

File No. 20084

Item No. 9

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: October 5, 2022

<input checked="" type="checkbox"/>	Petition/Complaint	Page: <u>459</u>
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<input type="checkbox"/>	No Attachments	

OTHER

Completed by: C. Leger Date 9/30/22

* 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. 20084

Anonymous v. Harlan Kelly and the Public Utilities Commission

Date filed with SOTF: 7/13/2020

Contacts information (Complainant information listed first):

Anonymous (94992-15550486@requests.muckrock.com) (Complainant)

Harlan Kelly (HKelly@sfwater.org) (Respondent)

File No. 20084: Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

Administrative Summary if applicable:

Complaint Attached.

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Tuesday, July 14, 2020 2:19 AM
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	San Francisco Public Utilities Commission
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Name of individual contacted at Department or Commission	Harlan Kelly Jr.
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Alleged Violation	Public Records
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Sunshine Ordinance Section:	Complainant alleges Respondents responded in an incomplete manner to requests for public records (SF Admin Code 67.21(b) and Cal. Govt. Code 6253(b, c)), issued a written denial of records without identifying all persons responsible for the denial (Cal. Govt. Code 6253(d)(3)), withheld more than the minimum exempt portion of records (SFAC 67.26), withheld information without a lawful justification (SFAC 67.27), and (as to Respondent Kelly only) failed to maintain and preserve in a professional and
--	--

businesslike manner her correspondence and failed to disclose all such records in accordance with the Sunshine Ordinance (SFAC 67.29-7(a)).

Please describe alleged violation

Please include complaint "SOTF-Anonymous-vs-Kelly-PUC-f.pdf"

Name

anonymous

Email

94992-15550486@requests.muckrock.com

If anonymous, please let us know how to contact you. Thank you.

94992-15550486@requests.muckrock.com

Sent via Google Form Notifications

Petition/Complaint

Leger, Cheryl (BOS)

From: sfrecordsresearch@pm.me
Sent: Thursday, July 9, 2020 4:42 AM
To: PublicRecords@sfgwater.org; SOTF, (BOS)
Subject: Re: Released info - please check! - New Complaint Filing
Attachments: SOTF-Anonymous-vs-Kelly-PUC-f.pdf; signature.asc

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file 'Walter redacted final.pdf' having SHA256 checksum 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729>

Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfgwater.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted version of this text exchange, which should be available at the following link by the end of today: <https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From: sfrecordsresearch@pm.me <sfrecordsresearch@pm.me>
Sent: Tuesday, July 7, 2020 12:37 AM
To: Public Records <PublicRecords@sfgwater.org>
Subject: Released info - please check!

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf" at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of them says:

"1/19/17, 11:14 AM

The door at garage is lock can enter in house , when you open let us know we can check repair

There is a key in the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, **please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.**

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

1 Anonymous
2 94992-15550486@requests.muckrock.com

3
4 **IN THE SAN FRANCISCO**
5 **SUNSHINE ORDINANCE TASK FORCE**

6 ANONYMOUS¹,
7 Complainant

**Complaint and Petition for Order
of Determination**

8 v.

July 9, 2020

9 HARLAN KELLY JR. and SAN
10 FRANCISCO PUBLIC UTILITIES
11 COMMISSION

SOTF No.

12 Respondents

13 **COMPLAINT**

14 1. Complainant files this petition and complaint under the Sunshine Ordinance and
15 California Public Records Act regarding a June 11, 2020 request² to Respondents.

16 2. Complainant alleges Respondents responded in an incomplete manner to requests
17 for public records (SF Admin Code 67.21(b) and Cal. Govt. Code 6253(b, c)), issued a written
18 denial of records without identifying all persons responsible for the denial (Cal. Govt. Code
19 6253(d)(3)), withheld more than the minimum exempt portion of records (SFAC 67.26), withheld
20 information without a lawful justification (SFAC 67.27), and (as to Respondent Kelly only) failed
21 to maintain and preserve in a professional and businesslike manner her correspondence and failed
22 to disclose all such records in accordance with the Sunshine Ordinance (SFAC 67.29-7(a)).

23 _____
24 ¹ NOTE: There are multiple distinct anonymous requesters sending requests using
25 MuckRock.com, using similar request templates and form - do not assume that the same
individual is sending all anonymous requests. Complainant is an anonymous user of MuckRock,
but does not represent MuckRock, nor any other MuckRock user, whether anonymous or not.

26 ²
27 <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/>

I. PUBLIC INTEREST IN DISCLOSURE

3. San Francisco prohibits the withholding of public information on the basis that the public interest in non-disclosure clearly outweighs the public interest in disclosure (SFAC 67.24(g, i)); this exemption under the CPRA is commonly known as the “catch-all exemption” or the “public-interest balancing test,” but is locally prohibited by the Sunshine Ordinance. On March 23, 2020, Mayor Breed claimed to unilaterally suspend this portion of the Sunshine Ordinance.

4. Without conceding that the Mayor’s suspension of SFAC 67.24(g, i) or any future citation by Respondents to Gov Code 6255(a) are legally valid, Complainant asserts that the public interest in disclosure of these records is significant because they may illustrate connections between City employees and subjects of an on-going federal corruption investigation.

5. The records heretofore disclosed to Complainant in the requests include Kelly’s numerous conversations with permit expediter and city contractor Walter Wong (it is unclear whether Wong is speaking as an individual or representative of his company Jaidin Consulting Group or its affiliates). On July 6, 2020, Wong pled guilty to Conspiracy to Commit Honest Services Wire Fraud and Conspiracy to Commit Money Laundering (*United States v. Wong*, 3:20-cr-00257, N.D. Cal.). Business conducted between a high-ranking city official and an admittedly-guilty city contractor is inherently of high public interest.

II. APPLICABLE LAW AND JURISDICTION

6. Both the California Public Records Act and the San Francisco Sunshine Ordinance govern Respondents’ conduct in this complaint. If they conflict, whichever provision requires Respondents to provide “faster, more efficient, or greater access to records” (Cal. Govt. Code 6253(e)) controls.

7. Respondent Harlan Kelly, Jr. is the General Manager of the Public Utilities Commission and has special, personal, responsibilities under the Sunshine Ordinance as a department head. Respondent San Francisco Public Utilities Commission is a “local agency” subject to the California Public Records Act. Both Respondents have custody of one or more public records relevant to this complaint, and all are subject to the general requirements of custodians of records under the Sunshine Ordinance and the jurisdiction of the Task Force. Note that the Sunshine Ordinance governs the conduct of “every person having custody of any public

record or public information” (SFAC 67.21(a)); whether or not a person has the job title “Custodian of Records” is irrelevant.

8. SOTF rules require that “all inferences and evidence [] be viewed in the light most favorable to the petitioner” (SOTF Complaint Procedure, ¶1). SOTF Chair B. Wolfe has stated that “it is presumed that all documents are public records until Respondent cites that it is not and that it can be withheld” and “if a record is withheld, then it is presumed it is a violation.” *Petrelis v. Elsbernd*, SOTF 19093. Therefore, the burden of proof that a record or portion thereof is exempt from disclosure is on Respondents, and this Task Force should accept every allegation below as true, unless explicitly denied by Respondents.

III. FACTS OF THE CASE

9. On June 11, 2020, Complainant issued an immediate disclosure request to both HKelly@sfgov.org and to publicrecords@sfgov.org for, *inter alia*:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on

government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

10. On June 11, Respondents denied the IDR timeline.

11. On June 22, Respondents indicated records would start being provided by July 3.

12. On July 2, Respondents provided some records at <https://sfpuc.sharefile.com/d-s9194ec992cf4e6cb> and purported redaction reasons.

13. On July 2, Complainant informed Respondents that they had failed to provide some of the pages that they mentioned.

14. On July 6, Respondents provided some of the missing records via link to: <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

15. After examining one of the records disclosed by Respondents (name: "Walter redacted final.pdf", with SHA256 checksum of 8254cbe0fcdb6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 , the "825 PDF"), Complainant noticed that Respondents had covered some of the disclosed text messages with a black rectangle, but these messages were not redacted.

16. Because Kelly and Wong's supposedly personal and government relationship are intermingled within this single set of text messages, it is unclear which of these transactions or meetings affects public business vs supposedly private business (as Respondents claim).

17. One of the messages concerned a code to a lockbox. Because of the appearance of this message, on July 7, Complainant voluntarily, and without any obligation to do so, informed Respondents of that disclosure so they could warn the subject of the message that Respondents had disclosed said record publicly online (i.e. so the subject could change the lockbox code if it was still being used).

18. On July 8, in reply to the email in Paragraph 17, Respondents sent a request to Complainant's non-MuckRock email address (but with an introduction of "Dear MuckRock"): "The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website" and "Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records." Respondents appear confused: Complainant does not represent MuckRock; as Complainant has informed Respondents

multiple times: Complainant is a user of MuckRock, no different than the millions of different users with a Gmail.com email address that do not represent Google.

19. However, without waiving any of its rights, Complainant did voluntarily delete its own local copy of the '825 PDF and has not included a copy of the '825 PDF with this complaint.

20. Respondents also provided a new file "Walter redacted final_1.pdf" at <https://sfpuc.sharefile.com/d-sabbd81b687ef4187b> with SHA256 checksum of 9ef93a56f0133e77cb696bc64ba713ebb1f4bc78797216133b32e3c270594c74 (the "9EF PDF") which fully redacts most correspondence between Kelly and Wong.

21. Numerous other records remain pending from Respondents on this request, and Complainant may amend this complaint or file further complaints for those records.

IV. ALLEGED VIOLATIONS

Violation 1 - (Kelly only) Failure to disclose correspondence (SFAC 67.29-7(a))

22. Kelly has a special, personal, responsibility as head of the Public Utilities Commission to (1) "maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals" and (2) "disclose all such records in accordance with this ordinance." (SFAC 67.29-7(a))

23. Text messages, like "letters" and "e-mails," are a form of "correspondence." The list of correspondence in the ordinance is non-exhaustive.

