

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LISTSunshine Ordinance Task ForceDate: September 6, 2023

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Completed by: C. Leger Date 8/31/23

* 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. 22117

Carnitas Bandit v Department of Building Inspection

Date filed with SOTF: 10/7/2022

Contact information (Complainant information listed first):

(carnitasbandit@proton.me) (Complainant)

Dbi.sunshinerequests@sfgov.org (Respondent)

File No. 22117 Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner.

The Complainant provided the following statement:

Your agency is inconsistently protecting privacy here by redacting the claimant's name and contact information, but not the Owner/Agent information. Complaints 2-4 were not filed anonymously.

An owner of this property is a former elected official who was in the midst of a campaign when the initial complaints were filed. The claimant(s) themselves have spoken to the press about this matter.

It is in the public's interest to know who the claimant(s) are to determine whether these claims were filed with a political motive.

There has been an op/ed published in the Examiner (https://www.sfexaminer.com/our_sections/forum/what-the-alison-collins-property-listing-says-about-san-francisco/article_998f5908-3065-11ed-9d5b-0313fb73ed16.html) where the author publicly denies making these claims.

The public has a right to know who has made these claims.

From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Tuesday, October 11, 2022 9:01 AM
To: SOTF, (BOS)
Subject: RE: COMPLAINT - 1754 Leavenworth St - San Francisco Sunshine and California Public Records Act Request

Hello Ms. Leger,

I'm not sure what you mean by file number.

Sent with Proton Mail secure email.

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

On Tuesday, October 11th, 2022 at 8:56 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Ms. Bandit: Can you please provide the file number of this matter?

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

https://url.avanan.click/v2/_www.sfbos.org__YXAzOnNmZHQuOmE6bzoyZTRiZjk0M2Q5YWM5NDZhYmQ2Mzk4NjZlZmVIMjZkMjo2OjUwY2E6NWFmYjU1YWJhNDM2YzRhM2FIN2E3MGZhNjgyMmFkOTQ2MGJjMWEyMGJmOTA2MTg0NmZmYTVmNWE4YzdiMTA4Yjp0OjQ



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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.*

From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Friday, October 7, 2022 11:27 AM
To: SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>
Cc: Cityattorney <Cityattorney@sfcityatty.org>; SOTF, (BOS) <sotf@sfgov.org>; Gasparac, Christine (DBI) <christine.gasparac@sfgov.org>; Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Subject: RE: COMPLAINT - 1754 Leavenworth St - San Francisco Sunshine and California Public Records Act Request

Hello DBI,

This does not satisfy my request. Your agency is inconsistently protecting privacy here by redacting the claimant's name and contact information, but not the Owner/Agent information. Complaints 2-4 were not filed anonymously.

An owner of this property is a former elected official who was in the midst of a campaign when the initial complaints were filed. The claimant(s) themselves have spoken to the press about this matter.

It is in the public's interest to know who the claimant(s) are to determine whether these claims were filed with a political motive.

There has been an op/ed published in the Examiner (https://www.sfexaminer.com/our_sections/forum/what-the-alison-collins-property-listing-says-about-san-francisco/article_998f5908-3065-11ed-9d5b-0313fb73ed16.html) where the author publicly denies making these claims.

The public has a right to know who has made these claims.

Sincerely,
G. Tan

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

On Thursday, October 6th, 2022 at 9:40 AM, SunshineRequests, DBI (DBI)
<dbi.sunshinerequests@sfgov.org> wrote:

VIA ELECTRONIC MAIL

October 6, 2022

G. Tan

carnitasbandit@proton.me

RE: Public Records Act Request

Dear Requestor:

We are following up on your Public Records Act Request on September 14, 2022 for the following:

1. *The name and email address of the complainant in DBI Complaint No. 202295475 (1754 Leavenworth St.)*
2. *The name and email address of the complainant in DBI Complaint No. 202295400 (1754 Leavenworth St.)*
3. *The name and email address of the complainant in DBI Complaint No. 202295313 (1754 Leavenworth St.)*
4. *The name and email address of the complainant in DBI Complaint No. 202175096 (1754 Leavenworth St.)*

RESPONSE:

We have attached documents responsive to your request.

