provide the communications. Communications from third parties to public entities are available under the Sunshine Act, and related legislation.

Then the Museum has argued that the requests are too voluminous. They also argued that they have a quarter million items on their servers. And they argue that they are--and have for some time been--migrating their information from one computer system to another.

The number of items on their servers is irrelevant.

The computer transition is another red herring. The Museums continue to operate with whatever system or systems they are using. This is not a cognizable excuse.

Finally, at their request, I offered to shorten drastically the time period so that I might begin, at least, to see some -- indeed, *any* -- of the materials. Instead of providing the material responsive to the time-limited concession I made at their request, they then said they wanted a topic-limited request. As you can appreciate, it is difficult to provide a topic-limited list if they have shown me *nothing at all.*

Then they said they would begin to provide the material on a rolling basis. Over many months, *they have "rolled out" nothing --I repeat, nothing* -- to me.

To determine their good faith, I asked how many person hours they were spending on the "rolling" effort. They refused to respond.

A disturbing element is the continuing effort to shield the materials of the operating arm and the fundraising arms of this public entity from public view. While the Museums may have privatized these functions, in a formal legal sense, I --and every other citizen--is entitled to every jot and tittle of correspondence sent by those privatized agencies to the Museums and copies of any materials sent by the Museums to them (with copies presumably retained in Museums files).

The brazen attempt to hide museum operations from the public could not be clearer.

Finally, I asked for materials relating to my own application to be a Docent at the Museums and was told those are in the hands of one of the privatized entities or in the hands, even, of rag-tag volunteers responsible to no one and with no Museum document involvement. But I have forwarded to SOTF (and the Museums) emails to me relating to exactly that topic not from privatized entities but from Museum personnel--namely, their Director of Education, Sheila Pressley .

This attempt to escape public scrutiny by a public art museum, sitting on public land, is depressing. The attempt to make the argument that we have privatized the operating arm of the museum so that the public may not know how it is run is equally depressing. But this ploy doesn't work when the operating arm communicates with the Museums--and all of that communication lands at the public entity and must therefore lawfully be available under the Sunshine and related legislation.

At the end of the day, this is our Art Museum. San Francisco's Art Museum. Its lawyers have evidently tried hard, but of necessity failed to shield it from public scrutiny.

In the matter before SOTF, what the Museums, a city entity, have done so far is disregard the law and provide not one document of the many that *they said they would give me* on a "rolling basis" on the ground, among other absurd ploys, of a change in their computer systems.

#####

SOTF File No. 18049

Complaint No. 1 of 5

Young, Victor

From: RMS <rms@robertmsmith.com>
Sent: Monday, July 02, 2018 2:53 PM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); 'Bruce Wolfe'; Leuwam.SOTF@gmail.com; Calvillo, Angela (BOS)
Subject: RE: SOTF - Complaint (Robert Smith V FAMSF) 1 of 5 Complaints

Importance: High

Complaint No. 18049-- 1/9/18

1. All documents relating in any fashion to invitations to and applications by Robert M. Smith over the last 10 years to be a docent at the Museums;

2. All documents relating in any fashion to the identities of the current roster of Museum docents, together with their applications and the evaluation by the Museums of their applications;

3. All documents relating in any fashion to the selection of docents over the last ten (10) years;

4. All documents relating in any fashion to a meeting summoning docent applicants to a meeting several years ago, the stated purpose of which was to tell the applicants there would be no docent training;

5. All documents relating in any fashion to the gender composition of (a) the current docents; (b) the docents recently accepted, (c) the docents one year ago, (d) the docents two years ago;

6. All documents relating in any fashion to the requirement for gender equality of docents at the Museums;

7. All documents relating in any fashion to the Boards' dealing with issues of gender equality of docents at the Museums;

8. All documents relating in any fashion to the selection and composition of the Docent Council leadership currently and one year ago;

9. All documents relating in any fashion to compliance/ non-compliance by the Museums with federal, state, city and county laws, regulations, statutes, commitments, ordinances dealing with the prohibition of gender bias;

10. All documents relating in any fashion to the subject of gender bias requirements and potential or alleged violations within the last two years;

11. All documents relating in any fashion to contracts or agreements with any governmental entities, including but not limited to the National Endowment for the Arts, the State of California and any of its subdivisions, and the City and County of San Francisco that prohibit in any fashion gender bias at the Museums;

12. All documents relating in any fashion to complaints, internal or external, and lawsuits alleging gender bias at the Museums;

13. All documents relating in any fashion to the current funding of the docent program, as well as the sources of that funding;

14. Board minutes for the three Museum Boards for the year 2017;

15. The identity of attorneys engaged by the Museums over the last three years -- to avoid doubt, only the identities, not the advice provided -- and the amount billed the Museums for those services;

16. The identity of the head of the City's Charitable Trust Department as it relates to the Museums;

17. All documents relating in any fashion to any gender-bias training provided to the Museums over the last three years;

18. All documents relating in any fashion to management and/or operational decisions -- as opposed to policy decisions -- taken by the three Boards over the last three years;

19. All documents relating in any fashion to communications from the Mayor's Office to the Museums over the last six months;

20. All documents relating in any fashion to resignation letters from Board members of the three Boards over the last four years and any responses to such resignations;

21. All documents relating in any fashion to any gender-bias complaints to or concerning the Museums over the last four years.

As for what I have received :

The Museums have provided only:

1. Three Rosters of Museum Docents, consisting of some half dozen pages; and

2. My own application to the Museums to be a docent.

You have their objections, comments, and so on. These included a promise to provide the material on a rolling basis; they have provided no such material -- at all.

You will see that I agreed to revise some of the requests as they asked and did not protest their furnishing the material to me on a rolling basis. Yet -- incredibly -- I have received next to nothing from this entity of our city government.

On its face, this is, an extreme case. I would ask SOTF to deal with it on an urgent basis.

Thank you.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:37 PM
To: SOTF, (BOS)
Subject: FW: SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST ONE (REQUEST #'S 1 THROUGH 21) is attached
Attachments: DeYoung FOIA Request January, 2018.docx

Importance: High

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Tuesday, January 09, 2018 5:52 PM
To: 'Skot Jonz'
Subject: SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST ONE (REQUEST #'S 1 THROUGH 21) is attached
Importance: High

Mr. Jonz, SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST ONE (REQUEST #'S 1 THROUGH 21) is attached. Thank you very much.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST ONE (REQUEST #'S 1 THROUGH 21)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: JANUARY 9, 2018
To: Manager, Board Relations
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

You have been kind enough to tell me that your position includes responding to Public Record Requests and similar requests (enumerated above) addressed to the Museums.

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

As you likely know, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

1. All documents relating in any fashion to invitations to and applications by Robert M. Smith over the last 10 years to be a docent at the Museums;

2. All documents relating in any fashion to the identities of the current roster of Museum docents, together with their applications and the evaluation by the Museums of their applications;

3. All documents relating in any fashion to the selection of docents over the last ten (10) years;

4. All documents relating in any fashion to a meeting summoning docent applicants to a meeting several years ago, the stated purpose of which was to tell the applicants there would be no docent training;

5. All documents relating in any fashion to the gender composition of (a) the current docents; (b) the docents recently accepted, (c) the docents one year ago, (d) the docents two years ago;

6. All documents relating in any fashion to the requirement for gender equality of docents at the Museums;

7. All documents relating in any fashion to the Boards' dealing with issues of gender equality of docents at the Museums;

8. All documents relating in any fashion to the selection and composition of the Docent Council leadership currently and one year ago;

9. All documents relating in any fashion to compliance/ non-compliance by the Museums with federal, state, city and county laws, regulations, statutes, commitments, ordinances dealing with the prohibition of gender bias;

10. All documents relating in any fashion to the subject of gender bias requirements and potential or alleged violations within the last two years;

11. All documents relating in any fashion to contracts or agreements with any governmental entities, including but not limited to the National Endowment for the Arts, the State of California and any of its subdivisions, and the City and County of San Francisco that prohibit in any fashion gender bias at the Museums;

12. All documents relating in any fashion to complaints, internal or external, and lawsuits alleging gender bias at the Museums;

13. All documents relating in any fashion to the current funding of the docent program, as well as the sources of that funding;

14. Board minutes for the three Museum Boards for the year 2017;

15. The identity of attorneys engaged by the Museums over the last three years -- to avoid doubt, only the identities, not the advice provided -- and the amount billed the Museums for those services;

16. The identity of the head of the City's Charitable Trust Department as it relates to the Museums;

17. All documents relating in any fashion to any gender-bias training provided to the Museums over the last three years;

18. All documents relating in any fashion to management and/or operational decisions -- as opposed to policy decisions -- taken by the three Boards over the last three years;

19. All documents relating in any fashion to communications from the Mayor's Office to the Museums over the last six months;

20. All documents relating in any fashion to resignation letters from Board members of the three Boards over the last four years and any responses to such resignations;

21. All documents relating in any fashion to any gender-bias complaints to or concerning the Museums over the last four years.

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:36 PM
To: SOTF, (BOS)
Subject: FW: Public Records Request to FAMSF - Robert Smith

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, January 20, 2018 11:16 AM
To: 'Skot Jonz'
Subject: RE: Public Records Request to FAMSF - Robert Smith

Regarding your request that I narrow Request #18:

Boards are to make policy decisions, not day-to-day managerial or operational decisions. There should therefore, at least theoretically, be few responsive documents. It is those that I am requesting.

Also please add the following:

REQUEST 22. Please identify the "other agency" that you state has "a substantial interest in the determination of the request " and that you are consulting with and provide all correspondence (as defined in my original request) between FAMSF and that agency with regard to my request.

Thank you again.

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Friday, January 19, 2018 3:54 PM
To: 'RMS'
Subject: Public Records Request to FAMSF - Robert Smith

Dear Mr. Smith:

I am writing in response to your public records request of January 9, 2018 wherein you ask for:

1. All documents relating in any fashion to invitations to and applications by Robert M. Smith over the last 10 years to be a docent at the Museums;
2. All documents relating in any fashion to the identities of the current roster of Museum docents, together with their applications and the evaluation by the Museums of their applications;
3. All documents relating in any fashion to the selection of docents over the last ten (10) years;
4. All documents relating in any fashion to a meeting summoning docent applicants to a meeting several years ago, the stated purpose of which was to tell the applicants there would be no docent training;
5. All documents relating in any fashion to the gender composition of (a) the current docents; (b) the docents recently accepted, (c) the docents one year ago, (d) the docents two years ago;
6. All documents relating in any fashion to the requirement for gender equality of docents at the Museums;
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8. All documents relating in any fashion to the selection and composition of the Docent Council leadership currently and one year ago;
9. All documents relating in any fashion to compliance/ non-compliance by the Museums with federal, state, city and county laws, regulations, statutes, commitments, ordinances dealing with the prohibition of gender bias;
10. All documents relating in any fashion to the subject of gender bias requirements and potential or alleged violations within the last two years;
11. All documents relating in any fashion to contracts or agreements with any governmental entities, including but not limited to the National Endowment for the Arts, the State of California and any of its subdivisions, and the City and County of San Francisco that prohibit in any fashion gender bias at the Museums;
12. All documents relating in any fashion to complaints, internal or external, and lawsuits alleging gender bias at the Museums;
13. All documents relating in any fashion to the current funding of the docent program, as well as the sources of that funding;
14. Board minutes for the three Museum Boards for the year 2017;
15. The identity of attorneys engaged by the Museums over the last three years -- to avoid doubt, only the identities, not the advice provided -- and the amount billed the Museums for those services;
16. The identity of the head of the City's Charitable Trust Department as it relates to the Museums;
17. All documents relating in any fashion to any gender-bias training provided to the Museums over the last three years;
18. All documents relating in any fashion to management and/or operational decisions -- as opposed to policy decisions -- taken by the three Boards over the last three years; [asking for clarification, narrower scope]
19. All documents relating in any fashion to communications from the Mayor's Office to the Museums over the last six months;
20. All documents relating in any fashion to resignation letters from Board members of the three Boards over the last four years and any responses to such resignations;
21. All documents relating in any fashion to any gender-bias complaints to or concerning the Museums over the last four years.

While we have begun efforts in response to your request, we are invoking an extension of time under Government Code Section 6253(c) to process your request because the Fine Arts Museums staff must search for, collect, and appropriately examine a voluminous amount of separate and distinct records and must consult with another agency having substantial interest in the determination of the request. *See* Cal. Gov't Code §6253(c)(2) and (3).

We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business **February 2, 2018**.

Very truly yours,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

Follow de Young Museum Facebook | Twitter | Instagram
Follow Legion of Honor Museum Facebook | Twitter | Instagram

SOTF File No. 18049

Complaint No. 2 of 5

Young, Victor

From: RMS <rms@robertmsmith.com>
Sent: Monday, July 02, 2018 3:08 PM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); 'Bruce Wolfe'; Leuwam.SOTF@gmail.com; Calvillo, Angela (BOS)
Subject: RE: SOTF - Complaint (Robert Smith V FAMSF) 2 of 5 Complaints

Importance: High

SECOND REQUEST 1/20/18

Regarding your request that I narrow Request #18:

Boards are to make policy decisions, not day-to-day managerial or operational decisions. There should therefore, at least theoretically, be few responsive documents. It is those that I am requesting.

Also please add the following:

REQUEST 22. Please identify the "other agency" that you state has "a substantial interest in the determination of the request " and that you are consulting with and provide all correspondence (as defined in my original request) between FAMSF and that agency with regard to my request.

As for what I have received :

The Museums have provided only:

1. Three Rosters of Museum Docents, consisting of some half dozen pages; and

2. My own application to the Museums to be a docent.

You have their objections, comments, and so on. These included a promise to provide the material on a rolling basis; they have provided no such material -- at all.

You will see that I agreed to revise some of the requests as they asked and did not protest their furnishing the material to me on a rolling basis. Yet -- incredibly -- I have received next to nothing from this entity of our city government.

Thank you.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

Young, Victor

From:	SOTF, (BOS)
Sent:	Thursday, June 21, 2018 10:19 AM
To:	'rms@robertmsmith.com'
Cc:	Leger, Cheryl (BOS); 'Bruce Wolfe'; 'Leuwam.SOTF@gmail.com'; 'Skot Jonz'; Calvillo, Angela (BOS)
Subject:	SOTF - Follow-up on Complaint No. 18049 (Robert Smith V FAMSF)

Dear Mr. Smith:

Upon review of the provided correspondence there appears to be 4 different requests for records submitted to the Fine Arts Museums on: 1/19/18, 2/20/18, 2/22/18 and 4/5/18.

In order to clear up the confusion and proceed further with the complaint the following information is required:

- Short and concise description of the facts (i.e. a description of documents requested, date of request, and any information regarding the agency's response).

  Please file a separate complaint for each individual public records request in order to make the complaint clear and concise for the

I believe that your complaint is regarding your February 22, 2018, request for below listed items. Please confirm.

1. All documents regarding the Corporation of Fine Arts Museums and the Fine Arts Museum of SF from September 1, 2017 to present.
2. All documents regarding the Corporation of the Arts Museums Foundation and the Fine Arts Museums of SF from September 1, 2017 to present.

Once I have received additional clarifying information from you, the matter will be scheduled before a committee of the Task Force to determine if there is enough information to proceed with a hearing before the full Task Force. I anticipate that the hearing will be scheduled within 45 days.

I away your response.

Below is my summary of the correspondence you have provided:

1/9/18, RMS submitted request for records to Fine Arts Museums (FAM) listing 21 separate items.

1/19/18, FAM responded to request invoking an extension of time to respond pursuant to –

Government Code 6253(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.

1/20/18, RMS responded with clarifications for Item 18 and Item 22.

2/22/18, RMS letter to FAM, appears to be a new request for additional records regarding documents related to complaints by RMS. It does not appear to be related to the initial 1/9/18 request.

2/20/18 with follow-up on 2/22/18, Appears to be a 3rd request for records related to communications between certain parties.

3/2/28, FMA response, requesting RMS to narrow the scope of the request. There does not appear to be a response narrow the document request.

There were a series of communications that do not appear to be related to the 1/9/18 or 2/22/18 request or it was unclear dated 2/26/18, 2/27/18, 3/1/18 and 3/3/18.

3/17/18 RMS sent follow-up letter to FMA

3/23/18, RMS provided addition follow-up request to FMA

3/27/18, FAM provided information regarding the public records request

3/28/18 FAM stated that requested records have been mailed.

4/3/18, FAM, responds to the 2/22/18 request, again requesting that the request be narrowed as the current format is voluminous, extremely time consuming and burdensome. In its current form there would be approximated 250,000 emails that would need to be review and possible redacted. Also stated that they would work on it on a rolling basis until the heard back. In addition, FAM stated that they were going through the process of an email migrations that is limiting their ability to perform a complete search.

4/5/18, RMS responded to the FAM 4/3/18 email stating that FAM has 10 day to comply and submitted an additional request for records.

4/11/18, FAM responded to RMS 4/5/18 request for records.

6/5/18, RMS following with FAM stated he has not received any records and has filed a complaint with the SOTF.

6/5/18, SOTF received verbal request and support documents to open complaint file.

Victor Young
Administrator, Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:44 PM
To: SOTF, (BOS)
Subject: RE: SOTF - please respond to this email address

Victor (if I may)--

I want to be completely transparent, so I have sent you nearly everything. A great deal of it is repetitive, as you will see.

But it does show my effort to be cooperative, and the fact that they have provided next to nothing.

Thank you again.

Sincerely,
Bob Smith

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 05, 2018 11:57 AM
To: rms@robertmsmith.com
Cc: Calvillo, Angela (BOS)
Subject: SOTF - please respond to this email address

Please send your complaint to this email address. Thanks.

sotf@sfgov.org

Victor Young
Administrator, Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org


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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, June 06, 2018 9:22 AM
To: SOTF, (BOS); Young, Victor
Cc: Calvillo, Angela (BOS)
Subject: RE: SOTF - Volume of material

Mr. Young, Please forgive the volume of material I sent you. I just want to be entirely transparent about what has happened here. Thanks, Robert Smith

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 05, 2018 11:57 AM
To: rms@robertmsmith.com
Cc: Calvillo, Angela (BOS)
Subject: SOTF - please respond to this email address

Please send your complaint to this email address. Thanks.

sotf@sfgov.org

Victor Young
Administrator, Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:35 PM
To: SOTF, (BOS)
Subject: FW: FOIA Request No. 1

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, February 22, 2018 5:56 PM
To: foia@arts.gov
Subject: FOIA Request No. 1

I request under the Freedom of Information Act a copy of all documents in the possession of and/or under the custody and/or control of the National Endowment for the Arts relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence.

I prefer to receive the information by email.

Please advise me in advance of any costs.

1. All documents relating to the complaint of Robert M. Smith against the Fine Arts Museums of San Francisco from January 1, 2008 to the present.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:33 PM
To: SOTF, (BOS)
Subject: FW: Reponse to my FAMSF public records requests

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 03, 2018 9:54 AM
To: 'Skot Jonz'
Subject: RE: Reponse to my FAMSF public records requests

Skot, Very sorry to learn that you are ill, and I wish you a very speedy recovery!

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Thursday, March 01, 2018 4:12 PM
To: 'RMS'
Subject: RE: Reponse to my FAMSF public records requests

Dear Mr. Smith,

I have been out of the office this week, sick and for medical appointments with irregular access to emails; and apologize that I was unable to reply to your earlier messages.

Skot

From: RMS [mailto:rms@robertmsmith.com]
Sent: Tuesday, February 27, 2018 3:08 PM
To: Skot Jonz
Subject: RE: Reponse to my FAMSF public records requests

I haven't heard back from you, Mr. Jonz. I therefore conclude you agree that I have not made any complaints about the Public Records Request process nor received any COFAM or FAMF records.

You have taken pains to emphasize that neither COFAM nor FAMF is a public entity, rather that they are both separate corporations -- just as if they were Acme Bakery or McDonald's Corporation. It beggars imagination that you believe, or

have been advised, that local governments may spontaneously send their Public Records Requests on to Acme or McDonald's. I should appreciate your assuring me that is not the County's position.

Thank you.

Robert M. Smith

From: RMS [mailto:rms@robertmsmith.com]
Sent: Tuesday, February 27, 2018 9:32 AM
To: 'Skot Jonz'
Subject: RE: Reponse to my FAMSF public records requests

My "complaints," Mr. Jonz? I have not made any complaints about the Public Records Request process...?

Nor have I received any COFAM or FAMF records...?

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Monday, February 26, 2018 4:36 PM
To: 'RMS'
Subject: RE: Reponse to my FAMSF public records requests

Mr. Smith,

We have made every effort to reply to your numerous requests and complaints in a timely manner.

We are not obligated to provide responsive documents that fall under the domain of COFAM or Fine Arts Museums Foundation (FAMF) as they are not subject to the Sunshine Ordinance. However, as a courtesy to you, and to demonstrate our good faith in complying with your requests, we offered to provide certain COFAM and FAMF records you requested anyway. We assume that by requesting these records you did so with your knowledge and consent.

There is no prohibition on sending the requests to other entities; I did so as a courtesy to assist you with getting the documents you requested. I am sorry if you do not see it that way.

Kind regards,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Monday, February 26, 2018 11:14 AM
To: Skot Jonz
Subject: RE: Reponse to my FAMSF public records requests

The Fine Arts Museums Foundation and the Corporation of Fine Arts Museums.

Robert M. Smith

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Monday, February 26, 2018 11:04 AM
To: 'RMS'
Subject: RE: Reponse to my FAMSF public records requests

Mr. Smith,

Which two private entities are you referring to?

Skot Jonz

From: RMS [mailto:rms@robertmsmith.com]
Sent: Monday, February 26, 2018 10:59 AM
To: Skot Jonz
Subject: RE: Reponse to my FAMSF public records requests

Mr. Jonz,

I sent Public Records Requests to a city entity -- FAMSF, as you know. As you also know, you in turn chose to send some of those requests on to what you have described as two entirely private entities, without my knowledge or consent. What was your legal authority to do that?

Thank you.

Robert M. Smith

SOTF File No. 18049

Complaint No. 3 of 5

Young, Victor

From: RMS <rms@robertmsmith.com>
Sent: Monday, July 02, 2018 3:10 PM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); 'Bruce Wolfe'; Leuwam.SOTF@gmail.com; Calvillo, Angela (BOS)
Subject: RE: SOTF - Complaint (Robert Smith V FAMSF) 3 of 5 Complaints

Importance: High

REQUEST -- 2/20/18

....

1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;

2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

As for what I have received :

The Museums have provided only:

1. Three Rosters of Museum Docents, consisting of some half dozen pages; and

2. My own application to the Museums to be a docent.

You have their objections, comments, and so on. These included a promise to provide the material on a rolling basis; they have provided no such material -- at all.

You will see that I agreed to revise some of the requests as they asked and did not protest their furnishing the material to me on a rolling basis. Yet -- incredibly -- I have received next to nothing from this entity of our city government.

Thank you.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:32 PM
To: SOTF, (BOS)
Subject: FW: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 03, 2018 9:57 AM
To: 'Skot Jonz'; mbourne@famsf.org
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Thank you, Mr. Jonz. Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Thank you very much.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Thursday, March 01, 2018 4:04 PM
To: 'RMS'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Mr. Smith,

We are in receipt of your public records request wherein you seek the following:

1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;

2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you?

We await your response.

Kind regards,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, February 22, 2018 6:02 PM
To: Skot Jonz
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: FEBRUARY 20, 2018
To: Manager, Board Relations
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter

referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;

2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

As you have indicated, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:30 PM
To: SOTF, (BOS)
Subject: FW: Update on Public Records Request

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Wednesday, March 28, 2018 11:09 AM
To: 'Skot Jonz'
Subject: RE: Update on Public Records Request

Re:--

1. **Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own.

Someone can surely just print out physical copies of the four rosters and mail them to me by first-class USPS mail today, no?

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Tuesday, March 27, 2018 5:08 PM
To: 'RMS'
Subject: Update on Public Records Request

Dear Mr. Smith,

As agreed in our conversation on Saturday, I expect to have an answer tomorrow or the next day regarding the two items you asked about: (1) taking a second look at your application and scheduling an interview for the docent training program; and (2) upgrade of your membership.

....

I'm sorry our Saturday call didn't end as delightful as it started, but overall I enjoyed speaking with you and believe it was congenial and productive. My intentions are sincere and I genuinely wish to help you resolve this matter. You definitely have an interesting history and great stories to tell ☺

It would be nice if we could chat again briefly, so I could explain in more detail the status of providing the records you seek. It's a bit complicated to put in an email.

2. **The COFAM<>FAMSF and FAMSF<>FAMF correspondence from January 1, 2018 to March 1, 2018.** We are not willfully withholding documents, but have encountered some serious technical issues with the IT Dept conducting a complex email migration from Outlook to Gmail, which has prevented their ability to conduct a thorough search. I will know more about this tomorrow.

3. **Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own.

Feel free to call me at your convenience. I need to leave the office in a few minutes for a dentist appointment, and will be here in the morning. Thank you for your understanding and patience.

Best,
Skot

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Friday, March 23, 2018 5:42 PM
To: Skot Jonz
Cc: Jenny Moore
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)
Importance: High

Dear Mr. Jonz,

I have not has a response from FAMSF to my requests within the mandatory time limit, as noted in the email below, nor have I received any notice of FAMSF's seeking to extend the mandatory deadline. FAMSF is therefore in violation, and I am investigating the remedies available to me.

The PRA provides that prevailing parties in litigation are entitled to their attorneys' fees. Govt. Code § 6259(d) ("The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section.")

In this case, in my view, one is forced to the conclusion that the withholding of the documents is willful, since I have not heard from FAMSF.

Kindly immediately send the material requested earlier.

Also, PLEASE NOTE: Please add this REQUEST SET THREE:

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

1. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2017;

2. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2016;

3. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2015.

4. The complete roster of all trained and currently serving docents at FAMSF as of March 23, 2018.

As you have earlier been kind enough to note, a 10-day deadline attaches.

Thank you again for your assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 17, 2018 11:48 AM
To: 'Skot Jonz'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Mr. Jonz, I have not received the documents requested.

Robert M. Smith

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 03, 2018 9:57 AM
To: 'Skot Jonz'; mbourne@famsf.org
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Thank you, Mr. Jonz. Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Thank you very much.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Thursday, March 01, 2018 4:04 PM
To: 'RMS'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Mr. Smith,

We are in receipt of your public records request wherein you seek the following:

1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;

2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you?

We await your response.

Kind regards,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

Follow de Young Museum Facebook | Twitter | Instagram
Follow Legion of Honor Museum Facebook | Twitter | Instagram

From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, February 22, 2018 6:02 PM
To: Skot Jonz
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: FEBRUARY 20, 2018
To: Manager, Board Relations
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

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2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

As you have indicated, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:28 PM
To: SOTF, (BOS)
Subject: FW: Update on Public Records Request

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Wednesday, March 28, 2018 11:13 AM
To: 'RMS'
Subject: RE: Update on Public Records Request

Hi,

Yes, that's right...assuming I can locate the physical rosters I would be happy to put them in the mail to you ASAP.

Skot

From: RMS [mailto:rms@robertmsmith.com]
Sent: Wednesday, March 28, 2018 11:09 AM
To: Skot Jonz
Subject: RE: Update on Public Records Request

Re:--

1. **Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own.

Someone can surely just print out physical copies of the four rosters and mail them to me by first-class USPS mail today, no?

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Tuesday, March 27, 2018 5:08 PM
To: 'RMS'
Subject: Update on Public Records Request

Dear Mr. Smith,

As agreed in our conversation on Saturday, I expect to have an answer tomorrow or the next day regarding the two items you asked about: (1) taking a second look at your application and scheduling an interview for the docent training program; and (2) upgrade of your membership.

I also heard from Ms. Oyama at the Human Rights Commission, who indicated that she spoke with you regarding the option for mediation. She said Monday (4/2/18) morning is the earliest option to hold a meeting. I'm waiting to hear back from our counsel regarding that.

I'm sorry our Saturday call didn't end as delightful as it started, but overall I enjoyed speaking with you and believe it was congenial and productive. My intentions are sincere and I genuinely wish to help you resolve this matter. You definitely have an interesting history and great stories to tell ☺

It would be nice if we could chat again briefly, so I could explain in more detail the status of providing the records you seek. It's a bit complicated to put in an email.

2. **The COFAM<>FAMSF and FAMSF<>FAMF correspondence from January 1, 2018 to March 1, 2018.** We are not willfully withholding documents, but have encountered some serious technical issues with the IT Dept conducting a complex email migration from Outlook to Gmail, which has prevented their ability to conduct a thorough search. I will know more about this tomorrow.

3. **Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own.

Feel free to call me at your convenience. I need to leave the office in a few minutes for a dentist appointment, and will be here in the morning. Thank you for your understanding and patience.

Best,
Skot

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

Follow de Young Museum Facebook | Twitter | Instagram
Follow Legion of Honor Museum Facebook | Twitter | Instagram

From: RMS [mailto:rms@robertmsmith.com]
Sent: Friday, March 23, 2018 5:42 PM
To: Skot Jonz
Cc: Jenny Moore

Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)
Importance: High

Dear Mr. Jonz,

I have not has a response from FAMSF to my requests within the mandatory time limit, as noted in the email below, nor have I received any notice of FAMSF's seeking to extend the mandatory deadline. FAMSF is therefore in violation, and I am investigating the remedies available to me.

The PRA provides that prevailing parties in litigation are entitled to their attorneys' fees. Govt. Code § 6259(d) ("The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section.")

In this case, in my view, one is forced to the conclusion that the withholding of the documents is willful, since I have not heard from FAMSF.

Kindly immediately send the material requested earlier.

Also, PLEASE NOTE: Please add this REQUEST SET THREE:

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note:** This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

1. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2017;

2. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2016;

3. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2015.

4. The complete roster of all trained and currently serving docents at FAMSF as of March 23, 2018.

As you have earlier been kind enough to note, a 10-day deadline attaches.

Thank you again for your assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 17, 2018 11:48 AM
To: 'Skot Jonz'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

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Robert M. Smith

From: RMS [mailto:rms@robertmsmith.com]
Sent: Saturday, March 03, 2018 9:57 AM
To: 'Skot Jonz'; mbourne@famsf.org
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Thank you, Mr. Jonz. Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

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rms@robertmsmith.com
(+1) 415.242.9800

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To: 'RMS'
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Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you?

We await your response.

Kind regards,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
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From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, February 22, 2018 6:02 PM
To: Skot Jonz
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: FEBRUARY 20, 2018
To: Manager, Board Relations
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all

documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

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As you have indicated, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:26 PM
To: SOTF, (BOS)
Subject: FW: Follow-up on Public Records Request of COFAM<>FAMSF and FAMF<>FAMSF emails

More correspondence re Request.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Tuesday, April 03, 2018 5:16 PM
To: 'RMS'
Subject: Follow-up on Public Records Request of COFAM<>FAMSF and FAMF<>FAMSF emails

Dear Mr. Smith:

This email responds to your public records request to the Fine Arts Museums of San Francisco for the following records:

1. *All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;*

2. *All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.*

Thank you for agreeing to initially begin with the time period *January 1, 2018* for both requests.

Your request potentially involves a voluminous number of records. The Museums' Director of IT estimates there are approximately **250,000** emails from January 1, 2018 through February 20, 2018 located on the Museums' email servers. Because the Museums are implementing an organization-wide email migration, there are currently severe limitations on our servers. These technical limitations make retrieving large amounts of emails more burdensome and time-consuming than if the Museums were not in the middle of a migration. Similarly, our IT staff is managing the migration in addition to staff's regular museum duties. Also, once our IT Department has retrieved all of the responsive emails, staff will need to review the content of each email and make any appropriate redactions to emails that are responsive.

Because this effort will be extremely time-consuming and burdensome, and involve use of scarce museum resources, we would further like to assist you in making a more **"focused and effective request."** (See California Government Code section 6253.1.) We are again requesting that you more narrowly tailor your request to the type or types of communication you would like to receive. For example, you could provide **key words** that the Museums' IT team could utilize to hone in on records that are responsive to the types of communications you seek, or you could indicate

subjects to us, for which we would devise search terms. This type of focused search geared to a particular subject or subjects will allow staff to more efficiently identify, review, and produce responsive documents, with minimum disruption to staff's other duties.

Until we hear back from you, staff will continue to work on responding to your request by allocating a certain number of hours per week on your request. We intend to produce records as soon as reasonably possible on a "rolling" basis, starting with the first week of January, then the second week of January, and so forth. However, the search process would be more efficient and possibly more effective in locating records in which your interest would be greatest, if the search could be narrowed along the lines discussed above.

Please feel free to contact me with any questions.

Kind regards,

Skot Jonz
Manager of Board Relations
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118
p 415.750.2635 | sjonz@famsf.org | famsf.org

SOTF File No. 18049

Complaint No. 4 of 5

Young, Victor

From: RMS <rms@robertmsmith.com>
Sent: Monday, July 02, 2018 3:12 PM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); 'Bruce Wolfe'; Leuwam.SOTF@gmail.com; Calvillo, Angela (BOS)
Subject: RE: SOTF - Complaint (Robert Smith V FAMSF) 4 of 5 Complaints

Importance: High

FOURTH REQUEST:-- 3/23/18

....

1. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2017;

2. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2016;

3. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2015.

4. The complete roster of all trained and currently serving docents at FAMSF as of March 23, 2018.

As for what I have received :

The Museums have provided only:

1. Three Rosters of Museum Docents, consisting of some half dozen pages; and

2. My own application to the Museums to be a docent.

You have their objections, comments, and so on. These included a promise to provide the material on a rolling basis; they have provided no such material -- at all.

You will see that I agreed to revise some of the requests as they asked and did not protest their furnishing the material to me on a rolling basis. Yet -- incredibly -- I have received next to nothing from this entity of our city government.

Thank you.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:31 PM
To: SOTF, (BOS)
Subject: FW: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Importance: High

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Friday, March 23, 2018 5:42 PM
To: 'Skot Jonz'
Cc: 'Jenny Moore'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)
Importance: High

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I have not has a response from FAMSF to my requests within the mandatory time limit, as noted in the email below, nor have I received any notice of FAMSF's seeking to extend the mandatory deadline. FAMSF is therefore in violation, and I am investigating the remedies available to me.

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In this case, in my view, one is forced to the conclusion that the withholding of the documents is willful, since I have not heard from FAMSF.

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of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).

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As you have earlier been kind enough to note, a 10-day deadline attaches.

Thank you again for your assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

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Thank you very much.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Thursday, March 01, 2018 4:04 PM
To: 'RMS'
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

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2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you?

We await your response.

Kind regards,

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, February 22, 2018 6:02 PM
To: Skot Jonz
Subject: RE: Public records request - Gender-bias REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST SET TWO (REQUEST #'S 1 AND 2 OF SET TWO)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: FEBRUARY 20, 2018
To: Manager, Board Relations
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

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As you have indicated, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

SOTF File No. 18049

Complaint No. 5 of 5

Young, Victor

From: RMS <rms@robertmsmith.com>
Sent: Monday, July 02, 2018 3:15 PM
To: SOTF, (BOS)
Cc: Leger, Cheryl (BOS); 'Bruce Wolfe'; Leuwam.SOTF@gmail.com; Calvillo, Angela (BOS)
Subject: RE: SOTF - Complaint (Robert Smith V FAMSF) 5 of 5 Complaints

Importance: High

FIFTH REQUEST:-- 4/5/18

....

1 (OF 1). All documents relating in any fashion to invitations to and applications by Robert M. Smith from January 1, 1997 to the present to be a docent at the Museums. (Please note this request is not somehow to be construed as limited to my applications, but includes all documents as described. Also, kindly note that I am unwilling to extend the 10-day deadline; it is a single, straightforward, well-defined, limited request.)

[I have been abbreviated each of my requests to omit addressee, prefatory, and other material for SOTF's ease of reference.]

As for what I have received :

The Museums have provided only:

1. Three Rosters of Museum Docents, consisting of some half dozen pages; and

2. My own application to the Museums to be a docent.

You have their objections, comments, and so on. These included a promise to provide the material on a rolling basis; they have provided no such material -- at all.

You will see that I agreed to revise some of the requests as they asked and did not protest their furnishing the material to me on a rolling basis. Yet -- incredibly -- I have received next to nothing from this entity of our city government.

Thank you.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:24 PM
To: 'Skot Jonz'
Cc: SOTF, (BOS)
Subject: RE: SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST THREE

Mr. Jonz,

I have received no documents whatsoever from the Museums in response to my SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUESTS, except for my own application to the Docent program and three lists of docents. In my view, this is a willful and flagrant violation of the various statutes and regulations and decisional law. It certainly gives every appearance of being intentional and in bad faith. I was entitled to this material within 10 days. You have not even kept your promise to turn it over on a rolling basis.

I am immediately referring the matter to the San Francisco Ordinance Sunshine Task Force, and asking them to make a finding of willful noncompliance and forward the matter on an urgent basis to the San Francisco Ethics Commission.

I reserve all other remedies, including referral to the San Francisco District Attorney and private litigation (in which I shall feel at liberty to seek punitive damages).

I am forwarding this, and previous emails, to the San Francisco Ordinance Sunshine Task Force.

I shall also be apprising the National Endowment for the Arts of the Museum's conduct. Institutions that flout the law should not receive federal taxpayer-provided support, especially in a context of demonstrable and acute gender bias.

Sincerely,
Robert M. Smith

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Wednesday, April 11, 2018 4:54 PM
To: 'RMS'
Subject: RE: SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST THREE

Dear Mr. Smith,

We are in receipt of your public records request dated April 5, wherein you seek the following:

1 (OF 1). All documents relating in any fashion to invitations to and applications by Robert M. Smith from January 1, 1997 to the present to be a docent at the Museums. (Please note this request is not somehow to be construed as limited to my applications, but includes all documents as described. Also, kindly note that I am unwilling to extend the 10-day deadline; it is a single, straightforward, well-defined, limited request.)

I will be back in touch soon, within the 10 day deadline, with any responsive records that can be identified.

Kind regards,

Skot Jonz

Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, April 05, 2018 11:03 AM
To: Skot Jonz
Subject: RE: SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- REQUEST THREE

ROBERT M. SMITH
127 Lawton Street
San Francisco, CA 94122

SUNSHINE ACT/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST -- SET THREE (CONSISTING OF A SINGLE REQUEST)

Skot Jonz
Manager, Board Relations
Fine Arts Museums of San Francisco
50 Hagiwara Tea Garden Drive
Golden Gate Park
San Francisco, CA 941118

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: APRIL 5, 2018
To: Skot Jonz
Subject: SUNSHINE ACT REQUEST/FREEDOM OF INFORMATION ACT/PUBLIC RECORDS REQUEST

Dear Mr. Jonz,

You have been kind enough to tell me that your position includes responding to Public Record Requests and similar requests (enumerated above) addressed to the Museums.

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and

inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

As you know, a 10-day deadline attaches to the preparation of the copies.

Thank you again very much for your kind assistance, Mr. Jonz.

Robert M. Smith
rms@robertmsmith.com
(+1) 415.242.9800

1 (OF 1). All documents relating in any fashion to invitations to and applications by Robert M. Smith from January 1, 1997 to the present to be a docent at the Museums. (Please note this request is not somehow to be construed as limited to my applications, but includes all documents as described. Also, kindly note that I am unwilling to extend the 10-day deadline; it is a single, straightforward, well-defined, limited request.)