24. Kelly has failed to disclose all of his correspondence with Walter Wong.

Violation 2 - Failure to identify all persons responsible for denial of access (Gov Code 6253(d)(3))

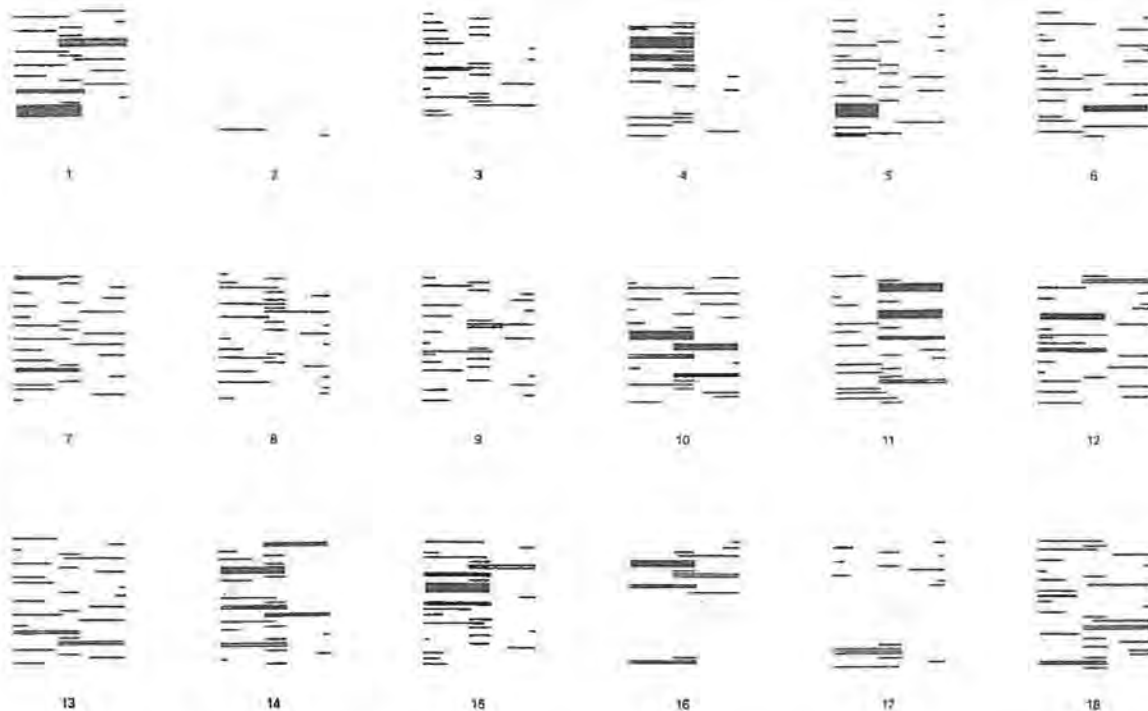
25. A written denial of access to records must "set forth the names and titles or positions of each person responsible for the denial."

26. Respondents signed all their responses as "SFPUC Public Records" without an employee name/title, even though they denied access to one or more records (namely all the withheld text messages).

Violation 3 - Incomplete response to records request; unlawful and non-minimal withholding (SFAC 67.21(b), 67.26, 67.27; Gov Code 6253(b, c))

27. Numerous communications between Kelly and Wong have been withheld in their entirety by Respondents. To give the Task Force a feel for the level of withholding, see thumbnails of the first 18 (of 45) pages in the '9EF PDF -- nearly everything has been redacted:

Water redacted final.1.pdf



28. The Sunshine Ordinance itself contemplates that meetings between department heads (like Kelly) and persons who are substantially affected by city actions are inherently a matter of public business. See for example SFAC 67.29-5(a), which not only requires disclosure but goes further and mandates pro-active recording of every such meeting in a calendar that must be disclosed (emphasis added):

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

29. This implies that for a meeting between Kelly and Wong to be considered purely personal or social, no city business must be discussed and the meeting must not take place at a

1 City Office or the office or residence of Wong, Kelly, or anyone else that does substantial business
2 with the City (Kelly is an employee of the City and thus inherently does substantial business with
3 and is substantially financially affected by City actions; Wong is a permit expeditor and city
4 contractor and thus does substantial business and is substantially financially affected by City
5 actions). Any message discussing a meeting between Kelly and Wong must be disclosed.

6 30. Respondents cite in their July 8, 2020 request to destroy the '825 PDF that the
7 disclosed messages with black rectangles are exempt under Gov Code 6254(c) -- but to qualify
8 under this exemption these records must be "Personnel, medical, or similar files, the disclosure of
9 which would constitute an unwarranted invasion of personal privacy." But not every single
10 so-redacted message qualifies, in its entirety.

11 31. Text messages are not personnel or medical files.

12 32. Therefore, the only remaining exemption is for "similar files, the disclosure of
13 which would constitute an unwarranted invasion of personal privacy."

14 33. Moreover, because of the minimal withholding requirement in San Francisco
15 (SFAC 67.26), only the minimal portions of all Wong/Kelly communications that are "similar" to
16 "personnel" and "medical" files and would constitute an "unwarranted" invasion of personal
17 privacy should be redacted/withheld.

18 34. For example, Kelly's family information (except information regarding Kelly's
19 wife City Administrator Naomi Kelly's work on behalf of the City, which is also public business
20 by definition, which was in fact the subject of at least one of the now-redacted messages), personal
21 lockboxes, and medical/health information could be redacted, while disclosing everything else.

22 35. Furthermore, this Task Force should not consider disclosure of any records about
23 transactions, meetings, and/or agreements between Wong and Kelly to constitute "unwarranted"
24 invasion of personal privacy. Given that Wong has pled guilty to crimes relating to a federal
25 investigation of corruption in San Francisco, there is a legitimate public interest in understanding
26 what influence, if any, Wong has had on the City's business through its public officials, including
27 Kelly.

28 36. Finally, as SFAC 67.21(g) instructs: "In any court proceeding pursuant to this
article there shall be a presumption that the record sought is public, and the burden shall be upon
the custodian to prove with specificity the exemption which applies." Respondents will have to
prove for each and every text message that the record is in fact not a public record, and moreover

1 that *no part* is public (otherwise, the public part would have to be disclosed).
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5 V. REQUEST FOR RELIEF

6 37. Complainant requests the Task Force (and/or other relevant adjudicatory bodies
7 including the Supervisor of Records and Ethics Commission) examine the original unredacted
8 records *in camera* to determine whether or not all of Respondents' claimed withholdings are
lawful and minimal.

9 38. Complainant requests the Task Force to determine that some or all of the records or
10 portions thereof withheld from disclosure or not yet disclosed are public and order Respondents to
disclose them.

11 39. Complainant requests the Task Force find Respondents violated:

- 12 a. SF Admin Code 67.21(b) and Cal. Govt Code 6253(b, c) for responding to the
13 requests in an incomplete manner;
- 14 b. Cal. Govt Code 6253(d)(3) by failing to identify all persons responsible for denying
15 access to records;
- 16 c. SF Admin Code 67.26 for withholding more than the minimum exempt portion of
17 records;
- 18 d. SF Admin Code 67.27 for not providing a lawful justification for withholding
19 information;
- 20 e. (as to Kelly only) SF Admin Code 67.29-7(a) for not disclosing Kelly's
correspondence.

21 40. Complainant requests that the Task Force issue all appropriate orders and refer
22 Respondents to the District Attorney, Attorney General (SFAC 67.21(e)), and Ethics Commission
(SFAC 67.30(c)) if Respondents refuse to disclose every public record or portion thereof
23 responsive to Complainant's requests.

24 Respectfully submitted,

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26 ANONYMOUS

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EXHIBIT A

06/11/2020

From: Anonymous Person

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response

here: [https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/](#) and clearly referenced redaction justifications

here: [https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/](#) (though I do not concede all of them are appropriate redactions). Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Anonymous Person

06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

MR. KELLY: This was also sent to the Public Records email, and is being sent directly to you so you do not destroy responsive records:

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not

limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdingrp@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response

here: https://cdm.muckrock.com/foia_files/2020/04/14_Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications

here: https://cdm.muckrock.com/foia_files/2020/04/16_CityofSanJoseResponse201.pdf (though I do not concede all of them are appropriate redactions). Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public

without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Public Utilities Commission

06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Email

Dear MuckRock News,

Thank you for your public records request. Due to the COVID-19 pandemic, the Mayor has issued supplementary orders suspending select provisions of the Sunshine Ordinance which will affect how soon you may receive responsive documents. This memo<<https://www.sfpuc.org/modules/showDocument.aspx?documentID=15142>> provides details.

We have forwarded your request the appropriate staff and will provide an update including a potential timeline within 10 days.

Best regards,
SFPUC Public Records

From: Public Utilities Commission


06/22/2020

Subject: Public Record Request submitted June 11, 2020 - Communications between Harlan L. Kelly Jr. and various others

We are in receipt of your request dated June 11, 2020. We have identified records responsive to your request and are proceeding to review them for any necessary redactions or withholding. We have not yet completed our search for or review of responsive records. As explained in the attached memo, per emergency orders of the Mayor, the City's time to produce records in response to PRA requests has been extended during the emergency. We are providing this initial response within 10 days in accordance with those orders. Based on the volume and nature of the documents, we plan to provide initial documents by July 3, 2020. We will provide additional documents on a rolling basis thereafter.

SFPUC Public Records

Suzanne Gantier

 View

Download

Event[illegible]

Please be advised that we are responding to your records request on behalf of the SFPUC only, and only as to records that are within the SFPUC's possession. Each City department receives, searches, and responds to public records requests on behalf of its own department. Accordingly, you may wish to also

public records requests on behalf of its own department, not citywide. Accordingly you may wish to also contact the Department of Public Works, the City Administrator's Office, and/or the Mayor's Office, as those departments and offices may also have records responsive to your request.

Best regards,
SFPUC Public Records

From: Anonymous Person

07/03/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you - MuckRock staff will hopefully get the files within the week. If not, we will need to request you extend the deadline.

However, I think files may be missing. You mentioned for example text messages in Bates 161-219. But I only received Bates 161-168. Where are the rest?

I also didn't receive I assume what is Bates 001 thru 160. Was there a mistake in uploading?

Here's what I got:

Sink hole at 110 Alta Street 1_Redacted for Privacy.pdf
 Drawing of Fire Hydrant Location_Redacted for Privacy.pdf
 MLB1_Redacted.pdf
 Night Noise Permit requirements_Redacted for Privacy ACP.pdf
 Sewage Issue on 865 Market St_Redacted for Privacy.pdf
 3 street lights are out of order on Stockton & Jackson streets_Redacted for Privacy.pdf
 2401 Broadway_Redacted for Privacy.pdf
 Bell and snow flake_Redacted for Privacy.pdf
 Itinerary -California.pdf
 letter is ready for pick up_Redacted for Privacy.pdf
 Node specifications_Redacted for Privacy.pdf
 Revised invitation for Vice Governor_Redacted for Privacy.pdf
 Revised invitation_July 24_Redacted for Privacy.pdf
 street lights are out of order on Stockton & Jackson streets_Redacted for Privacy.pdf
 The 9th Annual Chinatown Ping Pong Festival_Redacted for Privacy.pdf
 Vice governor Ye Zhenqin of Guangdong Province and the delegation (2)_Redacted for Privacy.pdf
 1317 20th Avenue Water Department Work Order Issued letter_Redacted for Privacy.pdf
 Bell Shaped and Snowflake LED.pdf
 Revised invitation for Vice Governor (1)_Redacted for Privacy.pdf
 Sink hole at 110 Alta Street_Redacted for Privacy.pdf
 Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
 Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
 Vice governor Ye Zhenqin of Guangdong Province and the delegation_Redacted for Privacy.pdf
 叶贞琴副省长Name list_Nov visit_Redacted for Privacy.pdf
 Drawing of Fire Hydrant Location 1_Redacted for Privacy.pdf

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information as I intend that

7/9/2020

Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC) • MuckRock

Other, it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Public Utilities Commission

07/07/2020

Subject: RE: [REDACTED]RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Requ...

Dear Muckrock News,

Apologies and thanks for letting us know. Please use this link for Bates numbers 161 to 219.

<https://sfpuc.sharefile.com/d/5faf513caac747dc5>

Please note that it will expire in 7 days.