We have redacted some parts of the records provided to you where we are legally required to do so to protect the privacy interests of individuals. Redacting information to protect privacy is authorized under California Constitution, Article I, section 1, and

California Government Code Sections 6254(k) and 6254(c) (authorizing the withholding of records the disclosure of which would constitute an unwarranted invasion of personal privacy). See, also, California Government Code Section 6250 and Section 67.1(g) of the San Francisco Sunshine Ordinance (S.F. Admin. Code §67.1(g) (legislative findings on the right of individuals to privacy).

Please note requests for a department to answer a series of questions or interrogatories is not a public records request, nor subject to the Public Records Act nor the Sunshine Ordinance.

We have finished conducting our search and found no other documents responsive to your request. Therefore, we consider your request closed.

Should you have any questions, please do not hesitate to contact me by email at dbi.sunshinerequests@sfgov.org.

Sincerely,

Patrick Hannan

Communications Director

From: SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>
Sent: Tuesday, October 4, 2022 2:39 PM
To: 'Carnitas Bandit' <carnitasbandit@proton.me>
Cc: SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; SOTF, (BOS) <sotf@sfgov.org>; Gasparac, Christine (DBI) <christine.gasparac@sfgov.org>; Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Subject: RE: COMPLAINT - 1754 Leavenworth St - San Francisco Sunshine and California Public Records Act Request

VIA ELECTRONIC MAIL

October 4, 2022

G. Tan

carnitasbandit@proton.me

RE: Public Records Act Request

Dear Requestor:

We have received your Public Records Act Request on September 14, 2022 for the following:

1. *The name and email address of the complainant in DBI Complaint No. 202295475 (1754 Leavenworth St.)*
2. *The name and email address of the complainant in DBI Complaint No. 202295400 (1754 Leavenworth St.)*
3. *The name and email address of the complainant in DBI Complaint No. 202295313 (1754 Leavenworth St.)*
4. *The name and email address of the complainant in DBI Complaint No. 202175096 (1754 Leavenworth St.)*

RESPONSE:

We are working to gather all documents responsive to your request.

If this letter does not clearly state the documents/items you are requesting, please contact me as soon as possible so that we can begin to comply with your request.

Should you have any questions, please do not hesitate to contact me by email at dbi.sunshinerequests@sfgov.org.

Sincerely,

Patrick Hannan

From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Tuesday, October 4, 2022 10:31 AM
To: Cityattorney <Cityattorney@sfcityatty.org>; SOTF, (BOS) <sotf@sfgov.org>
Cc: SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>
Subject: COMPLAINT - 1754 Leavenworth St - San Francisco Sunshine and California Public Records Act Request

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

Dear Sunshine Ordinance Task Force & City Attorney's Office:

I have not received any acknowledgement of my request or received any records in over 20 days. My original request was sent September 14, 2022. I ask that you investigate why there has been no activity to fulfill my request.

I want to draw special attention to the fact the DBI has shared this information with a journalist at the Chronicle. The DBI not only has this information, but has shared this information in the past.

Sincerely,

G. Tan

Original Request:

On Wednesday, September 14th, 2022 at 4:16 PM, Carnitas Bandit <carnitasbandit@proton.me> wrote:

September 14, 2022

San Francisco Department of Building Inspection

49 South Van Ness Avenue

San Francisco, CA 94103

Via Email: dbi.sunshinerequests@sfgov.org; cityattorney@sfcityatty.org

RE: San Francisco Sunshine and California Public Records Act Request

Dear Department of Building Inspection,

Pursuant to my rights under the San Francisco Sunshine Act (San Francisco Administrative Code Section 67.1) and California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I believe to be held by your agency:

1. The name and email address of the complainant in DBI Complaint No. 202295475 (1754 Leavenworth St.)
2. The name and email address of the complainant in DBI Complaint No. 202295400 (1754 Leavenworth St.)
3. The name and email address of the complainant in DBI Complaint No. 202295313 (1754 Leavenworth St.)
4. The name and email address of the complainant in DBI Complaint No. 202175096 (1754 Leavenworth St.)

I ask for a determination on this request within ten (10) days of receipt, and an even prompter reply if you can make that determination without having to review the record[s] in question.

Regarding potential exemption from disclosure, I would like to bring up the fact that DBI has already released this information to a reporter from the San Francisco Chronicle, Roland Li. (See <https://www.sfchronicle.com/realestate/article/Alison-Collins-and-her-husband-list-S-F-home-for-17425922.php>, "The identity of the author of the complaint was never revealed, but in an email to The Chronicle last fall, the author said he or she wished to remain anonymous to avoid retaliation from Alison Collins. The city confirmed that the person's email address matched the original complaint.")