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, June 05, 2018 4:27 PM
To: SOTF, (BOS)
Subject: FW: Tardy PRR, unresponded-to mediation

More correspondence.

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: RMS [mailto:rms@robertmsmith.com]
Sent: Thursday, March 29, 2018 12:04 PM
To: 'Skot Jonz'
Cc: 'Oyama, Rebecca (HRC)'
Subject: RE: Tardy PRR, unresponded-to mediation

From: RMS [mailto:rms@robertmsmith.com]
Sent: Wednesday, March 28, 2018 5:40 PM
To: 'Skot Jonz'
Subject: RE: Update on Public Records Request - Docent Rosters

Thank you.

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

From: Skot Jonz [mailto:SJonz@famsf.org]
Sent: Wednesday, March 28, 2018 1:10 PM
To: 'RMS'
Subject: RE: Update on Public Records Request - Docent Rosters

Dear Mr. Smith –

Success! Responsive documents sent by first-class USPS mail as you requested.

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: RMS [mailto:rms@robertmsmith.com]
Sent: Wednesday, March 28, 2018 11:09 AM
To: Skot Jonz
Subject: RE: Update on Public Records Request

Re:--

1. **Docent rosters** as of December 31, 2015, December 31, 2016, December 31, 2017 and March 23, 2018. COFAM staff who coordinate the docent program are not in the office this week. I have a call in to the Chair of the Docent Council to obtain this information. There is no way for me to find this on my own.

Someone can surely just print out physical copies of the four rosters and mail them to me by first-class USPS mail today, no?

Robert M. Smith, Esq.
rms@robertmsmith.com
www.robertmsmith.com
(+1) 415.242.9800

SOTF File No. 18049

Misc. Support Documents

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, June 06, 2018 9:22 AM
To: SOTF, (BOS); Young, Victor
Cc: Calvillo, Angela (BOS)
Subject: RE: SOTF - Volume of material

Mr. Young, Please forgive the volume of material I sent you. I just want to be entirely transparent about what has happened here. Thanks, Robert Smith

Robert M. Smith
rms@robertmsmith.com
415.242.9800

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 05, 2018 11:57 AM
To: rms@robertmsmith.com
Cc: Calvillo, Angela (BOS)
Subject: SOTF - please respond to this email address

Please send your complaint to this email address. Thanks.

sotf@sfgov.org

Victor Young
Administrator, Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall., Room 244
San Francisco CA 94102
phone 415-554-7724 | fax 415-554-5163
victor.young@sfgov.org | www.sfbos.org

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Leger, Cheryl (BOS)

From: Skot Jonz <sjonz@famsf.org>
Sent: Friday, June 15, 2018 1:14 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 18049

Dear Victor –

I just called and left you a voicemail after our phone conversation. Thank you for informing me that today's deadline to respond to SOTF is no longer in effect and that you will be in touch regarding any new deadlines to submit a response once you have had an opportunity to more thoroughly review Complainant's complaint.

Have a great weekend!

Best,

Skot

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Thursday, June 14, 2018 9:21 AM
To: Skot Jonz <sjonz@famsf.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 18049

Mr. Jonz:

We will take a closer look at the submission and get back to you shortly.

Victor Young 415-554-7724
Administrator, Sunshine Ordinance Task Force

From: Skot Jonz [mailto:sjonz@famsf.org]
Sent: Tuesday, June 12, 2018 12:37 PM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Cc: Young, Victor <victor.young@sfgov.org>
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 18049

Dear Ms. Leger and Mr. Young –

Although I see the Complaint Summary that you attached along with the Complainant's emails, I do not see the actual complaint. Is this a general complaint "for failing to respond to a request for public records in a timely and/or complete manner"? As you probably noticed, Complainant has made numerous records requests most of which we have responded to, so it is unclear which records request this Complaint is referring to....the most recent?

To be clear, if the Complaint refers to ALL of Complainant's records requests, then I am expected to compile all of this information for you by Friday?

Your clarification is appreciated.
-Skot

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

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From: Leger, Cheryl (BOS) [mailto:cheryl.leger@sfgov.org]
Sent: Friday, June 08, 2018 11:44 AM
To: SJonz@famsf.org
Cc: rms@robertmsmith.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 18049

Good Afternoon:

The Fine Arts Museums of San Francisco has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.
The Respondent is required to submit a written response to 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. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

List all relevant records with descriptions that have been provided pursuant to the Complainant request.

Date the relevant records were provided to the Complainant.

Description of the method used, along with any relevant search terms used, to search for the relevant records.

Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.

Copy of the original request for records (if applicable).

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

The complaint attached.

Both parties (Complainant and Respondent) **will be contacted once a hearing date is determined.** Attached is the Sunshine Ordinance Task Force's complaint procedures.

Thank you.

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



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Respondents Document Submission

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, August 20, 2019 2:48 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.
Attachments: FAMSFInput.File No18083(Aug27hearing).pdf; FAMSFInput.FileNo.18049(August27hearing).pdf

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

Hi Cheryl,
FAMSF input is provided in regards to the cases noted in your email.
Thank you, on behalf of FAMSF,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Jul 29, 2019 at 1:17 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: August 27, 2019

Location: City Hall, Room 408

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.

Complaints:

File No. 18072: Hearing on the Status of the Order of Determination - Complaint filed by Joshua Klipp against the Recreation and Parks Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(b) and (e), by failing to respond to a public records request in a timely and/or complete manner.

File No. 18049: Hearing on the Status of the Order of Determination. Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Hearing on the Status of the Order of Determination - Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18012: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 18028: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 20, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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File No. 18049

Respondent's Input to Compliance and Amendments Committee

After appearing before the Sunshine Ordinance Task Force, the Compliance and Amendments Committee, and the Complaint Committee (for the Compliance and Amendments Committee), FAMSF has fully complied with the Task Force's March 25, 2019 Order of Determination to provide Mr. Smith the remaining responsive documents to his request, and subject to File No. 18049. FAMSF provided these documents in the time period set by the Compliance and Amendments Committee, with all documents being received by Mr. Smith by the deadline of July 15.

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, July 19, 2019 5:23 PM
To: Robert M. Smith
Cc: Leger, Cheryl (BOS)
Subject: Re: FAMSF SOTF Matters 18049 and 18083
Attachments: Withheld Index 18049.xlsx; Withheld Index 18083.xlsx

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

Mr. Smith,
FAMSF has actually been advised by the City Attorney's Office that an index for withheld records is not required. However, FAMSF is providing you such for SOTF Orders 18049 and 18083.
Thank you, on behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Sat, Jul 13, 2019 at 9:28 AM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

RE: SOTF Matters 18049 and 18083 –

You state you have withheld records, but you have not identified those records. You are obliged to provide me with a log of what you have withheld and the individual legal grounds for each record you have withheld. As to both of these matters, please do so no later than July 19, 2019. (I am certain you must have such a log.)

I believe you said you are being advised on these matters by the San Francisco City Attorney. Is that not right?

Thank you.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

DOCUMENTS EXCEED

25 PAGES

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

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Mr. Smith,

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The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, May 30, 2019 8:17 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

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

Mr. Smith,
In response to your questions -
1. Yes, we corrected 196 documents and resent the updated ones to you with the mailing on April 29. To quote my April 29 email to you: "We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index" The index reflects the current status and redactions of all documents.
2. Regarding the documents with the word RELEASED on the index, we originally provided that document to you with redactions on our April 12 mailing. As stated above, we subsequently reviewed those redactions. If the document has the word RELEASE next to it, it means we resent you that document with no redactions.
3. With my signature, I'm indicating that I am responding on behalf of FAMSF, regarding your request for FAMSF records.

On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, May 30, 2019 at 10:50 AM Robert M. Smith <rms@robertmsmith.com> wrote:

> Dear Ms. Powers,
>
> To be clear:--
>
> Do you mean, of the 7,000 documents in Phase 1, you corrected 196 documents by removing some or all of the redactions in them? And did you correct the Index to Phase 1 after having done that?

What does "Release" mean in what you have provided?

You say you are responding "On behalf of FAMSF." Do the documents you have provided include COFAM and Foundation documents?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: PRR FAMSF <prr@famsf.org>
Sent: Wednesday, May 29, 2019 5:14 PM
To: rms@robertmsmith.com; SOTF, (BOS)
Subject: Redaction Indices
Attachments: Redaction Index Phase 1 & 2.xlsx; Redaction Index Phase 3.xlsx

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

Mr. Smith,

Attached are the indices of redactions for the documents you received. On the first attachment, Redaction Index Phase 1, Phase 1 covers the first 7,000+ documents you received. After the first Compliance Committee meeting, as previously relayed to you, we resent to you (along with the next set of documents) any document in which redactions were minimized, either by removing some or all redactions. There were a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index. The second tab, on that same attachment, Phase 2, covers the second set of documents you received. The second attached index, Redaction Index Phase 3, covers the last batch of documents FAMSF sent to you.

You can use this address - prr@famsf.org to send any questions you have concerning redactions to specific documents.

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects
415-750-3690

DOCUMENTS EXCEED

25 PAGES

	Document	BASIS	Redaction CHANGED
-a----	20180104-084028-adalo_Redacted frontline.pdf	Release	x
-a----	20180104-123035-rcooper_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	20180105-152705-adalo_Redacted.pdf	Release	x
-a----	20180106-084139-adalo frontline_Redacted.pdf	Release	x
-a----	20180107-090959-rcooper_Redacted.pdf	Release	x
-a----	20180107-164918-psmithwick_Redacted.pdf	Release	x
-a----	20180108-124659-ctan_Redacted.pdf	Privacy - personnel; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c), 6254.3; San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	20180209122756_Redacted.pdf kmontgomery 311	Release	x
-a----	adalo-20180105-154415-3_Redacted.pdf	Release	x
-a----	adalo-20180117-094300-17_Redacted.pdf	Release	x
-a----	adalo-20180125-084316-26 daily frontline ops_Redacted.pdf	Release	x
-a----	adalo-20180126-083426-27_Redacted.pdf	Release	x
-a----	adalo-20180203-085757-43 Daily Frontline ops_Redacted.pdf	Release	x
-a----	adalo-20180213-162253-60_Redacted.pdf	Privacy - personnel; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	adalo-20180216-084603-70_Redacted.pdf	Release	x
-a----	adansiger-20180214-151050-20_Redacted.pdf	Privacy - financial/personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	adansiger-20180215-170348-21_Redacted.pdf	Privacy - financial/personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	AFGA ACQUISITIONS signed invoices _Redacted.pdf	Privacy - financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2	x
-a----	aholmes-20180123-130849-29_Redacted.pdf	Release	x
-a----	apresent-20180112-105241-26_Redacted.pdf	Release	x
-a----	Art Acquisition Request Form-Bibiena Gallo_Redacted.pdf	Privacy - financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2	x
-a----	bward-20180112-081537-4_Redacted.pdf	Release	x
-a----	bward-20180112-122348-5_Redacted.pdf	Release	x

-a----	cinaba-20180110-163803-7_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	cinaba-20180111-153825-11_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	cmoss-20180110-131849-16_Redacted.pdf	Privacy - personnel; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	cstone-20180109-085711-29_Redacted.pdf	Release	x
-a----	Daily Frontline Operations 1-3-2018_Redacted.pdf	Release	x
-a----	Daily Frontline Operations 1-4-2018_Redacted.pdf	Release	x
-a----	Daily Frontline Operations 1-6-2018_Redacted.pdf	Release	x
-a----	ddefors-20180102-091653-3_Redacted.pdf	Privacy - personal email/phone number/home address; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2	x
-a----	ddefors-20180102-091806-4_Redacted.pdf	Privacy - personal email/phone number/home address; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2	x
-a----	ddefors-20180103-124359-19_Redacted.pdf	Privacy - medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	ddefors-20180103-135255-21_Redacted.pdf	Release	x
-a----	ddefors-20180108-094211-40_Redacted.pdf	Release	x
-a----	ddefors-20180108-101657-42_Redacted.pdf	Release	x
-a----	ddefors-20180108-105802-43_Redacted.pdf	Release	x
-a----	ddefors-20180109-113903-52 Danny Lyon Notation_Redacted.pdf	Release	x
-a----	ddefors-20180109-113903-52_Redacted.pdf	Release	x
-a----	ddefors-20180110-083101-63_Redacted.pdf	Release	x
-a----	ddefors-20180110-083410-64_Redacted.pdf	Release	x
-a----	ddefors-20180110-123333-69_Redacted.pdf	Release	x
-a----	ddefors-20180110-133410-70_Redacted.pdf	Release	x
-a----	ddefors-20180110-133635-71_Redacted.pdf	Release	x
-a----	ddefors-20180122-083751-107_Redacted.pdf	Privacy - personal email/phone number; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco	x

-a----	ddefors-20180122-120728-121_Redacted.pdf	Privacy - medical/personal email/financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San	x
-a----	ddefors-20180123-110729-129_Redacted.pdf	Privacy - medical/personal email/financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San	x
-a----	ddefors-20180125-123411-145_Redacted.pdf	Privacy - medical/personal email/financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San	x
-a----	ddefors-20180202-165114-208_Redacted.pdf	Release	x
-a----	devans-20180112-152114-7_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	devans-20180112-154311-8_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	dgriffin-20180104-151649-6_Redacted.pdf	Privacy - medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	dY Facility Report 7_27_16 - CURRENT MASTER_Redacted.pdf kmontgomery 155	Release	x
-a----	eeffmann-20180112-090051-19_Redacted.pdf	Privacy - medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	friday numbers jason jan 18_Redacted.pdf	Release	x
-a----	hgray-20180110-163958-6_Redacted.pdf	Privacy - personal email address; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	hgray-20180111-103755-7_Redacted.pdf	Privacy - personal email address; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	hgray-20180112-162007-8_Redacted.pdf	Privacy - personal email address; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	hgray-20180127-131854-19_Redacted.pdf	Release	x
-a----	jdorsey 1 IMG_20180102_145717_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x

-a----	jdorsey 1 IMG_20180102_145801_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jdorsey 1 IMG_20180102_145823_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jdorsey 4 IMG_20180102_145717_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	Jdorsey 4 IMG_20180102_145801_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jdorsey 4 IMG_20180102_145823_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jdorsey 5 IMG_20180102_145801_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jdorsey 5 IMG_20180102_145823_Redacted.pdf	Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180102-085450-1_Redacted.pdf	Privacy - personal email/phone number; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180102-085631-3_Redacted.pdf	Privacy - personal email/home address/financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San	x
-a----	jganz-20180102-085836-4_Redacted.pdf	Privacy - personal email/phone number; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180102-111029-18_Redacted.pdf	Privacy - personal phone number/email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180109-112332-62_Redacted.pdf	Privacy - personal email/personal phone number; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San	x
-a----	jganz-20180110-151759-92_Redacted.pdf	Release	x
-a----	jganz-20180110-155805-93_Redacted.pdf	Release	x
-a----	jganz-20180111-115658-110_Redacted.pdf	Release	x
-a----	jganz-20180111-121134-111_Redacted.pdf	Release	x

-a----	jganz-20180112-084351-114_Redacted.pdf	Privacy - personal email/phone number; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180116-202638-127_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	jganz-20180117-141857-146_Redacted.pdf	Release	x
-a----	jganz-20180123-163605-197_Redacted.pdf	Release	x
-a----	jganz-20180124-091112-199_Redacted.pdf	Release	x
-a----	jganz-20180124-091213-200_Redacted.pdf	Release	x
-a----	jganz-20180126-102655-222 Garnett 2017 declaration_Redacted.pdf	Release	x
-a----	jganz-20180129-074923-232_Redacted.pdf	Release	x
-a----	jganz-20180131-123747-263_Redacted.pdf	Release	x
-a----	jganz-20180202-135046-294_Redacted.pdf	Release	x
-a----	jganz-20180207-102316-336_Redacted.pdf	Privacy - personal email/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180207-121634-338_Redacted.pdf	Privacy - personal email/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180207-135732-341_Redacted.pdf	Privacy - personal email/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180207-141338-342_Redacted.pdf	Privacy - personal email/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco	x
-a----	jganz-20180221-101110-494_Redacted.pdf	Release	x
-a----	jganz-20180222-170338-518_Redacted.pdf	Release	x
-a----	jganz-20180222-170747-519_Redacted.pdf	Release	x
-a----	jganz-20180223-170742-534_Redacted.pdf	Release	x
-a----	jganz-20180227-142332-555_Redacted.pdf	Release	x
-a----	jganz-20180228-083741-561_Redacted.pdf	Release	x
-a----	jganz-20180228-100351-562_Redacted.pdf	Privacy - personal email; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code	x
-a----	kbreuer-20180105-180217-23_Redacted.pdf	Privacy - financial; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2	x

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, May 14, 2019 3:18 PM
To: RMS; SOTF, (BOS)
Subject: File No 18049 Document release

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Mr. Smith,

Today, May 14, 2019, FAMSF is sending you by U.S. Mail a thumb drive with over 4,000 documents in relation to File No. 18049 for delivery to you by Wednesday, May 15. This response includes an index of redactions, identifying the basis for redactions per document. Documents have also been withheld for the following reasons:

- Attorney-Client communication; Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq., Cal. Bus. & Prof. Code §6068(e)
- Attorney-Client communication; Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq., Cal. Bus. & Prof. Code §6068(e); Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Attorney-Client communication; Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq., Cal. Bus. & Prof. Code §6068(e); Privacy - personnel; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - personnel (employment contract between contractor and non-city entity); Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - personnel (non-city employee); Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - personnel/medical; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - personnel/Security staffing; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Privacy - personnel; Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2
- Security Records - security procedures/staffing to deter crime; Cal. Govt. Code § 6254(f)
- Security Records - security staffing/placement of guards to deter crime; Cal. Govt. Code § 6254(f)

If you have questions concerning any document's redaction(s), please direct your queries to prr@famsf.org, noting which specific document you are asking about.

Sent on behalf of the FAMSF, thank you,
Melissa Powers

Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 30, 2019 5:15 PM
To: RMS; SOTF, (BOS)
Subject: Follow Up to Questions File No. 18049

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Mr. Smith,

I apologize about the e-mail not working - it should be working now for you. You may have already received the thumbdrive today, but regarding your question about what provisions apply to the documents deemed exempt from disclosure, the Museums have withheld documents based on the following provisions:

Attorney-Client Communication (Cal. Govt. Code §§ 6254(k))
Attorney-Client Communication/Privacy - Personnel/Medical (Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c), 6254(k); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2)
Privacy - Medical (Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2)
Privacy - Personnel (Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2)
Privacy - Personnel/Medical (Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code §§ 6250, 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2)
Privacy - Photo (Cal. Const. Art. I §§ 1, 3(b); Cal. Govt. Code § 6250; San Francisco Admin. Code § 67.1(g); San Francisco Admin. Code Chapter 12M.2)

As for the amount of documents provided by May 1 (over 4,000), this is in line with the Compliance and Amendments Committee's direction (April 16, 2019) for production of documents. You can direct any issue regarding this matter to the Compliance and Amendments Committee.

Otherwise, you can send specific questions you may have about specific documents containing redactions to prr@famsf.org and we will aim to get back to you as soon as possible.
Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 1:29 PM
To: SOTF, (BOS)
Subject: Re: City Administrator Input
Attachments: MOU(FAMSF.COFAM.FAMF).pdf

Hi Cheryl,
Here you go -
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

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On Tue, Apr 23, 2019 at 12:45 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Ms. Powers:

I spoke with Chair Wolfe who stated that he thinks the MOU for the Museums would answer any questions the SOTF may have. Can you please send me a copy? Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 12:43 PM
To: cheryl.leger@sf.gov.org; SOTF, (BOS) <sotf@sfgov.org>
Subject: City Administrator Input

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

Hi Cheryl,

I understand any input for the May 1 hearing would be required by Thursday. From looking at the previous SOTF minutes, excerpt below, I believe information was requested by the SOTF staff from the City Administrator which would be helpful in preparing any input. Was this information ever provided?

Thank you,
Melissa

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF)

Melissa Powers
Manager of Board Relations and Special Projects

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FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, April 18, 2019 5:52 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Mr. Smith,

- From what I understand, and after listening to the audio of the April 16 hearing, we owe you documents in two week review increments; two weeks after the date of the hearing would be May 1. I had planned on sending you the next batch of documents on May 1 via USPS and you will likely receive it a day or so after.

Cheryl: Can you please confirm with the Committee members exactly what type of schedule they want - is it permissible to send the documents on May 1st?

- While 5,000 documents was a stated goal, if the Museums provide less than that, then it will be noted when we send you the documents. I made it clear at the hearing that I do not believe the Museums can meet a production goal of 5.000 every two weeks. We will articulate with each submission what we are providing to you on a rolling basis and I will copy the Task Force on the input (as well as the Clerk, Cheryl, the materials separately). Our submissions will demonstrate our good faith efforts.

- For the previously redacted documents, while this was not stated as being required, we will re-review them and, if appropriate, provide you updated documents. We will also provide you an index of what the statutory basis is for redactions to supplement the basis we have already provided to you. For any document with redactions you do not agree with, the Committee requested that you provide the Museums an index of those you specifically take issue with and so inform the Committee every two weeks. This was noted around the 37 minute mark on the audio of the hearing.

- I have been part of the review and redaction process that has taken place so far. Someone has also been hired to work on this full time. However, I am the responsible party. Everyone is trained.

- I provided the information as to the IT algorithm on the record, which was accepted by the Committee. Please refer to the 42 minute mark of the audio of the hearing.

For any further issues you may have, please direct your questions to Ms. Leger and she can seek clarification from the Committee members.

Thank you,

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
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On Wed, Apr 17, 2019 at 5:04 PM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers, Please do so by the close of business tomorrow, Thursday, April 18, 2019 so there is time to deal with any issue. Thank you. Very truly yours, Robert M. Smith

---

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, April 17, 2019 11:22 AM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

Mr. Smith,
In the alternative, I will wait until the audio is available and will listen to that first and send you my summary, based on the record, as I do not agree with all of your conclusions.

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Wed, Apr 17, 2019 at 11:18 AM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

I want to just memorialize the results of yesterday's meeting of the Compliance and Amendments Committee:--

1. The next 5,000 documents are due to me no later than May 1, 2019;

2. The next 5,000 documents thereafter are due to me no later than May 15, 2019;

3. All remaining documents due me are to be delivered to me no later than July 15, 2019.

With regard to redaction:--

As directed by the Committee, every redaction the Museums make is to be accompanied by a specific, legally cognizable reason for that particular redaction.

As for redactions generally (so long as each is accompanied by a specific, legally cognizable reason for that particular redaction):--

1. I accept that redactions may be made as to the placement, number, and shifts of security personnel and the placement of security devices;

2. I accept that redactions may be made as to the counseling, admonishing, and disciplining of present and former personnel;

3. I accept that redactions may be made as to the identity of employees and others who have brought EEOC and similar complaints (but not lawsuits – which are not susceptible to redaction) against the Museums;

4. I accept that redactions may be made as to material that lawfully constitutes attorney-client communications.

As to material that the Museums have already redacted in the documents that you furnished me last Saturday, April 13, 2019 , the Museums must give me – as directed by the Committee -- a specific, legally cognizable reason for each particular redaction the Museums made.

I understand from what you have told the Sunshine Ordinance Task Force and its components that you have been personally trained in the subject of freedom of information (specifically, the Sunshine Act, Public Records Requests, and the like) and that you are the person redacting the materials.

Also, as the Committee directed, the Museums are to furnish me in writing with the algorithm devised by their IT personnel to identify the documents that must be turned over to me.

If this does not in any way agree with your understanding, please inform me immediately in writing.

Thank you for your assistance.

Very truly yours,

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, April 17, 2019 5:09 PM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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

Mr. Smith,
I am, in earnest, working on this, I have some other timely due outs and I will do the best I can. I will do so by end of week though.
Thank you for your understanding.
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Wed, Apr 17, 2019 at 5:04 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> Dear Ms. Powers, Please do so by the close of business tomorrow, Thursday, April 18, 2019 so there is time to deal with any issue. Thank you. Very truly yours, Robert M. Smith

---

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, April 17, 2019 11:22 AM
To: Robert M. Smith
Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

Mr. Smith,
In the alternative, I will wait until the audio is available and will listen to that first and send you my summary, based on the record, as I do not agree with all of your conclusions.

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

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Thank you for your assistance.

Very truly yours,

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, April 17, 2019 11:22 AM
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Cc: SOTF, (BOS)
Subject: Re: Memorializing the results of yesterday's Committee meeting--

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Mr. Smith,
In the alternative, I will wait until the audio is available and will listen to that first and send you my summary, based on the record, as I do not agree with all of your conclusions.
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

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If this does not in any way agree with your understanding, please inform me immediately in writing.

Thank you for your assistance.

Very truly yours,

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, April 12, 2019 10:36 AM
To: RMS; SOTF, (BOS)
Subject: Mailing of Documents

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

Dear Mr. Smith,

Today, April 12, 2019, FAMSF is sending you by U.S. Mail a thumb drive with over 7,000 documents in relation to File No. 18049 for delivery to you by Monday, April 15.

You will note that we have redacted some documents. The reason for these redactions is that certain documents you requested contain information that is exempt from disclosure as it contains personnel, medical, or similar information the disclosure of which would constitute an unwarranted invasion of personal privacy. See Gov't. Code Sec. 6254(c); Cal. Const. Art. I, Sec. 1; S.F. Admin. Code Sec. 67.21(k). We are also not providing documents exempt from disclosure based on these provisions. We have also redacted personal telephone numbers, home addresses, personal email and fax numbers, driver's license numbers, credit card numbers, bank account numbers and personal financial information based on Cal. Const. Art. I, Sec. 1; Cal. Gov't Code Sec. 6254(k); and Cal. Gov't Code Sec. 6254(c).

In addition, we are not providing records that constitute attorney client communications. The San Francisco Sunshine Ordinance provides that "release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act in particulars not addressed by [the Sunshine Ordinance]." S.F. Admin. Code §67.21(k). The Public Records Act allows an agency to decline to disclose "records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." Cal. Gov't Code §6254(k). California Evidence Code §954 protects from disclosure communications between attorneys and their clients. See Cal. Gov't Code Sections 6276, §6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).

Please direct any further communications regarding this matter to prr@famsf.org.

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 9, 2019 4:42 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Notice of Hearing - Compliance and Amendments Committee; April 16, 2019 4:30 p.m.
Attachments: ComplianceCommittee.FAMSFInput.pdf

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

Hi Cheryl,

Attached is FAMSF input for next Tuesday's meeting.

Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Apr 4, 2019 at 11:23 AM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Morning:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: April 16, 2018
>
> Location: City Hall, Room 408
>
> 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.

Complaints:

File No. 18028: Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18012: Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18010: Complaint filed by Denta Tadesse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, regarding violation of the rights to privacy.

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, April 9, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

The Legislative Research Center 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.*

April 9, 2019

File No. 18049
Respondent's Input to Compliance and Amendments Committee

1. On March 6, 2019, the Sunshine Ordinance Task Force (SOTF) directed the Fine Arts Museums of San Francisco (FAMSF) to provide Mr. Smith 7,000 documents by the April 16th meeting of the Compliance and Amendments Committee. FAMSF will have met that directive by providing Mr. Smith with 7,000 documents by April 16, 2019.

2. The FAMSF IT department created an algorithm based on the criteria that an email either be from a COFAM employee to a FAMSF (city) employee, or vice versa. Based on the criteria and the relevant time period for the request for information, January 1, 2018 - March 3, 2018, FAMSF IT extracted approximately 14,000 emails, as well as an additional 17,000 attachments. There are also "group" emails totaling approximately 1,000 documents. Therefore, the total number of documents for review is approximately 32,000.

3. As of the April 16th meeting, FAMSF will have reviewed approximately 25% of the total 32,000 documents. FAMSF estimates it will have reviewed at least 50% of the remaining documents by the June 18th meeting. The Museums will provide Mr. Smith with responsive, non-exempt documents from that review by June 18. FAMSF estimates that it will finish reviewing all remaining documents, and provide Mr. Smith with responsive, non-exempt documents by the August 20th meeting.

April 9, 2019

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FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From: Richard Knee <rak0408@earthlink.net>
Sent: Friday, March 15, 2019 3:39 PM
To: SOTF, (BOS)
Subject: Fwd: Immediate Disclosure Request - FAMSF Contracts
Attachments: MOU(IDR.Knee).pdf

Importance: High

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

Task Force members,

The attached Memorandum of Understanding among the Fine Arts Museums of San Francisco, the Corporation of Fine Arts Museums and the Fine Arts Museums Foundation might help inform your deliberations and decision regarding the complaints filed by Robert M. Smith (File #s 18049 and 18083). Melissa Powers, of the FAMSF staff, has told me that the MOU is the lone document establishing a relationship among the three entities.

Sincerely,
Richard Knee
San Francisco

-------- Forwarded Message --------
Subject: Immediate Disclosure Request - FAMSF Contracts
Date: Wed, 13 Mar 2019 12:53:44 -0700
From: Melissa Powers <mpowers@famsf.org>
To:rak0408@earthlink.net

Mr. Knee,

Last night, I received your Immediate Disclosure Request for **electronic copies** of the **current contracts** between (1) the **Fine Arts Museums of San Francisco** and the **Corporation of the Fine Arts Museums**, and (2) the **Fine Arts Museums of San Francisco** and the **Fine Arts Museums Foundation**.

In response, I am attaching a FAMSF Board of Trustees Resolution which established and documented a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation,

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

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Board of Trustees
January 25, 2018

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Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, February 27, 2019 2:21 PM
To: SOTF, (BOS); Young, Victor (BOS); Leger, Cheryl (BOS)
Subject: Re: SOTF - Sunshine Ordinance Task force Notice of Hearing, March 6, 2019
Attachments: FAMSFSOTF.Input(3.6.19).pdf

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

Good afternoon,

The Fine Arts Museums of San Francisco submits the attached for the March 6, 2019 SOTF hearing.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Feb 19, 2019 at 11:04 AM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: March 6, 2019
>
> Location: City Hall, Room 408
>
> Time: 4:00 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.

Complaints:

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SPECIAL ORDER

The hearing on File Nos. 18072 will not begin earlier than 6:00 pm.

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, February February 27, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

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FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

SUMMARY: Respondent denies Complainant's allegations of failing to respond in a timely and/or complete manner to the subject requests for information. Regarding Complaint 3 of 5, File No. 18049, originally received on Feb 22, 2018, Respondent requests that the Task Force narrow the scope such that it is a manageable request in light of Respondent's resources available to process public information requests. Part I of this memorandum will first address all requests for information in subject files No. 18049 and 18083, apart from the aforementioned Complaint 3 of 5, which will be addressed in Part II.

Part I

a. Respondent asserts responsive public records to all requests have been provided within the appropriate timeframes. Respondent does not dispute that the Complainant is entitled to records created by the Museums and its personnel or correspondence between City personnel and any other party. The City, however, does not prepare, own, use, or retain records solely related to COFAM employees or COFAM operations. All relevant records have been released to Mr. Smith in a timely manner. As File No. 18083 concerns matters related to this issue, the original input for its Complaint Committee hearing on January 22, 2019, is provided as **Attachment 1.**

b. In Mr. Smith's written input for the January 22, 2019 Complaint Committee hearing, he asserts that he is entitled to "what only COFAM may have in its files." The Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support, aid, promote, operate in conjunction with, and supplement the activities of the Fine Arts Museums of San Francisco (FAMSF). COFAM was not created by an elected legislative body and it receives no public funding, neither from the City of San Francisco nor the Fine Arts Museums of San Francisco. The same applies for the Fine Arts Museums Foundation (FAMF), also a 501(c)(3) organization. The City Charter, Section 5.105, The Fine Arts Museums of San Francisco, reads "(t)he Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support." The COFAM Board of Trustees and the FAMF Board of Trustees have entered into a Memorandum of Understanding with the FAMSF Board of Trustees. When a nonprofit, or other legal entity for that matter, agrees to enter into an agreement with the Fine Arts Museums of San Francisco Board of Trustees, it is not agreeing to its private records becoming public records nor does the charter contemplate such a consequence. This would have a chilling effect on the willingness of private organizations to do so, which would consequentially have a negative impact on the ability of the Fine Arts Museums to serve the residents of San Francisco. While previously provided, the MOU per a FAMSF Board of Trustees Resolution is provided as **Attachment 2**. It should also be noted that, despite Complainant's assertions, the Board of Trustees for the Fine Arts Museums of San Francisco and for the Corporation of the Fine Arts Museums are not identical. The COFAM Board is made up of members of the FAMSF Board, but also has additional members.

FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

Part II

Respondent received Complaint 3 of 5 of File No. 18049 on February 22, 2018. The request is for:

> 1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;
>
> 2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

FAMSF replied on March 1, 2018, requesting to the scope be narrowed:

> Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you? We await your response.

On March 3, 2018 Complainant responded with:

> Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Although Complainant narrowed the timeframe, and despite FAMSF's requests, Complainant has yet to provide a topic, subject matter, or persons of interest which would aid in a records search.

This request as it currently stands is unduly burdensome. We ask the Task Force to consider the amount of labor necessary to service this request and to determine that it is unreasonable for the Fine Arts Museums of San Francisco to expend the amount of time necessary to do so. In the alternative, we request that Mr. Smith be required to provide specific search terms.

Limited technological (IT) and human resources have impaired the ability to process the first part of this request.

i. IT Resources: During the period subject to the request (Jan-Mar 3, 2018), the Museums, housed on a COFAM server and whose domain was registered by COFAM, were migrating to a new e-mail system, specifically Microsoft Exchange to GSuite. And while the migration ended in July of 2018, at the time of the initial request, IT resources were dedicated to this migration which was of the highest priority. In addition to the migration issue, the e-mail archiving system from which the IT Staff would pull the data was on a server purchased with COFAM funds in 2012. It could not complete the export of such a large quantity of emails without crashing. With COFAM funds, a new system was purchased.

   Regarding the lack of search terms:

   In this case, there are approximately 450K e-mails archived, requiring review for responsive records, i.e. an e-mail between a COFAM employee and a FAMSF employee. To search for e-mails that City employee were on, of which there are just

under 200 employees, would require entering each name manually in several different equations in order to find all e-mails each employee was on. Such a process is prohibitive and can be avoided with definite search terms or identified employees. For that matter, to assume a user name as it so stated in the request as "COFAM" and "FAMSF", as opposed to an actual person, is vague on its face.

FAMSF was able to provide responsive documents to the second part of this request as there are no FAMF employees and only eleven trustees. Those names were used to facilitate the query and extraction. Responsive e-mails were released to the Respondent on October 17, 2018 and then a re-submission of documents followed on November 7, 2018, with redactions based on the privacy interests of individuals.

ii. Human Resources: The Fine Arts Museums of San Francisco exists to provide San Franciscans and visitors with high quality exhibitions, programs, education and outreach, and to care for San Francisco's esteemed art collection. City personnel funding is primarily security, engineering, and admissions attendance. FAM City Budget FYE 2018 and 2019, **Attachment 3**, demonstrates that the City provides very little in the area of administrative staffing.

As a result, public requests for information are processed through a member of the Director's support staff, all of whom also support the Fine Arts Museums Board of Trustees. This staff is comprised of a total of four COFAM employees. These COFAM employees do execute responsibilities related to the City's business. Amongst other things, outside of the release of public information, other duties include: public filing/conflicts of interest matters, scheduling of Boards of Trustees meetings, creating and implementing a strategic plan and annual business plan, and executing special initiatives and mayoral priorities. While some City departments have positions funded to field public information requests, FAM does not. Without a narrower scope to this request, the burden on the staff to process this request is unsustainable and this is without even factoring other public information requests. For that matter, it should be noted that staff has spent time on the three complaints Mr. Smith has or had pending with the National Endowment for the Arts, the Human Rights Commission, and the Department of Fair Employment and Housing (which recently closed the case due to insufficient evidence).

In sum, Respondent has demonstrated good faith in trying to meet Mr. Smith's requests for information and provide him the responsive public records. Going forward, as the Task Force issues its guidance on how Complaint 3 of 5 (File No. 18049) will be handled, or any other release for that matter, it is asked that the representative for FAMSF be able to work through a liaison from the Compliance Committee when delivering documents to Mr. Smith.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

10/16/2018 – Mr. Smith sent an e-mail to Ms. Powers requesting the Museums expedite his latest request relating to Saudi Arabia since it is meant for immediate journalistic purposes. Neither in this e-mail nor in his original request does Mr. Smith use the words "Immediate Disclosure Request." While Departments have the discretion to treat it as such, Departments are not required to.

10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
    b. E-mail from Director Hollein to his Assistant, noting he wants to go there, please rsvp and put on the calendar
    c. E-mail exchanges between Director Hollein's Assistant and point of contact to the invitation, regarding details and specifics about the opening.
    d. E-mail invitation to Director Hollein, on behalf of King Abdulaziz Center for World Culture, to join a cultural delegation trip to Saudi Arabia in February 2017.
    e. Director Hollein's exchange with the point of contact for this invitation, noting that he can not join the delegation.
    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Attachment 3

Fine Arts Museums (FAM) City Budget	FYE 6-30-19			FYE 6-30-18		
	Division			Division		
	General	Admissions	Total	General	Admissions	Total
Staffing (see Note below)	11,970,549	1,072,782	13,043,331	11,865,253	1,335,232	13,200,485
City overhead charge		134,472	134,472		94,002	94,002
Uniforms and Supplies	39,400	6,000	45,400	39,450	6,000	45,450
Trash service	157,617		157,617	157,617		157,617
Maint. and service contracts: elevator, sprinklers, HVAC	333,364		333,364	333,364		333,364
Art insurance, both collection and exhibitions	1,104,259		1,104,259	1,104,259		1,104,259
Property insurance, both buildings	161,850		161,850			
City Department Support - Controller, IS, HR	231,749		231,749	203,389		203,389
WC insurance	316,469		316,469	316,469		316,469
Utilities	1,352,060		1,352,060	1,445,244		1,445,244
Total operating	15,667,317	1,213,254	16,880,571	15,465,045	1,435,234	16,900,279
Capital Outlay (see detail below)	2,385,000		2,385,000	2,195,000		2,195,000
Facilities Maintenance	201,774		201,774	192,166		192,166
Grand total	18,254,091	1,213,254	19,467,345	17,852,211	1,435,234	19,287,445
Capitals detail:						
Masonry repairs - Legion	1,155,000			600,000		
Secruity cameras and systems - both	150,000					
Cooling tower replacement - Legion				250,000		
Roof project - Legion				280,000		
Light poles and signage - Legion				150,000		
Tech shop exhaust system - Legion				75,000		
Colonnade roof repairs - Legion				60,000		
Bike lockers - Legion				30,000		
Herbst Galleries Sliding door replacement - de Young	700,000					
Tower exterior paneling repairs - de Young	300,000			600,000		
Tower waterroofing lower level - de Young	50,000					
Air handlers drain piping replacement - de Young	30,000					
Roof repairs - de Young				100,000		
Bike parking - de Young				50,000		
	2,385,000			2,195,000		
Staffing Notes:						
Staffing funded by General Funds include guards, building engineers, and a limited number of curatorial, registration, preparator, accounting and payroll staff.						
Additionally, there are three staff who receive a portion of their total compensation from the General Fund (with balance funded by COFAM).						
Staffing funded by Admissions Funds include those admission attendants on the CCSF payroll.						