Bates 001 through 160 are under review and will be provided once they are ready.

Thanks for your patience.

SFPUC Public Records

From: Anonymous Person

07/07/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

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You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to muckrock@sf.gov, info@muckrock.com, or any email address ending with muckrock@sf.gov) (you must search

personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
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- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

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Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

From: Anonymous Person

07/07/2020

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- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
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Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

Petitioner's Supporting Documents

Leger, Cheryl (BOS)

From: 94992-15550486@requests.muckrock.com
Sent: Thursday, September 3, 2020 2:03 AM
To: SOTF, (BOS)
Cc: Tanenberg, Diedre (ENV); Doug Yakel (AIR); Ronen, Hillary; Arntz, John (REG); Bastian, Alex (DAT); Lambert, Michael (LIB); Brookter, Dion-Jay (POL); Hamasaki, John (POL); Kittler, Sophia (MYR); Taylor, Damali (POL); Bruss, Andrea (MYR); arecordsrequestor@protonmail.com; Ludwig, Theresa (FIR); Colfax, Grant (DPH); McHale, Maggie (HRD); Office of Cannabis (ADM); Forbes, Elaine (PRT); Walton, Shamann (BOS); Gee, Natalie (BOS); Henderson, Paul (DPA); Lim, Victor (DEM); Rydstrom, Todd (CON); Yip, Kesinee (PUC); Youngblood, Stacy (POL); Kositsky, Jeff (DEM); pmonette-shaw; chris roberts; Vien, Veronica (DPH); Breed, Mayor London (MYR); Vu, Tyler (PDR); Nicole Mitchell; sanderries@andgolaw.com; Heckel, Hank (MYR); Tucker, John (FIR); PublicRecords@sfgwater.org; Rosenstein, Diana (DPA); Wirowek, Christopher (ADM); Cretan, Jeff (MYR); Cityattorney; COOLBRITH, ELIZABETH (CAT); Power, Andres (MYR); COTE, JOHN (CAT); Sheehan, Charles (ENV); Amanda Ashton; Davis, Sheryl (HRC); San Francisco Living Wage; Maxine Doogan; Mar, Gordon (BOS); Wright, Edward (BOS); Wong, Alan (BOS); Quan, Daisy (BOS); Monge, Paul (BOS); Lerma, Santiago (BOS); Beinart, Amy (BOS); Zou, Han (BOS); Haney, Matt (BOS); RivamonteMesa, Abigail (BOS); Mcdonald, Courtney (BOS); Mahogany, Honey (BOS); sjdanon14213@gmail.com; Lin-Wilson, Tiffany (REC); tom@intrinsicdevices.com; judbuechler667@gmail.com; Malhi, Mohammed (DPH); Ghirarduzzi, Mary (LIB); Zach; DeJesus, Petra (POL); lizamurawski@yahoo.com; Quesada, Amy (PRT); Rhorer, Trent (HSA); Raju, Manohar (PDR); Torres, Joaquin (ECN); Nicholson, Jeanine (FIR); Rudakov, Vladimir (HSA); Hart, Amy (ADM); AhimsaPorterSumchaiMD@comcast.net; FEITELBERG, BRITTANY (CAT); DIETTERLE, COLLEEN (CAT); Zamora, Francis (DEM); Boudin, Chesa (DAT); Patterson, Kate (LIB); Kelly, Naomi (ADM); Callahan, Micki (HRD); libraryusers2004@yahoo.com; Murase, Emily (WOM); Jared.Cooper1@gmail.com; anntreboux@yahoo.com; Miyamoto, Paul (SHF); Rosenfield, Ben (CON); Elias, Cindy (POL); Elsbernd, Sean (MYR); MICHAEL PETRELIS; Kelly, Jr, Harlan (PUC); Quanico, James (SHF); Thompson, Marianne (ECN); Maybaum, Erica (BOS); Maria Schulman
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

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

Public Utilities Commission
PRA Office
Polk Street
525 Golden Gate Avenue
SF, CA 94102

September 3, 2020

This is a follow up to a previous request:

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on June 11, 2020. You had previously indicated that it would be completed on July 27, 2020. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 94992-15550486@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fpublic-utilities-commission-4834%252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1kDI8t%3A6YQ88Y00JwSt6lc3lx2BSr0-_w4

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 94992

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Aug. 18, 2020:

Subject: SOTF - Request for Waiver of 45 day Rule

Dear SOTF Petitioners, Respondents and other Stakeholders:

As you most likely know SOTF operations have been delayed over the last few months due to the Covid-19 emergency. The SOTF have started to conduct remote meetings via videoconference and are working to establish procedures to resume all operations including the processing of complaints.

While the Sunshine Ordinance requires that certain actions be taken within 45 days, the Covid-19 emergency has forced delays and immense new backlogs for complaint hearings. We write today to ask if you are willing to waive the 45 day rule for your complaint.

The SOTF intends to resume hearing complaints on a limited basis and complaints will be queued to be heard in the near future. We continue to work to address technical issues posed by remote meetings. We are aware of the time sensitivity of your records requests. Please be assured that the SOTF appreciates the urgency of your matters and the importance of handling them in a timely manner.

If you have further questions about your files or have other issues, please feel free to email the SOTF Administrator at the email below.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> 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.

On Aug. 5, 2020:

Subject: Re: Anonymous v. Harlan Kelly and the Public Utilities Commission, Sunshine Ordinance Task Force Complaint No. 20084

Dear Anonymous,

Please see the attached letter regarding SOTF complaint No. 20084.

SFPUC Public Records

On July 30, 2020:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Good afternoon,

With regards to the PRA Request submitted on 7 July 2020 (July 6, 2020 per date of email) – as described in the Subject Line above, after conducting a diligent search for potentially responsive records, the PUC does not have records responsive to this request.

Harlan Kelly has checked and confirmed he has no records that respond to parts 2-4 of the request, and after our office's review, we have determined that the PUC has no records that respond to part 1 of the request.

At this time we are concluding our search for responsive documents and closing this request.

Public Records

On July 30, 2020:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you for those records. This is a reminder that the following requests sent July 7 have had no response whatsoever, including a lack of extension, in violation of the CPRA. You need to inform me which requests have records, which are being denied with justification, etc.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngpr@pacbell.net, or any email address ending with jaidin.net) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed
2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a PUBLICLY-VIEWABLE MAILBOX. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service

used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

Anonymous

On July 29, 2020:

Subject: PRA Request June 2020

Good morning,

The link below provides access to additional responsive documents. This link will be accessible for one week. Please let Public Records know if you are unable to access the documents.

<https://sfpuc.sharefile.com/d-sfcaec0e725d4ef1a>

Public Records

On June 11, 2020:

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC) Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngroup@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 94992-15550486@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fpublic-utilities-commission-4834%252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%252F%253Femail%253Dsotf%252540sf.gov&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1kDI8t%3A6YQ88Y00JwSt6lc3lx2BSr0-_w4

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 94992

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



Leger, Cheryl (BOS)

From: sfrecordsresearch@pm.me
Sent: Tuesday, December 1, 2020 1:01 PM
To: PublicRecords@sfgwater.org; Records, Supervisor (CAT); SOTF, (BOS)
Subject: Re: Released info - please check! - New Complaint Filing
Attachments: signature.asc

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v. Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

Attached is an SFAC 67.21(d) petition against Harlan Kelly, Jr. and PUC regarding, *inter alia*, text messages between Kelly and Walter Wong.

Thanks!

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

On Thursday, July 9, 2020 4:42 AM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file "Walter redacted final.pdf" having SHA256 checksum 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729> Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfwater.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure

by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted version of this text exchange, which should be available at the following link by the end of today: <https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From: sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me>
Sent: Tuesday, July 7, 2020 12:37 AM
To: Public Records <PublicRecords@sfwater.org>
Subject: Released info - please check!

CAUTION: This email originated from **outside** of the organization. Do not click links or open or recognize the sender and know the content is safe.

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf" at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of them says:

"1/19/17, 11:14 AM

The door at garage is lock can enter in house , when you open let us know we can check repair

There is a key in the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

From: sfrecordsresearch@pm.me
Sent: Tuesday, December 1, 2020 2:24 PM
To: Dennis Herrera (City Attorney, SF); FEITELBERG, BRITTANY (CAT); COTE, JOHN (CAT); RUSSI, BRAD (CAT)
Subject: PUC Harlan Kelly Jr. Text Messages Petition
Attachments: Supervisor of Records - Harlan Kelly - Walter Wong Records-f (4).pdf; signature.asc

Dennis Herrera,

Set aside your opinion of me and my other petitions - this is a case where your office must agree that the public interest is served by immediately reviewing my attached Supervisor of Records petition and ordering the disclosure of these records. **This is of the highest urgency and it is your duty to issue a written determination against PUC and order disclosure.**

You claim to have unparalleled independence. Do not let PUC hide communications of allegedly corrupt behavior. The criminal complaint by the United States against Mr. Kelly references topics ***related to various messages partially withheld by the PUC from me re: travel, insurance payments, and more that were, at first, disclosed.*** If nothing else, your office must review the unredacted versions of those text messages. I have no idea whether Mr. Kelly is guilty or not of any crime, but the public deserves to know the exact conduct that took place between Kelly and Wong.

At first PUC gave me nearly all of the text messages between Wong and Kelly, when I voluntarily informed that they had left readable someone's lockbox code, they then requested I delete the entire PDF, including many other messages not related to such sensitive private info. Note that the public hyperlinks to this PDF were published by PUC online.

While I did delete my own copy of the specific PDF, voluntarily, and without conceding any legal authority of the PUC to command me to do anything at all, the government cannot essentially erase my brain.

I informed PUC:

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

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3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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

On Tuesday, December 1st, 2020 at 1:00 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v.

Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

Attached is an SFAC 67.21(d) petition against Harlan Kelly, Jr. and PUC regarding, *inter alia*, text messages between Kelly and Walter Wong.

Thanks!

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PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file 'Walter redacted final.pdf' having SHA256 checksum 8254cbe0fc6d6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

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I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729> Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfgov.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted

version of this text exchange, which should be available at the following link by the end of today:
<https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From: sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me>
Sent: Tuesday, July 7, 2020 12:37 AM
To: Public Records
<PublicRecords@sfgwater.org>
Subject: Released info - please check!

<p>CAUTION: This email originated from outside of the organization. Do not click links or recognize the sender and know the content is safe.</p>
--

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf" at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of them says:

"1/19/17, 11:14 AM

The door at garage is lock can enter in house , when you open let us know we can check repair

There is a key in the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

July 9, 2020

Dennis Herrera
Attn. General Government Team
City Attorney/Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Via email to supervisor.records@sfcityattv.org

Supervisor of Records,

This is a new SFAC 67.21(d) petition for a determination that some or all withheld portions of records discussed in the attached corresponding SOTF complaint (which is incorporated in its entirety into this petition) are public and an associated order for their disclosure by the Public Utilities Commission and Harlan Kelly, Jr.