Further, S.F. Administrative Code § 67.24(d) mandates the disclosure under the Sunshine Ordinance of criminal "[r]ecords pertaining to any investigation, arrest, or other law enforcement activity . . . once the District Attorney or court determines that a prosecution will not be sought . . ." While the records sought here certainly do not pertain to a criminal investigation, this code section is presented for sake of

comparison, as the Sunshine Ordinance mandates release of information that is typically held in much closer confidence than the complainant in a code enforcement complaint.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

Please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-309-2908 or carnitasbandit@proton.me. I ask that you notify me of any duplication costs exceeding \$500.00 before you duplicate the records so that I may decide which records I want copied.

I am sending a copy of this letter to the San Francisco City Attorney to help encourage a speedy determination, and I would likewise be happy to discuss my request with them at any time.

Thank you for your time and attention to this matter.

Sincerely,

G. Tan

cc: Office of San Francisco City Attorney

Sent with Proton Mail secure email.

Respondent's Response

Leger, Cheryl (BOS)

From: Hannan, Patrick (DBI)
Sent: Thursday, December 22, 2022 4:37 PM
To: SOTF, (BOS)
Subject: RE: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting
Attachments: DBI.Response.File22117.pdf

Hi Cheryl,

Here is our response to File No. 22117.

Thank you,
Patrick

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, December 22, 2022 4:10 PM
To: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Cc: Carnitas Bandit <carnitasbandit@proton.me>
Subject: FW: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Carnitas: Thank you for your quick response. We will see you in February. Have a nice holiday.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Thursday, December 22, 2022 3:30 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hello Ms. Leger,

I will agree to the postponement if the deadline for supporting materials is also extended.

Regards,
Anonymous

On Thu, Dec 22, 2022 at 2:50 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

The next meeting of the Compliance and Amendments Committee will be February 21, 2023. Mr. Hannan will not be in the office. You have until 5:00 PM this evening to submit materials related to your case.

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Thursday, December 22, 2022 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Subject: Re: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

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Hello Ms. Leger,

When is the meeting after December 27? I prefer to not postpone, the DBI has delayed enough.

Also, do I forward you additional materials?

Regards,

Anonymous

Sent from Proton Mail for iOS

On Thu, Dec 22, 2022 at 2:02 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Dear Mr. Bandit: Please see the email from Patrick Hannan below. He is unavailable next Tuesday and is requesting a postponement. Do you wish to grant his request? Thank you.

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Sent: Tuesday, December 20, 2022 11:11 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hi Cheryl,

I'm not working on Tuesday, 12/27/22. Is it possible to reschedule or will the hearing proceed without me?

Thank you,

Patrick

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Tuesday, December 20, 2022 11:07 AM
To: Sergei Severinov <serolga@yahoo.com>; Toomey, William (POL) <William.Toomey@sfgov.org>; Colfax, Grant (DPH) <grant.colfax@sfdph.org>; Pojman, Natalie (DPH) <natalie.pojman@sfdph.org>; sf.texts.research@pm.me; Grier, Geoffrey (DPH - Contractor) <geoffrey.grier@sfdph.org>; Gray, Amber (DPH) <amber.gray@sfdph.org>; Wynship Hillier <wynship@hotmail.com>; KWART, JEN (CAT) <Jen.Kwart@sfcityatty.org>; Ayapid.37@gmail.com; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>; Harris, Sonya (DBI) <sonya.harris@sfgov.org>; Carnitas Bandit <carnitasbandit@proton.me>; SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

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: December 27, 2022

Location: Remote Meeting

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. 22014: Complaint filed by Sergei Severinov against Lt. Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine

Ordinance), Section(s) 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

File No. 22012: Complaint filed by Anonymous (SFT) against Director Greg Colfax and the Department of Public Health 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. 22092: Hearing to review the Behavioral Health Commission's compliance with the Sunshine Ordinance (Sections listed below) for meetings that occurred after April 13, 2021.

File No. 22122 Complaint filed by Anonymous (AYA) against City Attorney David Chiu and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(d), by failing to inform the petitioner, as soon as possible and within 10 days of its determination whether the records requested are public and ordering compliance with public records requests upon issuance of their determination.