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, November 7, 2018 2:45 PM
To: Robert M. Smith; SOTF, (BOS)
Subject: Re: File No 18049 - Resubmission of Documents

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

Mr. Smith,

I am aware. For the first document, the subject line is the person I mentioned in the meeting, that was a name of someone who was brought into the e-mail exchange, where it was redacted, but did not make any contact through e-mail. The Committee seemed to accept that this person's name was redacted. The same applies for the name of an individual in the attachment with the title Samuel Palmer.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Wed, Nov 7, 2018 at 2:27 PM, Robert M. Smith <rms@robertmsmith.com> wrote:

> Certain names and subjects are still blacked out. Please have a look at what you sent me. Thank you.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, November 07, 2018 11:57 AM
To: RMS; SOTF, (BOS)
Subject: File No 18049 - Resubmission of Documents

Mr. Smith,

In light of the discussion at the last hearing, concerning redactions to your request for information, I am resubmitting documents in response to Complaint #3, File No. 18049. I have not re-attached enclosures that never had any redactions.

Thank you.

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, November 7, 2018 11:57 AM
To: RMS; SOTF, (BOS)
Subject: File No 18049 - Resubmission of Documents
Attachments: Doca_V2Released.pdf; Docc.v3.Released.pdf; Docd.v2Released.pdf; Doce.v2Released.pdf; Docb.V2Released.pdf

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

Mr. Smith,

In light of the discussion at the last hearing, concerning redactions to your request for information, I am resubmitting documents in response to Complaint #3, File No. 18049. I have not re-attached enclosures that never had any redactions.

Thank you.
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

From: Karin Breuer
To: George Hecksher
Subject: [redacted]
Date: Wednesday, February 28, 2018 1:53:20 PM

Hi George,
I received a quick response from Max. He thanks you for fielding [redacted]s request and thinks your comments to him were correct. To summarize here:

Max does not want to engage with [redacted]. We are happy to have the Redoutés and do not want to deaccession them. If [redacted] wants to bring up the matter with Max directly, he will respond to [redacted]r [redacted].

A good strategy, I think.

Thanks again for letting us know, and for all you do for FAMSF!
All best,
Karin

Karin Breuer
Curator in Charge
Achenbach Foundation for Graphic Arts
Fine Arts Museums of San Francisco
100 34th Avenue
San Francisco, CA 94121
T: (415) 750-7687 Email: kbreuer@famsf.org

From: George Hecksher <[redacted]>
Date: Tuesday, February 27, 2018 at 1:53 PM
To: Karin Breuer <kbreuer@famsf.org>
Subject: need to chat with you

Dear Karin,

A New York dealer is trying to rope me into a delicate situation involving a gift to the Achenbach many years ago. I think it would be better if we chatted on the phone about it.

Please call me on my cell at [redacted] when you get a moment.

Thanks,

George

From: Jenny Moore
To: "George Hecksher"
Subject: RE: Phone call with Max
Date: Friday, January 12, 2018 11:54:21 AM

Super and thank you. Max will call you at 3:30 today.

From: George Hecksher [[redacted]]
Sent: Friday, January 12, 2018 11:49 AM
To: Jenny Moore
Subject: Re: Phone call with Max

Yes. 3:30 is fine. [redacted].

Sent from my iPhone

On Jan 12, 2018, at 10:57 AM, Jenny Moore <jmoore@famsf.org> wrote:

> Dear Mr. Hecksher,
>
> Might you have time to talk with Max about the de Leito this afternoon at 3:30 pm? If this does not work, do you have some times that might work? (before the Tuesday acquisitions committee meeting takes place)
>
> Very best,
>
> Jenny
>
> **Jenny Moore**
> Executive Assistant to the Director and CEO
>
> Fine Arts Museums of San Francisco
> de Young
> Legion of Honor
> Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
> p 415.750.8902 | f 415.750.8912
> e jmoore@famsf.org | famsf.org

From: M C
To: Skot Jonz
Cc: MARC CRUCIGER
Subject: Re: ACQ reports for BT meeting 1.25.18
Date: Wednesday, January 17, 2018 11:46:33 AM

Thanks Skot! And I did like the "script" that you gave me yesterday … very helpful.

> On Jan 17, 2018, at 11:42 AM, Skot Jonz <SJonz@famsf.org> wrote:
>
> Hi Marc –
>
> The full board packet will be going out later this week, probably Friday. Sending this to you separately ahead of time. Attached are the acquisitions committee report and year-end gifts report. Again, you will not need to do anything with regard to the year-end gifts, Max will do that. The January gifts/purchases is fairly thin, so you should be able to report that fairly quickly.
>
> I'll review the slimmed-down version of the slideshow with you when that's ready.
>
> Take care and thanks again for a very successful meeting yesterday!
>
> -Best,
> Skot

Skot Jonz
Manager of Board Relations

Fine Arts Museums of San Francisco
de Young | Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

p 415.750.2635 | sjonz@famsf.org | famsf.org

Follow de Young Museum Facebook | Twitter | Instagram
Follow Legion of Honor Museum Facebook | Twitter | Instagram

<Appendix B - 2017 Year-End Gifts Report.pdf><Appendix C - ACQ Report 1.16.18 -BT.pdf>

From:	Skot Jonz
To:	"M C"
Subject:	RE: Acq
Date:	Tuesday, January 23, 2018 12:42:05 PM
Attachments:	1-25-2018 Board Meetings draft preview.pdf 1. AGENDA FAMSF 1-25-2018.pdf 5. Appendix D - ACQ Report 1.16.18.pdf

Here's the slideshow as it stands now, so you can see where you come. I'm also attaching the agenda and Appendix D, FYI. Full packet coming soon (still waiting on one COFAM document).

A hard copy of everything was put in the mail to you yesterday.

-Skot

-----Original Message-----
From: M C [redacted]
Sent: Tuesday, January 23, 2018 12:35 PM
To: Skot Jonz
Cc: MARC CRUCIGER
Subject: Re: Acq

OK good to know. Yes I think I should just do the highlights without a lot of background about them as I think I did too much elaboration in my last report. Brevity, brevity brevity.....I am learning quickly.
Marc
> On Jan 23, 2018, at 12:34 PM, Skot Jonz <SJonz@famsf.org> wrote:
>
> Hi Marc,
> No he did not. Outbid by $10,000 (Tim was authorized to bid up to $250,000 and the way the bidding proceeded his last bid was $240,000. I removed it entirely from the materials because it was a failed auction attempt, no need to report. Tim can mention it as an info item at the next meeting.
>
> I'm working on the slideshow now. Max has asked me to trim it down considerably so you will only need to do the highlights. We can review. I should have the board packet going out soon and can send you a pdf of the slideshow when I'm finished.
>
> Crunch time!
> -See you soon,
> Skot
>
> -----Original Message-----
> From: M C [m[redacted]]
> Sent: Tuesday, January 23, 2018 12:30 PM
> To: Skot Jonz
> Cc: MARC CRUCIGER
> Subject: Acq
>
> Hi Skot!
>
> Did Tim have a successful bid for the Heinrich punch bowel?
> Marc.
>

From: Max Hollein
To: Melissa Buron
Subject: Re: Samuel Palmer
Date: Thursday, February 15, 2018 11:24:19 PM

Fully agree

> On Feb 16, 2018, at 12:30 AM, Melissa Buron <MBuron@famsf.org> wrote:
>
> Hi Max,
>
> I spoke with Puppa Nottebohm today. They are asking $2.8 for the Palmer and I am in agreement with George's note below, that the price is off-putting. It looks like an interesting painting, but, in my opinion, I don't think it would have the impact in the galleries that we'd want from a multi-million dollar acquisition. I said that I would share the details (image and fact sheet attached) for your reference. Please let me know if you'd like to take any further action.
>
> Thanks,
>
> Melissa
>
> _____
> From: George Hecksher [redacted]
> Sent: Wednesday, February 14, 2018 6:11 PM
> To: Melissa Buron
> Subject: Re: Samuel Palmer
>
> Yes. It is a beautiful picture, but after I heard the price I changed my mind about mentioning it to you or Max. I do not know Puppa, I only spoke with Mr. Feigen and Carmen.
>
> Hope that helps,
>
> Best,
>
> George
>
> From: Melissa Buron<mailto:MBuron@famsf.org>
> Sent: Wednesday, February 14, 2018 3:54 PM
> To: 'George Hecksher'<[redacted]>
> Subject: FW: Samuel Palmer
>
> Dear George,
>
> It was nice to see you (albeit very briefly!) at the Leadership Circle event yesterday. I wondered if you have some insight about this that you could share with me before I speak with Puppa?
>
> Many thanks,
>
> Melissa
>
> From: Puppa Nottebohm [mailto:mcnottebohm@rlfeigen.com]
> Sent: Wednesday, February 14, 2018 12:59 PM
> To: Melissa Buron
> Subject: Fwd: Samuel Palmer
>

> Dear Ms. Buron,
> Max Hollein suggested that we speak about the Samuel Palmer. When shall we have a word?
> Very best,
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm
> T. 212 628 0700
> [redacted]
>
> ---------- Forwarded message ----------
> From: Max Hollein <mhollein@famsf.org<mailto:mhollein@famsf.org>>
> Date: Tue, Feb 13, 2018 at 5:06 PM
> Subject: RE: Samuel Palmer
> To: Puppa Nottebohm <mcnottebohm@rlfeigen.com<mailto:mcnottebohm@rlfeigen.com>>
>
> Dear Puppa,
> Good to hear from you. Melissa Buron, our head of the art division (and expert on British 19th century art) will be in touch and I do hope that we will meet in person when I will be next in New York.
> All the best,
> Max
>
> From: Puppa Nottebohm [mailto:mcnottebohm@rlfeigen.com<mailto:mcnottebohm@rlfeigen.com>]
> Sent: Tuesday, February 13, 2018 10:52 AM
> To: Max Hollein
> Cc: Carmen De Pinies
> Subject: Samuel Palmer
>
>
> Dear Mr. Hollein,
>
> I was very sorry to have missed you at [redacted] and Richard Feigen's Chinese Buffet, but I came down with the flu and could not come.
>
> My colleague Carmen de Pinies-Hassel and I have partnered up with Richard Feigen since the beginning of the year.
>
> It has been our pleasure to put together a small exhibition of British pictures which includes an important and beautiful work by Samuel Palmer. George Hecksher came to see the picture with Carmen last week and was going to bring it to the museum's attention.
>
> Might you be available later in the day for a quick word on the telephone? Richard would also like to say hello.
>
> With many thanks and best wishes,
>
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm
> C: [redacted]>
>
>
>
>
>
> --
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm

> C: [redacted] 3>
> <Palmer.jpg>
> <Palmer-Gleaning Field-f.s. .doc>

Leger, Cheryl (BOS)

From:	Melissa Powers <mpowers@famsf.org>
Sent:	Tuesday, October 16, 2018 3:47 PM
To:	SOTF, (BOS)
Subject:	Re: Complaint Committee hearing of September 25, 2018
Attachments:	FAM Res 1857.pdf

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

Hi Cheryl,
Attached is the requested MOU.
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Oct 15, 2018 at 12:31 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> As you are aware, the Complaint Committee requested information from you. Please see below an excerpt from the minutes of September 25, 2018, with Chair Bruce Wolfe's request for information:
>
> **Acting Chair Wolfe stated that if these records are in the possession of the City, they are public unless Ms. Powers can provide a citation of law that they are not disclosable. Acting Chair Wolfe requested that FAMSF provide a copy of the contract or Memorandum of Understanding with the Corporation and Foundation of the Fine Arts Museums and a log of the public records already provided.**

Melissa Powers, Manager of Board Relations and Special Projects, FAMSF (Respondent) and provided a summary of the department's position. Ms. Powers stated that FAMSF consists of the following entities:

- Corporation of the Fine Arts Museum (non-profit private entity)
- Foundation of the Fine Arts Museum (non-profit private entity)
- Fine Arts Museums of San Francisco (city agency)

Ms. Powers stated that the Corporation and Foundation of the Fine Arts Museums are private entities with their own by-laws. Ms. Powers stated that the Fine Arts Museums of San Francisco is a city agency subject to Sunshine Ordinance Task Force. Ms. Powers stated that the email addresses for all three organizations have the same suffix and all emails must be reviewed to determine which are subject to public disclosure. Ms. Powers also stated there are certain employees who perform duties for both the private and public entities of the FAMSF which will require addition review of emails. Ms. Powers provided a summary of the funding sources and Memorandum of Understanding for the three entities making up FAMSF. Ms. Powers stated that the Docent program is not operated by the Fine Arts Museums of San Francisco and therefore their records are not maintained by that entity. Ms. Powers stated that FAMSF request a narrowing of the request due to the extreme volume and time that would be required to review records. Ms. Powers stated that the Corporation and Foundation of the Fine Arts Museums employees are not funded by the city and they are their own separate, private charitable organization. Ms. Powers stated that FAMSF has previously provided responsive documents to Mr. Smith but acknowledge that the request for emails has been delayed due to the volume of the request and technical issues with FAMSF's email system switch. Ms. Powers stated that Mr. Smith has received documents including the Docent rosters and correspondence between the Museum and the Mayor's office.

Acting Chair Wolfe stated that if these records are in the possession of the City, they are public unless Ms. Powers can provide a citation of law that they are not disclosable. Acting Chair Wolfe requested that FAMSF provide a copy of the contract or Memorandum of Understanding with the Corporation and Foundation of the Fine Arts Museums and a log of the public records already provided.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From:	Melissa Powers <mpowers@famsf.org>
Sent:	Tuesday, September 18, 2018 3:24 PM
To:	SOTF, (BOS)
Subject:	Re: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)
Attachments:	FAMSF_Presentation_File No. 18049.pdf

Hi Cheryl,
Per your e-mail, please find the attached presentation.
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

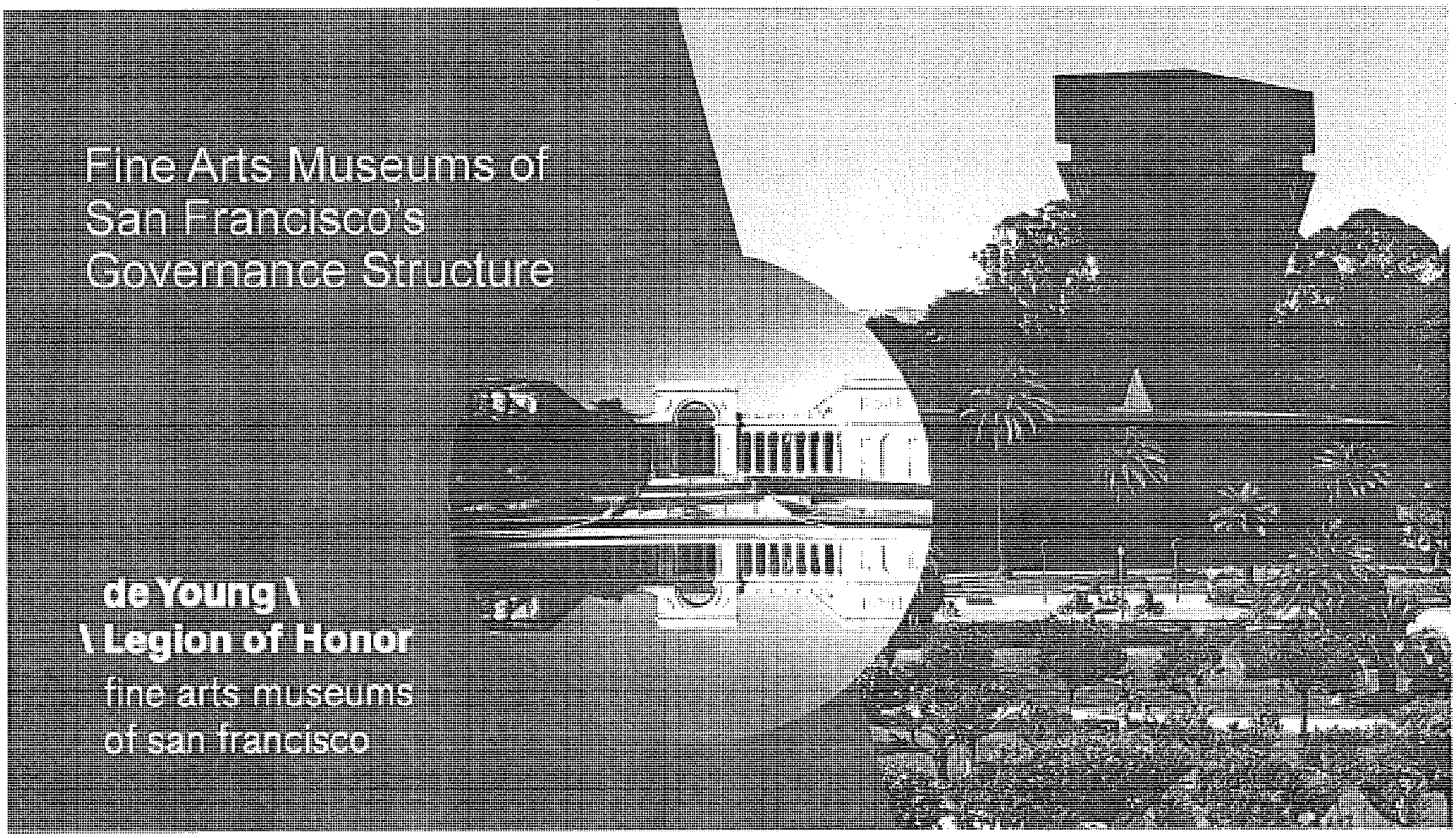
On Tue, Sep 18, 2018 at 12:01 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> I write to follow up on the request of Compliant Committee to provide information on what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity and the two private entities. Please have that information available as soon as possible. The Complaint Committee hearing will take place on September 25, 2018 at 5:30 pm in room 408 at City Hall. Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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Fine Arts Museums of
San Francisco's
Governance Structure
de Young \
\ Legion of Honor
fine arts museums
of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

- On August 28, 2018, Sunshine Ordinance Task Force (SOTF) Complaint Committee conducted a hearing on the complaint of Robert M. Smith v. Fine Arts Museums of San Francisco (FAMSF)
- Complaint Committee requested FAMSF to provide information on the legal and contractual relationship between:
  - Fine Arts Museums of San Francisco (FAMSF)
  - Fine Arts Museums Foundation (FAMF) (Foundation)
  - Corporation of the Fine Arts Museums (COFAM)

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of san francisco

Fine Arts Museums of San Francisco:

- Charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees.
- Board of Trustees are governed by Section 5.105 of City Charter and its Bylaws.
- The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support.
- The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance, to include the grounds and security. The annual appropriation is approved through City's annual budget process.

de Young \
\ Legion of Honor
fine arts museums
of san francisco

The Corporation of the Fine Arts Museums:

- The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support.
- The COFAM Bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees.
- The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.
- COFAM raises funds for and manages most of the day to day operations of the museums, to include salaries of hundreds of employees (who support FAMSF).
- COFAM Staff - Development, Finance, Education, Exhibitions, Technicians, Curators, and Admin support.

**de Young **
\ Legion of Honor
fine arts museums
of san francisco

The Fine Arts Museums Foundation:

- The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005.
- Formed for the educational purpose of receiving, donating and otherwise disbursing funds for the embellishment, advancement, administration and enlargement of the Fine Arts Museums of San Francisco.
- Contributes operating funds to COFAM but there are NO Foundation employees.

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of san francisco

The Fine Arts Museums Foundation, cont.:

- The FAMF board of trustees is self-perpetuating and manages endowment and funds for purchasing artworks;
- FAMF acquires artwork either through purchase or as a gift. FAMF then turns around and gifts all purchases and gifts of artworks to the City of San Francisco (FAMSF).
- The artworks gifted through the FAMF increase the value of the City's art collection exponentially.

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- COFAM and FOUNDATION work together to support the Fine Arts Museums
- FAMSF brings exhibitions and programs to Bay Area Residents and Visitors Worldwide. Between July 2017-June 2018:
  - Over 1.4 million visitors to de Young and Legion of Honor
  - Over 100,000 household memberships
  - Over 39,000 San Francisco School Group visitors

**de Young **
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- Both City auditors and an independent team of auditors recommended a Memorandum of Agreement (or other formal document) formalizing the relationship between the Board of Trustees and the Corporation of the Fine Arts Museums (COFAM) or other formal public document, including the roles and responsibilities delegated to each entity.
- Established and documented a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation.
- Adopted and Approved by the three Boards of Trustees:
  - January 25, 2018 – FAMSF Resolution 1857
  - January 25, 2018 – COFAM Resolution 522
  - February 22, 2018 – FAMF Resolution 600

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of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

COFAM Employees

TOTAL COFAM STAFF: 474

Regular: 195

Union: 100

Merit: 100

On-Call: 79

City Employees

TOTAL CCSF STAFF: 189

- Regular: 106
- Mostly frontline staff: security & visitor services
- On-Call: 83

City Employees, cont.

CCSF Staff also includes Management:

- Director of Museums;
- Director of HR;
- Director of Security, Building and Grounds Maintenance Supervisor; and
- Chief Preparator, two Curators of the Achenbach Foundation for Graphic Art

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of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 180491 (Robert Smith v Fine Arts Museums of San Francisco)

- We don't dispute FAMSF records are subject to PRA and Sunshine Ordinance
  - Any and all e-mail exchanges involving FAMSF employees
  - Examples of what is not: COFAM employee to COFAM employee; COFAM employee to another private person/entity
- Without some type of search terms, will have to review ALL e-mails in server to decipher what is actually a public record.
- Number of City IT employees to support search: zero
- Approximately 450K e-mails on server between January and February 2018.
- If search was narrowed to CCSF/FAMSF employees – see next chart . . .

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of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

City Employee by C of SF Job Title	Number of Employees January – February 2018
Accountant III	939
Admission Attendants	2528
Associate Museum Registrar	2359
Building & Grounds Maintenance Supt	3757
Chief Preparator	3869
Dept Head III	4065
Manager I	8905
Manager II	3892
Manager III	5287
Mgr Museum Security Services	2551
Museum Guards	8950
Museum Registrar	5888
Museum Security Supervisor	8256
Security Guards	3193
Senior Human Resources Analyst	3542
Stationary Engineers	6703
Sr Payroll and Security Clerk	1553
TOTAL	70,820

de Young \
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of san francisco

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, November 7, 2018 11:57 AM
To: RMS; SOTF, (BOS)
Subject: File No 18049 - Resubmission of Documents
Attachments: Doca_V2Released.pdf; Docc.v3.Released.pdf; Docd.v2Released.pdf; Doce.v2Released.pdf; Docb.V2Released.pdf

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Mr. Smith,

In light of the discussion at the last hearing, concerning redactions to your request for information, I am resubmitting documents in response to Complaint #3, File No. 18049. I have not re-attached enclosures that never had any redactions.

Thank you.
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

From: Karin Breuer
To: George Hecksher
Subject: [redacted]
Date: Wednesday, February 28, 2018 1:53:20 PM

Hi George,
I received a quick response from Max. He thanks you for fielding [redacted]s request and thinks your comments to him were correct. To summarize here:

Max does not want to engage with [redacted]. We are happy to have the Redoutés and do not want to deaccession them. If [redacted] wants to bring up the matter with Max directly, he will respond to [redacted]r [redacted].

A good strategy, I think.

Thanks again for letting us know, and for all you do for FAMSF!
All best,
Karin

Karin Breuer
Curator in Charge
Achenbach Foundation for Graphic Arts
Fine Arts Museums of San Francisco
100 34th Avenue
San Francisco, CA 94121
T: (415) 750-7687 Email: kbreuer@famsf.org

From: George Hecksher <[redacted]>
Date: Tuesday, February 27, 2018 at 1:53 PM
To: Karin Breuer <kbreuer@famsf.org>
Subject: need to chat with you

Dear Karin,

A New York dealer is trying to rope me into a delicate situation involving a gift to the Achenbach many years ago. I think it would be better if we chatted on the phone about it.

Please call me on my cell at [redacted] when you get a moment.

Thanks,

George

From:	Skot Jonz
To:	"M C"
Subject:	RE: Acq
Date:	Tuesday, January 23, 2018 12:42:05 PM
Attachments:	1-25-2018 Board Meetings draft preview.pdf 1. AGENDA FAMSF 1-25-2018.pdf 5. Appendix D - ACQ Report 1.16.18.pdf

Here's the slideshow as it stands now, so you can see where you come. I'm also attaching the agenda and Appendix D, FYI. Full packet coming soon (still waiting on one COFAM document).

A hard copy of everything was put in the mail to you yesterday.

-Skot

-----Original Message-----
From: M C [redacted]
Sent: Tuesday, January 23, 2018 12:35 PM
To: Skot Jonz
Cc: MARC CRUCIGER
Subject: Re: Acq

OK good to know. Yes I think I should just do the highlights without a lot of background about them as I think I did too much elaboration in my last report. Brevity, brevity brevity.....I am learning quickly.
Marc
> On Jan 23, 2018, at 12:34 PM, Skot Jonz <SJonz@famsf.org> wrote:
>
> Hi Marc,
> No he did not. Outbid by $10,000 (Tim was authorized to bid up to $250,000 and the way the bidding proceeded his last bid was $240,000. I removed it entirely from the materials because it was a failed auction attempt, no need to report. Tim can mention it as an info item at the next meeting.
>
> I'm working on the slideshow now. Max has asked me to trim it down considerably so you will only need to do the highlights. We can review. I should have the board packet going out soon and can send you a pdf of the slideshow when I'm finished.
>
> Crunch time!
> -See you soon,
> Skot
>
> -----Original Message-----
> From: M C [m[redacted]]
> Sent: Tuesday, January 23, 2018 12:30 PM
> To: Skot Jonz
> Cc: MARC CRUCIGER
> Subject: Acq
>
> Hi Skot!
>
> Did Tim have a successful bid for the Heinrich punch bowel?
> Marc.
>

From:	Jenny Moore
To:	"George Hecksher"
Subject:	RE: Phone call with Max
Date:	Friday, January 12, 2018 11:54:21 AM

Super and thank you. Max will call you at 3:30 today.

From: George Hecksher [redacted]
Sent: Friday, January 12, 2018 11:49 AM
To: Jenny Moore
Subject: Re: Phone call with Max

Yes. 3:30 is fine. [redacted].

Sent from my iPhone

On Jan 12, 2018, at 10:57 AM, Jenny Moore <jmoore@famsf.org> wrote:

> Dear Mr. Hecksher,
>
> Might you have time to talk with Max about the de Leito this afternoon at 3:30 pm? If this does not work, do you have some times that might work? (before the Tuesday acquisitions committee meeting takes place)
>
> Very best,
>
> Jenny
>
> **Jenny Moore**
> Executive Assistant to the Director and CEO
>
> Fine Arts Museums of San Francisco
> de Young
> Legion of Honor
> Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
> p 415.750.8902 | f 415.750.8912
> e jmoore@famsf.org | famsf.org

From: M C
To: Skot Jonz
Cc: MARC CRUCIGER
Subject: Re: ACQ reports for BT meeting 1.25.18
Date: Wednesday, January 17, 2018 11:46:33 AM

Thanks Skot! And I did like the "script" that you gave me yesterday … very helpful.

> On Jan 17, 2018, at 11:42 AM, Skot Jonz <SJonz@famsf.org> wrote:
>
> Hi Marc –
>
> The full board packet will be going out later this week, probably Friday. Sending this to you separately ahead of time. Attached are the acquisitions committee report and year-end gifts report. Again, you will not need to do anything with regard to the year-end gifts, Max will do that. The January gifts/purchases is fairly thin, so you should be able to report that fairly quickly.
>
> I'll review the slimmed-down version of the slideshow with you when that's ready.
>
> Take care and thanks again for a very successful meeting yesterday!
>
> -Best,
> Skot
>
> Skot Jonz
> Manager of Board Relations
>
> Fine Arts Museums of San Francisco
> de Young | Legion of Honor
> Golden Gate Park | 50 Hagiwara Tea Garden Drive
> San Francisco, CA 94118
>
> p 415.750.2635 | sjonz@famsf.org | famsf.org
>
> Follow de Young Museum Facebook | Twitter | Instagram
> Follow Legion of Honor Museum Facebook | Twitter | Instagram
>
> <Appendix B - 2017 Year-End Gifts Report.pdf><Appendix C - ACQ Report 1.16.18 -BT.pdf>

From: Max Hollein
To: Melissa Buron
Subject: Re: Samuel Palmer
Date: Thursday, February 15, 2018 11:24:19 PM

Fully agree

> On Feb 16, 2018, at 12:30 AM, Melissa Buron <MBuron@famsf.org> wrote:
>
> Hi Max,
>
> I spoke with Puppa Nottebohm today. They are asking $2.8 for the Palmer and I am in agreement with George's note below, that the price is off-putting. It looks like an interesting painting, but, in my opinion, I don't think it would have the impact in the galleries that we'd want from a multi-million dollar acquisition. I said that I would share the details (image and fact sheet attached) for your reference. Please let me know if you'd like to take any further action.
>
> Thanks,
>
> Melissa
>
> _____
> From: George Hecksher [redacted]
> Sent: Wednesday, February 14, 2018 6:11 PM
> To: Melissa Buron
> Subject: Re: Samuel Palmer
>
> Yes. It is a beautiful picture, but after I heard the price I changed my mind about mentioning it to you or Max. I do not know Puppa, I only spoke with Mr. Feigen and Carmen.
>
> Hope that helps,
>
> Best,
>
> George
>
> From: Melissa Buron<mailto:MBuron@famsf.org>
> Sent: Wednesday, February 14, 2018 3:54 PM
> To: 'George Hecksher'<[redacted]>
> Subject: FW: Samuel Palmer
>
> Dear George,
>
> It was nice to see you (albeit very briefly!) at the Leadership Circle event yesterday. I wondered if you have some insight about this that you could share with me before I speak with Puppa?
>
> Many thanks,
>
> Melissa
>
> From: Puppa Nottebohm [mailto:mcnottebohm@rlfeigen.com]
> Sent: Wednesday, February 14, 2018 12:59 PM
> To: Melissa Buron
> Subject: Fwd: Samuel Palmer
>

> Dear Ms. Buron,
> Max Hollein suggested that we speak about the Samuel Palmer. When shall we have a word?
> Very best,
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm
> T. 212 628 0700
> [redacted]
>
> ---------- Forwarded message ----------
> From: Max Hollein <mhollein@famsf.org<mailto:mhollein@famsf.org>>
> Date: Tue, Feb 13, 2018 at 5:06 PM
> Subject: RE: Samuel Palmer
> To: Puppa Nottebohm <mcnottebohm@rlfeigen.com<mailto:mcnottebohm@rlfeigen.com>>
>
> Dear Puppa,
> Good to hear from you. Melissa Buron, our head of the art division (and expert on British 19th century art) will be in touch and I do hope that we will meet in person when I will be next in New York.
> All the best,
> Max
>
> From: Puppa Nottebohm [mailto:mcnottebohm@rlfeigen.com<mailto:mcnottebohm@rlfeigen.com>]
> Sent: Tuesday, February 13, 2018 10:52 AM
> To: Max Hollein
> Cc: Carmen De Pinies
> Subject: Samuel Palmer
>
>
> Dear Mr. Hollein,
>
> I was very sorry to have missed you at [redacted] and Richard Feigen's Chinese Buffet, but I came down with the flu and could not come.
>
> My colleague Carmen de Pinies-Hassel and I have partnered up with Richard Feigen since the beginning of the year.
>
> It has been our pleasure to put together a small exhibition of British pictures which includes an important and beautiful work by Samuel Palmer. George Hecksher came to see the picture with Carmen last week and was going to bring it to the museum's attention.
>
> Might you be available later in the day for a quick word on the telephone? Richard would also like to say hello.
>
> With many thanks and best wishes,
>
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm
> C: [redacted]>
>
>
>
>
>
> --
> Puppa
>
> Maria-Christina Sayn-Wittgenstein Nottebohm

> C: [redacted]3>
> <Palmer.jpg>
> <Palmer-Gleaning Field-f.s. .doc>

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, September 18, 2018 12:19 PM
To: SOTF, (BOS)
Subject: Re: File No. 18049 (Robert Smith v. Fine Arts Museums of San Francisco)

Hi Sheila,
Am I correct that I have until 5:00 pm this evening to submit my input? But yes, I will have that into you today.
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

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On Tue, Sep 18, 2018 at 12:01 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> I write to follow up on the request of Compliant Committee to provide information on what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity and the two private entities. Please have that information available as soon as possible. The Complaint Committee hearing will take place on September 25, 2018 at 5:30 pm in room 408 at City Hall. Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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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.

SOTF File No. 18049: RESPONDENT'S RESPONSE TO COMPLAINT 1 of 5

SUMMARY: Respondent refutes Complainant's allegation of failing to respond to this request in a timely and/or complete manner. Respondent has provided all responsive, non-exempt records to Complainant.

1/9/2018 – Respondent received Complainant's request for 21 items

1/11/2018 –Respondent acknowledged receipt of requests

1/20/2018 – Respondent invoked an extension of time to respond to the requests, and asked the Complainant for clarification on Item #18 as follows:

> While we have begun efforts in response to your request, we are invoking an extension of time under Government Code Section 6253(c) to process your request because the Fine Arts Museums staff must search for, collect, and appropriately examine a voluminous amount of separate and distinct records and must consult with another agency having substantial interest in the determination of the request. *See* Cal. Gov't Code §6253(c)(2) and (3).

1/20/2018 – Complainant responded with clarification of Item #18 as follows:

> Boards are to make policy decisions, not day-to-day managerial or operational decisions. There should therefore, at least theoretically, be few responsive documents. It Is those that I am requesting.

Complainant also added an additional request for records, identified as Request #22. (Respondent will address Request #22 separately under SOTF Complaint 2 of 5.)

2/2/2018 – Respondent responded to Complainant's requests.

NOTE: Some items were questions and not public records requests. Some records requests were for records of the Corporation of the Fine Arts Museums (COFAM) or the Fine Arts Museums Foundation (FAMF), both of which are private, non-profit 501(c)(3) charitable organizations. COFAM and FAMF provided some records to Complainant as a courtesy.

In addition to providing responsive records, and explanations to Complainant's questions, Respondent provided Complainant with the following point of clarification regarding COFAM and FAMF:

> The Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums Foundation (FAMF) are private, nonprofit 501(c)(3) charitable organizations whose primary purpose is to support the Fine Arts Museums of San Francisco. In addition, it is noted that some of the information you have requested represents records of COFAM and FAMF, neither of which are City Departments or agencies.

The Respondent made a good faith, reasonable search effort for the requested records by reviewing hard copy files and electronic document storage where responsive records likely would be found and circulating the request among employees likely to have or know of responsive records.

Following is a chart of Respondent's responses to Complainant which were sent to Complainant by email on February 2, 2018. Shaded areas indicate records/information or explanation provided to Complainant, or a note of no responsive records. Unshaded areas indicate no

SUMMARY: Respondent refutes Complainant's allegation of failing to respond to this request in a timely and/or complete manner. Respondent has provided all responsive, non-exempt records to Complainant.

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information provided at the time because the requested records were records of COFAM or FAMF.

The Docent Training Recruitment Program is administered under COFAM not FAMSF, through a group of volunteers with the Docent Council. A single COFAM staff member oversees the program but does not make decisions regarding the selection criteria or methodology for the interview process or acceptance into the docent training program. Recruitment, interviews, and training are completed by the volunteer Docent Council. Applications, records, and documentation regarding the program are maintained by the Docent Council, not COFAM. Docent Council chairs rotate every two years.

Based on Respondent's good faith, reasonable records search, Respondent has provided Complainant all responsive documents.

ITEM NO.	REQUEST	RESPONSE
1	All documents relating in any fashion to invitations to and applications by Robert M. Smith over the last 10 years to be a docent at the Museums	Most recent application by Smith from 2017 provided. This was a record of the volunteer Docent Council, provided as a courtesy by COFAM.
2	All documents relating in any fashion to the identities of the current roster of Museum docents, together with their applications and the evaluation by the Museums of their applications	**FAMSF has no responsive records.** Confidential information in the records of a volunteer program. Referred to COFAM.
3	All documents relating in any fashion to the selection of docents over the last ten (10) years	**FAMSF has no responsive records.** The volunteer docent program is administered by a COFAM employee. Referred to COFAM.
4	All documents relating in any fashion to a meeting summoning docent applicants to a meeting several years ago, the stated purpose of which was to tell the applicants there would be no docent training;	**FAMSF has no responsive records.** Referred to COFAM.
5	All documents relating in any fashion to the gender composition of (a) the current docents; (b) the docents recently accepted, (c) the docents one year ago, (d) the docents two years ago	**FAMSF has no responsive records.** Referred to COFAM.
6	All documents relating in any fashion to the requirement for gender equality of docents at the Museums	**FAMSF has no responsive records.**
7	All documents relating in any fashion to the Boards' dealing with issues of gender equality of docents at the Museums	**FAMSF has no responsive records**
8	All documents relating in any fashion to the selection and composition of the Docent Council leadership currently and one year ago	**FAMSF has no responsive records**
9	All documents relating in any fashion to compliance/ non-compliance by the Museums with federal, state, city and county laws, regulations, statutes, commitments, ordinances dealing with the prohibition of gender bias	**Link to employment page FAMSF** **http://www.famsf.org/about/employment-famsf** COFAM is the Corporation of Fine Arts Museums and is the privately funded non-profit corporation which supports the Fine Arts Museums of San Francisco, a department of the City and County of San Francisco. COFAM is proud to be an equal opportunity employer and is committed to a policy of nondiscrimination in all phases of employment in accordance with all federal, state, and local laws.
10	All documents relating in any fashion to the subject of gender bias requirements and potential or **alleged violations** within the last two years	**No responsive records.** (Note: This item is similar to Items #12 and #21).

11	All documents relating in any fashion to contracts or agreements with any governmental entities, including but not limited to the National Endowment for the Arts, the State of California and any of its subdivisions, and the City and County of San Francisco that prohibit in any fashion gender bias at the Museums	**Responsive document attached.** FAMSF is providing the Lease and Facilities Agreement between the City and County of San Francisco and the Fine Arts Museums Foundation (FAMF).
12	All documents relating in any fashion to **complaints**, internal or external, and **lawsuits** alleging gender bias at the Museums	Because disclosing the complaints themselves is needlessly invasive into the details of the alleged conduct and likely exempt from disclosure under privacy and personnel exemptions, a summary related to one lawsuit and one complaint were provided. (Note: This item is similar to Items #10 and #21).
13	All documents relating in any fashion to the current funding of the docent program, as well as the sources of that funding	**FAMSF has no responsive documents.** Explanation provided to Complainant: The Docent program is self-sufficient and receives no funding from the City; funds to support the program are generated from applicant fees and docent tour fees.
14	Board minutes for the three Museum Boards for the year 2017	The Fine Art Museums of San Francisco Board Minutes and Supporting Documents (1997-present) are posted on the Fine Arts Museums' page on the City and County of San Francisco website sfgov.org/finearts.
15	The identity of attorneys engaged by the Museums over the last three years -- to avoid doubt, only the identities, not the advice provided -- and the amount billed the Museums for those services	**Not a request for records. No responsive records.** Explanation provided to Complainant: The attorneys engaged by the Museums over the last three years include: Lauren Curry, Susan Dawson, Erik Rapoport (Labor Counsel), Adine Varah at the Office of the City Attorney. This provided to Complainant at a later date (7/11/2018): The total hours billed from the City Attorney's Office over the past three years (January 1, 2015 to January 9, 2018) is 3224.35 which includes the hours billed by these attorneys as well as other attorneys in the office.
16	The identity of the head of the City's Charitable Trust Department as it relates to the Museums	**Not a request for records**. Explanation provided to Complainant: There is no head of the City's Charitable Trust Department; the Department Head of the Fine Arts Museums of San Francisco is Max Hollein.
17	All documents relating in any fashion to any gender-bias training provided to the Museums over the last three years	Mandatory Harassment Prevention Training is required as an extended two-hour online video course and unavailable to send as a document. The memo reminding employees about the required training was provided to Complainant.
18	All documents relating in any fashion to management and/or operational decisions -- as opposed to policy decisions -- taken by the three Boards over the last three years	After clarification on this item, information provided to Complainant: Please see www.sfgov.org/finearts where all FAMSF minutes beginning in 1997 are posted for public review.
19	All documents relating in any fashion to communications from the Mayor's Office to the Museums over the last six months	One responsive email attached regarding Save the Date for Earthquake Preparedness
20	All documents relating in any fashion to resignation letters from Board members of the three Boards over the last four years and any responses to such resignations	FAMSF is providing resignation letters of three Trustees received during the past four years. Personal information such as home address and phone numbers have been redacted for privacy reasons. **Louise Renne, Jack McDonald, and Daniel Johnson, Jr.** *See* Cal. Gov't Code § 6254(c) and S.F. Admin. Code § 67.21(k)). Regarding responses to those resignations, we have no responsive documents.
21	All documents relating in any fashion to any gender-bias **complaints** to or concerning the Museums over the **last four years**	Nearly identical request to Items #10 and #12. Because disclosing the complaints themselves is needlessly invasive into the details of the alleged conduct and likely exempt from disclosure under privacy and personnel exemptions, a summary related to one complaint was provided.