Since the powers of Herrera and the SOTF differ under the Sunshine Ordinance, only the following forms of relief are requested (Paragraphs 37 and 38 of the attached complaint):

- Petitioner requests the Supervisor of Records examine the original unredacted records *in camera* to determine whether or not all of PUC/Kelly' claimed withholdings are lawful and minimal.
- Petitioner requests the Supervisor of Records to determine that some or all of the records or portions thereof withheld from disclosure or not yet disclosed are public and order PUC/Kelly to disclose them.

Yours,

Anonymous

encl: SOTF Complaint *Anonymous v. Kelly*

ATTACHMENT 1

1 Anonymous
2 94992-15550486@requests.muckrock.com

3
4 **IN THE SAN FRANCISCO**
5 **SUNSHINE ORDINANCE TASK FORCE**

6 ANONYMOUS¹,
7 Complainant

**Complaint and Petition for Order
of Determination**

8 v.

July 9, 2020

9 HARLAN KELLY JR. and SAN
10 FRANCISCO PUBLIC UTILITIES
11 COMMISSION

SOTF No.

12 Respondents

13 **COMPLAINT**

14 1. Complainant files this petition and complaint under the Sunshine Ordinance and
15 California Public Records Act regarding a June 11, 2020 request² to Respondents.

16 2. Complainant alleges Respondents responded in an incomplete manner to requests
17 for public records (SF Admin Code 67.21(b) and Cal. Govt. Code 6253(b, c)), issued a written
18 denial of records without identifying all persons responsible for the denial (Cal. Govt. Code
19 6253(d)(3)), withheld more than the minimum exempt portion of records (SFAC 67.26), withheld
20 information without a lawful justification (SFAC 67.27), and (as to Respondent Kelly only) failed
21 to maintain and preserve in a professional and businesslike manner her correspondence and failed
22 to disclose all such records in accordance with the Sunshine Ordinance (SFAC 67.29-7(a)).

23 _____
24 ¹ NOTE: There are multiple distinct anonymous requesters sending requests using
25 MuckRock.com, using similar request templates and form - do not assume that the same
individual is sending all anonymous requests. Complainant is an anonymous user of MuckRock,
but does not represent MuckRock, nor any other MuckRock user, whether anonymous or not.

26 ²
27 <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/>

I. PUBLIC INTEREST IN DISCLOSURE

3. San Francisco prohibits the withholding of public information on the basis that the public interest in non-disclosure clearly outweighs the public interest in disclosure (SFAC 67.24(g, i)); this exemption under the CPRA is commonly known as the “catch-all exemption” or the “public-interest balancing test,” but is locally prohibited by the Sunshine Ordinance. On March 23, 2020, Mayor Breed claimed to unilaterally suspend this portion of the Sunshine Ordinance.

4. Without conceding that the Mayor’s suspension of SFAC 67.24(g, i) or any future citation by Respondents to Gov Code 6255(a) are legally valid, Complainant asserts that the public interest in disclosure of these records is significant because they may illustrate connections between City employees and subjects of an on-going federal corruption investigation.

5. The records heretofore disclosed to Complainant in the requests include Kelly’s numerous conversations with permit expediter and city contractor Walter Wong (it is unclear whether Wong is speaking as an individual or representative of his company Jaidin Consulting Group or its affiliates). On July 6, 2020, Wong pled guilty to Conspiracy to Commit Honest Services Wire Fraud and Conspiracy to Commit Money Laundering (*United States v. Wong*, 3:20-cr-00257, N.D. Cal.). Business conducted between a high-ranking city official and an admittedly-guilty city contractor is inherently of high public interest.

II. APPLICABLE LAW AND JURISDICTION

6. Both the California Public Records Act and the San Francisco Sunshine Ordinance govern Respondents’ conduct in this complaint. If they conflict, whichever provision requires Respondents to provide “faster, more efficient, or greater access to records” (Cal. Govt. Code 6253(e)) controls.

7. Respondent Harlan Kelly, Jr. is the General Manager of the Public Utilities Commission and has special, personal, responsibilities under the Sunshine Ordinance as a department head. Respondent San Francisco Public Utilities Commission is a “local agency” subject to the California Public Records Act. Both Respondents have custody of one or more public records relevant to this complaint, and all are subject to the general requirements of custodians of records under the Sunshine Ordinance and the jurisdiction of the Task Force. Note that the Sunshine Ordinance governs the conduct of “every person having custody of any public

record or public information” (SFAC 67.21(a)); whether or not a person has the job title “Custodian of Records” is irrelevant.

8. SOTF rules require that “all inferences and evidence [] be viewed in the light most favorable to the petitioner” (SOTF Complaint Procedure, ¶1). SOTF Chair B. Wolfe has stated that “it is presumed that all documents are public records until Respondent cites that it is not and that it can be withheld” and “if a record is withheld, then it is presumed it is a violation.” *Petrelis v. Elsbernd*, SOTF 19093. Therefore, the burden of proof that a record or portion thereof is exempt from disclosure is on Respondents, and this Task Force should accept every allegation below as true, unless explicitly denied by Respondents.

III. FACTS OF THE CASE

9. On June 11, 2020, Complainant issued an immediate disclosure request to both HKelly@sfgov.org and to publicrecords@sfgov.org for, *inter alia*:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to *City of San Jose v Superior Court* (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to *City of San Jose v Superior Court* (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to *City of San Jose v Superior Court* (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on

government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

10. On June 11, Respondents denied the IDR timeline.

11. On June 22, Respondents indicated records would start being provided by July 3.

12. On July 2, Respondents provided some records at <https://sfouc.sharefile.com/d-s9194ec942cf4e6cb> and purported redaction reasons.

13. On July 2, Complainant informed Respondents that they had failed to provide some of the pages that they mentioned.

14. On July 6, Respondents provided some of the missing records via link to: <https://sfpuc.sharefile.com/d-sfaf513caac747deb>

15. After examining one of the records disclosed by Respondents (name: "Walter redacted final.pdf", with SHA256 checksum of 8254cbe0fcbdd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 , the "825 PDF"), Complainant noticed that Respondents had covered some of the disclosed text messages with a black rectangle, but these messages were not redacted.

16. Because Kelly and Wong's supposedly personal and government relationship are intermingled within this single set of text messages, it is unclear which of these transactions or meetings affects public business vs supposedly private business (as Respondents claim).

17. One of the messages concerned a code to a lockbox. Because of the appearance of this message, on July 7, Complainant voluntarily, and without any obligation to do so, informed Respondents of that disclosure so they could warn the subject of the message that Respondents had disclosed said record publicly online (i.e. so the subject could change the lockbox code if it was still being used).

18. On July 8, in reply to the email in Paragraph 17, Respondents sent a request to Complainant's non-MuckRock email address (but with an introduction of "Dear MuckRock"): "The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website" and "Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records." Respondents appear confused: Complainant does not represent MuckRock; as Complainant has informed Respondents

multiple times: Complainant is a user of MuckRock, no different than the millions of different users with a Gmail.com email address that do not represent Google.

19. However, without waiving any of its rights, Complainant did voluntarily delete its own local copy of the '825 PDF and has not included a copy of the '825 PDF with this complaint.

20. Respondents also provided a new file "Walter redacted final_1.pdf" at <https://sfpuc.sharefile.com/d-sabd81b687ef4187b> with SHA256 checksum of 9ef93a56f0133e77cb696bc64ba713ebb1f4bc78797216133b32e3c270594c74 (the "'9EF PDF") which fully redacts most correspondence between Kelly and Wong.

21. Numerous other records remain pending from Respondents on this request, and Complainant may amend this complaint or file further complaints for those records.

IV. ALLEGED VIOLATIONS

Violation 1 - (Kelly only) Failure to disclose correspondence (SFAC 67.29-7(a))

22. Kelly has a special, personal, responsibility as head of the Public Utilities Commission to (1) "maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals" and (2) "disclose all such records in accordance with this ordinance." (SFAC 67.29-7(a))

23. Text messages, like "letters" and "e-mails," are a form of "correspondence." The list of correspondence in the ordinance is non-exhaustive.

24. Kelly has failed to disclose all of his correspondence with Walter Wong.

Violation 2 - Failure to identify all persons responsible for denial of access (Gov Code 6253(d)(3))

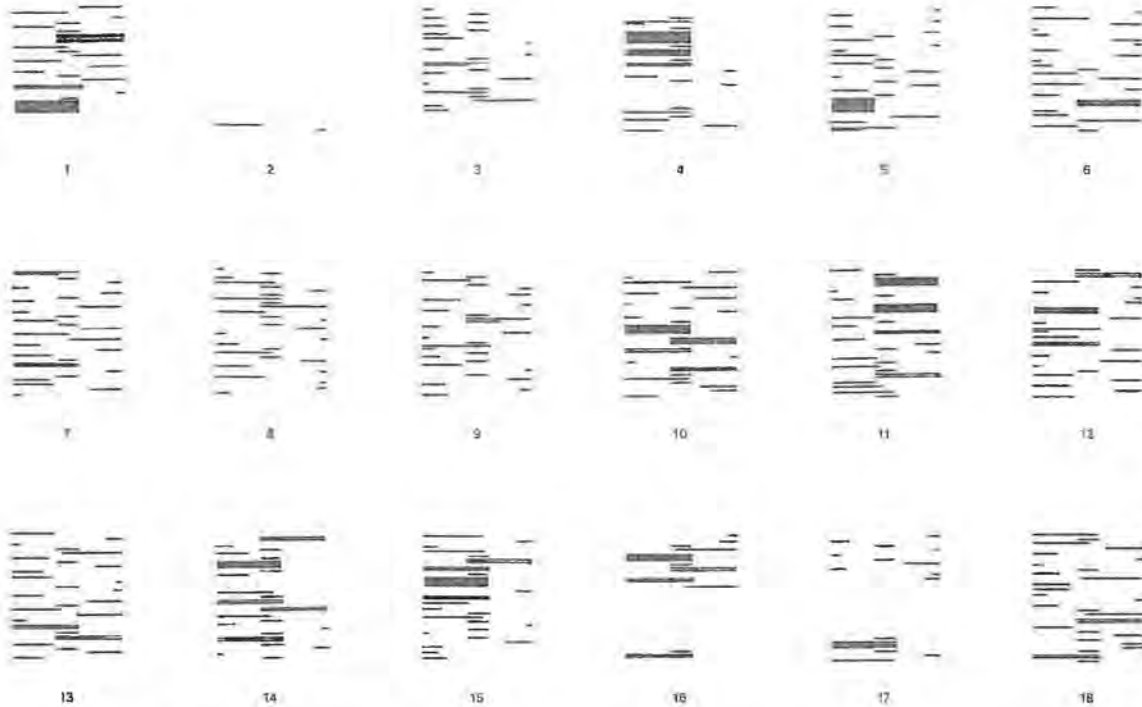
25. A written denial of access to records must "set forth the names and titles or positions of each person responsible for the denial."

26. Respondents signed all their responses as "SFPUC Public Records" without an employee name/title, even though they denied access to one or more records (namely all the withheld text messages).