File No. 22117 Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing. ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, December 29, 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.*

To: Sunshine Task Force

From: Patrick Hannan, Communications Director, Department of Building Inspection

Date: 12/13/22

RE: Response to File No. 22117

I deny the allegations in made in File No. 22117. The Department of Building Inspection acknowledged Mr./Mrs. G. Tan's public records request on October 2, 2022 and responded on October 6, 2022 with all of the documents in our possession that were responsive to their request.

The documents provided by the Department of Building Inspection were building code complaints filed against 1754 Leavenworth and we redacted the name and contact information of the complainant, as per our standard practice when responding to public records requests.

There is one issue at play in this complaint:

Whether the Department of Building Inspection is required to provide the name and contact information of a person who filed a complaint on a specific property.

We are not. The Department of Building Inspection is authorized by the California Constitution to redact information to protect privacy.

When responding to public records requests, the Department of Building Inspection consistently redacts the name and contact information of the person who filed building or housing code complaints on specific properties. This information is also redacted on the Complaint Data Sheets posted to our website.

The Department of Building Inspection's authority to protect an individual's privacy by redacting information in response to a public records request comes from California Constitution, Article I, section 1, and California Government Code Sections 6254(k) and 6254(c) (authorizing the withholding of records the disclosure of which would constitute an unwarranted invasion of personal privacy). See, also, California Government Code Section 6250 and Section 67.1(g) of the San Francisco Sunshine Ordinance (S.F. Admin. Code §67.1(g) (legislative findings on the right of individuals to privacy).

In responding to the public records request filed by Mr./Ms. G. Tan, the Department of Building Inspection withheld the complainant's name and contact information, as authorized by the California Government Code and included a statement in the response noting that a portion of the record was redacted for privacy, referencing our authority to redact information to protect privacy, and citing the code sections noted above.

As a rule, the Department of Building Inspection strives for transparency and, to our knowledge, there is no prohibition on providing the name and contact information of a property owner that has received a complaint.

Releasing the property owner's name and contact information does not automatically convey a right to the complainant's name and contact information, as asserted in File No. 22117.

The Department of Building Inspection fully responded to the complainant's public records request and only redacted information that we are legally authorized to withhold.

From: SOTF, (BOS)
Sent: Tuesday, November 1, 2022 2:58 PM
To: SunshineRequests, DBI (DBI); Hannan, Patrick (DBI)
Cc: 'Carmitas Bandit'
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22117
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf; 22117 Complaint.pdf; Affirmation Letter 22117.pdf

Good Afternoon:

The Department of Building Inspection has been named as a Respondent 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 22117 when submitting any new information and/or supporting documents pertaining to this complaint.

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

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

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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

November 1, 2022

Patrick Hannon
Dept. of Building Inspection
Patrick.hannon@sfgov.org

Re: Sunshine Ordinance Task Force, File No. 22117

Dear Mr. Hannon:

Please review the complaint as described below and acknowledge your department's position on File No. 22117 regarding an alleged violation of the Sunshine Ordinance.

File No. 22117 Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner.

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

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

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

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

Very Truly Yours,

Matthew Yankee, Chair
Sunshine Ordnance Task Force

MY:cal

cc: Carnitas Bandit (carnitasbandit@proton.me)

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Monday, December 12, 2022 4:57 PM
To: Hannan, Patrick (DBI)
Subject: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22117
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf; 22117 Complaint.pdf; Affirmation Letter 22117.pdf

Mr. Hannan: Please see the email below. I need a response from you soon. Thank you.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: SOTF, (BOS)
Sent: Tuesday, November 1, 2022 2:58 PM
To: SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>; Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Cc: 'Carnitas Bandit' <carnitasbandit@proton.me>
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22117

Good Afternoon:

The Department of Building Inspection has been named as a Respondent 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 22117 when submitting any new information and/or supporting documents pertaining to this complaint.