SUMMARY: Respondent refutes Complainant's allegation of failing to respond to this request in a timely and/or complete manner.

1/20/18 – Complainant responded to a request to provide clarification on Item #18 of a previous request, and added an additional request (identified as #22).

2/26/18 – Respondent responded to Complainant's request.

22.	Please identify the "other agency" that you state has "a substantial interest in the determination of the request " and that you are consulting with and provide all correspondence (as defined in my original request) between FAMSF and that agency with regard to my request.	The Fine Arts Museums consulted with the Department of Human Resources and the Office of the City Attorney regarding your request. **There are no responsive records.**

SUMMARY: This request potentially involves a voluminous number of records. FAMSF has requested that the Complainant more narrowly tailor the request to the type or types of communication Complainant would like to receive.

Respondent acknowledges extenuating circumstances have created some challenges with responding to this request, as more fully described below. Respondent has been in communication with Complainant throughout this process and has tried to work through these challenges with Complainant in good faith.

Request received from Complainant on February 22, 2018:

> 1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;
>
> 2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

Respondent replied on March 1, 2018, requesting Complainant to narrow the scope of the request due to the potentially large number of records required to search.

> Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you? We await your response.

On March 3, 2018 Complainant responded to Respondent's request as follows:

> Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Although Complainant narrowed the timeframe of the request, Complainant did not provide a topic or subject matter that would aid in a records search.

On April 3, 2018 Respondent wrote to Complainant:

> Thank you for agreeing to initially begin with the time period *January 1, 2018* for both requests.
>
> Your request potentially involves a voluminous number of records. The Museums' Director of IT estimates there are approximately **250,000** emails from January 1, 2018 through February 20, 2018 located on the Museums' email servers. Because the Museums are implementing an organization-wide email migration, there are currently severe limitations on our servers. These technical limitations make retrieving large amounts of emails more burdensome and time-consuming than if the Museums were not in the middle of a migration. Similarly, our IT staff is managing the migration in addition to staff's regular museum duties. Also, once our IT Department has retrieved all of the responsive emails, staff will need to review the content of each email and make any appropriate redactions to emails that are responsive.

Because this effort will be extremely time-consuming and burdensome, and involve use of scarce museum resources, we would further like to assist you in making a more **"focused and effective request."** (See California Government Code section 6253.1.) We are again requesting that you more narrowly tailor your request to the type or types of communication you would like to receive. For example, you could provide **key words** that the Museums' IT team could utilize to hone in on records that are responsive to the types of communications you seek, or you could indicate subjects to us, for which we would devise search terms. This type of focused search geared to a particular subject or subjects will allow staff to more efficiently identify, review, and produce responsive documents, with minimum disruption to staff's other duties.

Until we hear back from you, staff will continue to work on responding to your request by allocating a certain number of hours per week on your request. We intend to produce records as soon as reasonably possible on a "rolling" basis, starting with the first week of January, then the second week of January, and so forth. However, the search process would be more efficient and possibly more effective in locating records in which your interest would be greatest, if the search could be narrowed along the lines discussed above.

To date, Complainant has not responded to a request to narrow the scope by subject matter.

EXTENUATING CIRCUMSTANCES:

As stated in Respondent's April 3 email to Complainant, because the Museums were implementing an organization-wide email migration, there were severe limitations on Respondent's email servers.

SUMMARY: Respondent refutes Complainant's allegation of failing to respond to this request in a timely and/or complete manner. Respondent made a good faith, reasonable search effort for the requested records by reviewing hard copy files and electronic document storage where responsive records likely would be found and circulating the request among employees likely to have or know of responsive records. Respondent has provided Complainant all responsive records.

These are not FAMSF records and were provided as a courtesy by the volunteer Docent Council via COFAM.

Complainant's March 23, 2018 (Friday) request included the following:

1. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2017;

2. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2016;

3. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2015.

4. The complete roster of all trained and currently serving docents at FAMSF as of March 23, 2018.

On Wednesday, March 28, 2018, Complainant mailed the responsive records to Complainant first class by USPS.

March 28, 2018 cover letter transmitting documents to Complainant attached for reference

Fine Arts
Museums of
San Francisco

de Young
Legion of Honor

March 28, 2018

Mr. Robert M. Smith, Esq.
127 Lawton Street
San Francisco, CA 94122-3719

Dear Mr. Smith,

In response to your March 23 public records request for:

1. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2017;
2. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2016;
3. The complete roster of all trained and then serving docents at FAMSF as of December 31, 2015.
4. The complete roster of all trained and currently serving docents at FAMSF as of March 23, 2018.

Please find the following responsive documents enclosed:

1. **FAMSF Active Docent Directory**. Only the current directory of active docents is retained, which reflects the year/class. The last training before the current one was the Class of 2011
2. **FAMSF Trainee Directory** – This is kept separate from the active docent roster
3. **FAMSF Supporting Docent Directory** (Retired and still paying dues). The year indicates when the docent went supporting.

There are no other documents in our possession responsive to your request.

Your email of this date asked for these to be printed out and mailed to you today.

Kind regards,

Skot Jonz

Enclosures

de Young
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118-450
Tel 415.750.3600
famsf.org

SOTF File No. 18049: RESPONDENT'S RESPONSE TO COMPLAINT 5 of 5

SUMMARY: Respondent refutes Complainant's allegation of failing to respond to this request in a timely and/or complete manner. Respondent made a good faith, reasonable search effort for the requested records by reviewing hard copy files and electronic document storage where responsive records likely would be found and circulating the request among employees likely to have or know of responsive records. Respondent has provided Complainant all responsive records.

On April 5, 2018, Complainant submitted the following request for records:

> 1 (OF 1). All documents relating in any fashion to invitations to and applications by Robert M. Smith from January 1, 1997 to the present to be a docent at the Museums. (Please note this request is not somehow to be construed as limited to my applications, but includes all documents as described. Also, kindly note that I am unwilling to extend the 10-day deadline; it is a single, straightforward, well-defined, limited request.)

NOTE: This request was similar to the request made in Complaint 1 of 5, Item #1, to which Respondent had already responded.

On April 11, 2018, Respondent acknowledged receipt of request for records as follows:

> I will be back in touch soon, within the 10-day deadline, with any responsive records that can be identified.

On April 14, 2018, Respondent replied to Complainant as follows:

> After a thorough review of files and records it has been determined that neither FAMSF nor COFAM are in possession of any communication regarding an invitation to you or application from you, other than what you are already aware of and have received (see attached). No COFAM or FAMSF staff keep such records associated with the docent training program which is maintained by a group of volunteers not employed with or by FAMSF or COFAM. No records or communication can be located from the time period you request beginning in 1997.
>
> There was no formal written invitation and invitations may have been by word of mouth.*

Complainant has stated that he received an invitation from the Museums by email. It is unclear to Respondent when the email was sent or by who. Respondent did not find such an email during its record search.

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Monday, September 17, 2018 10:46 AM
To: SOTF, (BOS)
Subject: RE: Referral

In advance of the hearing in a week:--

I have received **no** documents from the Museums since the last hearing.

It is now clear, if it was not before, that the Museums have no intention of obeying the law.

I am therefore obliged to ask the Committee, with respect, to recommend to the Task Force that it make an immediate referral to the Ethics Commission with a recommendation that the Commission refer the matter to the District Attorney for investigation into the conduct of the Museums and possible criminal prosecution.

Thank you for your kind attention.

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, September 11, 2018 2:07 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Public Records Request Dated September 3, 2018

Hi Mr. Smith,

Thank you for your e-mail. Based on your follow-up email, in which you cite 67.24(b)(1)(iii), which is a subsection under Public Information That Must Be Disclosed, Litigation Material, are you only requesting described advice, opinions, or communications to FAMSF from an attorney?

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Sep 10, 2018 at 6:20 PM, RMS <rms@robertmsmith.com> wrote:

> Ms. Powers,
>
> Please tell the Deputy City Attorney that I suggest he or she have a look at:
>
> San Francisco Administrative Code, Chapter 67, Sec. 67.24 [Public Information that Must be Disclosed], **(b) (1) (iii).**
>
> **Perhaps that will help. Also, perhaps it will speed things up.**
>
> **Thank you,**
>
> **Robert M. Smith**

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Monday, September 10, 2018 9:48 AM
To: rms@robertmsmith.com
Subject: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

I am writing in response to your public records request of September 3rd to the Fine Arts Museums of San Francisco.

In your request you ask for:

Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

Please be advised that we are hereby invoking an extension of not more than 14 days from September 13th, to respond to your request pursuant to the California Public Records Act. The Fine Arts Museums of San Francisco are invoking the extension on the grounds that staff will need to consult with the City Attorney's Office regarding your request. We will endeavor to respond to you as quickly as possible.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, August 20, 2018 10:40 AM
To: SOTF, (BOS)
Subject: Re: File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco

Victor,
Thank you - I think this will be it, but I believe I have close of business Wednesday to submit?
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Aug 20, 2018 at 9:57 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> Melissa:
>
> If you have already submitted your documents there is no need to resubmit. Attached is a copy of the documents submitted to us on July 11th by Mr. Jonz.
>
> Victor Young 415-554-7724
>
> Administrator, Sunshine Ordinance Task Force
>
> **From:** Melissa Powers [mailto:mpowers@famsf.org]
> **Sent:** Friday, August 17, 2018 12:53 PM
> **To:** Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>

Cc: Skot Jonz <SJonz@famsf.org>; Young, Victor <victor.young@sfgov.org>
Subject: Fwd: File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco

Good afternoon,

I'm resubmitting my email - I believe I incorrectly entered your e-mail addresses.

I apologize Mr. Young for the duplicate -

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

---------- Forwarded message ----------
From: **Melissa Powers** <mpowers@famsf.org>
Date: Fri, Aug 17, 2018 at 11:40 AM
Subject: File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco
To: cheryl.leger@sf.gov.org, sotf@sf.gov.or, victor.young@sfgov.org
Cc: Skot Jonz <SJonz@famsf.org>

Good morning,

We are in receipt of the notice for the upcoming hearing on August 28th, concerning subject complaint. The notice notes that for a document to be considered, it must be received at least 5 working days before the hearing.

On July 11, 2018, Skot Jonz submitted responses to the 5 complaints by Mr. Smith. Will this previously submitted documentation be considered, or do we need to resubmit for the hearing (even if no new documentation will be forthcoming).

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

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Cc: SOTF, (BOS)
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Thank you,
Melissa Powers

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Manager of Board Relations and Special Projects

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> Ms. Powers,
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> Please tell the Deputy City Attorney that I suggest he or she have a look at:
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> San Francisco Administrative Code, Chapter 67, Sec. 67.24 [Public Information that Must be Disclosed], **(b) (1) (iii).**
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> **Thank you,**
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> **Robert M. Smith**

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Sent: Monday, September 10, 2018 9:48 AM
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Subject: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

I am writing in response to your public records request of September 3rd to the Fine Arts Museums of San Francisco.

In your request you ask for:

Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

Please be advised that we are hereby invoking an extension of not more than 14 days from September 13th, to respond to your request pursuant to the California Public Records Act. The Fine Arts Museums of San Francisco are invoking the extension on the grounds that staff will need to consult with the City Attorney's Office regarding your request. We will endeavor to respond to you as quickly as possible.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

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Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Tuesday, September 11, 2018 3:15 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Records Request Dated September 3, 2018

Ms. Powers, no. You said you were consulting the City Attorney's Office. I was just trying to be helpful in that regard. I withdraw the assistance, since it appears confusing to you. The Request stands as it was written:

Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

Thanks.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Tuesday, September 11, 2018 2:07 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Public Records Request Dated September 3, 2018

Hi Mr. Smith,

Thank you for your e-mail. Based on your follow-up email, in which you cite 67.24(b)(1)(iii), which is a subsection under Public Information That Must Be Disclosed, Litigation Material, are you only requesting described advice, opinions, or communications to FAMSF from an attorney?

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Sep 10, 2018 at 6:20 PM, RMS <rms@robertmsmith.com> wrote:

Ms. Powers,

Please tell the Deputy City Attorney that I suggest he or she have a look at:

San Francisco Administrative Code, Chapter 67, Sec. 67.24 [Public Information that Must be Disclosed], **(b) (1) (iii).**

Perhaps that will help. Also, perhaps it will speed things up.

Thank you,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Monday, September 10, 2018 9:48 AM
To: rms@robertmsmith.com
Subject: Public Records Request Dated September 3, 2018

Good morning Mr. Smith,

I am writing in response to your public records request of September 3rd to the Fine Arts Museums of San Francisco.

In your request you ask for:

Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco Governmental Ethics Code, or the San Francisco Sunshine Ordinance from November 1, 2017 through the present.

Please be advised that we are hereby invoking an extension of not more than 14 days from September 13th, to respond to your request pursuant to the California Public Records Act. The Fine Arts Museums of San Francisco are invoking the extension on the grounds that staff will need to consult with the City Attorney's Office regarding your request. We will endeavor to respond to you as quickly as possible.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, September 14, 2018 3:28 PM
To: 'RMS'
Subject: FW: 67.30 of the Sunshine Ordinance Task Force

Dear Mr. Smith:

Listed below is Administrative Code (Sunshine Ordinance), Section 67.30 (c) which list the powers and abilities of the Sunshine Ordinance Task Force and does not appear to reference criminal proceedings. If the SOTF finds a violation of the Sunshine Ordinance they have the ability to refer the matter to a body with enforcement authority such as the Ethics Commission.

SEC. 67.30. THE SUNSHINE ORDINANCE TASK FORCE.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting members appointed by the Board of Supervisors. All members must have experience and/or demonstrated interest in the issues of citizen access and participation in local government. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Four members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. One member shall be a journalist from a racial/ethnic-minority-owned news organization and shall be appointed from individuals whose names have been submitted by New California Media. At all times the task force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government. The Mayor or his or her designee, and the Clerk of the Board of Supervisors or his or her designee, shall serve as non-voting members of the task force. The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

(d) In addition to the powers specified above, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the People of San Francisco shall confer upon it by initiative.

(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance.

(Added by Ord. 265-93, App. 8/18/93; amended by Ord. 118-94, App. 3/18/94; Ord. 432-94, App. 12/30/94; Ord. 287-96, App. 7/12/96; Ord. 198-98, App. 6/19/98; 387-98, App. 12/24/98; Proposition G, 11/2/99)

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

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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Sunday, September 16, 2018 1:22 PM
To: SOTF, (BOS)
Subject: RE: 67.30 of the Sunshine Ordinance Task Force

Thank you very much.

The Committee asked the Museums to give it the contracts between the Museums and the two private entities. Has the Committee received those? If so, please regard this as a Public Records Request for those contracts.

Again, thank you very much.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, September 14, 2018 3:28 PM
To: RMS
Subject: FW: 67.30 of the Sunshine Ordinance Task Force

Dear Mr. Smith:

Listed below is Administrative Code (Sunshine Ordinance), Section 67.30 (c) which list the powers and abilities of the Sunshine Ordinance Task Force and does not appear to reference criminal proceedings. If the SOTF finds a violation of the Sunshine Ordinance they have the ability to refer the matter to a body with enforcement authority such as the Ethics Commission.

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attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

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(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance.

(Added by Ord. 265-93, App. 8/18/93; amended by Ord. 118-94, App. 3/18/94; Ord. 432-94, App. 12/30/94; Ord. 287-96, App. 7/12/96; Ord. 198-98, App. 6/19/98; 387-98, App. 12/24/98; Proposition G, 11/2/99)

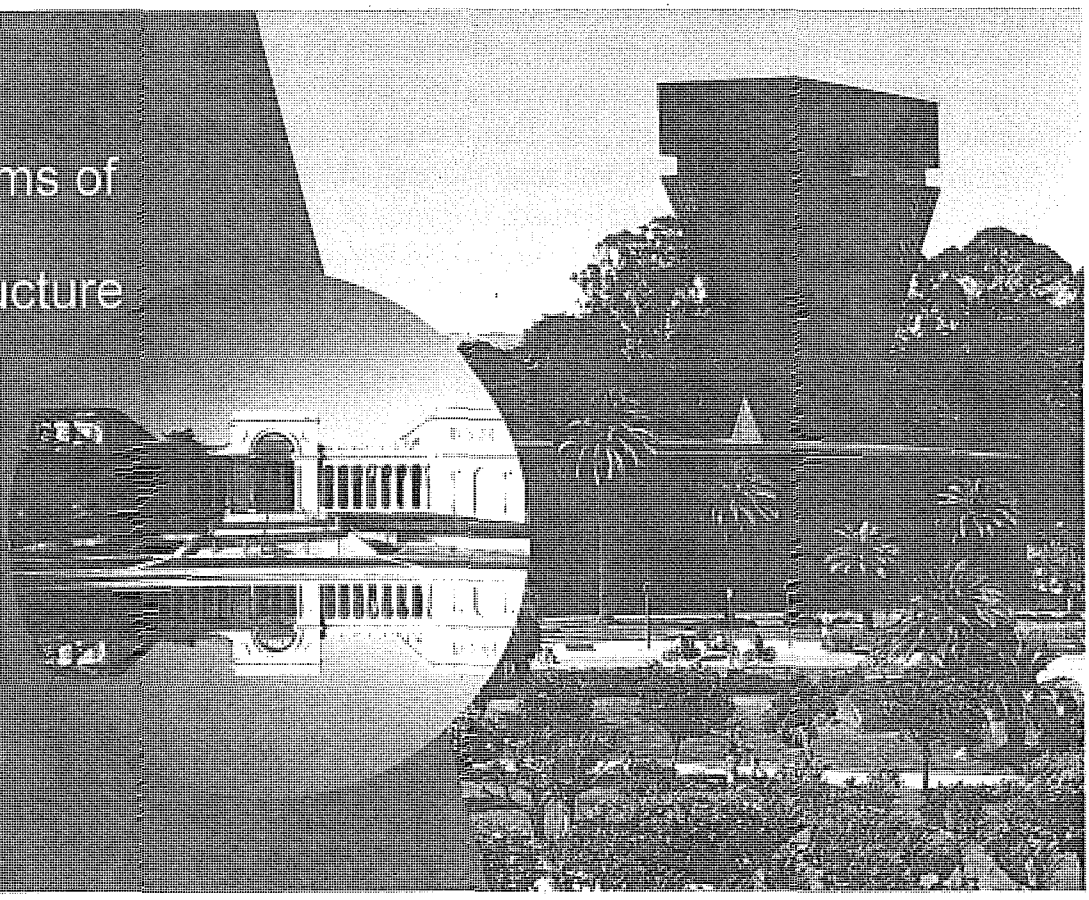
Cheryl Leger
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Fine Arts Museums of San Francisco's Governance Structure



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fine arts museums
of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

- On August 28, 2018, Sunshine Ordinance Task Force (SOTF) Complaint Committee conducted a hearing on the complaint of Robert M. Smith v. Fine Arts Museums of San Francisco (FAMSF)
- Complaint Committee requested FAMSF to provide information on the legal and contractual relationship between:
  - Fine Arts Museums of San Francisco (FAMSF)
  - Fine Arts Museums Foundation (FAMF) (Foundation)
  - Corporation of the Fine Arts Museums (COFAM)

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Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

Fine Arts Museums of San Francisco:

- Charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees.
- Board of Trustees are governed by Section 5.105 of City Charter and its Bylaws.
- The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support.
- The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance, to include the grounds and security. The annual appropriation is approved through City's annual budget process.

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The Corporation of the Fine Arts Museums:

- The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support.
- The COFAM Bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees.
- The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.
- COFAM raises funds for and manages most of the day to day operations of the museums, to include salaries of hundreds of employees (who support FAMSF).
- COFAM Staff - Development, Finance, Education, Exhibitions, Technicians, Curators, and Admin support.

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The Fine Arts Museums Foundation:

- The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005.
- Formed for the educational purpose of receiving, donating and otherwise disbursing funds for the embellishment, advancement, administration and enlargement of the Fine Arts Museums of San Francisco.
- Contributes operating funds to COFAM but there are NO Foundation employees.

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The Fine Arts Museums Foundation, cont.:

- The FAMF board of trustees is self-perpetuating and manages endowment and funds for purchasing artworks;
- FAMF acquires artwork either through purchase or as a gift. FAMF then turns around and gifts all purchases and gifts of artworks to the City of San Francisco (FAMSF).
- The artworks gifted through the FAMF increase the value of the City's art collection exponentially.

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- COFAM and FOUNDATION work together to support the Fine Arts Museums
- FAMSF brings exhibitions and programs to Bay Area Residents and Visitors Worldwide. Between July 2017-June 2018:
  - Over 1.4 million visitors to de Young and Legion of Honor
  - Over 100,000 household memberships
  - Over 39,000 San Francisco School Group visitors

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- Both City auditors and an independent team of auditors recommended a Memorandum of Agreement (or other formal document) formalizing the relationship between the Board of Trustees and the Corporation of the Fine Arts Museums (COFAM) or other formal public document, including the roles and responsibilities delegated to each entity.
- Established and documented a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation.
- Adopted and Approved by the three Boards of Trustees:
  - January 25, 2018 – FAMSF Resolution 1857
  - January 25, 2018 – COFAM Resolution 522
  - February 22, 2018 – FAMF Resolution 600

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of san francisco

Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

COFAM Employees

TOTAL COFAM STAFF: 474

Regular: 195

Union: 100

Merit: 100

On-Call: 79

City Employees

TOTAL CCSF STAFF: 189

- Regular: 106
- Mostly frontline staff: security & visitor services
- On-Call: 83

City Employees, cont.

CCSF Staff also includes Management:

- Director of Museums;
- Director of HR;
- Director of Security, Building and Grounds Maintenance Supervisor; and
- Chief Preparator, two Curators of the Achenbach Foundation for Graphic Art

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- We don't dispute FAMSF records are subject to PRA and Sunshine Ordinance
  - Any and all e-mail exchanges involving FAMSF employees
  - Examples of what is not: COFAM employee to COFAM employee; COFAM employee to another private person/entity
- Without some type of search terms, will have to review ALL e-mails in server to decipher what is actually a public record.
- Number of City IT employees to support search: zero
- Approximately 450K e-mails on server between January and February 2018
- If search was narrowed to CCSF/FAMSF employees – see next chart . . .

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Fine Arts Museums of San Francisco's Governance Structure

File No. 18049 (Robert Smith v Fine Arts Museums of San Francisco)

City Employee by CCSF Job Title	Number of Earners January – February 2018
Accountant II	939
Admission Attendant/S	2528
Associate Museum Registrar	2159
Building & Grounds Maintenance Supt	2757
Chief Preparator	3869
Dept Head III	4065
Manager I	6908
Manager II	3892
Manager III	5267
Mgr Museum Security Services	3551
Museum Guards	6850
Museum Registrar	5666
Museum Security Supervisor	8256
Security Guards	3185
Senior Human Resources Analyst	3542
Stationary Engineers	6703
Sr Payroll and Security Clerk	1555
TOTAL	70,820

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of san francisco

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, July 29, 2019 1:17 PM
To: Joshua Klipp; Patino, Andres-Lopez (REC); Lin-Wilson, Tiffany (REC); Robert M. Smith; Melissa Powers; Denta Tadesse; Mazzola, Lori (ADM); SFSD Civil (SHF); Hennessy, Vicki (SHF); Alex Lewis-Koskinen; Vien, Veronica (DPH)
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: August 27, 2019

Location: City Hall, Room 408

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.

Complaints:

File No. 18072: Hearing on the Status of the Order of Determination - Complaint filed by Joshua Klipp against the Recreation and Parks Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(b) and (e), by failing to respond to a public records request in a timely and/or complete manner.

File No. 18049: Hearing on the Status of the Order of Determination. Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Hearing on the Status of the Order of Determination - Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18012: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 18028: **Hearing on the Status of the Order of Determination** - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 20, 2019.***

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

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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
To:	Robert M. Smith; Melissa Powers; SJonz@famsf.org; Rhorer, Trent (HSA); weese.sandra@gmail.com; Guy, Kevin (CPC); Ionin, Jonas (CPC); liz.arbus@aol.com; carlos petri; BAUMGARTNER, MARGARET (CAT)
Subject:	SOTF - Notice of Hearing - Complaint Committee: January 22, 2019 5:30 p.m.

Good Morning/Afternoon:

Notice is hereby given that the Complaint Committee of the Sunshine Ordinance Task Force (Task Force) has scheduled hearings on the following titled complaint(s) to: 1) determination if the Task Force has jurisdiction; 2) review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; 3) to issue a report and/or recommendation to the Task Force for hearing.

The Task Force, upon receipt of the report and/or recommendation from the Complaint Committee, shall schedule and conduct a hearing on the merits of the complaint. The Complaint and Respondent will be required to attend the Task Force meeting to review the merits of the complaint(s).

Date: January 22, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complaints: Listed below:

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18094: Complaint filed by Anonymous against Executive Director, Trent Rhorer, and the Department of Human Services for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18095: Complaint filed by Sandra Weese against Kevin Guy and the Office of Short Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18085: Complaint filed by Liz Arbus against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18090: Complaint filed by Carlos Petri against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least three (3) working days before the hearing. For inclusion into the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, January 16, 2019.***

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


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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, May 17, 2019 3:38 PM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - May 28, 2019 Complaint Committee hearing

Good Afternoon:

I apologize for sending this Notice today. You were inadvertently not included when I originally sent out the original notice.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 28, 2019

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18049: Hearing on the Status of the Order of Determination: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 22, 2019.***

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

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


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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Tuesday, February 19, 2019 11:05 AM
To:	'Ellen Tsang'; Madjus, Lily (DBI); SunshineRequests, DBI (DBI); 'Betty Mackey'; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); 'sfneighborhoods.net'; Goldberg, Jonathan (DPW); 'Conan McHugh'; 'Robert M. Smith'; 'Melissa Powers'; 'Joshua Klipp'; Lin-Wilson, Tiffany (REC); Pawlowsky, Eric (REC)
Subject:	SOTF - Sunshine Ordinance Task force Notice of Hearing, March 6, 2019
Attachments:	SOTF - Complaint Procedure 2018-12-05 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: March 6, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SPECIAL ORDER

The hearing on File Nos. 18072 will not begin earlier than 6:00 pm.

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, February February 27, 2019.***

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

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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
To:	Robert M. Smith; Melissa Powers; Denta Tadesse; Mazzola, Lori (ADM); Nicco, Mark (SHF); Hennessy, Vicki (SHF); SFSD Civil (SHF); COTHRAN, GEORGE (CAT); COTE, JOHN (CAT); GUZMAN, ANDREA (CAT)
Subject:	SOTF - Notice of Hearing - Compliance and Amendments Committee; April 16, 2019 4:30 p.m.
Attachments:	SOTF - Complaint Procedure 2018-12-05 FINAL.pdf

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: April 16, 2018

Location: City Hall, Room 408

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.

Complaints:

File No. 18028: Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18012: Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18010: Complaint filed by Denta Tadesse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, regarding violation of the rights to privacy.

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, April 9, 2019.***

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

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Leger, Cheryl (BOS)

From: Bruce Wolfe <sotf@brucewolfe.net>
Sent: Tuesday, February 12, 2019 2:15 PM
To: SOTF, (BOS)
Subject: Re: FW: SOTF - Postponement of matters 18049 and 18083

Please proceed with agendizing to March agenda. Two months postponement is unnacceptable. Please request that SF Fine Arts send a knowledgeable representative or, if none, the Department Head as absolute responsible person for the department. SOTF will discuss how to dispense with this, either to move ahead or not.

Thank you.