Violation 3 - Incomplete response to records request; unlawful and non-minimal withholding (SFAC 67.21(b), 67.26, 67.27; Gov Code 6253(b, c))

27. Numerous communications between Kelly and Wong have been withheld in their entirety by Respondents. To give the Task Force a feel for the level of withholding, see thumbnails of the first 18 (of 45) pages in the '9EF PDF -- nearly everything has been redacted:

Walter redacted final.1.pdf



28. The Sunshine Ordinance itself contemplates that meetings between department heads (like Kelly) and persons who are substantially affected by city actions are inherently a matter of public business. See for example SFAC 67.29-5(a), which not only requires disclosure but goes further and mandates pro-active recording of every such meeting in a calendar that must be disclosed (emphasis added):

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

29. This implies that for a meeting between Kelly and Wong to be considered purely personal or social, no city business must be discussed and the meeting must not take place at a

1 City Office or the office or residence of Wong, Kelly, or anyone else that does substantial business
2 with the City (Kelly is an employee of the City and thus inherently does substantial business with
3 and is substantially financially affected by City actions; Wong is a permit expediter and city
4 contractor and thus does substantial business and is substantially financially affected by City
5 actions). Any message discussing a meeting between Kelly and Wong must be disclosed.

6 30. Respondents cite in their July 8, 2020 request to destroy the '825 PDF that the
7 disclosed messages with black rectangles are exempt under Gov Code 6254(c) -- but to qualify
8 under this exemption these records must be "Personnel, medical, or similar files, the disclosure of
9 which would constitute an unwarranted invasion of personal privacy." But not every single
10 so-redacted message qualifies, in its entirety.

11 31. Text messages are not personnel or medical files.

12 32. Therefore, the only remaining exemption is for "similar files, the disclosure of
13 which would constitute an unwarranted invasion of personal privacy."

14 33. Moreover, because of the minimal withholding requirement in San Francisco
15 (SFAC 67.26), only the minimal portions of all Wong/Kelly communications that are "similar" to
16 "personnel" and "medical" files and would constitute an "unwarranted" invasion of personal
17 privacy should be redacted/withheld.

18 34. For example, Kelly's family information (except information regarding Kelly's
19 wife City Administrator Naomi Kelly's work on behalf of the City, which is also public business
20 by definition, which was in fact the subject of at least one of the now-redacted messages), personal
21 lockboxes, and medical/health information could be redacted, while disclosing everything else.

22 35. Furthermore, this Task Force should not consider disclosure of any records about
23 transactions, meetings, and/or agreements between Wong and Kelly to constitute "unwarranted"
24 invasion of personal privacy. Given that Wong has pled guilty to crimes relating to a federal
25 investigation of corruption in San Francisco, there is a legitimate public interest in understanding
26 what influence, if any, Wong has had on the City's business through its public officials, including
27 Kelly.

28 36. Finally, as SFAC 67.21(g) instructs: "In any court proceeding pursuant to this
article there shall be a presumption that the record sought is public, and the burden shall be upon
the custodian to prove with specificity the exemption which applies." Respondents will have to
prove for each and every text message that the record is in fact not a public record, and moreover

1 that *no part* is public (otherwise, the public part would have to be disclosed).
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5 V. REQUEST FOR RELIEF

6 37. Complainant requests the Task Force (and/or other relevant adjudicatory bodies
7 including the Supervisor of Records and Ethics Commission) examine the original unredacted
8 records *in camera* to determine whether or not all of Respondents' claimed withholdings are
lawful and minimal.

9 38. Complainant requests the Task Force to determine that some or all of the records or
10 portions thereof withheld from disclosure or not yet disclosed are public and order Respondents to
disclose them.

11 39. Complainant requests the Task Force find Respondents violated:

- 12 a. SF Admin Code 67.21(b) and Cal. Govt Code 6253(b, c) for responding to the
13 requests in an incomplete manner;
- 14 b. Cal. Govt Code 6253(d)(3) by failing to identify all persons responsible for denying
15 access to records;
- 16 c. SF Admin Code 67.26 for withholding more than the minimum exempt portion of
17 records;
- 18 d. SF Admin Code 67.27 for not providing a lawful justification for withholding
19 information;
- 20 e. (as to Kelly only) SF Admin Code 67.29-7(a) for not disclosing Kelly's
21 correspondence.

22 40. Complainant requests that the Task Force issue all appropriate orders and refer
23 Respondents to the District Attorney, Attorney General (SFAC 67.21(e)), and Ethics Commission
(SFAC 67.30(c)) if Respondents refuse to disclose every public record or portion thereof
24 responsive to Complainant's requests.

25 Respectfully submitted,

26 ANONYMOUS

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EXHIBIT A

From: Anonymous Person

06/11/2020

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacific.net, jaidin@pacific.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response

here: [\[redacted\]](#) and clearly referenced redaction justifications here: [\[redacted\]](#) (though I do not concede all of them are appropriate redactions). Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [FOIA service](#) used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Anonymous Person

06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

MR. KELLY: This was also sent to the Public Records email, and is being sent directly to you so you do not destroy responsive records:

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not

limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(I), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response

here: [redacted] and clearly referenced redaction justifications

here: [redacted] (though I do not concede all of them are appropriate redactions). Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public

without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Public Utilities Commission

06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Dear MuckRock News,

Thank you for your public records request. Due to the COVID-19 pandemic, the Mayor has issued supplementary orders suspending select provisions of the Sunshine Ordinance which will affect how soon you may receive responsive documents. This memo< [https://www.sfpuc.org/files/2020/06/COVID-19-Sunshine-Ordinance-Exemption-Orders.pdf](#)> provides details.

We have forwarded your request the appropriate staff and will provide an update including a potential timeline within 10 days.

Best regards,
SFPUC Public Records

From: Public Utilities Commission

06/22/2020

Subject: Public Record Request submitted June 11, 2020 - Communications between Harlan L. Kelly Jr. and various others

We are in receipt of your request dated June 11, 2020. We have identified records responsive to your request and are proceeding to review them for any necessary redactions or withholding. We have not yet completed our search for or review of responsive records. As explained in the attached memo, per emergency orders of the Mayor, the City's time to produce records in response to PRA requests has been extended during the emergency. We are providing this initial response within 10 days in accordance with those orders. Based on the volume and nature of the documents, we plan to provide initial documents by July 3, 2020. We will provide additional documents on a rolling basis thereafter.

SFPUC Public Records

Suzanne Gautier

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Manager, Communications and Public Outreach
External Affairs

San Francisco Public Utilities Commission

525 Golden Gate Avenue, 12<x-apple-data-detectors://5/0>th<x-apple-data-detectors://5/0> Floor<x-apple-data-detectors://5/0>

San Francisco, CA 94102<x-apple-data-detectors://5/0>

Phone - 415-513-2529<tel:415.583.2540>

Email - <>

Note: I am working remotely until further notice

Public Records Memo - Final 3-30-20

From: Public Utilities Commission

07/02/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages

Dear Muckrock News

Please access documents responsive to your June 11 request below.

Please do so within a week as the link will expire.

With regard to the PDFs we are providing that contain text messages (Bates Stamp #s 161-219), please be advised that all of the redactions in those PDFs are of text messages that do not contain "information relating to the conduct of the public's business" and therefore do not constitute "public records" responsive to your request. (Cal. Gov. Code § 6252(e); see also City of San Jose v. Superior Court (2017) 2 Cal.5th 608, 626 ("Any personal information not related to the conduct of public business . . . can be redacted from public records that are produced or presented for review." (citing Cal. Gov. Code § 6253(a)); City Attorney memorandum dated March 24, 2017 titled "Public Records on Personal Electronic Devices, available at [\[redacted\]](#)).

With regard to the email messages we are producing today at Bates Stamp #220-260, as indicated in these documents, we have redacted on privacy grounds personal email addresses, personal telephone numbers, dates and places of birth, personal identification numbers, and gender pursuant to California Government Code section 6254, subdivisions (c) and (k) and Article I, section 1, of the California Constitution. (See also San Francisco Administrative Code § 67.1(g)).

Finally, we have redacted from the email titled, "Night Noise permit requirements" (Bates Stamp #234-235) content constituting privileged and confidential attorney-client communications. (See, Cal. Gov. Code § 6254(k) (providing an exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege; Cal. Evid. Code § 954 (communications between attorneys and their clients are privileged); Cal. Gov. Code § 6276.04 (cross-referencing the attorney-client and attorney work product privileges); S.F. Admin. Code § 67.21(k)).

We are responding to your request on a rolling basis and expect to be producing additional responsive records next week.

Please be advised that we are responding to your records request on behalf of the SFPUC only, and only as to records that are within the SFPUC's possession. Each City department receives, searches, and responds to public records requests on behalf of its own department. Accordingly, you may wish to also

public records requests on behalf of its own department, not Citywide. Accordingly you may wish to also contact the Department of Public Works, the City Administrator's Office, and/or the Mayor's Office, as those departments and offices may also have records responsive to your request.

Best regards,
SFPUC Public Records

From: Anonymous Person

07/03/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you - MuckRock staff will hopefully get the files within the week. If not, we will need to request you extend the deadline.

However, I think files may be missing. You mentioned for example text messages in Bates 161-219. But I only received Bates 161-168. Where are the rest?

I also didn't receive I assume what is Bates 001 thru 160. Was there a mistake in uploading?

Here's what I got:

Sink hole at 110 Alta Street 1_Redacted for Privacy.pdf
 Drawing of Fire Hydrant Location_Redacted for Privacy.pdf
 MLB1_Redacted.pdf
 Night Noise Permit requirements_Redacted for Privacy ACP.pdf
 Sewage Issue on 865 Market St_Redacted for Privacy.pdf
 3 street lights are out of order on Stockton & Jackson streets _Redacted for Privacy.pdf
 2401 Broadway_Redacted for Privacy.pdf
 Bell and snow flake_Redacted for Privacy.pdf
 Itinerary -California.pdf
 letter is ready for pick up_Redacted for Privacy.pdf
 Node specifications_Redacted for Privacy.pdf
 Revised invitation for Vice Governor_Redacted for Privacy.pdf
 Revised invitation_July 24_Redacted for Privacy.pdf
 street lights are out of order on Stockton & Jackson streets._Redacted for Privacy.pdf
 The 9th Annual Chinatown Ping Pong Festival_Redacted for Privacy.pdf
 Vice governor Ye Zhenqin of Guangdong Province and the delegation (2)_Redacted for Privacy.pdf
 1317 20th Avenue Water Department Work Order Issued letter_Redacted for Privacy.pdf
 Bell Shaped and Snowflake LED.pdf
 Revised invitation for Vice Governor (1)_Redacted for Privacy.pdf
 Sink hole at 110 Alta Street_Redacted for Privacy.pdf
 Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
 Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
 Vice governor Ye Zhenqin of Guangdong Province and the delegation_Redacted for Privacy.pdf
 叶贞琴副省长Name list_Nov visit_Redacted for Privacy.pdf
 Drawing of Fire Hydrant Location 1_Redacted for Privacy.pdf

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer: it merely authenticates the sender. Please do not include any confidential information as I intend that

7/9/2020

Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC) • MuckRock

merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Public Utilities Commission

07/07/2020

Subject: RE: [REDACTED]RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Dear Muckrock News,

Apologies and thanks for letting us know. Please use this link for Bates numbers 161 to 219.