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



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

From: Hannan, Patrick (DBI)
Sent: Tuesday, December 20, 2022 11:11 AM
To: SOTF, (BOS)
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hi Cheryl,
I'm not working on Tuesday, 12/27/22. Is it possible to reschedule or will the hearing proceed without me?
Thank you,
Patrick

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Tuesday, December 20, 2022 11:07 AM
To: Sergei Severinov <serolga@yahoo.com>; Toomey, William (POL) <William.Toomey@sfgov.org>; Colfax, Grant (DPH) <grant.colfax@sfdph.org>; Pojman, Natalie (DPH) <natalie.pojman@sfdph.org>; sf.texts.research@pm.me; Grier, Geoffrey (DPH - Contractor) <geoffrey.grier@sfdph.org>; Gray, Amber (DPH) <amber.gray@sfdph.org>; Wynship Hillier <wynship@hotmail.com>; KWART, JEN (CAT) <Jen.Kwart@sfcityatty.org>; Ayapid.37@gmail.com; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>; Harris, Sonya (DBI) <sonya.harris@sfgov.org>; Carnitas Bandit <carnitasbandit@proton.me>; SunshineRequests, DBI (DBI) <dbi.sunshinerequests@sfgov.org>
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Date: December 27, 2022

Location: Remote Meeting

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:

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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, December 29, 2022.***

Cheryl Leger
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Leger, Cheryl (BOS)

From: Harris, Sonya (DBI)
Sent: Tuesday, December 20, 2022 1:49 PM
To: SOTF, (BOS)
Subject: RE: SOTF - UPDATE - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hello Ms. Leger,

I'm confirming receipt of your email. However, I will be on vacation on 12/27/22.

Thank you.

Sonya Harris
Commission Secretary

Sonya Harris

Sonya Harris
Secretary
Building Inspection Commission
City & County of San Francisco
Department of Building Inspection
49 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103
628-652-3510 Phone
Email: Sonya.Harris@sfgov.org | Web: www.sfdbi.org
[DBI Staff Phone & Email Directory](#)



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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: Thursday, December 22, 2022 2:03 PM
To: Carnitas Bandit
Cc: Hannan, Patrick (DBI)
Subject: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Dear Mr. Bandit: Please see the email from Patrick Hannan below. He is unavailable next Tuesday and is requesting a postponement. Do you wish to grant his request? Thank you.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

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Sent: Tuesday, December 20, 2022 11:11 AM
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Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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From: Carnitas Bandit <carnitasbandit@proton.me>
Sent: Thursday, December 22, 2022 3:30 PM
To: SOTF, (BOS)
Subject: RE: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hello Ms. Leger,

I will agree to the postponement if the deadline for supporting materials is also extended.

Regards,
Anonymous

Sent from Proton Mail for iOS

On Thu, Dec 22, 2022 at 2:50 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

The next meeting of the Compliance and Amendments Committee will be February 21, 2023. Mr. Hannan will not be in the office. You have until 5:00 PM this evening to submit materials related to your case.

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

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Sent: Thursday, December 22, 2022 2:08 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Subject: Re: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

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Leger, Cheryl (BOS)

From: Hannan, Patrick (DBI)
Sent: Friday, December 23, 2022 8:56 AM
To: SOTF, (BOS)
Subject: RE: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Hi Cheryl,
Ok. Thank you.
Patrick

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Sent: Friday, December 23, 2022 8:46 AM
To: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Subject: RE: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Thank you Patrick. Your case 22117 has been continued until the February Compliance and Amendments Committee hearing.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

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Hi Cheryl,

Here is our response to File No. 22117.

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Patrick

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Sent: Thursday, December 22, 2022 4:10 PM
To: Hannan, Patrick (DBI) <patrick.j.hannan@sfgov.org>
Cc: Carnitas Bandit <carnitasbandit@proton.me>

Subject: FW: FW: SOTF - Notice of Appearance - Compliance and Amendments Committee: December 27, 2022; 4:30 p.m. - Remote meeting

Carnitas: Thank you for your quick response. We will see you in February. Have a nice holiday.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
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From: SOTF, (BOS)
Sent: Thursday, January 5, 2023 3:07 PM
To: Anonymous; BUTA, ODAYA (CAT); Feitelberg, Brittany (PUC); GIVNER, JON (CAT); Feitelberg, Brittany (PUC); KWART, JEN (CAT); Carnitas Bandit; Hannan, Patrick (DBI); SunshineRequests, DBI (DBI); Michael Petrelis; Mar, Gordon (BOS); Wright, Edward (BOS); Rambo, Obai (BOS); Stefani, Catherine (BOS); Feinberg, Giles (BOS); Donovan, Dominica (BOS); Maria Schulman; Steinberg, David (DPW); Alberto, Justine Eileen (ADM); Donohue, Virginia (ADM)
Cc: Young, Victor (BOS); Somera, Alisa (BOS)
Subject: SOTF - Complaint Committee hearing, January 17, 2023; 5:30 PM; remote meeting;
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

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. ***Please confirm your attendance for this hearing.***

Date: January 17, 2023

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.