Bruce Wolfe, Chair
SF Sunshine Ordinance Task Force

(Response is very limited during business hours on business days and holidays)
~~~~~~

On Thu, Feb 7, 2019 at 12:29 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Chair Wolfe:
>
> Melissa Powers of the Fine Arts Museums (Respondent) asked if we could postpone the above referenced matters until May 2019. As you can see below, Mr. Smith (Petitioner), does not grant permission to do so. As of today, we had tentatively scheduled both matters to be heard at the March SOTF hearing. How would you like to proceed? Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724
>
>  Click here to complete a Board of Supervisors Customer Service Satisfaction form.
>
> The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.
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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, February 7, 2019 12:18 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Postponement of matters 18049 and 18083

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

No.

It is a large enterprise, with many employees. (The Chief of Staff appeared on one occasion. Skot Jonz on another.)

This is a legal duty, compliance with which has already been delayed absurdly and impermissibly long.

Robert M. Smith, Esq.
rms@robertmsmith.com

www.robertmsmith.com

+1.415.242.9800

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Thursday, February 07, 2019 12:09 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: SOTF - Postponement of matters 18049 and 18083

Dear Mr. Smith:

I just got off the phone with Ms. Powers of the Fine Arts Museums. She has stated that she has conflicts in March and April and will not be available to attend a Task Force hearing until May, 2019. As you are aware, Ms. Powers has appeared on behalf of the Museum in previous Committee meetings and is the person most knowledgeable. Please let me know as soon as possible if you agree to having your matters heard in May. Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724


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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Monday, September 10, 2018 11:22 AM
To:	'RMS'; 'SJonz@famsf.org'; 'mpowers@famsf.org'; 'publicrecords@sfwater.org'; Kwon, Ike (PUC); Peters, Michelle (PUC); 'Mike.black666@yahoo.com'; Kelly, Naomi (ADM); Barnes, Bill (ADM); 'jklipp@yahoo.com'; Lin-Wilson, Tiffany (REC); Pawlowsky, Eric (REC)
Subject:	SOTF - Notice of Hearing - Complaint Committee: September 25, 5:30 p.m., City Hall, Room 408

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: September 25, 2018

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18062: Complaint filed by J. Walker against the San Francisco Public Utilities Commissioner Vince Courtney and the San Francisco Public Utilities Commission (SFPUC) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.24, by redacting records in an inappropriate manner.

File No. 18068: Complaint filed by Anonymous against Shireen McSpadden, Department of Aging and Adult Services, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18069: Complaint filed by Mike Black against City Administrator Naomi Kelly, and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received **by 5:00 pm, September 18, 2018, Date.**

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


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Young, Victor

From: SOTF, (BOS)
Sent: Wednesday, August 15, 2018 9:53 AM
To: Mike.black666@yahoo.com; Rosenfield, Ben (CON); Williams, Matthew (POL); Rydstrom, Todd (CON); Lane, Maura (CON); rms@robertmsmith.com; SJonz@famsf.org; Patterson, Kate (ART); Ann; Bill and Bob Clark
Cc: Young, Victor
Subject: SOTF - Notice of Hearing - Complaint Committee: August 28, 2018, 5:30 p.m.

Good Morning:

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: August 28, 2018

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No: 18054: Complaint filed by Mike Black against the Office of the Controller for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by inappropriately invoking provisions for extensions of time to respond due to the voluminous nature of a request or need to consult with another department.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18056: Complaint filed by Ann Treboux against Ann Trickey and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing make meeting minutes available in a timely manner. (June 5, 2018 - Advisory Committee of Street Artists and Crafts Examiners).

File No. 18059: Complaint filed by William J. Clark against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.16, by failing make meeting minutes available in a timely manner. (June 5, 2018 - Advisory Committee of Street Artists and Crafts Examiners).

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, **August 22, 2018.**

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


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Leger, Cheryl (BOS)

From: RMS <rms@robertmsmith.com>
Sent: Wednesday, September 05, 2018 12:12 PM
To: SOTF, (BOS)
Subject: US Mail

For your information and files: The Museums refused to confirm receipt by email of my last Public Record Request (which I sent you a copy of) -- so I have also mailed it today to Mr. Jonz by US Mail. Thank you.

SUNSHINE ORDINANCE
TASK FORCE

City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
March 25, 2019

DATE DECISION ISSUED
March 6, 2019

CASE TITLE – Robert M. Smith v. Fine Arts Museums of San Francisco
File No.18049

FACTS OF THE CASE

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

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On July 17, 2018, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

The Compliance and Amendments Committee (Committee) reviewed File No. 18049 to determine if the Sunshine Ordinance Task Force has jurisdiction and determine if the requested records are public pursuant to Administrative Code (Sunshine Ordinance), Sections 67.21(e). The Complainant and Respondent were **NOT REQUIRED** to attend the July 17, 2018, Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.

Member Hinze, seconded by Chair Cannata, moved to find that the SOTF has jurisdiction in File Nos. 18049 and that the records are public. A hearing on the merits of the complaint will be scheduled on a future date.

On August 28, 2018, the Compliant Committee continued the matter to their next meeting and requested that the Respondent provide the requested information.

Robert M. Smith (Petitioner) provided a summary of his complaint and requested the Committee find a violation. Mr. Smith stated that he has not received a copy his application to be a docent and a roster of current docents from the Fine Arts

Museums as requested. Mr. Smith stated that FAMSF has not conformed to the law in regards to the public records and that he is not required to narrow the nature of his request.

Melissa Powers, Manager of Board Relations and Special Projects (Respondent), provided a summary of the department's position. Ms. Powers stated that the Fine Arts Museums of San Francisco are governed one governmental agency and two 501c(3) non-profit organizations. Ms. Powers stated that all employees, whether they work for the City or the two nonprofits, have the same email domain name at famsf.org and that all emails would need to be reviewed to determine which are considered to be a public record. Ms. Powers stated that it was determined that there were over 250 thousand records which would need to be reviewed by staff which is overly burdensome and requested that Mr. Smith narrow the scope of his request. Ms. Powers stated that FAMSF responded to the requests in a timely manner and that requests for extension were properly invoked. Ms. Powers suggested an invocation of the rule of reason may be required in order to prevent disruption of the regular duties of the department by limited the amount of staff hours to work on the Mr. Smith's public records request.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member B. Wolfe and Chair Tesfai requested that Ms. Powers provide information five days before the next Complaint Committee hearing regarding what are the legal and contractual relationships of the two Co-FAM and FAM, the City's entity; the public entity and the two private entities.

Member B. Wolfe, seconded by Member Hinze, moved to continue the matter to the next Complaint Committee for hearing and requested information from the Respondent.

On January 22, 2019, the Complaint Committee heard the matter and referred it to the Sunshine Ordinance Task Force for hearing.

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to make three points: 1) that Ms. Powers promised to make documents available on a rolling basis and that there was a duty to make them available; 2) Ms. Powers has very little training in Sunshine; 3) that the Museums have provided very few documents.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that at the last meeting of the Complaint Committee there were questions that were to be sent to the City Attorney regarding what does and does not apply to Co-FAM and that

she is awaiting the legal opinion. Ms. Powers stated that she has provided public documents to Mr. Smith and that she has requested search terms from Mr. Smith to narrow of the scope of the document review. Ms. Powers stated that her resources have been taxed to the limit and that there is no intention of malfeasance.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cate, seconded by Member Martin, moved to refer the matter to the SOTF for hearing.

On March 6, 2019, the SOTF heard the matter.

Robert Smith, (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Mr. Smith stated that the Museum consistently does not produce documents. Mr. Smith spoke about silos 1, 2 and 3; that silo 1 (FAM) is a public department and silos 2 and 3 (Co-FAM and FAMSF) are private departments of the Museum. Mr. Smith stated that his request for documents is to silo 1 which is public and a City Department. Mr. Smith stated that he believes that all employees of the Museum are City employees. Mr. Smith stated that all employees of the Museums share the same computers and that the Museums are not providing records.

Melissa Powers, Fine Arts Museum, (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith has received his responsive documents. Ms. Powers stated that Mr. Smith is not entitled to the records of Co-FAM. Ms. Powers stated that she has asked Mr. Smith to provide search terms to narrow the scope of the request. Ms. Powers stated that she has a small pool of employees to review over 70,000 documents and inquired as to how do they find correspondence related to what Mr. Smith requests. Ms. Powers stated that not all of the employees of the Museum are City employees.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Member Cannata requested that the first 10% (7,000) of the 70,000 documents be made available by the Museums and should be provided to Mr. Smith before the next Committee meeting.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that The Fine Arts Museums violated Administrative Code (Sunshine Ordinance), Section 67.21(e), by failing to provide documents in a timely or complete manner.

DECISION AND ORDER OF DETERMINATIONS

On March 6, 2019, Member Hyland, seconded by Member J. Wolf, moved to find that the Fine Arts Museums violated Administrative Code, Section 67.21(e), by failing to provide documents in a timely and/or complete manner.

The motion PASSED by the following vote:

Ayes: 9 - Cannata, Hinze, Hyland, Martin, LaHood, Tesfai, J. Wolf, Yankee, B. Wolfe
Noes: 0 - None
Absent: 2 - Cate and Chopra

Chair B. Wolfe requested that the matter be referred to the Compliance and Amendments Committee to ensure that the requested records are provide to Mr. Smith on a rolling basis (10% of the total by the April meeting of the Committee).



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Robert M. Smith (Petitioner/Complainant)
Fine Arts Museums (Respondent)

File No. 18083 Item No. 6

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Compliance and Amendments Committee Date: August 27, 2019

☐	Petition/Complaint	Page: 575
☐	Memorandum - Deputy City Attorney	Page: 578
☐	Petitioner/Complainant Supporting Documents	Page: 584
☐	Respondent's Response	Page: 646
☐	Public Correspondence	Page:
☐	Order of Determination	Page: 572
☐	Minutes	Page:
☐	Administrator's Report	Page:
☐	No Attachments	

OTHER

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Completed by: C. Leger Date 8/21/19

*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

City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
May 21, 2019

DATE DECISION ISSUED
May 3, 2019

CASE TITLE – Robert M. Smith v. Fine Arts Museums of San Francisco
(File No. 18083)

FACTS OF THE CASE

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

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On January 22, 2019, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Robert M. Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he wanted to know if there was Saudi funding for the recent Museum show of Muslim fashions. Mr. Smith stated that he went to Ms. Powers to get responsive documents and that many were already on the website which she did not turn over. Mr. Smith believes that all the documents he has been requesting are public.

Melissa Powers, Fine Arts Museums of San Francisco (Respondent), provided a summary of the department's position. Ms. Powers stated that Mr. Smith requested copies of receipts, payments and other financial documentation. Ms. Powers stated that Mr. Smith's request has been complied with and requests that the Committee close the matter.

Member Cate, seconded by Member Martin, moved to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing.

On March 6, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Mr. Smith stated that he asked for documents related to the funding of the Islamic Fashions exhibit at the Museum. Mr. Smith stated has not received documents responsive to his request. Mr. Smith stated that he has been told the requested records contain personal information. Mr. Smith stated that Co-FAM is getting money from admissions for exhibits at the Museum and that he should be provided those documents.

Melissa Powers, Fine Arts Museums (Respondent), provided a summary of the department's position. Ms. Powers stated that documents related to the exhibit have been produced to Mr. Smith and that there was very little to turn over. Megan Bourne, Fine Arts Museums, spoke in support of the Respondent and acknowledged that revenue from admissions goes to exhibits.

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF).

On May 1, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Robert Smith (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Smith stated that he has not received records regarding the Muslim Fashions exhibit except for a few non-substantive documents such as the cocktail party invitation. Mr. Smith asked that the SOTF to find the Museum in violation of the law and to forward the matter to the District Attorney.

Melissa Powers, Fine Arts Museum (Respondent), was not present and communicated to SOTF, prior to the hearing, that due to previous commitments they are unable to send a represented to the hearing.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that The Fine Arts Museum (Respondent) violated Administrative Code (Sunshine Ordinance), Sections 67.21(a)(e).

DECISION AND ORDER OF DETERMINATIONS

On May 1, 2019, Member Cannata, seconded by Member Hinze, moved to find that the Fine Arts Museum of San Francisco violated Administrative Code (Sunshine Ordinance), Sections 67.21(a) and (e), by not providing the requested documents in a timely and/or complete manner and for not sending a representative to the hearing.

In addition, the matter was referred to the Compliance and Amendments to ensure that the remaining requested documents have been provided.

The motion PASSED by the following vote:

Ayes: 9 - B. Wolfe, Cannata, Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee
Noes: 0 - names
Absent: 2 - Cate and Chopra



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Robert M. Smith (Petitioner/Complainant)
Mellissa Powers, Fine Arts Museums of San Francisco (Respondent)

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, November 5, 2018 11:09 AM
To: SOTF, (BOS)
Subject: RE: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco

RE: FOIA Request of 10/14/2018

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

1. All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, November 05, 2018 9:32 AM
To: Robert M. Smith
Subject: RE: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco

Dear Mr. Smith:

Thank you for your new public records request. Please send me your original request to the Fine Arts Museums regarding the Saudi records matter. I see below the response from Ms. Powers. If there have been other requests and responses related to this issue, please forward those as well. Thank you.

Cheryl Leger

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, November 4, 2018 4:05 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco
Importance: High

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

Hello Cheryl, would you please handle this **NEW Public Records Request** to the Museums relating to Saudi funding to the Fine Arts Museums of San Francisco. The Request and response are below. I hope the Task Force can handle this with speed, given the obvious journalistic significance. The records — even with the extension taken –were due October 29. It is now November 4.

Thank you.

Cordially,

Bob Smith

Robert M. Smith
rms@robertmsmith.com
+1.415.242.9800

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, October 17, 2018 2:07 PM
To: RMS
Subject: Re: Public Records Request Dated September 3, 2018

Mr. Smith,

....

Regarding your request relating to Saudi Arabia, you have not specifically cited this as an Immediate Disclosure Request. If that was your intention, based on the voluminous amount of electronic matter I will be reviewing, we are hereby invoking an extension of not more than 14 days from October 15th, to respond to your request pursuant to the California Public Records Act. We will endeavor to respond to you as quickly as possible. ....

Thank you.
Melissa Powers

Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

NICHOLAS COLLA
Deputy City Attorney

Direct Dial: (415) 554-3819
Email: nicholas.colla @sfgov.org

MEMORANDUM

TO: Sunshine Ordinance Task Force

FROM: Nicholas Colla
Deputy City Attorney

DATE: November 20, 2018

RE: Complaint No. 18083 – Smith v. the Fine Arts Museum of San Francisco

COMPLAINT

Complainant Robert Smith ("Complainant") alleges that the Fine Arts Museums of San Francisco ("the Museum") violated public records laws by failing adequately and timely respond to his October 14, 2018 request for public records.

COMPLAINANT FILES COMPLAINT

On November 5, 2018, Complainant filed this complaint with the Task Force regarding the Museum's alleged failure to adequately respond to his public records request.

JURISDICTION

The Museum is a department subject to the provisions of the Sunshine Ordinance regarding public records. The Museum does not contest jurisdiction to hear this complaint.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request.
- Section 67.25 governs immediacy of response.

Section 6250 et seq. of the Cal. Gov't Code ("CPRA"):

- Section 6253 governs the responses to public records requests.

APPLICABLE CASE LAW

- None

BACKGROUND

Complainant filed this complaint with the Task Force on November 5, 2018 in which he alleges that the Museum failed adequately respond to his October 14, 2018 request for public records seeking the following:

> I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to

> as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. Please note: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).
>
> 1. All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.

On October 16, 2018, Complainant allegedly emailed the Museum to request that his public records request be comsidered an immediate disclosure request.

On October 17, 2018, Melissa Powers ("Ms. Powers") of the Museum emailed Complainant stating that due to the voluminous amount of responsive records responsive to the request, the Museum would be invoking an extension of no more than 15 days from the October 15, 2018 original request date to produce responsive records.

On November 5, 2018, after allegedly having yet to receive responsive records, Complainant filed this complaint with the Task Force.

On November 7, 2018, the Museum allegedly provided Complainant with records responsive to his request. However, Complainant contends that additional responsive records continue to be withheld.

On an unknown date, in response to the filing of this complaint, the Museum sent the Task Force a letter in which it states that it provided Complainant with records responsive to this request and that additional records pertaining to the private non profit "Corporation of the Fine Arts Museum would not be disclosed..

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- How did the Museum calculate the applicable amount of days it had to respond to the request after invoking its extension?
- Does the Museum contend that it does not have possession of records pertaining to the private non profit "Corporation of the Fine Arts Museum" that are responsive to the request or that it has possession of such records but is withholding them?
- Did Complainant ever utilize requests under Adminstrative Code Section 12L to seek information from the Museum's associated privately ran non-profit organizations?

LEGAL ISSUES/LEGAL DETERMINATIONS

MEMORANDUM

- Did the Museum fail to comply with Administrative Code Section 67.21 by failing to timely/adequately respond to any of Complainant's five requests?
- Did the Museum violate public records laws by invoking an longer extension than permitted by the Sunshine Ordinance or the CPRA?
- Did the Museum adequately assist Complainant in attempting to locate the records he desired?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

* * *

MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: November 20, 2018
PAGE: 4
RE: Complaint No. 18083 – Smith v. the Fine Arts Museum of San Francisco

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

SEC. 67.25. IMMEDIACY OF RESPONSE

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make

such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

SEC. 6253

(c) Each agency, upon a request for a copy of records, shall, ***within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.*** In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. ***No notice shall specify a date that would result in an extension for more than 14 days.*** When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Sunshine Ordinance Task Force
Complaint Summary

File No. 18083

Robert M. Smith v. Fine Arts Museums of San Francisco (FAMSF)

Date filed with SOTF: 11/5/18

Contacts information (Complainant information listed first):
Robert M. Smith (Complainant)
rms@robertmsmith.com
Melissa Powers (mpowers@famsf.org) (Respondent)

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Complaint Attached.

Complainant/Petitioners Documents Submission

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Tuesday, August 20, 2019 10:56 AM
To: SOTF, (BOS)
Subject: Projector

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For each of may appearances, please, I will need the projector. Thanks.

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, August 19, 2019 2:58 PM
To: SOTF, (BOS)
Subject: RE: SOTF -

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

I am assuming that the Museums are sending you a copy of everything they send me, by thumb drive—so that the public can access them. Right?

Thanks.

Robert M. Smith,

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, August 19, 2019 12:44 PM
To: RMS; Melissa Powers
Subject: SOTF - Notice of Appearance - Sunshine Ordinance Task Force: September 4, 2019, 4:00 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: September 4, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 19058: Complaint filed by Robert M. Smith against the Fine Arts Museum of San Francisco for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 27, 2019.***

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

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, July 13, 2019 9:28 AM
To: 'Melissa Powers'
Cc: Leger, Cheryl (BOS)
Subject: RE: FAMSF SOTF Matters 18049 and 18083

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

Dear Ms. Powers,

RE: SOTF Matters 18049 and 18083 –

You state you have withheld records, but you have not identified those records. You are obliged to provide me with a log of what you have withheld and the individual legal grounds for each record you have withheld. As to both of these matters, please do so no later than July 19, 2019. (I am certain you must have such a log.)

I believe you said you are being advised on these matters by the San Francisco City Attorney. Is that not right?

Thank you.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 10, 2019 8:31 PM
To: SOTF, (BOS)
Subject: RE: Q -- Requests #18049 and #18083

Thank you. I am aware that I may file suit. What was mentioned at the last meeting was "a list" of options; the list was said to include the Ethics Committee and the District Attorney. I was told there were many other options on the list; I'd like to know what they are. Thank you, Robert M. Smith

---

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, June 10, 2019 8:19 AM
To: Robert M. Smith
Subject: RE: Q -- Requests #18049 and #18083

Dear Mr. Smith:

I spoke with the Chair of the Complaint Committee and asked your question. Chair Martin stated that you can always file suit. Let me know if you have further questions.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, June 8, 2019 5:56 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: Q -- Requests #18049 and #18083

Dear Cheryl,

Do you have an answer as to the list of actions I can take with regard to my matters (DA, Ethics, etc.)?

Thank you,

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 04, 2019 11:59 AM
To: Robert M. Smith
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Dear Mr. Smith:

I have DRAFTED an Agenda for the Compliance and Amendments Committee hearing for June 18 and both your files 18049 and 18083 are included. I will try to get an answer tomorrow evening on the actions you can take for your matters (DA, Ethics, etc.) tomorrow evening. I just want to confirm with Chair Martin his recommendations at the Complaint Committee hearing. Hope you are having a nice day.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 12:40 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

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Madam Clerk,

I realize you may be quite busy, but might I have a response to the questions in the two emails sent to you earlier? (The questions appear below.)

Thank you very much,

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Friday, May 31, 2019 3:33 PM
To: 'SOTF, (BOS)'
Subject: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Hello,

1. The chair the other night said there were several remedies for non-compliance—District Attorney, Ethics Commission, and "a list" of others. What is the list of other possibilities that he referred to?

2. When is my next appearance, and before what group? (I assume that the appearance will be for both of my Requests, since my suggestion that they be put on the same agenda was accepted.)

3. Do you have the OD in the Saudi financing matter from the Chair?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, June 5, 2019 10:46 AM
To: SOTF, (BOS)
Subject: RE: Requests #18049 and #18083 SOTF

Thank you very much. I appreciate it. But at this point I'd prefer to skip the Compliance Committee and go straight to the Task Force again; this will save *everyone* time. I still have received no financial documents at all with regard to my Saudi funding request, and the Compliance Committee will – realistically -- be powerless to help at this point. (Two OD's have already been issued against the Museums.)

What makes this quite urgent now is the stepping down of Diane B. Wilsey as President of the Board of the Fine Arts Museum of San Francisco (FAMSF) and as Chair of the Board of the Corporation of the Fine Arts Museums (COFAM) yesterday afternoon (6.4.19).

Sincerely,
Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, June 04, 2019 11:59 AM
To: Robert M. Smith
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Dear Mr. Smith:

I have DRAFTED an Agenda for the Compliance and Amendments Committee hearing for June 18 and both your files 18049 and 18083 are included. I will try to get an answer tomorrow evening on the actions you can take for your matters (DA, Ethics, etc.) tomorrow evening. I just want to confirm with Chair Martin his recommendations at the Complaint Committee hearing. Hope you are having a nice day.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 12:40 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

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Madam Clerk,

I realize you may be quite busy, but might I have a response to the questions in the two emails sent to you earlier? (The questions appear below.)

Thank you very much,

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Friday, May 31, 2019 3:33 PM
To: 'SOTF, (BOS)'
Subject: 3 Q's -- (2 not yet answered) Requests #18049 and #18083

Hello,

1. The chair the other night said there were several remedies for non-compliance—District Attorney, Ethics Commission, and "a list" of others. What is the list of other possibilities that he referred to?

2. When is my next appearance, and before what group? (I assume that the appearance will be for both of my Requests, since my suggestion that they be put on the same agenda was accepted.)

3. Do you have the OD in the Saudi financing matter from the Chair?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, June 3, 2019 11:30 AM
To: 'Bruce Wolfe'
Cc: 'Melissa Powers'; SOTF, (BOS)
Subject: Non-compliance with Orders of Determination

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

Dear Mr. Wolfe,

I apologize for intruding again on your volunteer time, but the email chain below speaks for itself. I won't dilate on it.

SOTF has already issued two Orders of Determination against the Museums. The Museums are – apparently intentionally – not going to comply. SOTF has had the issue raised throughout my – and its -- effort to prise documents from these City Museums. SOTF has also had the issue looked into a few times by City and legal experts, and ruled on it. The issue has been settled, and was the subject of the two Orders of Determinations. We all thought the Requests were – at long last! -- being complied with. Now, with an apparent attempt at stealth, the Museums are again not complying with the law. I am confident SOTF will find this willful misconduct as exasperating and offensive as I do.

I am therefore obliged to ask, on an urgent basis, that the full Task Force deal with the both matters again -- this time, ***in as effective and final a fashion as possible***.

(A clerk stated at the last meeting that, going forward, SOTF will place both of my pending matters against the Museums on the same meeting agenda, and hear both at the same meeting. I hope that will occur as to this issue. I have received no financial documents in response to my Saudi funding request.)

I am copying the representative of the Museums, as well as the SOTF clerk, on this email.

Thank you, and the Task Force, once again.

Respectfully,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, May 31, 2019 6:37 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

Mr. Smith,

FAMSF is the Department of the City and against whom your Complaint is against, and for the entity that I am responding on behalf of. The documents you have been receiving are responsive to your request for public records per Complaint File 18049.
Thank you and have a nice weekend,
On behalf of FAMSF,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Fri, May 31, 2019 at 12:01 PM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

Your response raises the following questions:

(1) You have changed the entities you represent, apparently. You have been representing The Fine Arts Museums of San Francisco (FAMSF), The Corporation of the Fine Arts Museums (COFAM), and The Fine Arts Museum Foundation (FAMF). Now you say you are representing only FAMSF. Who is representing COFAM and FAMF?

(2) I asked you in my email: "Do the documents you have provided include COFAM and Foundation documents?". You did not respond. Again , have I received the records requested from COFAM and FAMF?

Thank you,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, May 30, 2019 8:17 PM
To: RMS; SOTF, (BOS)
Subject: Re: Redaction Indices

Mr. Smith,

In response to your questions -

1. Yes, we corrected 196 documents and resent the updated ones to you with the mailing on April 29. To quote my April 29 email to you: "We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index" The index reflects the current status and redactions of all documents.

2. Regarding the documents with the word RELEASED on the index, we originally provided that document to you with redactions on our April 12 mailing. As stated above, we subsequently reviewed those redactions. If the document has the word RELEASE next to it, it means we resent you that document with no redactions.

3. With my signature, I'm indicating that I am responding on behalf of FAMSF, regarding your request for FAMSF records.

On behalf of FAMSF,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Thu, May 30, 2019 at 10:50 AM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

To be clear:--

Do you mean, of the 7,000 documents in Phase 1, you corrected 196 documents by removing some or all of the redactions in them? And did you correct the Index to Phase 1 after having done that?

What does "Release" mean in what you have provided?

You say you are responding "On behalf of FAMSF." Do the documents you have provided include COFAM and Foundation documents?

Thank you,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, April 20, 2019 2:03 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing (18083)

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

I understand that this SOTF hearing is to deal with the Saudi matter (18083), but I assume, because of the overlapping parties and SOTF/Committee membership, there will be interest in the documents produced by the Museums to that date.

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Friday, April 19, 2019 4:22 PM
To: 'SOTF, (BOS)'
Subject: RE: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Madam Clerk,

It seems not very helpful to have a hearing at this time when I will not have the next batch of documents until, at best, that very day—no? Clearly I will not know what I have received, let alone what has been redacted.

Thank you,
Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 19, 2019 3:32 PM
To: Patrick Roddie; Waaland, Kathryn (POL); Yolanda Jones; Yick, Rick (POL); Walton, Briseida (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta (MTA); Celaya, Caroline (MTA); Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers
Subject: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 1, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 18030: Complaint filed by Patrick Roddie against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18011: Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***

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

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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.

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 19, 2019 4:22 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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

Madam Clerk,

It seems not very helpful to have a hearing at this time when I will not have the next batch of documents until, at best, that very day—no? Clearly I will not know what I have received, let alone what has been redacted.

Thank you,
Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 19, 2019 3:32 PM
To: Patrick Roddie; Waaland, Kathryn (POL); Yolanda Jones; Yick, Rick (POL); Walton, Briseida (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta (MTA); Celaya, Caroline (MTA); Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers
Subject: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 1, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 18030: Complaint filed by Patrick Roddie against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

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Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***

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

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, April 6, 2019 3:43 PM
To: Leger, Cheryl (BOS)
Cc: 'Melissa Powers'
Subject: RE: Files of PRR's 18049 AND 18083

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To memorialize the situation contemporaneously, for the Committee's benefit and that of the Task Force, with regard to both of these Requests:--

My correspondence to the Museums is going unanswered (as was my request to their Director of Public Relations, Miriam Newcomer, with regard to the financing of the Muslim Fashion exhibition).

Ms. Powers told me the Museums would be sending me documents on a thumb drive prior to your next meeting.

I replied:

"Thank you. I look forward to receiving it (or them). There will, I assume, be 7,000 documents. Is that correct? "

I received no answer.

Also, I still have received **no** financial documents whatsoever regarding the Islamic Fashion exhibition. I summarized the situation in an email to Ms. Powers earlier:

"It has taken the Museums nearly six (6!) months to provide me with *parts* of a public document that was apparently handed out to everyone who came to the Contemporary Muslim Fashions exhibition and, I am sure, to many, many others;

(1) The Museums continue to redact information on the specious ground that you wish to protect "personal privacy". What is your precise legal basis for these current redactions?

(2) The Museums do this while the Museums are represented (and, one would imagine, guided) by two attorneys: Lauren Curry, a Deputy City Attorney in the San Francisco City Attorney's Office, and Patrick M. Glenn, a partner in the Hanson Bridgett law firm;

(3) The Records Request asked for: **All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.** (Please see the Request for the complete wording.) I see no documents relating to financing—ledgers, receipts, acknowledgement of contributions, accountings of inflows and outflows relating to the exhibition, financial analysis, list of donors and amounts, records of expense for travel, hotel, meal, entertainment (along with any reimbursement for the same), and the like. These items are certainly available – most of them are likely legally required to be maintained by the Museums for tax and other purposes, but the Museums are withholding them. At this point, since the Request is clear, one can assume only that such conduct is intentional."

To be clear: I again received no response from Ms. Powers. Not a single financial document – and not even a legally cognizable basis for the redactions they made.

May I repeat the obvious -- this course of conduct cannot be inadvertent; it must be intentional. And may I repeat that I shall therefore be asking for a referral to the District Attorney.

Sincerely,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 5, 2019 11:12 AM
To: Leger, Cheryl (BOS)
Subject: RE: PRR's

Sorry, don't quite understand: Re 18083, when is it to be heard? Thank you, Robert M. Smith

---

From: Leger, Cheryl (BOS) [mailto:cheryl.leger@sfgov.org]
Sent: Friday, April 05, 2019 9:30 AM
To: Robert M. Smith
Subject: RE: PRR's

Dear Mr. Smith:

Matter No. 18049 will be heard on April 16 before the Compliance and Amendments Committee to monitor the progress of your receipt of documents and 18083 will be heard before the Sunshine Task Force as it was continued to the call of the Chair. Hope this answers your questions.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, April 3, 2019 12:35 PM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: RE: PRR's

What are the dates for hearings with regard to both of my matters? Thank you.

Robert M. Smith

From: Leger, Cheryl (BOS) [mailto:cheryl.leger@sfgov.org]
Sent: Monday, March 25, 2019 8:38 AM
To: Robert M. Smith
Subject: RE: PRR's

Yes, it is.

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


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, March 23, 2019 3:03 PM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: RE: PRR's

And is the material deposited in the relevant SOTF file, no matter which email address is used?

Thank you.

Robert M. Smith

From: Leger, Cheryl (BOS) [mailto:cheryl.leger@sfgov.org]
Sent: Thursday, March 21, 2019 2:40 PM
To: Robert M. Smith
Subject: RE: PRR's

Dear Mr. Smith:

You can use both email addresses to reach me. I check both constantly over the course of a day.
Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, March 17, 2019 7:00 PM
To: 'Melissa Powers' <mpowers@famsf.org>; Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: PRR's

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Dear Ms. Leger,

Please make sure this exchange becomes part of the SOTF record in this matter. Thank you.
Could you also please calendar both matters before SOTF again in May (not just the Saudi funding matter), because as to the first matter I intend to ask SOTF for a referral at this point to the District Attorney.
Also, I note that Ms. Powers has been using a different email address for you. Should I also be using that address for you? I assume that all emails to both of your addresses make their way to the SOTF files concerning these matters.

Dear Ms. Powers,

As to your email to me of March 15, 2019 --

1. The IT department of the Museums has had a year and a quarter to do whatever they need to do. To disclose at this point that they have done nothing demonstrates colossal bad faith ;
2. I have not asked, as the Requests and the record in this matter repeatedly show, just for emails to and from COFAM and FAMSF. That is a false limitation;
3. You have also misrepresented the deadline for the 70,000 records. You owed me the first 7,000 documents no later than last Friday, March 15, 2019. SOTF directed you to present those by that deadline, and you agreed to. As you also know, the Museums are to provide 7,000 more documents each week until you have given me all of the 70,000 documents you state you have that are responsive to my Requests. I have received precisely zero of those 70,000 documents from you;
4. I know nothing of any Compliance Committee meeting. SOTF has – unanimously -- found a violation by the Museums and directed compliance by the Museums. You have already failed in that compliance.

Sincerely,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, March 15, 2019 2:59 PM

To: RMS
Cc: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: Status Check

Mr. Smith,

IT is still working on the best way to make available COFAM to/from FAMSF emails available for review, which is expected to begin by next Tuesday. The Museums are aware of the 7,000 documents, due to you, deadline by the next April Compliance Committee meeting.

I wanted to provide you an update, as I stated last week I would.
Thank you.

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, April 4, 2019 4:10 PM
To: 'Melissa Powers'; SOTF, (BOS); Leger, Cheryl (BOS)
Subject: RE: SOTF - Notice of Hearing - Compliance and Amendments Committee; April 16, 2019 4:30 p.m.

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Thank you. I look forward to receiving it (or them). There will, I assume, be 7,000 documents. Is that correct?

Also, I still have received ***no*** financial documents regarding the Islamic Fashion exhibition.

Thank you,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, April 04, 2019 12:03 PM
To: SOTF, (BOS); RMS; Leger, Cheryl (BOS)
Subject: Re: SOTF - Notice of Hearing - Compliance and Amendments Committee; April 16, 2019 4:30 p.m.

Mr. Smith,

The Museums intends on mailing a thumb drive(s) to you containing the requisite documents prior to the April 16th hearing.
Should we use the address in the record - on Lawton Street? If not, please let me know what you prefer. I will let you know the day of the mailing.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Apr 4, 2019 at 11:23 AM SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: April 16, 2018

Location: City Hall, Room 408

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.

Complaints:

File No. 18028: Complaint filed by Denta Tadesse against the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18012: Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.5, by restricting access to all meeting of any policy body in City Hall.

File No. 18010: Complaint filed by Denta Tadesse against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Chapter 67, regarding violation of the rights to privacy.

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, April 9, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, March 31, 2019 3:42 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: Public Record Request re Saudi Arabia

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

Ms. Powers, This is astounding:--

(1) It has taken the Museums nearly six (6!) months to provide me with *parts* of a public document that was apparently handed out to everyone who came to the Contemporary Muslim Fashions exhibition and, I am sure, to many, many others;
(2) The Museums continue to redact information on the specious ground that you wish to protect "personal privacy". What is your precise legal basis for these current redactions?
(3) The Museums do this while the Museums are represented (and, one would imagine, guided) by two attorneys: Lauren Curry, a Deputy City Attorney in the San Francisco City Attorney's Office, and Patrick M. Glenn, a partner in the Hanson Bridgett law firm;
(4) The Records Request asked for: **All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.** (Please see the Request for the complete wording.) I see no documents relating to financing—ledgers, receipts, acknowledgement of contributions, accountings of inflows and outflows relating to the exhibition, financial analysis, list of donors and amounts, records of expense for travel, hotel, meal, entertainment (along with any reimbursement for the same), and the like. These items are certainly available – most of them are likely legally required to be maintained by the Museums for tax and other purposes, but the Museums are withholding them. At this point, since the Request is clear, one can assume only that such conduct is intentional.

Sincerely,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Thursday, March 21, 2019 2:28 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Public Record Request

Mr. Smith,
The Museums responsive documents to your request are attached. The one line that is redacted is due to protect personal privacy.
Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Sat, Mar 9, 2019 at 11:25 AM Robert M. Smith <rms@robertmsmith.com> wrote:

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.

Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, March 22, 2019 12:16 PM
To: SOTF, (BOS)
Subject: RE: Public Record Request

This would appear to be material furnished to me by the Museums with regard to my Saudi request. They sent you a copy. Thanks.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, March 22, 2019 12:00 PM
To: Robert M. Smith
Subject: FW: Public Record Request

Dear Mr. Smith:

Is this a new complaint you are filing? Please advise. Thank you.

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


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From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, March 21, 2019 2:28 PM
To: RMS <rms@robertmsmith.com>
Cc: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Public Record Request

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Mr. Smith,
The Museums responsive documents to your request are attached. The one line that is redacted is due to protect personal privacy.
Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
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> I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*
>
> **All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.**
>
> Thank you.
>
> Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, March 17, 2019 7:00 PM
To: 'Melissa Powers'; Leger, Cheryl (BOS); SOTF, (BOS)
Subject: RE: PRR's

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

Dear Ms. Leger,

Please make sure this exchange becomes part of the SOTF record in this matter. Thank you.
Could you also please calendar both matters before SOTF again in May (not just the Saudi funding matter), because as to the first matter I intend to ask SOTF for a referral at this point to the District Attorney.