Please note that it will expire in 7 days.

Bates 001 through 160 are under review and will be provided once they are ready.

Thanks for your patience.

SFPUC Public Records

From: Anonymous Person

07/07/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a PUBLICLY-VIEWABLE MAILBOX. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock FOIA service](#) used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to [REDACTED], or any email address ending with [REDACTED]) (you must search

personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

From: Anonymous (sf-puc)

07/15/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a PUBLICLY-VIEWABLE MAILBOX. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock](#) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to [City of San Jose v Superior Court \(2017\)](#)), or any email address ending with [@cityofsanjose.org](#) (you must search personal accounts pursuant to [City of San Jose v Superior Court \(2017\)](#)); see also SOTF 19047 Anonymous v. Breed
2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to [City of San Jose v Superior Court \(2017\)](#))
3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to [City of San Jose v Superior Court \(2017\)](#))
4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to [City of San Jose v Superior Court \(2017\)](#))

Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.25(b)).

- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

Leger, Cheryl (BOS)

From: sfrecordsresearch@pm.me
Sent: Wednesday, December 30, 2020 1:23 AM
To: Dennis Herrera (City Attorney, SF); FEITELBERG, BRITTANY (CAT); COTE, JOHN (CAT); RUSSI, BRAD (CAT); Records, Supervisor (CAT)
Cc: Board of Supervisors, (BOS); SOTF, (BOS)
Subject: Re: PUC Harlan Kelly Jr. Text Messages Petition
Attachments: signature.asc

Dennis Herrera,

Today is day 174 of you refusing to respond to the Kelly-Wong text message petition under SF Admin Code 67.21(d), and thus also day 174 of you helping PUC and Harlan Kelly, Jr. to hide these records of communications between Kelly and a City contractor who has pled guilty to crimes related to City corruption.

As City Attorney, you have a legal duty to protect public access to information.

Why do you refuse to respond to my July 9, 2020 Supervisor of Records petition for the Kelly-Wong text messages?

What happened to the supposed unparalleled independence of your Office that Mr. Cote touts to the press?

PUC possesses the unredacted original whether or not Kelly is a city employee - all you have to do is order one or more parts of it disclosed.

Sincerely,
Anonymous

On Tue, Dec 1, 2020 at 2:24 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Dennis Herrera,

Set aside your opinion of me and my other petitions - this is a case where your office must agree that the public interest is served by immediately reviewing my attached Supervisor of Records petition and ordering the disclosure of these records. **This is of the highest urgency and it is your duty to issue a written determination against PUC and order disclosure.**

You claim to have unparalleled independence. Do not let PUC hide communications of allegedly corrupt behavior. The criminal complaint by the United States against Mr. Kelly references topics ***related to various messages partially withheld by the PUC from me re: travel, insurance payments, and more that were, at first, disclosed.*** If nothing else, your office must review the unredacted versions of those text messages. I have no idea whether Mr. Kelly is guilty or not of any crime, but the public deserves to know the exact conduct that took place between Kelly and Wong.

At first PUC gave me nearly all of the text messages between Wong and Kelly, when I voluntarily informed that they had left readable someone's lockbox code, they then requested I delete the entire PDF, including many other messages not related to such sensitive private info. Note that the public hyperlinks to this PDF were published by PUC online.

While I did delete my own copy of the specific PDF, voluntarily, and without conceding any legal authority of the PUC to command me to do anything at all, the government cannot essentially erase my brain.

I informed PUC:

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

- 1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed*
- 2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*
- 3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*
- 4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*

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

On Tuesday, December 1st, 2020 at 1:00 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v. Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

Attached is an SFAC 67.21(d) petition against Harlan Kelly, Jr. and PUC regarding, *inter alia*, text messages between Kelly and Walter Wong.

Thanks!

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

On Thursday, July 9, 2020 4:42 AM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file 'Walter redacted final.pdf' having SHA256 checksum 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729> Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfwater.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As

explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC

000175 through PUC
000219 in its
possession and remove
them from all publicly
accessible locations,
including the
MuckRock.com
website.

Please note that the
version of this text
exchange that we
shared with you on July
6, 2020 has been
removed from the
Sharefile weblink and
that we will be
providing you with a
new redacted version
of this text exchange,
which should be
available at the
following link by the
end of today:
<https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or
before Thursday July 9
at 5 pm confirming that
you have destroyed
and/or removed these
records. Thank you for
your anticipated
cooperation.

SFPUC Public Records

From:
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me>
Sent: Tuesday, July 7,
2020 12:37 AM
To: Public Records
<PublicRecords@sfpuc.org>
Subject: Released info -
please check!

CAUTION: This email originated from **outside** of the organization. Do not click
recognize the sender and know the content is safe.

Hi PUC,

You released to my
MuckRock request 94992
a file called "Walter
redacted final.pdf"
at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some
partially obscured texts
(i.e. the text messages are
still visible but just have
extra black rectangles on
them). One of them says:

"1/19/17, 11:14 AM

The door at garage is
lock can enter in house ,
when you open let us
know we can check repair

There is a key in
the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

From: sfrecordsresearch@pm.me
Sent: Monday, February 8, 2021 7:15 PM
To: RUSSI, BRAD (CAT); Records, Supervisor (CAT); CHIN, HOLLY (CAT); Board of Supervisors, (BOS); COTE, JOHN (CAT); FEITELBERG, BRITTANY (CAT); Ethics Commission, (ETH); SOTF, (BOS)
Subject: Re: PUC Harlan Kelly Jr. Text Messages Petition
Attachments: signature.asc

Weekly reminder: City Attorney Dennis Herrera, as the City's Supervisor of Records, refuses to rule up or down (since July 9, 2020) on whether or not PUC ex-GM Harlan Kelly, Jr's texts with criminal Walter Wong -- related to payments, travel, insurance and more -- are public.

These are texts in the possession of PUC, previously produced to me, read by me, and then retracted by PUC.

Herrera has a legal responsibility to make a ruling under SF Admin Code 67.21(d) within 10 days of July 9, 2020. If he thinks these should be secret, he only needs to rule against the public, and put an end to this.

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

On Thursday, January 28th, 2021 at 3:58 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Weekly reminder: City Attorney Dennis Herrera, as the City's Supervisor of Records, refuses to rule up or down (since July 9, 2020) on whether or not PUC ex-GM Harlan Kelly, Jr's texts with criminal Walter Wong -- related to payments, travel, insurance and more -- are public.

These are records PUC already disclosed to me, that I have read, and that were then retracted by PUC. PUC has a copy of the original texts produced from before Kelly resigned. That original file has hash SHA256 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453.

Herrera has a legal responsibility to make a ruling under SF Admin Code 67.21(d) within 10 days of July 9, 2020.

If he thinks these should be secret, he only needs to rule against the public, and put an end to this.

Are you writing a hundred-page legal treatise on why the public should not be allowed to know what its officials and corrupt outsiders do together?

When will you rule Mr. Herrera? This isn't going away just because you ignore me. What are you helping to hide?

To the folks BCC-ed, here's the story:

- In early 2020 I requested the text messages between Harlan Kelly Jr. and Walter Wong under the CPRA and Sunshine Ordinance.
- In the summer, PUC produced nearly all of the messages between Kelly and Wong to me, with some of them under a highlighter that I could read.
- I noticed that one of the messages they produced to me had some sort of lock box code number, and I, being a stand up guy, informed PUC.
- PUC retracted not just that message but *all* the messages, and then re-released the messages with the most interesting ones now redacted. (But I still know what's in those messages - they cannot erase my brain.)

- Under SF Admin Code 67.21(d), I petitioned the City Attorney Dennis Herrera - as Supervisor of Records - to determine that the now-redacted records were public and order PUC to disclose them. This was in July 2020.
- In November, Kelly was arrested - his charging documents specifically discuss alleged attempted circumvention of the PRA/Sunshine Ordinance. Kelly resigned.
- Mr. Herrera has never responded to the petition with an up or down ruling. He has however responded to many *other* 67.21(d) petitions in the interim. So why won't he respond to this one?

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

On Thursday, January 14th, 2021 at 2:52 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Weekly reminder: Herrera refuses to rule up or down (since July 9, 2020) on whether or not PUC ex-GM Harlan Kelly, Jr's texts with criminal Walter Wong – related to payments, travel, insurance and more – are public.

These are records PUC disclosed to me, that I have read, and that were then retracted by PUC.

Herrera has a legal responsibility to make a ruling under SF Admin Code 67.21(d) within 10 days.

If he thinks these should be secret, he only needs to rule against the public, and put an end to this.

When will you rule Mr. Herrera?

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

On Thursday, January 7th, 2021 at 1:26 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Supervisor of Records Dennis Herrera:
BCC journalists.

Your staff informed me the Sup of Records would respond to my other Dec 10, 2020 petition under 67.21(d) by Jan 15, 2021.

The below 67.21(d) petition regarding texts between Harlan Kelly and Walter Wong has been outstanding since July 9, 2020. It is almost certainly the most important of my petitions outstanding considering the allegedly criminal behavior of a senior City official evidenced in the records withheld.

Is there any date you expect this petition to be replied to?

Mr. Press Secretary Cote:

Is Herrera's plan to refuse to respond to the petition until the story is long forgotten and covered up?

Any comment?

--Anonymous

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

On Wednesday, December 30th, 2020 at 4:04 PM,
sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Ms. Chin-

You informed me Sup of Records would respond to my
other Dec 10, 2020 petition under 67.21(d) by Jan 15,
2021.

Please note that the below 67.21(d) petition has been
outstanding since July 9, 2020. Is there any date you
expect this petition to be replied to?

--Anonymous

On Wed, Dec 30, 2020 at 1:23 AM,
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

Dennis Herrera,

Today is day 174 of you refusing to
respond to the Kelly-Wong text
message petition under SF Admin Code
67.21(d), and thus also day 174 of you
helping PUC and Harlan Kelly, Jr. to hide
these records of communications
between Kelly and a City contractor
who has pled guilty to crimes related to
City corruption.

As City Attorney, you have a legal duty
to protect public access to information.

Why do you refuse to respond to my
July 9, 2020 Supervisor of Records
petition for the Kelly-Wong text
messages?

What happened to the supposed
unparalleled independence of your
Office that Mr. Cote touts to the press?

PUC possesses the unredacted original
whether or not Kelly is a city employee -
all you have to do is order one or more
parts of it disclosed.

Sincerely,

Anonymous

On Tue, Dec 1, 2020 at 2:24 PM,
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

Dennis Herrera,

Set aside your opinion
of me and my other
petitions - this is a case
where your office must
agree that the public
interest is served by
immediately reviewing
my attached Supervisor
of Records petition and
ordering the disclosure
of these records. **This
is of the highest
urgency and it is your
duty to issue a written
determination against
PUC and order
disclosure.**

You claim to have
unparalleled
independence. Do not
let PUC hide
communications of
allegedly corrupt
behavior. The criminal
complaint by the
United States against
Mr. Kelly references
topics *related to
various messages
partially withheld by
the PUC from me re:
travel, insurance
payments, and
more that were, at
first, disclosed.* If
nothing else, your
office must review the
unredacted versions of
those text messages. I
have no idea whether
Mr. Kelly is guilty or not
of any crime, but the
public deserves to

know the exact conduct
that took place
between Kelly and
Wong.