File No. 20133: Anonymous against Dennis Herrera, Odaya Buta, Brittney Feitelberg and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24 (g)(h)(i), 67.26, and 67.27, by failing to provide public records in a timely and/or complete manner, failing to keep withholding to a minimum, and failing to provide justification of withholding.

File No. 20136: Complaint filed by Anonymous against Dennis Herrera, John Givner, Odaya Buta and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.34, by failing to respond to a public records request in a timely and/or complete manner and for willful violation.

File No. 22117 Complaint filed by Carnitas Bandit against the Department of Building Inspection 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. 22131 Complaint filed by Michael Petrelis against Supervisor Gordon Mar, 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. 22130 Complaint filed by Michael Petrelis against Supervisor Catherine Stefani, 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. 22146 Complaint filed by Maria Schulman against the Department of Animal Care and Control for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 22147 Complaint filed by Maria Schulman against David Steinberg and Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 pm, January 12, 2023**.

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

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From: SOTF, (BOS)
Sent: Monday, August 28, 2023 3:46 PM
To: Maria Schulman; Ruski Augusto Sa, Mayara (PUC); Ron Cicero; Winters, Kathryn (POL); Ron Cicero; San Francisco Living Wage; Bukowski, Kenneth (ADM); Chu, Carmen (ADM); gizellejane215@gmail.com; Andrew Sisneros; Celaya, Caroline (MTA); Michael Petrelis; Preston, Dean (BOS); Kilgore, Preston (BOS); Smeallie, Kyle (BOS); Bolen, Jennifer M.(BOS); Hernandez, Melissa G (BOS); Stiliyan Bejanski; Lew, Debra (TTX); Carnitas Bandit; Hannan, Patrick (DBI); Ionin, Jonas (CPC)
Cc: myankee.sotf@gmail.com; jenn.sotf@gmail.com; Calvillo, Angela (BOS); Somera, Alisa (BOS); Bruce Wolfe; lilalahood.sotf@gmail.com; Chris Hyland; DSchmi4@aol.com; Thao Hill; Saul Sugarman; Istein.sotf@gmail.com
Subject: SOTF - Notice of Appearance; Sunshine Ordinance Task Force Meeting; September 6, 2023; 4:00 PM, Room 408, City Hall, San Francisco, CA 94102
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

THE FOLLOWING CASES HAVE BEEN SCHEDULED TO BE HEARD ON SEPTEMBER 6, 2023, BEFORE THE SUNSHINE ORDINANCE TASK FORCE. *The Petitioner and the Respondent are required to attend this hearing.*

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: September 6, 2023

Location: Hearing Room 408, City Hall, San Francisco, CA 94102; Remote option information will be available in the near future.

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

Complaints Scheduled for the Hearing on September 6, 2023, will begin no earlier than 5:00 p.m. *The Petitioner and the Respondent are required to attend this hearing.*

File No. 22112: Complaint filed by Michael Petrelis against Jonas Ionin and the Planning Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7 for failure to post an agenda in a complete and/or timely manner.

File No. 22010: Complaint filed by Ron Cicero against the Police Department 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. 22031: Complaint filed by Gizelle Rabi and Karl Kramer against City Administrator Carmen Chu and the Office of the City Administrator 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. 22032: Complaint filed by Gizelle Rabi and Karl Kramer against Charles Perl and the San Francisco Public Utilities Commission 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. 22141 Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector 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. 22117 Complaint filed by Carnitas Bandit against the Department of Building Inspection for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a complete manner.

CONSENT AGENDA - The Sunshine Ordinance Task Force shall review **File Nos. 23051 and 23052** to affirm the Committee's findings regarding the Sunshine Ordinance Task Force's jurisdiction; violations of the Sunshine Ordinance, Brown Act, or California Public Records Act; 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 September 6, 2023, 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. 23051 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. 23052 Complaint filed by Stiliyan Bejanski against Debra Lew and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, and California Government Code Section(s) 6253(c), by failing to respond to a records 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, August 30, 2023 (Wednesday)**.

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

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