Also, I note that Ms. Powers has been using a different email address for you. Should I also be using that address for you? I assume that all emails to both of your addresses make their way to the SOTF files concerning these matters.

Dear Ms. Powers,

As to your email to me of March 15, 2019 --

(1) The IT department of the Museums has had a year and a quarter to do whatever they need to do. To disclose at this point that they have done nothing demonstrates colossal bad faith ;
(2) I have not asked, as the Requests and the record in this matter repeatedly show, just for emails to and from COFAM and FAMSF. That is a false limitation;
(3) You have also misrepresented the deadline for the 70,000 records. You owed me the first 7,000 documents no later than last Friday, March 15, 2019. SOTF directed you to present those by that deadline, and you agreed to. As you also know, the Museums are to provide 7,000 more documents each week until you have given me all of the 70,000 documents you state you have that are responsive to my Requests. I have received precisely zero of those 70,000 documents from you;
(4) I know nothing of any Compliance Committee meeting. SOTF has – unanimously -- found a violation by the Museums and directed compliance by the Museums. You have already failed in that compliance.

Sincerely,
Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, March 15, 2019 2:59 PM
To: RMS
Cc: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: Status Check

Mr. Smith,

IT is still working on the best way to make available COFAM to/from FAMSF emails available for review, which is expected to begin by next Tuesday. The Museums are aware of the 7,000 documents, due to you, deadline by the next April Compliance Committee meeting.

I wanted to provide you an update, as I stated last week I would.
Thank you.

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	Robert M. Smith <rms@robertmsmith.com>
Sent:	Saturday, March 9, 2019 12:16 PM
To:	Leger, Cheryl (BOS); SOTF, (BOS)
Cc:	'Melissa Powers'
Subject:	RE: Saudi financing

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

For the guidance of the Task Force with regard to the financing of the Muslim Fashion exhibition, the Museums are contending that they have not provided the materials for two reasons. They continue to argue that those who put on the exhibition -- the Museums curators – are not City employees, that they work for COFAM. Apart from anything else, you will note that *they do not say that the Museums do not have the records. We know from earlier testimony that the Museums have everything COFAM has.* (And the Museums are prohibited now, with this matter pending, from deleting any of that information.) They therefore must provide them.

Secondly, they argue that the travel records of the curators are somehow personal, even though they went to Saudi Arabia on the business of the Museums (and presumably did not pay their own way) and despite the fact that those records likely show who is footing a bill of what size. They further argue that the information would shed no light on the operations of city government – a contention worthy of no response.

Here is the Museums' language:

(1) It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

(2) Regarding your first point, we redacted information deemed to implicate the privacy rights of individuals of which (*sic*) would shed no light on the operations of City government.

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, February 27, 2019 10:56 AM
To: SOTF, (BOS)
Subject: FW: Files No. 18049 and File No. 18083 -- PLEASE PROVIDE TO THE FULL TASK FORCE

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

Please confirm receipt. Thank you.

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Tuesday, February 26, 2019 4:11 PM
To: 'SOTF, (BOS)'
Subject: RE: Files No. 18049 and File No. 18083 -- PLEASE PROVIDE TO THE FULL TASK FORCE

PLEASE PROVIDE TO THE FULL TASK FORCE -- RE: Files No. 18049 and File No. 18083

RE: File No. 18049:

The representative of the Museums, Ms. Melissa Powers, admitted many months ago to the Committee that the requested materials are owed to me and promised the Committee the Museums would furnish them to me on a "rolling basis."

Virtually nothing has been "rolled."

What has been 'rolled" has had redactions, the basis for which are wholly unexplained – likely because there is no justifiable basis.

AND

RE: File No. 18083:

I asked the Public Information person at the Museums whether the Saudis had contribute money to the Museums. (The Museums were then presenting an Islamic Fashion exhibition.)

I did not get even the courtesy of a response.

I then filed a PRR for documents concerning that topic. The Museums gave me a few documents only *after* I had warned them that some of the facts were already available on the web. (They initially said they had few, or no, documents.)

Again, there were unexplained redactions.

There was also a withholding of documents – presumably the bulk of the documents -- based on the wrong-headed theory that the materials were immune to public scrutiny because the Museums are managed by a not-for-profit entity. Even after SOTF counsel showed this theory to be wrong and SOTF sent that opinion to the Museums, the Museums have persisted; they have turned over no documents.

In the meantime, the exhibition has run its course and closed.

(Remarkably, the Museums are being advised by two lawyers – Lauren Curry of the San Francisco City Attorney's Office and Patrick M. Glenn of the Hanson Bridgett law firm. The latter the representative of the Museums, Ms. Melissa Powers, has steadfastly refused to identify to the Committee.)

Recently, the Museums had the shamelessness to request that these matters be put over until May. The PRR's were first sent to the Museums on January 9, 2018 – one year and two months ago; and the Complaints were lodged with SOTF on June 6, 2018 – 9 months ago.

There is no argument that the documents should have been turned over more than a year ago. They Museums have already skated through the closing of an exhibition without providing the documents. Apparently, some employee or adviser (I am sure no lawyer) may be counseling them that, since SOTF has no power to impose punishment, they should be scofflaws. This is a remarkable, and contemptible course for city museums to follow.

In my view, this behavior should be disclosed to the public and perhaps the National Endowment for the Arts. The NEA sets standards for its grantees and indemnitees. The Museums are among those. I am certain the NEA's standards do not reward scofflaws.

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, January 30, 2019 5:44 PM
To: SOTF, (BOS)
Subject: RE: SOTF - File Nos. 18049 and 18083

Ms. Leger, Would you please see that all the members of the Task Force receive a copy of this? Thank you. –

Thank you for providing the Opinion of the City Attorney's Office confirming that both COFAM and FAMF are legally obliged to respond to my Public Record Requests.

I very much appreciate that, but I'm concerned that the Task Force may be led astray by a red herring that has been offered. My requests were to the Museums – not these other entities, which I did not know existed. As the matter has developed, the Requests clearly apply to these other included entities, but there has never been a question (indeed, the Museums have conceded this) that the Museums themselves must respond. That they have not done.

Please do not be misled by the arguments that have been made on behalf of the included entities (COFAM and FAMF). These entities are, by the way, represented by retained counsel, Patrick M. Glenn, Esq., of the firm of Hanson Bridgett in San Francisco. The Museums are represented by Lauren Curry, Esq. of the San Francisco City Attorney's Office.

Again, may I urge that you not allow yourselves to be misled by the red herring that has been served up.

I look forward to a speedy determination of this very old matter.

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Wednesday, January 30, 2019 10:24 AM
To: Robert M. Smith
Cc: Melissa Powers
Subject: RE: SOTF - File Nos. 18049 and 18083

Dear Mr. Smith:

At this time we have tentatively scheduled both of your matters to be heard before the SOTF on the March calendar. However, it is up to the Chair to approve the Agenda. I will confirm as soon as possible.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, January 28, 2019 11:53 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - 18049,

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Are the two matters scheduled yet to go to the full SOTF?

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, January 28, 2019 10:04 AM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - 18049, Deputy City Attorney research and response

Dear Mr. Smith and Ms. Powers:

I believe that the email below and the attached opinion answer your questions. Let me know if you need anything further.

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


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From: Colla, Nicholas (CAT) <Nicholas.Colla@sfcityatty.org>
Sent: Monday, January 28, 2019 9:59 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: WOLF, MARC (CAT) <Marc.Price.Wolf@sfcityatty.org>
Subject: FW:

Here you go

Nick Colla
Deputy City Attorney
Office of City Attorney Dennis Herrera
Direct: (415) 554-3819
Fax: (415) 437-4644
Email: nicholas.colla@sfcityatty.org

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From: Colla, Nicholas (CAT)
Sent: Wednesday, January 16, 2019 3:52 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Wolf, Marc Price (CAT) <Marc.Price.Wolf@sfcityatty.org>
Subject:

Regarding the request for information for file no. 18049, please see the attached advisory opinion.

In the attached opinion, the court found that open meeting requirements under the Brown Act, as well as public records laws under the CPRA, extend to a private non-profit corporation formed for the purpose of providing educational tv programming for children pursuant to an agreement with a municipality.

Most notably for the purposes of applying this opinion to the facts of file no. 18049, the case cites to *International Longshoreman's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, which held in part that "a public body may delegate the performance of administrative functions to a private entity if it retains ultimate control over administration so that it may safeguard the public interest."

The opinion also cites to CPRA section 6252, which defines a "local agency" as follows:

'Local agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or nonprofit entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

Here's the relevant subsections of Section 54952 for determining whether the non-profit at issue should be defined as a local agency:

(c)(1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Young, Victor (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, January 16, 2019 1:59 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Notice of Hearing - Complaint Committee: January 22, 2019 5:30 p.m. File No. 18083:

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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

Re: File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner. **[SAUDI.]**

POINT ONE. The PRR was addressed to the Museums, not COFAM or anyone else. The Museums are public—no one denies that;

POINT TWO. The file before you shows that: Ms. Powers, responding on behalf of the Museums, **first said there were no documents. When I then warned her of the consequences of being untruthful and pointed to what was already publicly available on the internet, she replied that they have documents but that the documents are somehow shielded from public view because the employees of another entity, COFAM, are not employees of the Museums. Putting aside what may appear deceitful , even if my PRR had been addressed to that other entity (which it wasn't):**

(a) I am entitled – and so is every other San Franciscan -- to all documents that the Museums and the not-for-profit share in their files (electronic or otherwise); and
(b) I am also entitled to what only COFAM may have in its files. There are statutory exceptions with regard to not-for-profit entities that determine whether they must respond to PRR's. One of these is whether the entity shares a Board with the public entity. This entity has the SAME Board as the Museums, which are public entities. I have already provided this documentation to you; and

POINT THREE. The City Attorney's Office has given, according to the testimony here of Ms. Bourne, the Chief of Staff of the Museums, unbounded legal advice to the not-for-profit COFAM. The City Attorney would be barred from doing that if the entity were not, in its official legal opinion, public. The City Attorney's Office states that its mission is to: "[R]epresent the City in all legal proceedings in which it has an interest and to provide the highest quality legal advice to City officers, boards and commissions. (Charter § 6.102.)" If the position taken by Ms. Powers is correct, the City Attorney has done something very wrong. If the City Attorney's Office has behaved properly, then this client must be a public entity.

What should be transparent here is being kept secret. What did the Museums receive from the Saudis? The Director of Public Information for the Museums refused to respond to the question. Ms. Powers is withholding the City's documents from the public.

Respectfully,

Robert M. Smith.
rms@robertmsmith.com

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, December 19, 2018 5:52 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums

Very kind of you, Cheryl.

What I need to stress is the acute time sensitivity of the Saudi request – coupled with the patently nonsensical refusal to provide the requested material. I have been waiting a long time for information that is self-evidently public: Did the Museums receive support from the Saudis -- Where are the documents?

Thanks again, Cheryl! And very Happy Holidays!

Best, Bob Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Tuesday, December 18, 2018 12:23 PM
To: Robert M. Smith
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums

Dear Mr. Smith:

Thank you for your email. It is the practice of the SOTF that complaints be heard at Committee before being heard by the SOTF to make certain all relevant information is in the file. However, we will forward your request to the Chair for review.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, December 17, 2018 5:16 PM

To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums

Dear Cheryl, That would be kind. Can we get them heard by the full Task Force at this point, rather than the Committee? Thanks, Bob Smith

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, December 17, 2018 12:26 PM
To: Robert M. Smith
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums

Dear Mr. Smith:

Thank you for your email. I cannot combine your matters into one because we received them at two different dates and they are to two different matters. However, we can schedule them to be heard by the Complaint Committee on the same date.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, December 16, 2018 3:39 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums
Importance: High

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

Hi Cheryl, Hope you are having happy holidays.

I write for two reasons:

To ask that both of the matters pertaining to the Museums before the Task Force be combined and dealt with, at this point, by the Task Force itself to avoid further delay.

I asked for the first documents nearly a year ago—January 9, 2018. Despite promises by the Museums to the Committee that they would provide all of the documents on a "rolling basis," they have provided almost none.

I have appeared three times now before the committee.

My request for the Saudi support documents is, obviously, time-related, and months – not days, not weeks -- have now passed. The Museum's only response is that the "operating" Silo (Two) of the Museum is largely staffed by "private" employees (although the Board of that Silo is exactly the same board as the Museum Board itself – *see please* the statute relating to not-for-profits working for City agencies). Consider also please that this Silo Two stoutly makes the argument – indeed, its only argument – that it is **not** a municipal entity but is, self-admittedly, receiving regularly and frequently the advice of the SF City Attorney's Office.

I want to make it clear beyond peradventure that I am ultimately seeking from a competent entity a referral to the District Attorney's Office for a criminal investigation into the conduct of the Museums and the conduct of those apparently *intentionally* not providing these public documents. In my mind, that inquiry should include those in the City Attorney's Office who are ostensibly providing counsel to an entity they are apparently arguing is not a city entity.

It is a serious matter when a public museum, receiving public funds, sitting on public land, and with public employees renders itself unaccountable by keeping its records hidden from public view. This is a fundamental and naked assault on transparency, the law, and therefore democracy itself. And it is continuing.

Again, I ask that both of the matters pertaining to the Museums be combined and dealt with, by the Task Force itself – as soon as practicable.

Thank you. And, again, happy holidays.

Cordially,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, December 16, 2018 3:39 PM
To: SOTF, (BOS)
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Importance: High

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I have appeared three times now before the committee.

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Again, I ask that both of the matters pertaining to the Museums be combined and dealt with, by the Task Force itself – as soon as practicable.

Thank you. And, again, happy holidays.

Cordially,

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, December 23, 2018 6:50 PM
To: SOTF, (BOS)
Subject: famsf_factchart_021414_0.pdf
Attachments: famsf_factchart_021414_0.pdf

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

Hi Cheryl, Would you be kind enough to provide SOTF with the enclosed document from the Museums' own website and make it part of the file? I would like to call attention, if I may, to the sentence which states that the Boards of the entities are exactly the same. Thanks, and again best for the season, Bob Smith

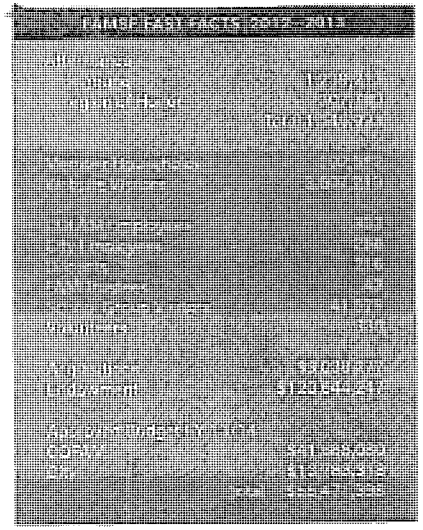
FINE ARTS MUSEUMS OF SAN FRANCISCO

GOVERNANCE OVERVIEW

The Fine Arts Museums of San Francisco are governed by three Boards of Trustees: the Fine Arts Museums of San Francisco, the Fine Arts Museums Foundation, and the Corporation of the Fine Arts Museums.

Fine Arts Museums of San Francisco (FAMSF)
Number of Trustees: 43

FAMSF is a Charitable Trust Department of the City and County of San Francisco established to care for the City's de Young and Legion of Honor Museums, their collections and buildings. Its guiding documents are the San Francisco City Charter and the Bylaws of the Board of Trustees of the Fine Arts Museums of San Francisco. FAMSF meetings are subject to open meeting laws and Trustees are required to file certain public disclosures on an annual and biannual basis. FAMSF is a self-perpetuating Board of Trustees with the exception of two ex-officio positions, the Mayor of San Francisco and the President of the San Francisco Recreation and Parks Commission. The Board elects new members based on slates recommended by a nominating committee.

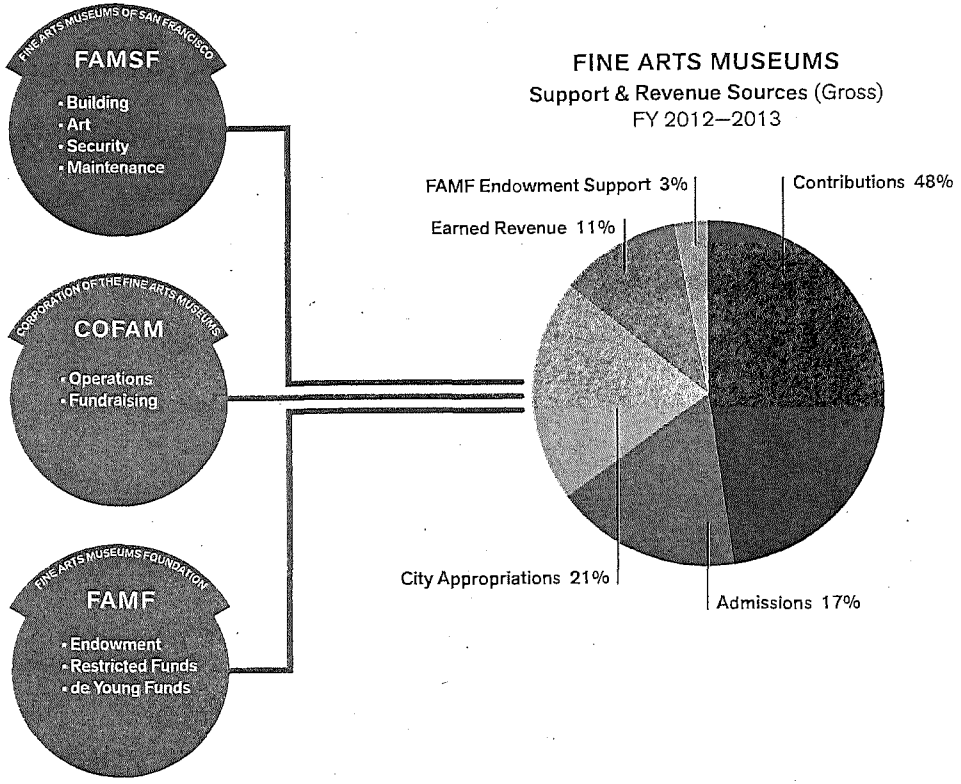


Fine Arts Museums Foundation (FAMF)
Number of Trustees: 10

FAMF was formed primarily for the educational purpose of receiving, donating and otherwise disbursing funds for the embellishment, advancement, administration and enlargement of the Fine Arts Museums of San Francisco. The Museums' Endowment funds are held by the Foundation, which is a private 501(c)(3) organization. FAMF guiding documents are Articles of Incorporation and the Bylaws of the Fine Arts Museums Foundation. The Foundation is self-perpetuating; new members are elected by the membership.

Corporation of the Fine Arts Museums (COFAM)
Number of Trustees: 52

COFAM is a private, nonprofit 501(c)(3) organization and its sole purpose is to support the operation of FAMSF. As part of that role, COFAM supports the museums' administrative operations (museum stores, employees, fundraising, membership, education, art handling) and is subject to the same fiduciary standards and disclosure rules as all other charitable organizations. COFAM is guided by its Articles of Incorporation and the Bylaws of the Corporation of the Fine Arts Museums. The membership of COFAM is comprised of the FAMSF and FAMF Trustees.



FEB 2014

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, November 16, 2018 4:59 PM
To: SOTF, (BOS)
Subject: RE: Memorializing

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

I received Ms. Powers' email 17 minutes before 5 p.m. today – 5 p.m. being the cut-off to provide statements to SOTF. Any reasonable person can draw his or her own conclusion from that timing.

What Ms. Powers fails to address is striking: The important question of whether the municipal entity – not the non-profit management entity and not the non-profit fund-raising entity—has material responsive to the request in its files. Ms. Powers continues to dodge this issue. Additionally, there are special rules relating to non-profit entities in this circumstance, as the Committee has pointed out.

I reserve my right to address the deadline issue at the hearing.

Thank you.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, November 16, 2018 4:43 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Memorializing

Mr. Smith,

Thank you for your opinion on the matter. I have attached the response to your latest complaint, I just submitted to SOTF.

As noted in the document, it is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

Thank you,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Nov 15, 2018 at 4:51 PM Robert M. Smith <rms@robertmsmith.com> wrote:

Ms. Powers,

I thought it would be useful to contemporaneously memorialize for the Sunshine Ordinance Task Force file and confirm with you, Ms. Powers, that you have turned over no documents that show any financial or monetary support of any kind from Saudi Arabia or any entities in Saudi Arabia to the Museums.

This is at a time when, as we all know, the Museums have an exhibit on Islamic fashions.

Also, I and anyone else who may be interested can easily learn that some of the Museums curators spent time in Saudi Arabia and elsewhere, presumably preparing the current exhibit on Islamic fashion.

It would be startling to me, if the Museums received no financial support or anything of value (as defined in my public records request) from Saudi Arabia or a Saudi entity.

I'm writing now to highlight these facts for the Sunshine Ordinance Task Force.

I do so also to prevent your claiming in the future that you made an error or did not look through the files, or have the staff of the Museums look through the files, with sufficient diligence and care and that you made a mistake in failing to provide relevant documents to me. If there is any possibility at all of this, I suggest you have the staff there take another look now.

Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, November 16, 2018 4:43 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Memorializing
Attachments: FAMSFResponse.File18083.pdf

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Thank you for your opinion on the matter. I have attached the response to your latest complaint, I just submitted to SOTF.

As noted in the document, it is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

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Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, November 15, 2018 4:52 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: Memorializing

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Ms. Powers,

I thought it would be useful to contemporaneously memorialize for the Sunshine Ordinance Task Force file and confirm with you, Ms. Powers, that you have turned over no documents that show any financial or monetary support of any kind from Saudi Arabia or any entities in Saudi Arabia to the Museums.

This is at a time when, as we all know, the Museums have an exhibit on Islamic fashions.

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Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, November 8, 2018 2:53 PM
To: SOTF, (BOS)
Subject: FW: In Response: Request of 10/14/18

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

Cheryl,

As you can see from the email messages, I am not getting what I should from the Museums as to the Saudi materials I requested. Please open my Complaint now as to the Saudi material.

Thank you very much.

Cordially,

Robert M. Smith

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Wednesday, November 07, 2018 3:21 PM
To: 'Melissa Powers'
Cc: 'SOTF, (BOS)'
Subject: RE: In Response: Request of 10/14/18

Ms. Powers, The materials you have sent me indicate there must be other materials, which you have not sent. It is apparent that Museum staff travelled to Saudi Arabia, at Saudi expense. (This is confirmed by external reportage.) You have chosen to give me none of that documentation. Why?

I am also obliged to note that you have provided this material past the statutory deadline, even as extended by you. That was October 29 -- so you are nine days late even as to the portion that you have chosen to give me.

Thank you.

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, November 07, 2018 9:54 AM
To: RMS
Subject: In Response: Request of 10/14/18

Mr. Smith,

Please see the attached in response to your FOIA Request of 10/14/2018 in which you requested:

1. All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Wednesday, November 7, 2018 3:21 PM
To: 'Melissa Powers'
Cc: SOTF, (BOS)
Subject: RE: In Response: Request of 10/14/18

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Thank you.

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To: RMS
Subject: In Response: Request of 10/14/18

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Melissa Powers
Manager of Board Relations and Special Projects

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e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, November 6, 2018 8:14 AM
To: 'Robert M. Smith'
Subject: RE: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco

Dear Mr. Smith:

I have put your request into a file, however at this point it is not a complaint. If the Museum does not respond after the deadline, then we can open a complaint file.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, November 5, 2018 5:16 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco

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

Cheryl, Do you have all you need from me now for the Saudi PRR? Thanks. Best, Bob (Please do recognize that this request has journalistic time value.)

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Sunday, November 4, 2018 4:05 PM
To: SOTF, (BOS)
Subject: Request for Public Records relating to Saudi funding to Fine Arts Museums of San Francisco

Importance: High

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

Hello Cheryl, would you please handle this **NEW Public Records Request** to the Museums relating to Saudi funding to the Fine Arts Museums of San Francisco. The Request and response are below. I hope the Task Force can handle this with speed, given the obvious journalistic significance. The records — even with the extension taken –were due October 29. It is now November 4.

Thank you.

Cordially,

Bob Smith

Robert M. Smith
rms@robertmsmith.com
+1.415.242.9800

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Wednesday, October 17, 2018 2:07 PM
To: RMS
Subject: Re: Public Records Request Dated September 3, 2018

Mr. Smith,

....

Regarding your request relating to Saudi Arabia, you have not specifically cited this as an Immediate Disclosure Request. If that was your intention, based on the voluminous amount of electronic matter I will be reviewing, we are hereby invoking an extension of not more than 14 days from October 15th, to respond to your request pursuant to the California Public Records Act. We will endeavor to respond to you as quickly as possible. ....

Thank you.
Melissa Powers

Manager of Board Relations and Special Projects

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de Young
Legion of Honor

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p 415.750.3690
e mpowers@famsf.org | famsf.org

Respondents Document Submission

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, August 20, 2019 2:48 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.
Attachments: FAMSFInput.File No18083(Aug27hearing).pdf; FAMSFInput.FileNo.18049(August27hearing).pdf

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

Hi Cheryl,
FAMSF input is provided in regards to the cases noted in your email.
Thank you, on behalf of FAMSF,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

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e mpowers@famsf.org | famsf.org

On Mon, Jul 29, 2019 at 1:17 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: August 27, 2019

Location: City Hall, Room 408

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.

Complaints:

File No. 18072: Hearing on the Status of the Order of Determination - Complaint filed by Joshua Klipp against the Recreation and Parks Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(b) and (e), by failing to respond to a public records request in a timely and/or complete manner.

File No. 18049: Hearing on the Status of the Order of Determination. Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Hearing on the Status of the Order of Determination - Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18012: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 18028: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 20, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

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File No. 18083
Respondent's Input to Compliance and Amendments Committee

In response to Sunshine Ordinance Task Force Order of May 21, 2019, and in response to Mr. Smith's October 14, 2018 request for all documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present, FAMSF has provided two hundred and forty-eight documents. As such, FAMSF has complied with the order of the Task Force.

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Melissa Powers <mpowers@famsf.org>

FAMSF Mailing

1 message

Melissa Powers <mpowers@famsf.org> Fri, Jul 12, 2019 at 3:07 PM
To: "Leger, Cheryl (BOS)" <cheryl.leger@sfgov.org>, RMS <rms@robertmsmith.com>

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

7-17-19
Thumbdrive is
in file 18049.

P651

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, August 19, 2019 12:31 PM
To: 'RMS'
Subject: RE: 18049 and 18083
Attachments: SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.

Dear Mr. Smith:

Please see the attached Notice of Appearance which says that responsive documents are due tomorrow, August 20. Regarding your file No. 19058; that matter is scheduled to be heard on September 4, 2019, before the Task Force.

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


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From: RMS <rms@robertmsmith.com>
Sent: Monday, August 19, 2019 9:27 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: 18049 and 18083

Thank you. When are the papers due for both of these matters? And when is the third matter scheduled? Thanks again.

Please forgive the brevity. Sent from a mobile device.

Robert M. Smith

On Aug 19, 2019, at 9:11 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Mr. Smith:

Please see attached the Notice of Appearance for August 27, 2019 Compliance and Amendments Committee which includes your matters 18049 and 18083. See you next week.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Saturday, August 17, 2019 5:20 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: 18049 and 18083

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Hi, not sure what's happening when. Can you tell me please which of the three matters is before which Committee or the Task Force when. And when the papers for each are due to you? Thank you very much.

Robert M. Smith
rms@robertmsmith.com
+1.415.242.9800

<mime-attachment>

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, July 19, 2019 5:23 PM
To: Robert M. Smith
Cc: Leger, Cheryl (BOS)
Subject: Re: FAMSF SOTF Matters 18049 and 18083
Attachments: Withheld Index 18049.xlsx; Withheld Index 18083.xlsx

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

Mr. Smith,
FAMSF has actually been advised by the City Attorney's Office that an index for withheld records is not required. However, FAMSF is providing you such for SOTF Orders 18049 and 18083.
Thank you, on behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

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On Sat, Jul 13, 2019 at 9:28 AM Robert M. Smith <rms@robertmsmith.com> wrote:

Dear Ms. Powers,

RE: SOTF Matters 18049 and 18083 –

You state you have withheld records, but you have not identified those records. You are obliged to provide me with a log of what you have withheld and the individual legal grounds for each record you have withheld. As to both of these matters, please do so no later than July 19, 2019. (I am certain you must have such a log.)

I believe you said you are being advised on these matters by the San Francisco City Attorney. Is that not right?

Thank you.

Sincerely,

Robert M. Smith

From: Melissa Powers [mailto:mpowers@famsf.org]
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

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Legion of Honor

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p 415.750.3690

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, July 12, 2019 3:07 PM
To: Leger, Cheryl (BOS); RMS
Subject: FAMSF Mailing

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

Mr. Smith,

FAMSF will be mailing you today a thumb-drive with two folders on it. One folder is named **SOTF Order 18049**. Within this folder, there are 286 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100), SF Charter 5.101; and attorney client privilege.

The second folder on the thumb-drive is named **SOTF Order 18083.** Within this folder, there are 248 documents and a redaction index (in its own folder). For bases for redactions, please refer to the redaction index. We also withheld records responsive to your request on the basis of personal privacy,(Cal. Const. Art. I §§ 1; Cal. Govt. Code § 6250; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); SF Charter 5.100).

This will be the final mailing to you in response to these Sunshine Ordinance Task Force Orders.

On behalf of FAMSF,

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
To: Melissa Powers
Subject: RE: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 5:04 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Robert M. Smith <rms@robertmsmith.com>
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Cheryl,

I'm referring to paragraph 8(b) - can the Committee grant a continuance when the complainant does not agree to it?

If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, *such continuance shall be granted by a simple majority vote of the members present.*

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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On Mon, Apr 22, 2019 at 5:01 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> Yes, the Task Force may decide to go ahead with the hearing, now that Mr. Smith has not granted your continuance.
>
> Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724


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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 4:58 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: sotf@brucewolfe.net
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Cheryl,

Am I reading the rules correctly that the committee members can vote on May 1 and decide by a majority of who is there, whether a continuance will be granted? Is this case if no one is sent on behalf of the Museums, in light of our continuance request?

Thank you,

Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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On Mon, Apr 22, 2019 at 4:54 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Ms. Powers and Chair Wolfe:

Please see Mr. Smith's response below to Ms. Power's request for a continuance.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 22, 2019 4:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Madam Clerk,

No, I do not agree to the request. The Museum has 386 employees listed on Linked In alone. In addition, the hearing does not begin until 4 p.m. In my view, the Museums are simply seeking to delay yet again. (You will recall that they asked for a delay earlier.)

Respectfully,

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 22, 2019 3:42 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Dear Mr. Smith:

Please see Ms. Powers request below. Mr. Smith, do you agree to grant Ms. Powers her request to be heard before the Task Force on another date? Please see our policies and procedures for Continuances below.

8. Continuances:

(a) A complainant may waive the 45-day rule and request a continuance. If the request is received five business days in advance of the scheduled hearing it shall be granted. For requests submitted less than five business days in advance or for requests

for subsequent continuances, the request may be granted by a simple majority vote of the members present.

(b) If a respondent submits a request for continuance at least five business days in advance, upon agreement of the complainant the continuance shall be granted. If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present.

(c) It is shall be the policy to grant continuance if requested by the Complainant for the first time. The SOTF Chair and his/her designee as authorized to grant a first-time continuance request at his/her discretion.

(d) Request for continuance until further notice shall not be granted.

Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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Hi Cheryl,

The Museums respectfully request a continuance. Both representatives for the Museums are directly involved in the planning and implementation of meetings involving 60 staff members taking place the week of 4/30, including on May 1.

Thank you,
Melissa Powers

Manager of Board Relations and Special Projects

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On Fri, Apr 19, 2019 at 3:32 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: May 1, 2019
>
> Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 18030: Complaint filed by Patrick Roddie against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18011: Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 29, 2019 2:22 PM
To: SOTF, (BOS); Leger, Cheryl (BOS)
Subject: Documents to Task Force

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Hi Cheryl,

I'm going to send you today a thumbdrive that contains the documents we have released to Mr. Smith - as we discussed, we corrected some documents from the first release and your file will contain the corrected files. You will also receive the documents from our second release to Mr. Smith and an index of redactions that lists the basis for each redaction, for both releases to Mr. Smith.

Please let me know if you have any questions. I am going to the post office so I'm not sure if I will send via next day mail or regular, so I can't guarantee what day it will show up.

Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 29, 2019 2:16 PM
To: RMS; SOTF, (BOS)
Subject: FAMSF Second Release of Documents

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

Mr. Smith,

Today, April 29, 2019, FAMSF is sending you by U.S. Mail a thumb drive with over 4,000 documents in relation to File No. 18049 for delivery to you by Wednesday, May 1. We have included an index of redactions, identifying the basis for redactions per document. We are also not providing documents exempt from disclosure based on these provisions.

We also reviewed the documents we previously provided which contained redactions and have created an index for those redactions. We are providing you any document that we minimized redactions, by either removing some or all of the redactions. There are a total of 196 documents. Those documents are indicated on the Phase 1 tab of the index and the above-mentioned documents are included in the Phase 2 tab.

If you have questions concerning any document's redaction(s), please direct your queries to prr@famsf.org, noting which specific document you are asking about.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, April 25, 2019 4:49 PM
To: Leger, Cheryl (BOS); SOTF, (BOS)
Subject: FAMSF Input-May 1
Attachments: FAMSFInput.SOTF(May1).pdf

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Hi Cheryl,

Attached is the input for the Fine Arts Museums of San Francisco for the May 1 hearing. Due to prior Museum commitments, the Fine Arts Museums of San Francisco is not able to send a knowledgeable representative to the hearing on May 1.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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MAY 1 SOTF HEARING: RESPONDENT'S INPUT TO FILE NO. 18083

SUMMARY: Respondent has initiated a renewed search related to the subject request. Due to prior Museum commitments, the Fine Arts Museums of San Francisco (FAMSF) is not able to send a knowledgeable representative to the Sunshine Ordinance Task Force (SOTF) hearing of May 1 and again submits its request for a continuance.

Request at issue:

All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.

Respondent's original input regarding this complaint to the SOTF is included as **Attachment 1.** In preparation for this hearing, and in light of the review being conducted in relation to File 18049 (same Complainant), it has come to the Respondent's attention that a more expansive search for this subject request would be appropriate. As such, the Respondent has taken the steps to provide additional search terms to the IT department and is coordinating with additional personnel. It is on the Respondent's own initiative to conduct a further search. Any city records deemed to be responsive will be provided to the Complainant as soon as possible, no later than the next scheduled SOTF hearing after May 1.

The Fine Arts Museums of San Francisco is not able to send a knowledgeable representative to the SOTF hearing of May 1 and again submits its request for a continuance. In addition to the question of compliance in regards to this request for information, the matter of whether records of private organizations, that have entered into a Memorandum of Understanding (MOU) with FAMSF, are subject to the Public Record Act appear to be as well. The Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support, aid, promote, operate in conjunction with, and supplement the activities of the Fine Arts Museums of San Francisco (FAMSF). COFAM was not created by an elected legislative body and it receives no public funding, neither from the City of San Francisco nor the Fine Arts Museums of San Francisco. The same applies for the Fine Arts Museums Foundation (FAMF), also a 501(c)(3) organization. The City Charter, Section 5.105, The Fine Arts Museums of San Francisco, reads "(t)he Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support." The COFAM Board of Trustees and the FAMF Board of Trustees have entered into a Memorandum of Understanding with the FAMSF Board of Trustees. When a nonprofit, or other legal entity for that matter, agrees to enter into an agreement with the Fine Arts Museums of San Francisco Board of Trustees, it is not agreeing to its private records becoming public records nor does the charter contemplate such a consequence. This would have a chilling effect on the willingness of private organizations to do so, which would consequentially have a negative impact on the ability of the Fine Arts Museums to serve the residents of San Francisco. While previously provided, the MOU per a FAMSF Board of Trustees Resolution is provided as **Attachment 2.**

This is a discussion that the Respondent needs to have a knowledgeable representative present for as there are long term consequences to any decision. As communicated earlier to the SOTF, any qualified representative is directly involved in the planning and implementation of

meetings involving 60 staff members taking place the week of April 30. It is also noted that there are no City employees who are qualified to represent the Respondent at this hearing and whose job descriptions would allow.

Thank you for your consideration.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

10/16/2018 – Mr. Smith sent an e-mail to Ms. Powers requesting the Museums expedite his latest request relating to Saudi Arabia since it is meant for immediate journalistic purposes. Neither in this e-mail nor in his original request does Mr. Smith use the words "Immediate Disclosure Request." While Departments have the discretion to treat it as such, Departments are not required to.

10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
    b. E-mail from Director Hollein to his Assistant, noting he wants to go there, please rsvp and put on the calendar
    c. E-mail exchanges between Director Hollein's Assistant and point of contact to the invitation, regarding details and specifics about the opening.
    d. E-mail invitation to Director Hollein, on behalf of King Abdulaziz Center for World Culture, to join a cultural delegation trip to Saudi Arabia in February 2017.
    e. Director Hollein's exchange with the point of contact for this invitation, noting that he can not join the delegation.
    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 1:29 PM
To: SOTF, (BOS)
Subject: Re: City Administrator Input
Attachments: MOU(FAMSF.COFAM.FAMF).pdf

Hi Cheryl,
Here you go -
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Apr 23, 2019 at 12:45 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Ms. Powers:

I spoke with Chair Wolfe who stated that he thinks the MOU for the Museums would answer any questions the SOTF may have. Can you please send me a copy? Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 12:43 PM
To: cheryl.leger@sf.gov.org; SOTF, (BOS) <sotf@sfgov.org>
Subject: City Administrator Input

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Hi Cheryl,

I understand any input for the May 1 hearing would be required by Thursday. From looking at the previous SOTF minutes, excerpt below, I believe information was requested by the SOTF staff from the City Administrator which would be helpful in preparing any input. Was this information ever provided?

Thank you,
Melissa

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF)

Melissa Powers
Manager of Board Relations and Special Projects

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FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

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Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 12:43 PM
To: cheryl.leger@sf.gov.org; SOTF, (BOS)
Subject: City Administrator Input

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Hi Cheryl,

I understand any input for the May 1 hearing would be required by Thursday. From looking at the previous SOTF minutes, excerpt below, I believe information was requested by the SOTF staff from the City Administrator which would be helpful in preparing any input. Was this information ever provided?

Thank you,
Melissa

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF)

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

Leger, Cheryl (BOS)

From:	Bruce Wolfe <sotf@brucewolfe.net>
Sent:	Monday, April 22, 2019 5:26 PM
To:	Melissa Powers
Cc:	SOTF, (BOS)
Subject:	Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Dear Ms. Powers --
I'll answer this promptly as Cheryl may be busy.

The answer is, no and yes.
No, it is not committee that makes this decision.
And, yes, the full SOTF by a simple majority can grant a continuance but there are no guarantees.

Know that since the entire agency is the Respondent with many employees and the subject matter being central to the agency's operations, and unless there is none other than yourself who can represent the entire agency/department SOTF has had the attitude and in many decisions going back more than a decade that sending a knowledgeable representative as provided in the Sunshine Ordinance is *preferred* so as not to create further backlog for this volunteer body and provide due process in the public's interest.

Continuances rule for Respondents under our Complaint Procedure is as follows:

C. SOTF PUBLIC HEARING PROCEDURE
8. Continuances:
(b) If a respondent submits a request for continuance at least five business days in advance, upon agreement of the complainant the continuance shall be granted. If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present.

Bruce Wolfe, Chair
SF Sunshine Ordinance Task Force

(Response is very limited during business hours on business days and holidays)
~~~~~~