At first PUC gave me
nearly all of the text
messages between
Wong and Kelly, when I
voluntarily informed
that they had left
readable someone's
lockbox code, they then
requested I delete the
entire PDF, including
many other messages
not related to such
sensitive private
info. Note that the
public hyperlinks to this
PDF were published by
PUC online.

While I did delete my
own copy of the specific
PDF, voluntarily, and
without conceding any
legal authority of the
PUC to command me to
do anything at all, the
government cannot
essentially erase my
brain.

I informed PUC:

*You
appear
to have
partiall
y
obscure
d some
of the
text
messag
es
betwee
n
Harlan
Kelly Jr.
and
Walter*

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, February 22, 2021 6:49 PM
To: Records, Supervisor (CAT); Carlin, Michael (PUC)
Cc: SOTF, (BOS)
Subject: Subsequent 67.21(d) petition re Kelly-Wong records (also filed to SOTF 20084)
Attachments: Exhibit-A-2021-Feb-22-Letter-PUC.pdf; Exhibit C - Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC) • MuckRock.pdf; Exhibit-B-New-Records-20210222-min.pdf; signature.asc

Supervisor of Records Herrera,

For mysterious reasons -- perhaps related to the immediately prior email about this issue being BCC-ed to every reporter that I know and many that I don't -- I today got a revised 56 page production of a records request I made to PUC last year and petitioned Herrera for last summer. What could possibly have delayed Dennis Herrera and the PUC in not doing this partial disclosure for over half a year? Why was the record supposedly re-redacted on Jan 29 but released only today? Who knows - the letter in Exhibit A certainly does not explain. I'm sure some intrepid reporter will find out.

This is a new additional 67.21(d) petition against the PUC related to the Kelly-Wong text messages requested via 94992-15550486@requests.muckrock.com for a written determination that some portions withheld are public and an order for their disclosure.

Attachments in the text messages have been unlawfully withheld, were **specifically** requested in the original request (Exhibit C), are at least in part public, and must be ordered disclosed. This includes but is not limited to at least the image, video, and audio attachments depicted on Exhibit B pages my Bates numbers: 9 (image), 28 (the hyperlink url), 29 (two images), 30 (4 images), 31 (two images), 32 (three images), 33 (two images), 34 (two images), 44 (two audio files), 45 (two audio files), 48 (two images), 49 (one image), 53 (one image), 54 (one image).

At the time of my request in June 11, 2020, the City had "constructive possession" of the relevant records because their employee, Harlan Kelly Jr., had possession of the records, and pursuant to *City of San Jose v Superior Court* the possession of a record by an individual employee imputes to the local agency. The fact that the City may or may not have preserved the records as lawfully required as of the time I requested them is of no consequence as to whether or not they were lawfully mine (or the public's) to have when I made the request last year. "The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public." See *Community Youth Athletic Center v. City of National City*. I hope you actually collected the records when I requested them, because if the City failed to do so, I've got a pretty slam-dunk suit I can win. As in *National City*, any claims of the City to searching in good faith for the requested records for the records but "mistakenly" not producing them will not help you win. The fact that the records may not *now* be in the possession of the City (due to Kelly's separation) is *also* not relevant.

Note that a determination by Herrera is not conditioned on PUC actually providing me these records. Herrera's obligations are to declare the records public and order them disclosed. If PUC refuses to comply (for any reason including that they did not actually search for and preserve responsive records at the time of my request - that's not my problem or Herrera's problem), I'll deal with actually getting the records in court.

NOTE: I still await your legally-mandated "determination" in response to my earlier, separate, petition of last summer on this request. **I won** - at least in part as the information was *admittedly* public - and I expect an appropriate determination. Note that the earlier petition for these records **ALSO** needs the withheld attachments to be disclosed. This is also **NOT** a concession that any of the text still redacted in your most recent release is not a disclosable

public record. Corroboration from other sources may yet be used to prove that some of the textual content still redacted continues to be withheld unlawfully.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

EXHIBIT A



February 22, 2021

Muckrock Anonymous Requester
94992-15550486@requests.muckrock.com

Dear Requester:

We write to supplement our response to your June 11, 2020 request for communications contained in personal or government accounts of former San Francisco Public Utilities Commission ("SFPUC") General Manager Harlan Kelly, Jr. As you know, the SFPUC provided responsive records to you on July 2 and July 6, 2020, including a document showing numerous text messages between Mr. Kelly and Walter Wong on Mr. Kelly's personal cell phone. In that document, which the SFPUC produced in Bates-stamped pages 161 to 219, Mr. Kelly redacted a significant number of text messages. As explained below, in light of the unique and extraordinary circumstances surrounding these records, the City Attorney, working with the SFPUC, has recently reviewed an unredacted draft of the document containing those text messages in the City's possession. Following that review, we are now providing you with a new version of the document. We have redacted certain portions of the text messages that do not contain information relating to the conduct of the public's business and therefore do not constitute public records responsive to your request (see Cal. Gov't Code § 6252(e); *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017) (*San Jose*)), would constitute an unwarranted invasion of personal privacy (Cal. Const. Art. I, Sec. 1; Cal. Gov't Code § 6254(c)), or would disclose confidential personnel information (Cal. Gov't Code § 6254(c)).

Your request sought text messages, chats, and emails between Mr. Kelly and other individuals including Walter Wong "on government or personal accounts" during the period from January 1, 2015 through June 11, 2020. Under the California Supreme Court's 2017 decision in *San Jose*, communications on City employees' personal accounts or devices, including text messages on personal cell phones, may be public records subject to disclosure if those communications involve the conduct of the public's business. As the City Attorney described in a public memorandum dated March 24, 2017, departments generally satisfy the legal duty under the Public Records Act to search for and produce public records on an employee's personal electronic device by entrusting the employee to conduct the search and retrieve responsive records. That memorandum instructs that the department must notify the employee of the request and acquaint the employee with the standards for determining whether a writing on the device is a public record and responsive to the request. And should there be a court proceeding

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



concerning the request, the employee may be required to testify under oath or submit a statement under penalty of perjury, describing the search conducted on the device and explaining the types of writings on the device that were not provided to the requester because of not being responsive public records.

Consistent with the longstanding advice of the City Attorney's Office as described in the March 24, 2017 memorandum, the SFPUC asked Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. In response, Mr. Kelly provided a document (Bates-stamped pages 161-219) containing a series of text messages between himself and Mr. Wong beginning January 1, 2015. Mr. Kelly redacted a significant number of text messages in the document, asserting that the redacted communications between him and Mr. Wong did not relate to City business. Following the standard practice of City departments and the general guidance of the City Attorney's Office, the SFPUC relied on Mr. Kelly to prepare the redactions, and did not ask to review the unredacted text messages before producing the document to you in response to your records request.

Mr. Kelly attempted to redact text messages in the document by covering those text messages with black rectangles. But this redaction method was insufficient; it did not completely redact the content that Mr. Kelly wanted to withhold. On July 7, 2020, after the SFPUC provided you with the document prepared by Mr. Kelly including redacted text messages, you informed us that Mr. Kelly had not properly redacted the text messages, so a member of the public could make the redacted text visible on a computer. You informed us that at least some of that information appeared to be sensitive personal information like a security code. We appreciate your letting us know. After receiving your email, the SFPUC asked you to destroy the original document in your possession and remove it from the internet. The SFPUC based this request on its understanding that the redacted text messages in the document did not relate to City business, relying on Mr. Kelly's representation.

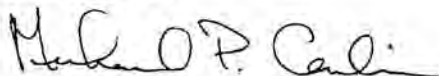
Subsequent events have caused the SFPUC to reconsider whether it is appropriate for it to review the text messages in their original, unredacted form. On June 24, 2020, approximately one week before the SFPUC responded to your initial request for records, the U.S. Attorney for the Northern District of California announced that he had charged Walter Wong with conspiring for over 15 years to defraud the public of its right to the honest services of City officials, including schemes involving bribery, kickbacks, and money laundering. On November 30, 2020, the U.S. Attorney's Office announced that it had charged Mr. Kelly in a federal criminal complaint with honest services wire fraud. The complaint alleged that Mr. Kelly engaged in a long-running bribery scheme and corrupt partnership with Walter Wong, and that as part of the scheme, Mr. Wong provided items of value to Mr. Kelly in exchange for official acts by Mr. Kelly that benefited or attempted to benefit Mr. Wong's business ventures. The U.S. Attorney alleged that Mr. Kelly and Mr. Wong had a longstanding relationship involving multiple international trips paid for or subsidized by Wong, cash exchanges, free meals, repairs to Mr. Kelly's personal residence, and personal car services, all while Mr. Kelly tried to use his City position to benefit Mr. Wong and his businesses.

Although the criminal charges are still pending and have not been proven in a court of law, the complaint alleges that the entire course of Mr. Kelly's personal relationship with Mr. Wong was entangled with City business because Mr. Wong allegedly gave Mr. Kelly personal favors and gifts in the hope of exchange for Mr. Kelly's acts as the General Manager of the SFPUC. Given the seriousness of these criminal allegations and the compelling public interest in potential misconduct by government employees, certain text messages between Mr. Kelly and Mr. Wong that previously appeared to be purely personal, non-City business may now reasonably be understood as related to the conduct of the City's business. In reaching this conclusion, we emphasize that Mr. Kelly, like any criminal defendant, is entitled to a presumption of innocence, and we do not suggest or imply anything to the contrary. But given the allegations in the criminal complaints against Mr. Kelly and Mr. Wong, the SFPUC deemed it prudent to review the unredacted text messages to determine whether they were clearly private or unrelated to City business. The redactions in the new version we are providing today redact only those matters that are clearly private or clearly unrelated to City business.

Two extraordinary factors, unlikely to recur, support this unorthodox approach. First, the SFPUC now has in its possession a copy of the full text exchange unredacted, such that the City is able to review the full text exchange. Second, the charges against Mr. Kelly and Mr. Wong allege that personal communications between the two men actually relate to City business and memorialize interactions and transactions related to Mr. Kelly's exercise of duties as the SFPUC's General Manager. The SFPUC's decision to review the unredacted text messages is based on these unique circumstances and does not change the City's usual protocols for responding to requests for communications on employees' personal devices, as described in the City Attorney's 2017 memorandum.

Accordingly, please find attached a new copy of the document provided by Mr. Kelly reflecting his communications with Mr. Wong between January 1, 2015 and June 11, 2020. As noted above, we have redacted several portions of the text exchange. We redacted those portions of the exchange the disclosure of which would constitute an unwarranted invasion of personal privacy, such as discussions of family illnesses, children, and personal residential addresses or personal cell phone numbers, and a reference to a personnel matter on page 51 of the document. See Cal. Const., Art. I, § 1; Cal. Gov. Code § 6254(c),(k); S.F. Admin. Code § 67.1(g). We have also redacted the text message on page 1, dated January 1, 2015, because it does not contain information relating to the conduct of the public's business and therefore is not a public record responsive to your request. See Cal. Gov't Code § 6252(e). We have also excluded the portions of the first page that Mr. Kelly previously redacted because that portion of the text exchange occurred before January 1, 2015 and is not responsive to your June 11, 2020 request.