On Mon, Apr 22, 2019 at 4:58 PM Melissa Powers <mpowers@famsf.org> wrote:

> Cheryl,
> Am I reading the rules correctly that the committee members can vote on May 1 and decide by a majority of who is there, whether a continuance will be granted? Is this case if no one is sent on behalf of the Museums, in light of our continuance request?
>
> Thank you,
> Melissa Powers
~~~~~~

Melissa Powers
Manager of Board Relations and Special Projects

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On Mon, Apr 22, 2019 at 4:54 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Ms. Powers and Chair Wolfe:

Please see Mr. Smith's response below to Ms. Power's request for a continuance.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 22, 2019 4:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Madam Clerk,

No, I do not agree to the request. The Museum has 386 employees listed on Linked In alone. In addition, the hearing does not begin until 4 p.m. In my view, the Museums are simply seeking to delay yet again. (You will recall that they asked for a delay earlier.)

Respectfully,

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 22, 2019 3:42 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Dear Mr. Smith:

Please see Ms. Powers request below. Mr. Smith, do you agree to grant Ms. Powers her request to be heard before the Task Force on another date? Please see our policies and procedures for Continuances below.

8. Continuances:

(a) A complainant may waive the 45-day rule and request a continuance. If the request is received five business days in advance of the scheduled hearing it shall be granted. For requests submitted less than five business days in advance or for requests for subsequent continuances, the request may be granted by a simple majority vote of the members present.

(b) If a respondent submits a request for continuance at least five business days in advance, upon agreement of the complainant the continuance shall be granted. If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, such continuance shall be granted by a simple majority vote of the members present.

(c) It is shall be the policy to grant continuance if requested by the Complainant for the first time. The SOTF Chair and his/her designee as authorized to grant a first-time continuance request at his/her discretion.

(d) Request for continuance until further notice shall not be granted.

Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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Hi Cheryl,

The Museums respectfully request a continuance. Both representatives for the Museums are directly involved in the planning and implementation of meetings involving 60 staff members taking place the week of 4/30, including on May 1.

Thank you,
Melissa Powers

Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Fri, Apr 19, 2019 at 3:32 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: May 1, 2019
>
> Location: City Hall, Room 408
>
> Time: 4:00 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.

Complaints:

File No. 18030: Complaint filed by Patrick Roddie against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18011: Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Tuesday, April 23, 2019 12:43 PM
To: cheryl.leger@sf.gov.org; SOTF, (BOS)
Subject: City Administrator Input

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Hi Cheryl,

I understand any input for the May 1 hearing would be required by Thursday. From looking at the previous SOTF minutes, excerpt below, I believe information was requested by the SOTF staff from the City Administrator which would be helpful in preparing any input. Was this information ever provided?

Thank you,
Melissa

Action: Moved by Chair Wolfe, seconded by Member Cannata, to continue the matter to the call of the chair and requested that SOTF staff request information from the City Administrator regarding the contractual relationship of the Fine Arts Museums Foundation (FAM), the Corporation of the Fine Arts Museums (Co-FAM) and Fine Arts Museums of San Francisco (FAMSF)

Melissa Powers
Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 5:04 PM
To: SOTF, (BOS)
Cc: Robert M. Smith
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Cheryl,

I'm referring to paragraph 8(b) - can the Committee grant a continuance when the complainant does not agree to it?

If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, *such continuance shall be granted by a simple majority vote of the members present.*

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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On Mon, Apr 22, 2019 at 5:01 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> Yes, the Task Force may decide to go ahead with the hearing, now that Mr. Smith has not granted your continuance.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 4:58 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: sotf@brucewolfe.net
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Cheryl,

Am I reading the rules correctly that the committee members can vote on May 1 and decide by a majority of who is there, whether a continuance will be granted? Is this case if no one is sent on behalf of the Museums, in light of our continuance request?

Thank you,

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Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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Sent: Monday, April 22, 2019 4:08 PM
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Respectfully,

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From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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Melissa Powers

Manager of Board Relations and Special Projects

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>
> Date: May 1, 2019
>
> Location: City Hall, Room 408
>
> Time: 4:00 p.m.

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Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 4:58 PM
To: SOTF, (BOS)
Cc: sotf@brucewolfe.net
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force, May 1, 2019, hearing

Cheryl,
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Thank you,
Melissa Powers

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> Please see Mr. Smith's response below to Ms. Power's request for a continuance.
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Respectfully,

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 22, 2019 3:42 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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Please see Ms. Powers request below. Mr. Smith, do you agree to grant Ms. Powers her request to be heard before the Task Force on another date? Please see our policies and procedures for Continuances below.

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Sent: Monday, April 22, 2019 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

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Thank you,
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Manager of Board Relations and Special Projects

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, April 22, 2019 5:04 PM
To: SOTF, (BOS)
Cc: Robert M. Smith
Subject: Re: FW: SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing

Cheryl,

I'm referring to paragraph 8(b) - can the Committee grant a continuance when the complainant does not agree to it?

If the complainant does not agree to the continuance, the request for continuance is not made within five business days, or the respondent is requesting a subsequent continuance, *such continuance shall be granted by a simple majority vote of the members present.*

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

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On Mon, Apr 22, 2019 at 5:01 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> Yes, the Task Force may decide to go ahead with the hearing, now that Mr. Smith has not granted your continuance.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Friday, April 19, 2019 3:32 PM
To:	Patrick Roddie; Waaland, Kathryn (POL); Yolanda Jones; Yick, Rick (POL); Walton, Briseida (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta; Celaya, Caroline; Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers
Subject:	SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing
Attachments:	SOTF - Complaint Procedure 2018-12-05 FINAL.pdf

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, March 21, 2019 2:52 PM
To: SOTF, (BOS)
Subject: Re: Public Record Request

Hi Cheryl,
No - it doesn't. This was a separate request, he submitted a few days after the SOTF hearing. The Museums are still working through IT and staffing issues but are very aware of the April 16 deadline for those 7,000 documents.
Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Mar 21, 2019 at 2:43 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Ms. Powers:
>
> Thanks for the email. Can you please tell me if this email holds the initial 7,000 documents? Thank you.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724

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From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, March 21, 2019 2:28 PM
To: RMS <rms@robertmsmith.com>
Cc: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Public Record Request

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

Mr. Smith,

The Museums responsive documents to your request are attached. The one line that is redacted is due to protect personal privacy.

Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690

e mpowers@famsf.org | famsf.org

On Sat, Mar 9, 2019 at 11:25 AM Robert M. Smith <rms@robertmsmith.com> wrote:

I request under the Sunshine Act and the California Public Records Act a copy of all documents in the possession of and/or under the custody and/or control of the Fine Arts Museums of San Francisco (hereinafter referred to as "the Museums") relating to the subject matters described below. This request includes all documents (including electronic materials) of any kind, however and wherever stored and/or maintained, relating in any manner whatsoever to the subject matters described below, whenever created, by whomsoever created, and in whatever fashion created, including without limitation intra-departmental and inter-departmental notes, memos, e-mails, and correspondence. **Please note**: This includes work-related email and text messages sent on government employees' personal devices through their private accounts. *See City of San Jose v. Superior Court of Santa Clara County (California Supreme Court Case No. S218066) (Issued on March 2, 2017).*

All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.

Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Thursday, March 21, 2019 2:28 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Public Record Request
Attachments: Catalogue.Ack.pdf; CMF_foreword_typeset.pdf; CMF_acknowledgments.pdf; CoverEmail.Marcomm.pdf; CMF_Max Catalogue Foreword_DRAFT_4.18.pdf; Foreword_final for MH(Draft1).pdf; Request.Input.pdf; CMF - Opening Remarks_6_00pm Tower Reception and 7_15pm Fashion Presentation -.pdf; TalkingPoints.Reception_Redacted.pdf; Catalogue.Input.pdf

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

Mr. Smith,
The Museums responsive documents to your request are attached. The one line that is redacted is due to protect personal privacy.
Thank you,

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
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Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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All documents from January 1, 2016 to the present relating in any fashion to the financing of the recent Contemporary Muslim Fashions exhibition.

Thank you.

Robert M. Smith

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, February 27, 2019 2:21 PM
To: SOTF, (BOS); Young, Victor (BOS); Leger, Cheryl (BOS)
Subject: Re: SOTF - Sunshine Ordinance Task force Notice of Hearing, March 6, 2019
Attachments: FAMSFSOTF.Input(3.6.19).pdf

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

Good afternoon,

The Fine Arts Museums of San Francisco submits the attached for the March 6, 2019 SOTF hearing.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Feb 19, 2019 at 11:04 AM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: March 6, 2019
>
> Location: City Hall, Room 408
>
> Time: 4:00 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.

Complaints:

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SPECIAL ORDER

The hearing on File Nos. 18072 will not begin earlier than 6:00 pm.

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, February February 27, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

SUMMARY: Respondent denies Complainant's allegations of failing to respond in a timely and/or complete manner to the subject requests for information. Regarding Complaint 3 of 5, File No. 18049, originally received on Feb 22, 2018, Respondent requests that the Task Force narrow the scope such that it is a manageable request in light of Respondent's resources available to process public information requests. Part I of this memorandum will first address all requests for information in subject files No. 18049 and 18083, apart from the aforementioned Complaint 3 of 5, which will be addressed in Part II.

Part I

a. Respondent asserts responsive public records to all requests have been provided within the appropriate timeframes. Respondent does not dispute that the Complainant is entitled to records created by the Museums and its personnel or correspondence between City personnel and any other party. The City, however, does not prepare, own, use, or retain records solely related to COFAM employees or COFAM operations. All relevant records have been released to Mr. Smith in a timely manner. As File No. 18083 concerns matters related to this issue, the original input for its Complaint Committee hearing on January 22, 2019, is provided as **Attachment 1.**

b. In Mr. Smith's written input for the January 22, 2019 Complaint Committee hearing, he asserts that he is entitled to "what only COFAM may have in its files." The Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support, aid, promote, operate in conjunction with, and supplement the activities of the Fine Arts Museums of San Francisco (FAMSF). COFAM was not created by an elected legislative body and it receives no public funding, neither from the City of San Francisco nor the Fine Arts Museums of San Francisco. The same applies for the Fine Arts Museums Foundation (FAMF), also a 501(c)(3) organization. The City Charter, Section 5.105, The Fine Arts Museums of San Francisco, reads "(t)he Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support." The COFAM Board of Trustees and the FAMF Board of Trustees have entered into a Memorandum of Understanding with the FAMSF Board of Trustees. When a nonprofit, or other legal entity for that matter, agrees to enter into an agreement with the Fine Arts Museums of San Francisco Board of Trustees, it is not agreeing to its private records becoming public records nor does the charter contemplate such a consequence. This would have a chilling effect on the willingness of private organizations to do so, which would consequentially have a negative impact on the ability of the Fine Arts Museums to serve the residents of San Francisco. While previously provided, the MOU per a FAMSF Board of Trustees Resolution is provided as **Attachment 2**. It should also be noted that, despite Complainant's assertions, the Board of Trustees for the Fine Arts Museums of San Francisco and for the Corporation of the Fine Arts Museums are not identical. The COFAM Board is made up of members of the FAMSF Board, but also has additional members.

FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

Part II

Respondent received Complaint 3 of 5 of File No. 18049 on February 22, 2018. The request is for:

> 1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;
>
> 2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

FAMSF replied on March 1, 2018, requesting to the scope be narrowed:

> Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you? We await your response.

On March 3, 2018 Complainant responded with:

> Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Although Complainant narrowed the timeframe, and despite FAMSF's requests, Complainant has yet to provide a topic, subject matter, or persons of interest which would aid in a records search.

This request as it currently stands is unduly burdensome. We ask the Task Force to consider the amount of labor necessary to service this request and to determine that it is unreasonable for the Fine Arts Museums of San Francisco to expend the amount of time necessary to do so. In the alternative, we request that Mr. Smith be required to provide specific search terms.

Limited technological (IT) and human resources have impaired the ability to process the first part of this request.

i. IT Resources: During the period subject to the request (Jan-Mar 3, 2018), the Museums, housed on a COFAM server and whose domain was registered by COFAM, were migrating to a new e-mail system, specifically Microsoft Exchange to GSuite. And while the migration ended in July of 2018, at the time of the initial request, IT resources were dedicated to this migration which was of the highest priority. In addition to the migration issue, the e-mail archiving system from which the IT Staff would pull the data was on a server purchased with COFAM funds in 2012. It could not complete the export of such a large quantity of emails without crashing. With COFAM funds, a new system was purchased.

   Regarding the lack of search terms:

   In this case, there are approximately 450K e-mails archived, requiring review for responsive records, i.e. an e-mail between a COFAM employee and a FAMSF employee. To search for e-mails that City employee were on, of which there are just

under 200 employees, would require entering each name manually in several different equations in order to find all e-mails each employee was on. Such a process is prohibitive and can be avoided with definite search terms or identified employees. For that matter, to assume a user name as it so stated in the request as "COFAM" and "FAMSF", as opposed to an actual person, is vague on its face.

FAMSF was able to provide responsive documents to the second part of this request as there are no FAMF employees and only eleven trustees. Those names were used to facilitate the query and extraction. Responsive e-mails were released to the Respondent on October 17, 2018 and then a re-submission of documents followed on November 7, 2018, with redactions based on the privacy interests of individuals.

ii. Human Resources: The Fine Arts Museums of San Francisco exists to provide San Franciscans and visitors with high quality exhibitions, programs, education and outreach, and to care for San Francisco's esteemed art collection. City personnel funding is primarily security, engineering, and admissions attendance. FAM City Budget FYE 2018 and 2019, **Attachment 3**, demonstrates that the City provides very little in the area of administrative staffing.

As a result, public requests for information are processed through a member of the Director's support staff, all of whom also support the Fine Arts Museums Board of Trustees. This staff is comprised of a total of four COFAM employees. These COFAM employees do execute responsibilities related to the City's business. Amongst other things, outside of the release of public information, other duties include: public filing/conflicts of interest matters, scheduling of Boards of Trustees meetings, creating and implementing a strategic plan and annual business plan, and executing special initiatives and mayoral priorities. While some City departments have positions funded to field public information requests, FAM does not. Without a narrower scope to this request, the burden on the staff to process this request is unsustainable and this is without even factoring other public information requests. For that matter, it should be noted that staff has spent time on the three complaints Mr. Smith has or had pending with the National Endowment for the Arts, the Human Rights Commission, and the Department of Fair Employment and Housing (which recently closed the case due to insufficient evidence).

In sum, Respondent has demonstrated good faith in trying to meet Mr. Smith's requests for information and provide him the responsive public records. Going forward, as the Task Force issues its guidance on how Complaint 3 of 5 (File No. 18049) will be handled, or any other release for that matter, it is asked that the representative for FAMSF be able to work through a liaison from the Compliance Committee when delivering documents to Mr. Smith.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

10/16/2018 – Mr. Smith sent an e-mail to Ms. Powers requesting the Museums expedite his latest request relating to Saudi Arabia since it is meant for immediate journalistic purposes. Neither in this e-mail nor in his original request does Mr. Smith use the words "Immediate Disclosure Request." While Departments have the discretion to treat it as such, Departments are not required to.

10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
    b. E-mail from Director Hollein to his Assistant, noting he wants to go there, please rsvp and put on the calendar
    c. E-mail exchanges between Director Hollein's Assistant and point of contact to the invitation, regarding details and specifics about the opening.
    d. E-mail invitation to Director Hollein, on behalf of King Abdulaziz Center for World Culture, to join a cultural delegation trip to Saudi Arabia in February 2017.
    e. Director Hollein's exchange with the point of contact for this invitation, noting that he can not join the delegation.
    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Attachment 3

Fine Arts Museums (FAM) City Budget	FYE 6-30-19			FYE 6-30-18		
	Division			Division		
	General	Admissions	Total	General	Admissions	Total
Staffing (see Note below)	11,970,549	1,072,782	13,043,331	11,865,253	1,335,232	13,200,485
City overhead charge		134,472	134,472		94,002	94,002
Uniforms and Supplies	39,400	6,000	45,400	39,450	6,000	45,450
Trash service	157,617		157,617	157,617		157,617
Maint. and service contracts: elevator, sprinklers, HVAC	333,364		333,364	333,364		333,364
Art insurance, both collection and exhibitions	1,104,259		1,104,259	1,104,259		1,104,259
Property insurance, both buildings	161,850		161,850			
City Department Support - Controller, IS, HR	231,749		231,749	203,389		203,389
WC insurance	316,469		316,469	316,469		316,469
Utilities	1,352,060		1,352,060	1,445,244		1,445,244
Total operating	15,667,317	1,213,254	16,880,571	15,465,045	1,435,234	16,900,279
Capital Outlay (see detail below)	2,385,000		2,385,000	2,195,000		2,195,000
Facilities Maintenance	201,774		201,774	192,166		192,166
Grand total	18,254,091	1,213,254	19,467,345	17,852,211	1,435,234	19,287,445
Capitals detail:						
Masonry repairs - Legion	1,155,000			600,000		
Secruity cameras and systems - both	150,000					
Cooling tower replacement - Legion				250,000		
Roof project - Legion				280,000		
Light poles and signage - Legion				150,000		
Tech shop exhaust system - Legion				75,000		
Colonnade roof repairs - Legion				60,000		
Bike lockers - Legion				30,000		
Herbst Galleries Sliding door replacement - de Young	700,000					
Tower exterior paneling repairs - de Young	300,000			600,000		
Tower waterroofing lower level - de Young	50,000					
Air handlers drain piping replacement - de Young	30,000					
Roof repairs - de Young				100,000		
Bike parking - de Young				50,000		
	2,385,000			2,195,000		
Staffing Notes:						
Staffing funded by General Funds include guards, building engineers, and a limited number of curatorial, registration, preparator, accounting and payroll staff.						
Additionally, there are three staff who receive a portion of their total compensation from the General Fund (with balance funded by COFAM).						
Staffing funded by Admissions Funds include those admission attendants on the CCSF payroll.						

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Monday, November 26, 2018 2:06 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Continuance of Complaint No. 18083; Robert Smith v. Fine Arts Museums
Attachments: image001.png

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

Cheryl,
Received. Thank you,
Melissa

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Mon, Nov 26, 2018 at 1:29 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear SOTF Parties:
>
> The Complainant's request for a continuance of his matter (File No. 18083) scheduled for tomorrow, November 28, 2018, has been granted. You do not need to make an appearance tomorrow.
>
> Cheryl Leger
>
> Assistant Clerk, Board of Supervisors
>
> Tel: 415-554-7724
>
> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, November 16, 2018 4:38 PM
To: SOTF, (BOS)
Subject: Re: SOTF - Notice of Hearing - Sunshine Ordinance Task Force Complaint Committee: November 27, 2018, 5:30 p.m.
Attachments: FAMSFResponse.File18083.pdf

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

Good afternoon,

Please find FAMSF's response relevant to File No. 18083.
Thank you.
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Fri, Nov 9, 2018 at 12:23 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: November 27, 2018
>
> Location: City Hall, Room 408
>
> Time: 5:30 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.

Complaints:

File No. 18077: Complaint filed by Diana Gutierrez against John Tucker and the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18081: Complaint filed by David Tucker against Bianca Polovina and the Office of Labor Standards Enforcement for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24(b)(2), by failing to respond to a request for litigation documents in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, November 16, 2018.**

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

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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.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

10/16/2018 – Mr. Smith sent an e-mail to Ms. Powers requesting the Museums expedite his latest request relating to Saudi Arabia since it is meant for immediate journalistic purposes. Neither in this e-mail nor in his original request does Mr. Smith use the words "Immediate Disclosure Request." While Departments have the discretion to treat it as such, Departments are not required to.

10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
    b. E-mail from Director Hollein to his Assistant, noting he wants to go there, please rsvp and put on the calendar
    c. E-mail exchanges between Director Hollein's Assistant and point of contact to the invitation, regarding details and specifics about the opening.
    d. E-mail invitation to Director Hollein, on behalf of King Abdulaziz Center for World Culture, to join a cultural delegation trip to Saudi Arabia in February 2017.
    e. Director Hollein's exchange with the point of contact for this invitation, noting that he can not join the delegation.
    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Friday, November 16, 2018 4:43 PM
To: RMS
Cc: SOTF, (BOS)
Subject: Re: Memorializing
Attachments: FAMSFResponse.File18083.pdf

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Mr. Smith,

Thank you for your opinion on the matter. I have attached the response to your latest complaint, I just submitted to SOTF.

As noted in the document, it is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

Thank you,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Thu, Nov 15, 2018 at 4:51 PM Robert M. Smith <rms@robertmsmith.com> wrote:

> Ms. Powers,
>
> I thought it would be useful to contemporaneously memorialize for the Sunshine Ordinance Task Force file and confirm with you, Ms. Powers, that you have turned over no documents that show any financial or monetary support of any kind from Saudi Arabia or any entities in Saudi Arabia to the Museums.
>
> This is at a time when, as we all know, the Museums have an exhibit on Islamic fashions.
>
> Also, I and anyone else who may be interested can easily learn that some of the Museums curators spent time in Saudi Arabia and elsewhere, presumably preparing the current exhibit on Islamic fashion.

It would be startling to me, if the Museums received no financial support or anything of value (as defined in my public records request) from Saudi Arabia or a Saudi entity.

I'm writing now to highlight these facts for the Sunshine Ordinance Task Force.

I do so also to prevent your claiming in the future that you made an error or did not look through the files, or have the staff of the Museums look through the files, with sufficient diligence and care and that you made a mistake in failing to provide relevant documents to me. If there is any possibility at all of this, I suggest you have the staff there take another look now.

Thank you.

Robert M. Smith

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

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10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
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    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

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11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
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    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

From: Leslie Dutcher <ldutcher@famsf.org>
Sent: Friday, June 01, 2018 8:49 AM
To: Max Hollein
Cc: Krista Brugnara
Subject: Re: CMF catalogue \ Museum Angewandte Kunst

OK. Thank you, Max.

Krista, are there any other names you would like us to include in the acknowledgments of the book? And can you send me the final dates for the MAK venue?

Many thanks, Leslie

On Fri, Jun 1, 2018 at 8:29 AM, Max Hollein <mhollein@famsf.org> wrote:

I think you add them with a sentence at the end of the paragraph which starts "This exhibitions has been organized..." Basically it should say: We are delighted that our exhibition will travel also to the Museum of Applied Arts in Frankfurt, Germany and I would to thank its director Matthias Wagner K and respective staff for their confidence and support in bringing this important show to Europe.

Other details should come from Krista. Just always make it clear that it is "our" show and they are just a venue

---

From: Leslie Dutcher [mailto:ldutcher@famsf.org]
Sent: Thursday, May 31, 2018 5:01 PM
To: Max Hollein; Krista Brugnara
Subject: CMF catalogue \ Museum Angewandte Kunst

Dear Max and dear Krista,

We are finishing up the CMF catalogue this week and next, and I realize that we have not acknowledged the MAK in it. Can you let me know if we should add them to the foreword, acknowledgments, and colophon?

For the foreword, how should we reference them there? Should we acknowledge Matthias Wagner K and any other colleagues? (I attach the final foreword to this e-mail for reference -- please note that we are also still awaiting the final donor list from Development next week.) We can similarly acknowledge the MAK in the acknowledgments, and possibly note further staff in that section of the catalogue?

For the colophon, what are the confirmed date's for MAK's presentation of the show? Is there any other wording we should include there?

Many thanks, Leslie

Leger, Cheryl (BOS)

From: Melissa Powers <mpowers@famsf.org>
Sent: Wednesday, February 27, 2019 2:21 PM
To: SOTF, (BOS); Young, Victor (BOS); Leger, Cheryl (BOS)
Subject: Re: SOTF - Sunshine Ordinance Task force Notice of Hearing, March 6, 2019
Attachments: FAMSFSOTF.Input(3.6.19).pdf

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

Good afternoon,

The Fine Arts Museums of San Francisco submits the attached for the March 6, 2019 SOTF hearing.

Thank you,
Melissa Powers

Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

On Tue, Feb 19, 2019 at 11:04 AM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Good Afternoon:
>
> You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.
>
> Date: March 6, 2019
>
> Location: City Hall, Room 408
>
> Time: 4:00 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.

Complaints:

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18086: Complaint filed by Mark Sullivan against the Mission Dolores Green Benefit District Formation Committee for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.14, by failing to allow video and audio recording filming and still photography of a policy body.

File No. 18049: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

SPECIAL ORDER

The hearing on File Nos. 18072 will not begin earlier than 6:00 pm.

File No. 18072: Complaint filed by Joshua Klipp against the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, February February 27, 2019.***

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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

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FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

SUMMARY: Respondent denies Complainant's allegations of failing to respond in a timely and/or complete manner to the subject requests for information. Regarding Complaint 3 of 5, File No. 18049, originally received on Feb 22, 2018, Respondent requests that the Task Force narrow the scope such that it is a manageable request in light of Respondent's resources available to process public information requests. Part I of this memorandum will first address all requests for information in subject files No. 18049 and 18083, apart from the aforementioned Complaint 3 of 5, which will be addressed in Part II.

Part I

a. Respondent asserts responsive public records to all requests have been provided within the appropriate timeframes. Respondent does not dispute that the Complainant is entitled to records created by the Museums and its personnel or correspondence between City personnel and any other party. The City, however, does not prepare, own, use, or retain records solely related to COFAM employees or COFAM operations. All relevant records have been released to Mr. Smith in a timely manner. As File No. 18083 concerns matters related to this issue, the original input for its Complaint Committee hearing on January 22, 2019, is provided as **Attachment 1.**

b. In Mr. Smith's written input for the January 22, 2019 Complaint Committee hearing, he asserts that he is entitled to "what only COFAM may have in its files." The Corporation of the Fine Arts Museums (COFAM) is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support, aid, promote, operate in conjunction with, and supplement the activities of the Fine Arts Museums of San Francisco (FAMSF). COFAM was not created by an elected legislative body and it receives no public funding, neither from the City of San Francisco nor the Fine Arts Museums of San Francisco. The same applies for the Fine Arts Museums Foundation (FAMF), also a 501(c)(3) organization. The City Charter, Section 5.105, The Fine Arts Museums of San Francisco, reads "(t)he Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support." The COFAM Board of Trustees and the FAMF Board of Trustees have entered into a Memorandum of Understanding with the FAMSF Board of Trustees. When a nonprofit, or other legal entity for that matter, agrees to enter into an agreement with the Fine Arts Museums of San Francisco Board of Trustees, it is not agreeing to its private records becoming public records nor does the charter contemplate such a consequence. This would have a chilling effect on the willingness of private organizations to do so, which would consequentially have a negative impact on the ability of the Fine Arts Museums to serve the residents of San Francisco. While previously provided, the MOU per a FAMSF Board of Trustees Resolution is provided as **Attachment 2**. It should also be noted that, despite Complainant's assertions, the Board of Trustees for the Fine Arts Museums of San Francisco and for the Corporation of the Fine Arts Museums are not identical. The COFAM Board is made up of members of the FAMSF Board, but also has additional members.

FILE NO. 18049 and 18083: RESPONDENT'S MATTERS IN CONSIDERATION IN RESPONSE TO COMPLAINTS

Part II

Respondent received Complaint 3 of 5 of File No. 18049 on February 22, 2018. The request is for:

> 1. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums (COFAM) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present;
>
> 2. All correspondence and all documents relating in any fashion to correspondence to and/or from the Corporation of the Fine Arts Museums Foundation (FAMF) and the Fine Arts Museums of San Francisco from Sept.1, 2017 to the present.

FAMSF replied on March 1, 2018, requesting to the scope be narrowed:

> Due to the potentially large scope of these requests, would it be possible for you to narrow the scope to only those correspondence and emails associated with the Docent Program, or the particular subject matter of interest to you? We await your response.

On March 3, 2018 Complainant responded with:

> Let's just begin, if I may, regarding Requests #1 and 2 (below) with the period January 1, 2018 to the present for both.

Although Complainant narrowed the timeframe, and despite FAMSF's requests, Complainant has yet to provide a topic, subject matter, or persons of interest which would aid in a records search.

This request as it currently stands is unduly burdensome. We ask the Task Force to consider the amount of labor necessary to service this request and to determine that it is unreasonable for the Fine Arts Museums of San Francisco to expend the amount of time necessary to do so. In the alternative, we request that Mr. Smith be required to provide specific search terms.

Limited technological (IT) and human resources have impaired the ability to process the first part of this request.

i. IT Resources: During the period subject to the request (Jan-Mar 3, 2018), the Museums, housed on a COFAM server and whose domain was registered by COFAM, were migrating to a new e-mail system, specifically Microsoft Exchange to GSuite. And while the migration ended in July of 2018, at the time of the initial request, IT resources were dedicated to this migration which was of the highest priority. In addition to the migration issue, the e-mail archiving system from which the IT Staff would pull the data was on a server purchased with COFAM funds in 2012. It could not complete the export of such a large quantity of emails without crashing. With COFAM funds, a new system was purchased.

   Regarding the lack of search terms:

   In this case, there are approximately 450K e-mails archived, requiring review for responsive records, i.e. an e-mail between a COFAM employee and a FAMSF employee. To search for e-mails that City employee were on, of which there are just

under 200 employees, would require entering each name manually in several different equations in order to find all e-mails each employee was on. Such a process is prohibitive and can be avoided with definite search terms or identified employees. For that matter, to assume a user name as it so stated in the request as "COFAM" and "FAMSF", as opposed to an actual person, is vague on its face.

FAMSF was able to provide responsive documents to the second part of this request as there are no FAMF employees and only eleven trustees. Those names were used to facilitate the query and extraction. Responsive e-mails were released to the Respondent on October 17, 2018 and then a re-submission of documents followed on November 7, 2018, with redactions based on the privacy interests of individuals.

ii. Human Resources: The Fine Arts Museums of San Francisco exists to provide San Franciscans and visitors with high quality exhibitions, programs, education and outreach, and to care for San Francisco's esteemed art collection. City personnel funding is primarily security, engineering, and admissions attendance. FAM City Budget FYE 2018 and 2019, **Attachment 3**, demonstrates that the City provides very little in the area of administrative staffing.

As a result, public requests for information are processed through a member of the Director's support staff, all of whom also support the Fine Arts Museums Board of Trustees. This staff is comprised of a total of four COFAM employees. These COFAM employees do execute responsibilities related to the City's business. Amongst other things, outside of the release of public information, other duties include: public filing/conflicts of interest matters, scheduling of Boards of Trustees meetings, creating and implementing a strategic plan and annual business plan, and executing special initiatives and mayoral priorities. While some City departments have positions funded to field public information requests, FAM does not. Without a narrower scope to this request, the burden on the staff to process this request is unsustainable and this is without even factoring other public information requests. For that matter, it should be noted that staff has spent time on the three complaints Mr. Smith has or had pending with the National Endowment for the Arts, the Human Rights Commission, and the Department of Fair Employment and Housing (which recently closed the case due to insufficient evidence).

In sum, Respondent has demonstrated good faith in trying to meet Mr. Smith's requests for information and provide him the responsive public records. Going forward, as the Task Force issues its guidance on how Complaint 3 of 5 (File No. 18049) will be handled, or any other release for that matter, it is asked that the representative for FAMSF be able to work through a liaison from the Compliance Committee when delivering documents to Mr. Smith.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

SUMMARY: Respondent denies Complainant's allegation of failing to respond in a timely and/or complete manner to this request

a. Respondent provided responsive records to the request within the appropriate timeframe. It is Respondent's position that an indeterminate request followed up by specific statements by Mr. Smith at a Complaint Committee hearing resulted in the responsive records, related to the Museums and/or a City employee, being released to him on November 7 as opposed to October 29.

b. Mr. Smith asserts that he is entitled to records relating to travel by Museum staff to Saudi Arabia, at Saudi expense. As noted below, and as a pending matter under the cognizance of File No. 18049, that staff member is a Corporation of the Fine Arts Museums (COFAM) employee. Information related to a COFAM employee's travel represents records of COFAM. COFAM is not a City Department or agency.

10/15/2018 – Complainant's request for records, dated October 14th, was received by Respondent. Specifically: **All documents relating in any fashion to subsidies, gifts, travel, hotel charges and payments, meal payments, expense reimbursements, contributions, endowments, money, and/or anything of value given, lent, or supplied in any fashion by The King Abdulaziz Center for World Culture or any other Saudi entity, public or private, from January 1, 2016 to the present.**

10/16/2018 – Mr. Smith sent an e-mail to Ms. Powers requesting the Museums expedite his latest request relating to Saudi Arabia since it is meant for immediate journalistic purposes. Neither in this e-mail nor in his original request does Mr. Smith use the words "Immediate Disclosure Request." While Departments have the discretion to treat it as such, Departments are not required to.

10/17/2018 - Ms. Powers responded to Mr. Smith that he did not specifically cite this as an Immediate Disclosure Request. If that was his intention, the Museums invoked an extension of not more than 14 days from October 15th to respond to his request.

10/23/2018 - Ms. Powers, on behalf of the Fine Arts Museums of San Francisco attended a Complaint Committee hearing regarding File no. 18049. During that hearing, Mr. Smith states he does not understand why the Museums need 25 days to respond to this subject request. In light of his lack of specificity in the original request and this statement, Ms. Powers left that hearing under the impression that the subject request was not intended to be an immediate disclosure request, the extension invocation still applied and, therefore, documents were due no later than November 8.

11/7/2018 - Ms. Powers provided records responsive to Mr. Smith's request as it relates to the Museums and City employees.

FILE NO. 18083: RESPONDENT'S RESPONSE TO COMPLAINT

Requested Information regarding complaint.

1. List of all relevant records with descriptions of documents provided:

    a. E-mail invitation, with attachment, to Director Hollein on behalf of King Abdulaziz Center for World Culture to attend the private preopening of "Generat#on", an upcoming exhibition of contemporary art from Saudi Arabia, to be held in The Minnesota Street Project, San Francisco, California on the 11th of August, 2016.
    b. E-mail from Director Hollein to his Assistant, noting he wants to go there, please rsvp and put on the calendar
    c. E-mail exchanges between Director Hollein's Assistant and point of contact to the invitation, regarding details and specifics about the opening.
    d. E-mail invitation to Director Hollein, on behalf of King Abdulaziz Center for World Culture, to join a cultural delegation trip to Saudi Arabia in February 2017.
    e. Director Hollein's exchange with the point of contact for this invitation, noting that he can not join the delegation.
    f. Director Hollein forwarding his e-mail invitation to two Costume and Textile Arts curators, both of whom are COFAM employees, asking whether they received the same invitation.
    g. One curator's e-mail response to the Director, noting that she did receive the invitation.
    h. Another curator's e-mail response to the Director and a follow-on exchange regarding a trip catered around fashion.

2. Date relevant records provided to the Complainant: November 7, 2018
3. Search conducted: IT Department ran a search for all e-mails containing the terms The King Abdulaziz Center for World Culture and/or Edge of Arabia, which receives funding from the King Abdulaziz Center, from January 1, 2016 to the present (October 15, 2018).
4. It is not disputed that a COFAM employee was invited and hosted by King Abdulaziz Center for World Culture on a delegation trip to Saudi Arabia. However, in regards to public records, all relevant documents have been provided. COFAM is a private, nonprofit 501(c)(3) charitable organization whose primary purpose is to support the Museums. Information related to COFAM employees represents records of COFAM. COFAM is not a City Department or agency.

FINE ARTS MUSEUMS OF SAN FRANCISCO

Board of Trustees
January 25, 2018

Board Resolution 1857

Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to "establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization".

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

"The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support."

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City's annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums' endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums' support. The COFAM bylaws proscribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation

Attachment 3

Fine Arts Museums (FAM) City Budget	FYE 6-30-19			FYE 6-30-18		
	Division			Division		
	General	Admissions	Total	General	Admissions	Total
Staffing (see Note below)	11,970,549	1,072,782	13,043,331	11,865,253	1,335,232	13,200,485
City overhead charge		134,472	134,472		94,002	94,002
Uniforms and Supplies	39,400	6,000	45,400	39,450	6,000	45,450
Trash service	157,617		157,617	157,617		157,617
Maint. and service contracts: elevator, sprinklers, HVAC	333,364		333,364	333,364		333,364
Art insurance, both collection and exhibitions	1,104,259		1,104,259	1,104,259		1,104,259
Property insurance, both buildings	161,850		161,850			
City Department Support - Controller, IS, HR	231,749		231,749	203,389		203,389
WC Insurance	316,469		316,469	316,469		316,469
Utilities	1,352,060		1,352,060	1,445,244		1,445,244
Total operating	15,667,317	1,213,254	16,880,571	15,465,045	1,435,234	16,900,279
Capital Outlay (see detail below)	2,385,000		2,385,000	2,195,000		2,195,000
Facilities Maintenance	201,774		201,774	192,166		192,166
Grand total	18,254,091	1,213,254	19,467,345	17,852,211	1,435,234	19,287,445
Capitals detail:						
Masonry repairs - Legion	1,155,000			600,000		
Secruity cameras and systems - both	150,000					
Cooling tower replacement - Legion				250,000		
Roof project - Legion				280,000		
Light poles and signage - Legion				150,000		
Tech shop exhaust system - Legion				75,000		
Colonnade roof repairs - Legion				60,000		
Bike lockers - Legion				30,000		
Herbst Galleries Sliding door replacement - de Young	700,000					
Tower exterior paneling repairs - de Young	300,000			600,000		
Tower waterroofing lower level - de Young	50,000					
Air handlers drain piping replacement - de Young	30,000					
Roof repairs - de Young				100,000		
Bike parking - de Young				50,000		
	2,385,000			2,195,000		
Staffing Notes:						
Staffing funded by General Funds include guards, building engineers, and a limited number of curatorial, registration, preparator, accounting and payroll staff.						
Additionally, there are three staff who receive a portion of their total compensation from the General Fund (with balance funded by COFAM).						
Staffing funded by Admissions Funds include those admission attendants on the CCSF payroll.						

From: Leslie Dutcher <ldutcher@famsf.org>
Sent: Wednesday, May 16, 2018 7:03 PM
To: Max Hollein
Subject: Contemporary Muslim Fashions | typeset foreword and draft acknowledgments
Attachments: CMF_foreword_typeset.pdf; CMF_acknowledgments_final.docx

Dear Max,

Please find enclosed the typeset foreword for the Contemporary Muslim Fashions catalogue and the draft acknowledgments. The foreword text is the same one that you reviewed and revised in manuscript form with Linda; the acknowledgments are newly penned, so you've not seen them before (though they follow our template for acknowledgments).

Please let me know if you have any changes to either element. (Re. the photo facing the foreword, I'm not yet sure it's the right one -- we might go with something a little more interesting/glamorous. Do you like it?)

Many thanks,
Leslie

[ACKNOWLEDGMENTS]

Acknowledgments

The Fine Arts Museums of San Francisco's exhibition *Contemporary Muslim Fashions* and its accompanying scholarly catalogue would not have been possible without the full support of our generous donors: Anonymous; William K. Bowes, Jr. Foundation; the Textile Arts Council, Fine Arts Museums of San Francisco; Frances F. Bowes; and Susan and Jim Swartz. Additional support has been kindly provided by Richard and Peggy Greenfield and Robin Rosa Laub.

This presentation has been formed by the graciousness of our many lenders who have shared designs and artworks with us. We thank Saba Ali, Her Highness Deena Aljuhani Abdulaziz, Her Highness Sheikha Raya Al-Khalifa, and Fatma Al Remaihi, for sharing with the Museums garments from their personal wardrobes. We also gratefully acknowledge, along with their colleagues and collaborators, the following artists and designers for sharing their remarkable creations with us: Ridwan Adhami, Sara Aghajanian, Wesaam Al-Badry, Nora Aldamer, Wadha Al Hajri, Boushra Almutawakel, Mashael Alrajhi, Renni Andriani, Alaa Balkhy, Raşit Bağzıbağlı, Faiza Bouguessa, Bernard Chandran, Barjis Chohan, Windri Widiesta Dhari, Sarah Elenany, Lalla Essaydi, Shephard Fairey, Alessia Gammarota, Shadi Ghadirian, Kuaybe Gider, Hengameh Golestan, Tanya Habjouqa, Izree Kai Haffiz, Hassan Hajjaj, Rani Hatta, Mona Haydar, Langston Hues, Nour Kaiss, Hoda Katebi, Rebecca Kellett, Nzinga Knight, Melinda Looi, Mariam Bin Mahfouz, Saiqa Majeed, Rania Matar, Carmen W. Muhammad, Naima Muhammad, Sanaz Nataj, Shirin Neshat, Tunde Olaniran, Hanan Ozair and Hessa Ozair, Dian Pelangi, Anandia Marina Putri, Datin Haslinda Rahim, Maha Abdul Rasheed, Abbas Rattani, Shereen Sabet, Khanaan Luqman Shamlan, Zara Shiri, Yasmin Sobeih, Shiva and Shirin Vaqar, Céline Semaan Vernon and Colin Vernon, Leah Vernon, Mohd Hafizi Radzi Woo, Habib Yazdi, Itang Yunasz, Aheda Zanetti, and Rabia Zargarpur, as well as several anonymous lenders.

We thank the staff at Meshaal Alshatti & Partner, Kuwait, especially Meshaal Al Shatti, Ahed Alzuhaili, Rana Atallah, Khitam Al Fadhly, Deepthi Bollina, Mohamed Hakim, Loudette Mae, Amanda Saldanha Harriette Serafica, and Mohamed Talaat; Modanisa, Istanbul, especially Selin Çakmak, Gül Ege Gönüllü, Havva Kahraman, and Serdar Özenalp; The Modist, Dubai, especially Ghizlan Guenez, Dima Ayad, Lisa Bridgett, and Sasha Sarokin, and Carrie Crecca and Timothy Schroeder of The Communications Store; The Muslim Scout Fellowship, London, especially Nora Nagi; and The Scout Association, London, especially Laura Thorner, for facilitating loans of garments from their companies and organizations. Fondation Pierre Bergé-Yves Saint Laurent, Paris, especially Olivier Flaviano and Aurélie Samuel, and the Museum of Contemporary Art, Chicago, especially Madeleine Grynsztejn and Elyssa Lange, are thanked for their loans of key artworks to the exhibition and catalogue. We also specifically acknowledge Susan Barrett of Barrett Barrera Projects, Saint Louis; Elie Domit and Peggy Sue Amison of East Wing, Dubai; Vali Mahlouji of Archaeology of the Final Decade, London; Karen Jenkins-Johnson of Jenkins-Johnson Gallery, San Francisco; Frank Evers and Matt

Shonfeld of The Story Institute, Los Angeles; and Toby Clarke and Clémence Duchon of Vigo Gallery, London, for aiding in the loans of works of art by their featured artists.

The staff at the Museums has worked together marvelously to bring the show and this book to our audiences. Jill D'Alessandro, curator in charge of costume and textile arts, The Caroline and H. McCoy Jones Department of Textile Arts, and Laura Camerlengo, associate curator, conceived the exhibition, with support from consulting curator, Reina Lewis, Artscom Centenary Professor of Cultural Studies at London College of Fashion, University of the Arts, London. Special thanks are due to Dalia Anani, research assistant, who aided with the project's scholarship by collating and authoring designer and artist biographies for the exhibition catalogue.

Our curatorial programs are bolstered by the work of our colleagues throughout the Museums. Our conservators have led the preparation of art for the show, including Sarah Gates, head textiles conservator; Anne Getts, associate textiles conservator; Debra Evans, head paper conservator; and Victoria Binder, conservator, works on paper. We acknowledge Melissa E. Buron, director of the art division, as well as the exhibitions team, led by Krista Brugnara, director of exhibitions, and including Shannon Stecher Anandasakaran, exhibitions manager, and Genevieve Hulley, senior exhibitions coordinator; Ryan Butterfield, chief preparatory, and his staff of technicians; and Chris Busch, exhibition designer. We thank Gisue Hariri and Mojgan Hariri, as well as Bieinna Ham, of Hariri & Hariri Architecture for their thoughtful interpretation of the exhibition's key themes and concepts, and the resulting immersive environment for this presentation.

In Registration and Collections Management, we are grateful to Deanna Griffin, director of registration and collections management, and her team, especially Kimberley Montgomery, who was the lead registrar for this exhibition, organizing loans from around the world. In Education, we thank Sheila Pressley, director of registration, alongside her staff, including Fay Dearborn, interim manager of public programs and adult learning; Emily Jennings, associate director of education, school and family programs; and Andrea Martin, museum educator. We are appreciative of Linda Butler, director of marketing and communications and her staff, including Joyce Alcantara, public relations assistant; Miriam Newcomer, director of public relations; Helena Nordstrom, international public relations manager; Wynter Martinez, associate director of marketing; and Francisco Rosas, creative and content assistant manager. In Development, Amanda Riley, director of development, is acknowledged, alongside Kathleen Brennan, director of foundation and government giving; Emily Christian, director of individual giving; Karen Huang, director of major giving; Christa Sundell, director of corporate giving; and Larissa Trociuk, assistant director of major giving. We further recognize the contributions of Rich Rice, director of event and exhibition technology, and we are also truly grateful of Abigail Dansiger, our librarian.

Our Board of Trustees, led by Diane B. Wilsey, makes all of our valuable projects possible. Furthermore, we acknowledge many individuals and their teams who work dedicatedly behind the scenes to realize our many programs, including Megan Bourne,

chief of staff; Ed Prohaska, chief financial officer, and Jason Seifer, director of finance; Patty Lacson, director of facilities; Tricia Robson, director of web and digital production; Skot Jonz, manager of board relations; Anna Zepp, manager of international business and special projects; and Jenny Moore, executive assistant to the director and CEO. We also extend our gratitude to Stuart Hata, director of retail operations; Rose Burke, merchandise manager; and Tim Niedert, book and media manager.

This catalogue was produced by the Publications Department at the Museums and overseen by Leslie Dutcher, director of publications, with the help of Adrienn Mendonça-Jones, editorial assistant. Laura Kenney thoughtfully edited this volume, and James Brendan Williams crafted its handsome design. External catalogue essayists Her Highness Deena Alijuhani Abdulaziz, Remona Aly, Alex Aubry, Shiva Balaghi, Sariya Cheruvallil-Contractor, Shelina Janmohamed, Carla Jones, and Su'ad Abdul Khabeer provided additional enriching perspectives on this subject matter. This publication was greatly enhanced due to the tremendous efforts of the photo services team, in particular, Robert Carswell and Randy Dodson, under the leadership of Sue Grinols. Conti Tipocolor is responsible for the gorgeous printing, thanks to the stewardship of Roberto Conti, Marta Conti, and Laura Cuccoli. We are grateful of our partnership with DelMonico Books [bullet] Prestel for the distribution of this book in the trade; there, we acknowledge especially Mary DelMonico and Karen Farquhar. The publication and exhibition have also been enriched by the generous participation of many research interviewees over the course of several years, and we thank these individuals for sharing their insights with the essayists and curators. This catalogue is published with the support of the Andrew W. Mellon Foundation Endowment for Publications.

The exhibition and catalogue have benefitted tremendously from the generosity of many people who graciously shared their time and knowledge with the curatorial team, most especially members of our honorary advisory committee, chaired by Cherine Magrabi, and comprising Her Highness Deena Aljuhani Abdulaziz; Payman Amiri, Ph.D., chairman of the board at the Islamic Cultural Center of Northern California, Oakland; Shiva Balaghi, Ph.D., project director, Berggruen Institute, Los Angeles; Ibu Jetti R. Hadi, editor in chief, *Noor* Magazine, Jakarta; Carla Jones, Ph.D., associate professor, Department of Anthropology, University of Colorado, Boulder; Carmen W. Muhammad, founder, Al Nisa Designs, Los Angeles; Datuk Nancy Yeoh-Reissiger, chairman, Malaysia Fashion Week, Mercedes-Benz STYLO Asia FashionWeek, STYLO Worldwide (UK) Ltd., Kuala Lumpur; and Diana C. K. Untermeyer, cultural advisor, Qatar-America Institute, Washington D.C.

The exhibition and catalogue narratives were also enriched by ongoing conversations with participants in community outreach groups; among others, members of the following Bay Area organizations and institutions were consulted for this project: California College of the Arts, San Francisco; Center for Iranian Diaspora Studies, San Francisco State University; Consul General of Indonesia, San Francisco; Council on American-Islamic Relations, San Francisco; Evergreen Islamic Center, San Jose; Islamic Cultural Center of Northern California, Oakland; Islamic Networks Group, San Jose; Karam Foundation, Lake Forest; Muslim Community Association, Santa Clara; San Francisco

State University; University of California, Berkeley; University of San Francisco; and Zaytuna College, Berkeley. We thank these organizations for their participation and for the networks they generously provided for this project. Of the community outreach participants, we acknowledge by name Rabeeah Ali, Saba Ali, Payman Amiri, Shadi Elkarra, Bushra Gill, Jamila Hassan, Fahima Khan, Huda Shaikh, Arash Shirinbab, and Norzaini Suhaimi for their sustained participation in these endeavors, and for their enthusiastic support of the exhibition and its related programming.

Special thanks are also extended to the many organizations and individuals that supported curatorial travel and research in preparation for this exhibition. We thank the King Abdulaziz Center for World Culture, Dhahran, and their staff, including Nora Aldabal, Sarah Al-Faour, Nadia A. Alireza, and Salma E. Alireza; the Crossway Foundation, London, especially Valeria Mariani, head of projects, and Mohamed Ali Ghomriani, KSA project manager; and Stephen Stapleton for sponsoring travel and fieldwork in Saudi Arabia. We also thank Zahar Al-Sayed of Abaya Factory, Jeddah; Majda Abdulshakour, Hatem Alakeel, Tamara Abukhadra of Homegrown Market, Jeddah; Alaa Balkhy of Fyunka and Mariam Bin Mahfouz of Haal Inc., Jeddah; Laila H. Faddah, Safeya Binzagr and the staff of Darat Safeya Binzagr Gallery, Jeddah; and Widad al Tamimi, Laila Abduljawad, and the staff of the Mansoojat Foundation, London. In Malaysia, we recognize the following individuals and their staffs for supporting exhibition research: Dato' Azlin Ahmad Shaharbi, president of Peniagawati Association of Bumiputera Professional Women, Petaling Jaya, and Che Azizah; Bernard Chandran; Khoon Hooi; Melinda Looi; Datin Haslinda Rahim of Blancheur; Mohd Hafizi Radzi Woo and Izree Kai Haffiz of FIZIWOO, Kuala Lumpur; Rizman Ruzaini; Syahrul Nizar Yahya, head of the Islamic Market Growth Ecosystem Development, Cyberjaya ; Datuk Nancy Yeoh-Reissiger, chairman, Malaysia Fashion Week, Mercedes-Benz STYLO AsiaFashionWeek, STYLO Worldwide (UK) Ltd., Kuala Lumpur; and Bon Zainal Harun, creative director of Bon Fashion Legacy, Kuala Lumpur. In Indonesia, we thank, along with their colleagues: Renni Andriani of Rashawl, Bandung; Ali Charisma, Indonesian Fashion Chamber, South Jakarta; Ibu Jetti R. Hadi, editor in chief, *Noor* Magazine, Jakarta; Rani Hatta; Hijup; Langston Hues; Sari Khairyah, Indonesian Creative Economy Agency, Jakarta; Benny Gartha and Ibu Ari at Jakarta Textile Museum; Dian Pelangi; Anandia Putri of I. K. Y. K., Jakarta; Khanaan Shamlan; Windri Widiesta Dhari of NurZahra, Jakarta; and Itang Yunasz.

Among the many individuals who have offered information, suggestions, and access to artworks are Alia Khan, chairwoman, Islamic Fashion and Design Council, New York; Serena Hills, KCD London; Maggie Adler and Joy Jeehye Kim, Amon Carter Museum of American Art, Fort Worth, Texas; Kristen Gresh, Museum of Fine Arts, Boston; Susan Fisher Sterling, National Museum of Woman in the Arts, Washington; Mark Johnson and Kathy Zarur, San Francisco State University; Renée Dreyfus, Fine Arts Museums of San Francisco; Lauren Smith, Barbara Gladstone Gallery, New York; Marriam Mossalli, senior consultant, Niche Arabia; as well as Nazlı Alimen, Eiman Elgibreen, Azadeh Fatehrad, Lezley George, and Lina Liederman-Molokotos.

Max Hollein
Director and CEO
Fine Arts Museums of San Francisco

Foreword
Max Hollein, Director and CEO
Fine Arts Museums of San Francisco

There are those who believe that there is no fashion at all among Muslim women, but the opposite is true, with modern, vibrant, and extraordinary modest fashion scenes established around the globe, particularly in many Muslim-majority countries. *Contemporary Muslim Fashions* is an overdue, much-needed exploration of a multifaceted topic largely unexplored by museums. The exhibition features spectacular creations from this dynamic fashion scene as it traverses different regional, religious and sartorial interpretations—ranging from high-end fashion, to street wear, and commissioned couture from emerging and established designers—to consider how Muslims define themselves and are defined by their dress.

The de Young is the ideal venue for an exploration of this bold subject matter. The Fine Arts Museums have enjoyed a long history of presenting special exhibitions of fashion, notably of individual designer monographs, which have been among some of the most popular and celebrated shows in the history of the institution. However, unlike some of these previous exhibitions on fashion, *Contemporary Muslim Fashions* is not centered on or connected to one designer or fashion house. It is curated like our other art exhibitions, present extraordinary

garments of immense artistic quality, and it will also shed light onto larger political, social, and cultural understandings and misunderstandings.

The Museums also house an encyclopedic collection of artworks from world cultures, especially in its textile arts holdings, which span nearly three millennia and represent cultures from 125 countries. The breadth and depth of this repository allows the Museums to bring textile traditions—such as those that appear in the fashions being made for today's Muslim consumers—into topical dialogues and spaces.

Building upon the established textile arts program, *Contemporary Muslim Fashions* explores the greater cultural and social implications of dress and examines how Muslim women—those who cover their heads and those who do not—have become arbiters of style within and beyond their communities. During the development of this project we consulted with scholars and representatives from the local and global community, who revealed a thriving fashion scene, full of fresh images and understandings of Muslim identities.

Modest Muslim fashion design has been supported and championed by a dynamic and youthful community of bloggers and social media influencers, and so including social media as primary material both in this catalogue and within the exhibition was a necessity. This inclusion allowed us to integrate a wider diversity of Muslim voices, which is especially important in an examination of communities

who are frequently scrutinized and spoken for, but are rarely given the chance to speak for themselves.

This exhibition is organized by Jill D'Alessandro, curator in charge of costume and textile arts at the Fine Arts Museums of San Francisco, and Laura Camerlengo, associate curator, with Reina Lewis, Artscom Centenary Professor of Cultural Studies at London College of Fashion, University of the Arts London. D'Alessandro and Lewis also served as co-editors of this catalogue, offering essays alongside Camerlengo and our outstanding roster of authors: Deena Alijuhani Abdulaziz, Remona Aly, Alex Aubry, Shiva Balaghi, Sariya Cheruvallil-Contractor, Shelina Janmohamed, Carla Jones, and Su'ad Abdul Kabeer. We further recognize members of the exhibition's advisory committee, chaired by Cherine Magrabi, whose insights on this project not only helped in the challenging task of refining the exhibition's content and narrative, but also in securing important loans for the exhibition. And we are extremely grateful to the many fashion designers and artists from around the world who have generously shared their artworks with the Museums, thus enabling the exploration of the complex and diverse nature of Muslim dress codes worldwide.

The Museums' generous donors have enabled us to make this special presentation possible. We express our warmest appreciation to Presenting Sponsors XYZ, as well as Patron's Circle donors XYZ. We are further appreciative of the

Museums' Board of Trustees for its continuing advocacy of all of our programs, and Diane B. Wilsey, president, for her enduring leadership.

With nearly 250,000 Muslims living in the six counties surrounding the city of San Francisco, the Museums are situated in an area with one of the largest Muslim populations in the United States. We are thankful to the many members of the Bay Area's diverse Muslim communities who joined the curatorial team for conversations about this program, and it is our honor to now share an aspect of their rich culture with our audiences.

From: Leslie Dutcher <ldutcher@famsf.org>
Sent: Thursday, April 12, 2018 6:30 PM
To: Max Hollein
Cc: Jill D'Alessandro; Jenny Moore
Subject: Contemporary Muslim Fashions | foreword for review
Attachments: Foreword_final for MH.docx

Dear Max,

Please find enclosed the foreword for Contemporary Muslim Fashions. Please let us know if you have any revisions, ideally by the end of next week, April 20.

Many thanks,
Leslie

From: Claire Seifert <cseifert@famsf.org>
Sent: Thursday, September 20, 2018 11:13 AM
To: Ed Prohaska; Jill DAlessandro; Laura Camerlengo
Cc: Megan Bourne; Amanda Riley; Sheila Pressley; Miriam Newcomer; Katy Lack; Jenny Sonnenschein; Karen Huang; Larissa Trociuk
Subject: Re: CMF remarks

Hi everyone,

I've prepped the draft CMF talking points for the remarks in the VIP Tower reception around 6:20 and before/after the Fashion Presentation at 7:15 -- all in this Google Doc, with tweaks discussed in our meeting on Tuesday. Please feel free to make comments if anything needs to be adjusted.

A couple of notes on outstanding items:

1)We're leaving in the Anonymous sponsor thank you as a placeholder for now until we hear if they'll be present. Will remove/adjust once we know for sure.

2) To the question about ING acknowledgments - for now, I've included a mention of the "many community groups and advisors" in Jill+Laura's remarks before the fashion presentation. I can adjust as needed depending on what you all advise.

Please let me know if you have any questions or would like for me to make adjustments.

Many thanks,
Claire

Claire Seifert
Associate Director of Individual Giving

de Young \
\ Legion of Honor
fine arts museums
of san francisco

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3508
e cseifert@famsf.org | famsf.org

On Wed, Sep 19, 2018 at 2:52 PM, Sheila Pressley <spressley@famsf.org> wrote:

> Jill and Laura can you chime in. I do know that ING did training for our docents.

From: Amanda Riley [mailto:ariley@famsf.org]
Sent: Wednesday, September 19, 2018 11:01 AM
To: Miriam Newcomer <mnewcomer@famsf.org>; Sheila Pressley <spressley@famsf.org>; Jill DAlessandro <jdalessandro@famsf.org>; Laura Camerlengo <lcamerlengo@famsf.org>; Ed Prohaska <eprohaska@famsf.org>; Megan Bourne <mbourne@famsf.org>; Claire Seifert <cseifert@famsf.org>

Cc: Katy Lack <klack@famsf.org>
Subject: CMF remarks

Claire is drafting remarks for Ed for the Tower reception (6-7pm). We plan to verbally thank the major exhibition donors (not small donors) and the Honorary Advisory Committee.

Sheila, Ed, and Megan, please advise on the contribution of Islamic Networks Group and if this should be included in Ed's remarks. Thanks

---

From: Miriam Newcomer [mailto:mnewcomer@famsf.org]
Sent: Wednesday, September 19, 2018 9:47 AM
To: Sheila Pressley <spressley@famsf.org>; Jill DAlessandro <jdalessandro@famsf.org>; Laura Camerlengo <lcamerlengo@famsf.org>
Cc: Amanda Riley <ariley@famsf.org>; Katy Lack <klack@famsf.org>
Subject: RE: Save the Date | Contemporary Muslim Fashions: Opening Celebration

Looping in Katy + Amanda.

From: Sheila Pressley [mailto:spressley@famsf.org]
Sent: Wednesday, September 19, 2018 9:30 AM
To: Jill DAlessandro <jdalessandro@famsf.org>; Laura Camerlengo <lcamerlengo@famsf.org>; Miriam Newcomer <mnewcomer@famsf.org>
Subject: FW: Save the Date | Contemporary Muslim Fashions: Opening Celebration

Jill, Laura, and Miriam

Can someone mention the Islamic Networks Group for their help and support of CMF on Friday?

Sheila

From: Maha Elgenaidi [mailto:elgenaidi@ing.org]
Sent: Wednesday, September 19, 2018 8:42 AM
To: Lindsey Stoll <lstoll@famsf.org>; Sheila Pressley <spressley@famsf.org>
Cc: Ishaq Pathan <ishaq@ing.org>; Ameena Jandali <ameena@ing.org>
Subject: RE: Save the Date | Contemporary Muslim Fashions: Opening Celebration

Lindsey and Sheila, thank you for notifying us of the date change. Both Ishaq Pathan and Ameena Jandali from ING are confirmed to attend on Friday night this week.

In lieu of your kind invitation Sheila to lunch and private tour, it would be awesome if you could just acknowledge ING on Friday night for its help and support for this exhibition. We would really appreciate that.

FYI, I am planning to visit the exhibit on Saturday, Sept 29. [redacted]

Maha Elgenaidi

Executive Director, Islamic Networks Group (ING) | http://www.ing.org

408-296-7312 x 170 (o) | 408-393-8202 (m) | Elgenaidi@ing.org

From: Lindsey Stoll [mailto:lstoll@famsf.org]
Sent: Tuesday, September 18, 2018 4:21 PM
To: Maha Elgenaidi <elgenaidi@ing.org>
Subject: Re: Save the Date | Contemporary Muslim Fashions: Opening Celebration

Dear Maha,

Thank you for your message. The event date was rescheduled a few months back.

I have attached the updated invitation for you.

Please let me know if you have any questions.

All the best,

Lindsey Stoll

On Sun, Sep 16, 2018 at 6:36 PM Maha Elgenaidi <elgenaidi@ing.org> wrote:

Please confirm that this is taking place.

Maha Elgenaidi

Executive Director, Islamic Networks Group (ING) | http://www.ing.org

408-296-7312 x 170 (o) | 408-393-8202 (m) | Elgenaidi@ing.org

---

From: de Young and Legion of Honor [mailto:eventsdy=famsf.org@mail7.suw17.mcsv.net] **On Behalf Of** de Young and Legion of Honor
Sent: Friday, July 13, 2018 3:17 PM
To: Maha Elgenaidi <elgenaidi@ing.org>
Subject: Save the Date | Contemporary Muslim Fashions: Opening Celebration

Please save the date for the opening celebration of

Contemporary Muslim Fashions

Thursday, September 20, 7–9 pm | de Young

Exhibition preview and reception featuring an exclusive modest-fashion show.

Invitation to follow

ntemporary Muslim Fashions
ɔtember 22, 2018–January 6, 2019
s exhibition is organized by the Fine Arts Museums of San Francisco

ɜsenting Sponsor
ɔnymous

ad Support
lliam K. Bowes, Jr. Foundation

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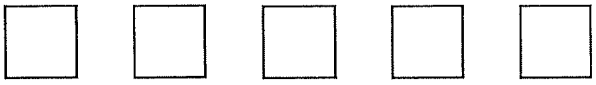
ldditional Support is provided by Richard and Peggy Greenfield, Robin Rosa Laub, and the
ɜda Nobari Foundation.

ɔNORARY ADVISORY COMMITTEE
ierine Magrabi, Chair; Her Highness Deena Aljuhani Abdulaziz; Payman Amiri, PhD; Shiva Balaghi, PhD; Ibu Jetti R. Hadi; Max Hollein; Carla Jones, PhD; Carmen ıhammad; Dato Nancy Yeoh-Reissiger; Diana C. K. Untermeyer

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Young: Golden Gate Park | 50 Hagiwara Tea Garden Drive, San Francisco, CA 94118 | 415-750-3600
oungmuseum.org | **Hours**: Tuesdays–Sundays, 9:30 am–5:15 pm



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slinda Rahim for Blancheur, Ensemble: Jourdain Double Collar Jacket, Inner Shirt, Boned-Pants, and Signature Hijab and Iman Headscarf, Spring/Summer 2017, l
ol, silk

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Lindsey Stoll
Assistant Events Manager

Fine Arts Museums of San Francisco

de Young
Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3593
e lstoll@famsf.org | famsf.org



FOREWORD

Max Hollein, Director and CEO
Fine Arts Museums of San Francisco

There are those who believe that there is no fashion among Muslim women, but the opposite is true, with modern, vibrant, and extraordinary modest fashion scenes established around the globe, particularly in many Muslim-majority countries. *Contemporary Muslim Fashions* is a much-needed and overdue exploration of a multifaceted topic largely unexamined by museums. The exhibition features spectacular creations from this dynamic fashion scene as it traverses different regions), religions, and sartorial interpretations—ranging from high-end fashion to street wear and commissioned couture from emerging and established designers—to consider how Muslims define themselves and are defined by their dress.

The de Young is the ideal venue for an exploration of this bold subject matter. The Fine Arts Museums of San Francisco have enjoyed a long history of presenting special exhibitions of fashion, notably of individual designer monographs, which have been among some of the most popular and celebrated shows in the history of the institution. However, unlike some of these previous exhibitions on fashion, *Contemporary Muslim Fashions* is not centered on or connected to one designer or fashion house. It is curated like our other art exhibitions, presenting extraordinary garments of immense artistic quality, and it will also shed light onto larger political, social, and cultural understandings and misunderstandings.

The Museums also house an encyclopedic collection of artworks from world cultures, especially in its textile arts holdings, which span nearly three millennia and represent cultures from 125 countries. The breadth and depth of this repository allows the Museums to bring textile traditions—such as those that appear in the fashions being made for today's Muslim consumers—into topical dialogues and spaces.

Building upon the established textile arts program, *Contemporary Muslim Fashions* explores the greater cultural and social implications of dress and examines how Muslim women—those who cover their heads and those who do not—have become arbiters of style within and beyond their communities. During the development of this project we consulted with scholars and representatives from the local and global community, who revealed a thriving fashion scene, full of fresh images and understandings of Muslim identities.

Modest Muslim fashion design has been supported and championed by a dynamic and youthful community of bloggers and social media influencers, so including social media as primary material both in this catalogue and within the exhibition was a necessity. This inclusion allowed us to integrate a wider diversity of Muslim voices, which is especially important in an examination of communities who are frequently scrutinized and spoken for, but are rarely given the chance to speak for themselves.

This exhibition is organized by Jill D'Alessandro, curator in charge of costume and textile arts at the Fine Arts Museums of San Francisco, and Laura Camerlengo, associate curator, with Reina Lewis, Artscom Centenary Professor of Cultural Studies at London College of Fashion, University of the Arts London. D'Alessandro and Lewis also served as co-editors of this catalogue, offering essays alongside Camerlengo and our outstanding roster of authors: Deena Alijuhani Abdulaziz, Remona Aly, Alex Aubry, Shiva Balaghi, Sariya Cheruvallil-Contractor, Shelina Janmohamed, Carla Jones, and Su'ad Abdul Kabeer. We further recognize members of the exhibition's advisory committee, chaired by Cherine Magrabi, whose insights on this project not only helped in the challenging task of refining the exhibition's content and narrative, but also in securing important loans for the exhibition. And we are extremely grateful to the many fashion designers and artists from around the world who have generously shared their artworks with the Museums, thus enabling the exploration of the complex and diverse nature of Muslim dress codes worldwide.

The Museums' generous donors have enabled us to make this special presentation possible. We express our warmest appreciation to an anonymous presenting sponsor; the William K. Bowes, Jr. Foundation; and Frances F. Bowes. Additional support is provided by Richard and Peggy Greenfield, and Robin Rosa Laub. We are further appreciative of the Museums' Board of Trustees for its continuing advocacy of all of our programs, and Diane B. Wilsey, president, for her enduring leadership.

With nearly 250,000 Muslims living in the six counties surrounding the city of San Francisco, the Museums are situated in an area with one of the largest Muslim populations in the United States. We are thankful to the many members of the Bay Area's diverse Muslim communities who joined the curatorial team for conversations about this program, and it is our honor to now share an aspect of their rich culture with our audiences.

P772

From: Linda Butler <lbutler@famsf.org>
Sent: Wednesday, April 18, 2018 3:37 PM
To: Jill DAlessandro; Danica Hodge; Leslie Dutcher
Cc: Max Hollein
Subject: CMF Max Catalogue Foreward
Attachments: CMF_Max Catalogue Foreword_DRAFT_4.18.2018.docx

Dear Leslie and Jill,

Attached please find Max's *Contemporary Muslim Fashions* foreword for the catalog. Max has already reviewed and edited.

Best,
Linda

Foreword
Max Hollein, Director and CEO
Fine Arts Museums of San Francisco

Contemporary Muslim Fashions is one of the first projects I proposed as the incoming director of the Fine Arts Museums of San Francisco in 2016, and it is very exciting to see this project come into fruition. Its subject—contemporary modest fashion worn by Muslim women—first interested me while I was working in Germany as the director of Frankfurt's Schirn Kunsthalle, the Städel Museum, and the Liebieghaus Sculpture Collection. When I lived in Europe and traveled internationally, I witnessed political debates about Muslim women's dress, in particular, the *burka* (the long, loose garment worn in public by Muslim women to cover the whole body from head to feet). Yet, at the same time, I saw the extraordinary personal style exhibited by many Muslim women who dressed both fashionably and modestly.

Commented [Office1]: It looks like the Liebieghaus is branding itself without "Sculpture Collection" in its name for the most part. MH: Is this correct?

The de Young is the ideal venue for an exploration of this theme. The Fine Arts Museums have enjoyed a long history of presenting special exhibitions of fashion, notably of individual designer monographs, which have been among some of the most popular and celebrated shows in the history of the institution. The Museums also house an encyclopedic collection of artworks from world cultures, especially in its textile arts holdings, which span nearly three millennia and represent cultures from 125 countries. The breadth and depth of this repository

allows the Museums to bring textile traditions—such as those that appear in the fashions being made for today's Muslim consumers—into topical dialogues and spaces.

Building upon the established textile arts program, *Contemporary Muslim Fashions* explores the greater social implications of dress and examines how Muslim women—those who cover their heads and those who do not—have become arbiters of style within and beyond their communities. In so doing, they have drawn mass-media attention to Muslim life in the present-day. Amid a conservative political and social climate and on-going Islamophobia, a thriving fashion scene reveals a fresh image and understanding of Muslim identity.

This exhibition is organized by Jill D'Alessandro, curator in charge of costume and textile arts at the Fine Arts Museums of San Francisco, and Laura Camerlengo, associate curator, with Reina Lewis, Artscom Centenary Professor of Cultural Studies at London College of Fashion, University of the Arts London. D'Alessandro and Lewis also served as co-editors of this catalogue, offering essays alongside Camerlengo and our outstanding roster of authors: Deena Alijuhani Abdulaziz, Remona Aly, Alex Aubry, Shiva Balaghi, Sariya Cheruvallil-Contractor, Shelina Janmohamed, Carla Jones, and Su'ad Abdul Kabeer. We further recognize members of the exhibition's advisory committee, chaired by Cherine Magrabi, whose insights on this project not only helped in the challenging

task of refining the exhibition's content and narrative, but also in securing important loans for the exhibition. And we are extremely grateful to the many fashion designers and artists from around the world who have generously shared their artworks with the Museums, thus enabling the exploration of the complex and diverse nature of Muslim dress codes worldwide.

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Commented [Office2]: Add new donor info once available, before the book prints.

With nearly 250,000 Muslims living in the six counties surrounding the city of San Francisco, the Museums are situated in an area with one of the largest Muslim populations in the United States. We are thankful to the many members of the Bay Area's diverse Muslim communities who joined the curatorial team for conversations about this program, and it is our honor to now share an aspect of their rich culture with our audiences.

Contemporary Muslim Fashions
VIP Tower Reception & Donor Opening Reception with Fashion Presentation: Fri, Sept 21, 6-7pm, 7-9pm

VIP Tower Reception - Welcome Remarks and Curator Conversation - Ed Prohaska, then Jill D'Alessandro with Reina Lewis
6:20 pm Remarks begin in Hamon Tower

-Ed: Welcome

-And enormous thanks to our exhibition donors - we could not have achieved such an ambitious survey without a community of sponsors and enthusiasts who believed in the project and generously supported its realization:
(bold = in attendance)

Lead Support
William K. Bowes, Jr. Foundation

Major Support
The Herbst Foundation, Inc. (administrators **Shirley Costello** and **Karen Prescher**)

Significant Support
Sam Hirbod
Textile Arts Council, Fine Arts Museums of San Francisco

Generous Support
Frances F. Bowes
Stephanie and Jim Marver
Susan and Jim Swartz

Additional Support is provided by:
Richard and Peggy Greenfield
Robin Rosa Laub
Neda Nobari Foundation

Members of the HONORARY ADVISORY COMMITTEE, including those who are present tonight:
Her Highness Deena Aljuhani Abdulaziz
Payman Amiri, PhD
Max Hollein
Carla Jones, PhD
Carmen W. Muhammad
Diana C. K. Untermeyer

And, last but not least, over **22 enthusiastic members of our FASHION HOST COMMITTEE**, many of whom are here with us tonight, who helped support the exhibition and its opening celebration through a fashion presentation that we'll enjoy later this evening, which will truly bring the exhibition to life. An additional special thanks to the **Host Committee Chair, Ghizlan Guenez**.

-Congratulations to **Jill D'Alessandro**, Curator in Charge, Costume and Textile Arts, FAMSF and **Prof. Reina Lewis**, consulting curator, with **Laura L. Camerlengo**, associate curator of Costume and Textile Arts, FAMSF.

-It is my pleasure **introduce Jill and Reina** for a brief behind-the-scenes glimpse of how the exhibition came together.

> **Jill D'Alessandro** has served, since 2002, as curator and co-curator for exhibitions on subjects ranging from ethnographic textile traditions to twentieth-century fashion design. D'Alessandro has spearheaded the Museums' fashion program, including numerous exhibitions from *Vivienne Westwood: 36 Years in Fashion* to *The Summer of Love Experience: Art, Fashion, and Rock & Roll*, just to name a few. She was recently a contributor to the Routledge anthology *Anthropology and Beauty: From Aesthetics to Creativity* (2018). She holds a master's degree in textile arts from Tyler School of Art at Temple University, Philadelphia.
>
> **Prof. Reina Lewis** is the Professor of Cultural Studies at London College of Fashion, University of the Arts London. A prodigious author, her most recent book is *Muslim Fashion: Contemporary Style Cultures* (2015), and has edited *Modest Fashion: Styling Bodies, Mediating Faith* (2013) and co-edited *Contemporary South Asian Youth Cultures* (2018), among many other titles. Now the point person for commentary and op-ed on modest fashion in the global media, Prof. Lewis is also host of the public talk series *Faith & Fashion* held at London College of Fashion and around the world.

[Jill and Reina to speak for 10 minutes]

-Jill: *[Share brief genesis of and inspiration for exhibition and introduce/call out Hariri and Hariri and the designers who are present—from Indonesia, Malaysia, the U.S, and beyond]*

-Reina: *[Discuss how this is the apex of her work and the trajectory of ha her academic theory has now become a visual experience]*

-Jill: I invite you to join us downstairs for the Fashion presentation, which will start around 7:15. If you need a quiet space for prayer, one of our staff members can direct you to the Koret Auditorium, which is available for this purpose. Thank you for being with us tonight.

Fashion Presentation and Donor Opening Reception
7:15 pm **Intro remarks begin** (Jill and Laura) in Wilsey Court

-Laura: **Welcome** to the Fashion Presentation and Donor Opening Reception celebrating *Contemporary Muslim Fashions*. Please join us around the stage, we're excited to share this live presentation with you momentarily.

-Jill and Laura: *[introduce selves (names and titles)]*

-Jill: *[Brief show intro]*

Contemporary Muslim Fashions is the first major museum exhibition to explore the complex, diverse nature of Muslim dress codes worldwide. The exhibition examines how Muslim women—those who cover their heads and those who do not—have become arbiters of style within and beyond their communities, and in so doing have drawn mass media attention to contemporary Muslim life.

-Laura: **Thank you so much to the many generous donors and Fashion Host Committee**, as well as the many **community groups and advisors**, whose support helped us to realize this exhibition and create engaging programming to accompany the show.

-Jill: Now, we are delighted to share with you a live fashion presentation of **12 looks from 5 designers and companies** to truly bring the exhibition to life.

[Fashion presentation - 15 minutes]

-Jill: I'd like to acknowledge the incredible designers whose work you've seen here and invite those present to join us on stage:

-Dian Pelangi
-Bouguessa
-Melinda Looi
-Taller Marmo, Layeur, Osman, Malone Souliers, Nicholas Kirkwood from The Modist
-Muslima Wear and Store WF from Modanisa

And the presentation you just saw would not have been possible without the vision of **Stephan Rabimov, DEPESHA.**

-Laura: Thank you all for your ongoing support of the Fine Arts Museums. We invite you to enjoy the reception and explore the **exhibition downstairs in the Herbst Exhibition Galleries**. We hope you appreciate the show and are looking forward to the discussion these designs inspire over the coming months.

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Monday, July 29, 2019 1:17 PM
To:	Joshua Klipp; Patino, Andres-Lopez (REC); Lin-Wilson, Tiffany (REC); Robert M. Smith; Melissa Powers; Denta Tadesse; Mazzola, Lori (ADM); SFSD Civil (SHF); Hennessy, Vicki (SHF); Alex Lewis-Koskinen; Vien, Veronica (DPH)
Subject:	SOTF - Notice of Appearance - Compliance and Amendments Committee; August 27, 2019 4:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: August 27, 2019

Location: City Hall, Room 408

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.

Complaints:

File No. 18072: Hearing on the Status of the Order of Determination - Complaint filed by Joshua Klipp against the Recreation and Parks Department for violating Administrative Code (Sunshine Ordinance), Section 67.21(b) and (e), by failing to respond to a public records request in a timely and/or complete manner.

File No. 18049: Hearing on the Status of the Order of Determination. Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Hearing on the Status of the Order of Determination - Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18012: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against Lori Mazzola, City Hall Building Management, for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 18028: Hearing on the Status of the Order of Determination - Complaint filed by Denta Tadesse against the Sheriff's Department for violating Administrative Code (Sunshine Ordinance), Section 67.13(a), by failing to allow access to a meeting of a policy body.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 20, 2019.***

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

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

The Legislative Research Center 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.*

Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 4:21 PM
To: SOTF, (BOS)
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Sorry, I was inquiring about the Order springing from the hearing this month with regard to the Islamic exhibit—I never heard back from you after SOTF approved issuance of an Order of Determination and I asked when I would get the Order.

As for what you sent me – the other matter, 18049 – wasn't that issued a long time ago?

Thank you.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 3:54 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Dear Mr. Smith:

Attached please find your Order of Determination signed by Chair Wolfe for File No. 18049. I apologize for not getting it to you earlier. The Complaint Committee hearing is to confirm that you are receiving your documents from the Museum timely and complete. It should not take long. You are the first item on the Agenda after Public Comment. Let me know if this works for your schedule. Again, I am sorry to have noticed you so late.

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

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 3:47 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

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

Re another Hearing on the Status of the Order of Determination 18049—

I don't understand.

Wasn't this matter already voted on, and an Order of Determination granted?

I never heard back from you in response to my email right after that hearing as to when I would receive that Order of Determination.

Thank you.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 3:38 PM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - May 28, 2019 Complaint Committee hearing

Good Afternoon:

I apologize for sending this Notice today. You were inadvertently not included when I originally sent out the original notice.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 28, 2019

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18049: Hearing on the Status of the Order of Determination: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 22, 2019.***

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

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, June 3, 2019 4:36 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: SOTF - Order of Determination; File No. 18083

Dear Mr. Smith and Ms. Powers:

Please find the link to the Sunshine Ordinance Task Force Order of Determination for the above mentioned File.

If you have any questions please feel free to contact me. Thank you.

https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18083.pdf

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

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 4:21 PM
To: SOTF, (BOS)
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Am I allowed to appear by phone?

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 4:20 PM
To: Robert M. Smith
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Dear Mr. Smith:

Yes, the Museum plans to appear. As I said, we just want to confirm that you are receiving your documents.

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


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 4:17 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Is the Museum attending?

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 3:54 PM
To: Robert M. Smith

Cc: Melissa Powers
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

Dear Mr. Smith:

Attached please find your Order of Determination signed by Chair Wolfe for File No. 18049. I apologize for not getting it to you earlier. The Complaint Committee hearing is to confirm that you are receiving your documents from the Museum timely and complete. It should not take long. You are the first item on the Agenda after Public Comment. Let me know if this works for your schedule. Again, I am sorry to have noticed you so late.

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


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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, May 17, 2019 3:47 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - May 28, 2019 Complaint Committee hearing

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Re another Hearing on the Status of the Order of Determination 18049—

I don't understand.

Wasn't this matter already voted on, and an Order of Determination granted?

I never heard back from you in response to my email right after that hearing as to when I would receive that Order of Determination.

Thank you.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, May 17, 2019 3:38 PM
To: Robert M. Smith; Melissa Powers
Subject: SOTF - May 28, 2019 Complaint Committee hearing

Good Afternoon:

I apologize for sending this Notice today. You were inadvertently not included when I originally sent out the original notice.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 28, 2019

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18049: Hearing on the Status of the Order of Determination: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 22, 2019.***

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

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Cheryl Leger
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Tel: 415-554-7724


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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 29, 2019 4:24 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

SOTF said with regard to this matter:

"For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

"For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***"

This was not done. The documents may not therefore be made part of the Agenda, and may not be considered. The same deadlines and consequences must apply to all.

If the documents were somehow included in the agenda packet, they must be removed, under SOTF's Rules.

Thank you.

From: Robert M. Smith [mailto:rms@robertmsmith.com]
Sent: Monday, April 29, 2019 11:42 AM
To: 'SOTF, (BOS)'
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

It was due no later than 5 p.m. on April 24, 2019, according to the Notice, right?

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 29, 2019 11:31 AM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

April 25, 2019

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 29, 2019 11:29 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Sorry, I saw the message, but didn't see that there was an attachment to the message. When was this message sent to you? Thanks.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 29, 2019 11:26 AM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear Mr. Smith:

Attached is the Response from the Museum's for Wednesday's hearing.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 29, 2019 11:06 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Forgive me, but I am not seeing the Museum's Response for the May 1 hearing. Are you sure it is included? And when was it sent? Thanks.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 29, 2019 10:44 AM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear Mr. Smith:

I have attached the Museum's response for the May 1 hearing which was included in the packet that I sent out on Friday. The MOU is the last page.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Monday, April 29, 2019 10:38 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

If you have it at hand, would you please email me a copy? (As I recall, it was less than one page.) Thanks.

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Monday, April 29, 2019 8:28 AM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear Mr. Smith:

I spoke with Chair Wolfe regarding this and he said what the Task Force was looking for was a copy of the Museum's MOU which was provided by Ms. Powers.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 26, 2019 5:30 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Was the requested Opinion received from the City Administrator? Thanks.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 26, 2019 4:32 PM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear Mr. Smith:

Thank you for your email. I suggest arriving a little bit before 6:00 pm because two of the four cases before you may be very short hearings.

The Museum is not sending a representative to the hearing on May 1, 2019. Don't worry about the Special Order. I just means that we are hearing your matter later in the evening than the other matters.

Have a nice weekend and see you Wednesday, May 1.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 26, 2019 3:49 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

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Does this mean I don't have to be there until 6?

Have the Museums indicated that a representative will come?

What does the 6 p.m. Special Order mean – that is, what may I ask is the reason?

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 26, 2019 11:58 AM
To: Patrick Roddie; Waaland, Kathryn (POL); Walton, Briseida (POL); Yolanda Jones; Yick, Rick (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta (MTA); Celaya, Caroline (MTA); Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers; Sandra Weese; Guy, Kevin (CPC); Ionin, Jonas (CPC)
Subject: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear SOTF Parties:

The agenda packet for the May 1, 2019, Sunshine Ordinance Task Force, 4:00 pm hearing is available online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_050119_agenda.pdf

The packet material is linked to each item listed on the agenda mark with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Friday, April 19, 2019 3:32 PM
To:	Patrick Roddie; Waaland, Kathryn (POL); Yolanda Jones; Yick, Rick (POL); Walton, Briseida (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta; Celaya, Caroline; Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers
Subject:	SOTF - Sunshine Ordinance Task Force; May 1, 2019, hearing
Attachments:	SOTF - Complaint Procedure 2018-12-05 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: May 1, 2019

Location: City Hall, Room 408

Time: 4:00 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.

Complaints:

File No. 18030: Complaint filed by Patrick Roddie against the San Francisco Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18011: Complaint filed by Denta Tadesse against John Haley and the San Francisco Municipal Transportation Agency (SFMTA) Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29-2, by failing to update the SFMTA website on a weekly basis.

File No. 18067: Complaint filed by Betty Mackey against the Treasure Island Development Authority for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, April 24, 2019.***

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

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 26, 2019 3:49 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

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From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 26, 2019 11:58 AM
To: Patrick Roddie; Waaland, Kathryn (POL); Walton, Briseida (POL); Yolanda Jones; Yick, Rick (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta (MTA); Celaya, Caroline (MTA); Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers; Sandra Weese; Guy, Kevin (CPC); Ionin, Jonas (CPC)
Subject: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear SOTF Parties:

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Leger, Cheryl (BOS)

From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 26, 2019 5:30 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

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Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 26, 2019 4:32 PM
To: Robert M. Smith
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear Mr. Smith:

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Have a nice weekend and see you Wednesday, May 1.

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

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Friday, April 26, 2019 3:49 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

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Does this mean I don't have to be there until 6?

Have the Museums indicated that a representative will come?

What does the 6 p.m. Special Order mean – that is, what may I ask is the reason?

Thank you.

Robert M. Smith

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Friday, April 26, 2019 11:58 AM
To: Patrick Roddie; Waaland, Kathryn (POL); Walton, Briseida (POL); Yolanda Jones; Yick, Rick (POL); Gordon, Nelly (POL); Carr, Rowena (POL); Steeves, Asja (POL); Denta Tadesse; Boomer, Roberta (MTA); Celaya, Caroline (MTA); Betty Mackey; Beck, Bob (MYR); Summerville, Peter (ADM); TIDA, (ADM); Robert M. Smith; Melissa Powers; Sandra Weese; Guy, Kevin (CPC); Ionin, Jonas (CPC)
Subject: SOTF - Sunshine Ordinance Task Force Agenda, May 1, 2019

Dear SOTF Parties:

The agenda packet for the May 1, 2019, Sunshine Ordinance Task Force, 4:00 pm hearing is available online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_050119_agenda.pdf

The packet material is linked to each item listed on the agenda mark with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

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


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Leger, Cheryl (BOS)

From: Bruce Wolfe <sotf@brucewolfe.net>
Sent: Tuesday, February 12, 2019 2:15 PM
To: SOTF, (BOS)
Subject: Re: FW: SOTF - Postponement of matters 18049 and 18083

Please proceed with agendizing to March agenda. Two months postponement is unnacceptable. Please request that SF Fine Arts send a knowledgeable representative or, if none, the Department Head as absolute responsible person for the department. SOTF will discuss how to dispense with this, either to move ahead or not.

Thank you.

Bruce Wolfe, Chair
SF Sunshine Ordinance Task Force

(Response is very limited during business hours on business days and holidays)
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On Thu, Feb 7, 2019 at 12:29 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Chair Wolfe:

Melissa Powers of the Fine Arts Museums (Respondent) asked if we could postpone the above referenced matters until May 2019. As you can see below, Mr. Smith (Petitioner), does not grant permission to do so. As of today, we had tentatively scheduled both matters to be heard at the March SOTF hearing. How would you like to proceed? Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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From: Robert M. Smith <rms@robertmsmith.com>
Sent: Thursday, February 7, 2019 12:18 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Postponement of matters 18049 and 18083

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No.

It is a large enterprise, with many employees. (The Chief of Staff appeared on one occasion. Skot Jonz on another.)

This is a legal duty, compliance with which has already been delayed absurdly and impermissibly long.

Robert M. Smith, Esq.
rms@robertmsmith.com

www.robertmsmith.com

+1.415.242.9800

From: SOTF, (BOS) [mailto:sotf@sfgov.org]
Sent: Thursday, February 07, 2019 12:09 PM
To: Robert M. Smith
Cc: Melissa Powers
Subject: SOTF - Postponement of matters 18049 and 18083

Dear Mr. Smith:

I just got off the phone with Ms. Powers of the Fine Arts Museums. She has stated that she has conflicts in March and April and will not be available to attend a Task Force hearing until May, 2019. As you are aware, Ms. Powers has appeared on behalf of the Museum in previous Committee meetings and is the person most knowledgeable. Please let me know as soon as possible if you agree to having your matters heard in May. Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724


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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
To:	Robert M. Smith; Melissa Powers; SJonz@famsf.org; Rhorer, Trent (HSA); weese.sandra@gmail.com; Guy, Kevin (CPC); Ionin, Jonas (CPC); liz.arbus@aol.com; carlos petri; BAUMGARTNER, MARGARET (CAT)
Subject:	SOTF - Notice of Hearing - Complaint Committee: January 22, 2019 5:30 p.m.

Good Morning/Afternoon:

Notice is hereby given that the Complaint Committee of the Sunshine Ordinance Task Force (Task Force) has scheduled hearings on the following titled complaint(s) to: 1) determination if the Task Force has jurisdiction; 2) review the merits of the complaint to focus the complaint or otherwise assist the parties to the complaint; 3) to issue a report and/or recommendation to the Task Force for hearing.

The Task Force, upon receipt of the report and/or recommendation from the Complaint Committee, shall schedule and conduct a hearing on the merits of the complaint. The Complaint and Respondent will be required to attend the Task Force meeting to review the merits of the complaint(s).

Date: January 22, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complaints: Listed below:

File No. 18049 (1-5): Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 18094: Complaint filed by Anonymous against Executive Director, Trent Rhorer, and the Department of Human Services for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18095: Complaint filed by Sandra Weese against Kevin Guy and the Office of Short Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18085: Complaint filed by Liz Arbus against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 18090: Complaint filed by Carlos Petri against Margaret Baumgartner and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least three (3) working days before the hearing. For inclusion into the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, January 16, 2019.***

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



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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, November 9, 2018 12:23 PM
To: 'Diana Gutierrez'; FirePublicRecords, FIR (FIR); Tucker, John (FIR); Madjus, Lily (DBI); SunshineRequests, DBI (DBI); 'Ellen Tsang'; 'David Tucker'; Polovina, Bianca (ADM); 'peggyod@comcast.net'; 'Melissa Powers'; 'Robert M. Smith'
Subject: SOTF - Notice of Hearing - Sunshine Ordinance Task Force Complaint Committee: November 27, 2018, 5:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: November 27, 2018

Location: City Hall, Room 408

Time: 5:30 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.

Complaints:

File No. 18077: Complaint filed by Diana Gutierrez against John Tucker and the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

File No. 18079: Complaint filed by Ellen Tsang against Lily Madjus and the Department of Building Inspection (DBI) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 18081: Complaint filed by David Tucker against Bianca Polovina and the Office of Labor Standards Enforcement for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.24(b)(2), by failing to respond to a request for litigation documents in a timely and/or complete manner.

File No. 18083: Complaint filed by Robert M. Smith against the Fine Arts Museums of San Francisco (FAMSF) for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records 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 (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, November 16, 2018.**

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


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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Friday, November 9, 2018 9:04 AM
To: 'Melissa Powers'
Cc: 'Robert M. Smith'
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force and Notice of Hearing - Complaint No. 18083
Attachments: SOTF - Complaint Procedure 2014-11-05.pdf; 18083 Complaint.pdf

Good Afternoon:

The Fine Arts Museum of San Francisco has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to 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. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

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

The Complainant alleges:
Complaint Attached.

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Assistant Clerk, Board of Supervisors
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