Best Regards,



Michael P. Carlin
Acting General Manager
San Francisco Public Utilities Commission

From: Anonymous Person

06/11/2020

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Re...

Email

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngroup@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefScottsResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike

manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

From: Anonymous Person

06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur...

Email

MR. KELLY: This was also sent to the Public Records email, and is being sent directly to you so you do not destroy responsive records:

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records

543

responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

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For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response

here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications

here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt

portion of any record may be withheld (SFAC 67.26).

- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

EXHIBIT B

**Public Records Released by PUC on 2021-02-22
to 94992-15550486@requests.muckrock.com of
text messages between Harlan Kelly, Jr. and Walter Wong**

1/1/15, 8:53 AM



1/5/15, 11:26 AM

We are going to postpone the LED light dates

Till when

Doug Parrish # is



Doug Parrish # is [REDACTED]
East San Francisco Bay Area

Weeks

10 4

1/5/15, 8:49 PM

Did you call Doug?

Frank in my office call him and we also submit the
LBE paper hope this can be final review from them
hope u can help to check if they got a require
Document

1/15/15, 12:46 PM

Current LED RFP does not require any assembly in
SF

We legally can't require that. However, you can
place that in the special consideration. Also one of
the competitor already assemble in SF

R u certified?

not yet

Did u talk with Doug?

waiting for control UL we wont get it till Jan 31

UL? You told me that you had everything?

The control from France just received information
from UL

You told me
That you had everything? I don't know what to do?

I don't know how to stop the process anymore

Just talk to Frank will use existing control with UL to
send in will call u after work

Great! I will be in LA until Friday evening

Hope we can get together weekend

4 sure

thank

1/20/15, 5:05 PM

Can I call you

1/21/15, 7:04 AM

can we talk today

1/21/15, 11:12 AM

are you in town ??

try to reach for 3 days already

Ok

can i call you

Now

1/27/15, 9:15 AM

tech team reply, what you request is possible, do u have time to go over what we find

1/27/15, 5:39 PM

are you intown ?

Yes, let me get the specs

Ok

1/30/15, 6:35 AM

Good morning do u have a few minutes to catch up

1/30/15, 7:58 AM

Ok can you send some one over to pick up specs

yes what time

who should we see

1/30/15, 11:03 AM

can we go to pick up package yet

Come now to my office

what floor

on our way ps let u know what floor

Green Source Trading, LLC

1/30/15, 3:02 PM

review info we have question ps let me know when
can i call you

2/4/15, 9:01 AM

Our family would like to invite
you to a Chinese New Year celebration on Monday,
February 23 at 6 pm at Citi
Center. Please let us know whether you can join us
or not.

2/20/15, 4:28 PM

Gong Hay Fat Choy! Due to CNY preparations, we
are postponing dinner on February 23, 2015 to 7PM.
Sorry for the inconvenience. See you there!

2/27/15, 5:29 AM

good morning, what time will you available
tomorrow

Lunch?

when today or tomorrow

2/27/15, 2:19 PM

Tomorrow

ok we got LBE thank you

2/28/15, 7:13 PM

Congrats!

Thank you

2/28/15, 6:14 AM

Good morning where do u want to meet for lunch

2/28/15, 9:16 AM

where do u want to meet for lunch

Where do u recommend?

Do u want to go to R AND G

Ok

see you at noon

Ok

In R & G 2nd fl

Ok parking

3/31/15, 8:08 PM

Do u have time to meet this week

Yes

What date

Do u have time for dinner tomorrow

4/1/15, 6:25 AM

Do u have time for dinner tonight

4/1/15, 11:15 AM

Can't tonight, Saturday?

Sat ok

4/1/15, 6:41 PM

Lunch on Saturday?

OK where do u want to meet

4/1/15, 6:44 PM

can we meet at

Shangri-La vegetarian Restaurant

2026 Irving St
San Francisco, CA at noon

Ok

OK do u want meet at 11:30

let go to Loving hut Viet nam 524 Irving and 6th ave
better food for children

see you at noon

Ok

If u arrive first please get table for 5 people

I am running late 10mins

Ok

We are here

I leaving the house not

Now

Is hard to park here

Should I take uber?

Yes

Irvine and 6th

4/28/15 9:04 PM

can you join us for dinner next tue

Unfortunately, I will be in Chicago.

how about your wife, is the boss birthday

I will ask her.

are you intown now

Naomi said that she can make it. I am currently in San Diego and getting on a plane for Atlanta. I will be back in SF on Thursday night.

are you in sf now

can Moh see you tomorrow

Naomi wants to know where and when is the party?

in Citi center ps do not tell anyone

4/28/15 9:04 PM

The Mayor's birthday dinner has been re-scheduled to Sunday, 5/3 at 6 pm. Please rsvp.

5/3/15, 6:00 PM

We r here

On my way

On the 3rd floor

5/4/15, 9:35 PM

Have a safe trip

I will email the two letter tomorrow

Thank you

5/20/15, 7:24 AM

do u have time to meet this week ?

5/2/15, 8:30 AM

I am back. Let's hook up today.

what time do u have time for a quick lunch ?

Can't get away long because of meetings

how about tomorrow

How about after 5?

yes where do u want to meet

5/2/15, 5:15 PM

what you ready to meet ps call me instead text me please

Downstairs

5/2/15 12:52 AM

did someone hack your email

ps change your password asap

Yes, I changed my email.

good

good

10/23/15, 8:35 AM

123_1

10/23/15, 8:53 AM

11/1/15, 9:30 AM

How are you do u have time to meet before Holliday

11/1/15, 12:19 PM

Yes, I going out of town tomorrow until Wednesday

OK let meet end of week if u have time

11/2/15, 8:13 AM

Ok

11/3/15, 2:19 PM

How about Saturday?

lunch ?

Ok

Tks location TBD

11/7/15, 8:46 AM

Good morning please us know where to meet

11/7/15, 10:17 AM

11:30 around here?

OK do u want me pick u up

Yes

OK will come by apox 11:25 to pick u up

Ok

ETA?

2 minutes

Arrived

11/10/15, 12:14 PM

ps ck your email for cabinet drawing

11/10/15, 2:57 PM

Perfect!

What the timing?

Will back to final measurement

Great.

Did u find the sample

11/10/15, 4:36 PM

Some were taken back. We are checking to see which ones we still have.

can i call you

Call after my meeting

tk

11/10/15, 9:19 PM

can i meet you for 5 minutes tomorrow to show you the plan

11/11/15, 10:06 AM

Can I call you

11/12/15, 10:57 AM

on our way to ck ensnarement

Ok

11/12/15, 10:00 AM

Ready to pick up

can we pick it up

When?

8 minutes from now

Who is picking it up?

me

or someone from my office depend where to pick up

I will leave it at the front desk with guard.

ok tks under my name ?

No name on it. from Carmelita.

ok

7/12/16, 7:04 PM

Did u get it?

Yes thanks

7/12/16, 8:07 AM

Please join us at [REDACTED]
[REDACTED] party. This Sunday, January 10th,
2016. 10:30AM-1PM. Kome Buffet in Daly City.
Please let me know if you can attend

W, when did you get back? We will be there. [REDACTED]
[REDACTED] Also I would like
to talk to catchup.

Back yesterday thank you for coming [REDACTED]
[REDACTED]

Yes

Thank

Also thanks for having Alfred to finish the laundry
room. It looks vice nice.

7/12/16, 8:30 AM

are you back, when do you have time to catch up

7/12/16, 7:04 PM

Can we do lunch on Sunday?

Instead of breakfast

Lunch sundry is prefect

Lunch sundry is prefect

3/15/16 12:48 PM

[REDACTED]
[REDACTED] So I won't be here on Sunday. I left the papers for u with Naomi. Call her to coordinate.

Ok

3/18/16 5:34 PM

[REDACTED]

[REDACTED]
[REDACTED] I gave Naomi the info on the device and the connect numbers.

Thank you [REDACTED]

3/18/16 8:43 AM

are you back sf yet

[REDACTED]
Be back in SF around 5

drive careful [REDACTED]

[REDACTED]
3/18/16 2:43 PM

I'm back

do u have time to a earlier breakfast

3/19/16 8:32 AM

Please let me know when can I call you

3/20/16 8:20 AM

Hey W, naomi asked me to give you our passports. I have them at my office. How can I get them to you?

just scan the info need ID for plan

can i meet you for 5 minutes afterwork

are you going to China to, if you you need to visa

3/20/16 10:22 AM

1/20/16 10:22 AM

Naomi is in DC.

Just scan the passport to us for info

Lunch?

What time

Noon

Pick me up?

I am in Hayward. I can't back San Francisco until 1.
Can I meet you lunch tomorrow or breakfast
tomorrow?

Breakfast tomorrow 8:45

OK good

Where should we meet tomorrow? Should I pick you
at where?

Please join us at construction cen2

Where should we meet tomorrow? Should I pick you
at where?

At the office at 8:45am

Who office

You can pick me up at the office.

Ok

Kam waiting for you downstairs

Coming down in 5 mins

thank you ps bring passport

Where is he parked?

he should waiting for ou in front

he should waiting for ou infront

Found him

10 4

1/21/16, 1:47 PM

I will email you the forms filled out in PDF. Ok?

can i pick up oringal tonight

1/21/16, 4:13 PM

We filled it out online

But need you sign it too

will arrive your home apox 7:30

Ok

1/21/16, 7:36 PM

ETA?

Is it too late 15 minutes

[REDACTED]

2/1/16, 4:42 PM

when can we finish her photo for Visa

R u back? Naomi is ready for photo.

i am back

when can we do photo, ps give me date of your trip
again

2/1/16, 7:36 PM

March 24-April 2. Naomi is able to take a picture
any day

tomorrow after work ? time ?

2/1/16, 7:36 PM

How about 7:30pm tonight

ok see you at 7:30pm

Naomi said can u make it for 8:00pm instead of 7:30pm?

8 pm is fine

2/2/16, 12:07 PM

did anyCOMM reply you

2/2/16, 5:07 PM

I will be hosting a Chinese New Year feast at my office on Thursday, February 11th, 7pm. Please let me know if you family will be able to attend.

2/2/16, 7:06 PM

On my way 20 minutes

2/10/16, 9:07 AM

good morning, did you hear from

anyCOMM yet ?

remind you tomorrow night dinner at 7 pm

2/19/16, 6:09 PM

MO told us book ticket to J emilla she is going with your group, should i book it

I thought she was going. I will ask naomi. Naomi's mom is going.

ps re-confirm, you only give us 5 passports

2/22/16, 6:29 PM

can i call you

Yes

2/20/16, 8:17 AM

can i call re: your trip ticket , need to issue by this Wednesday

2/16/16, 10:00 AM

5k option

Ok

2/16/16, 11:00 AM

got all your visa , when do you want to pick up

Tomorrow?

What time

Please allow 15 minutes to discuss your itinerary

2/29/16, 5:40 PM

How about after work. Naomi and I can swing by to pick up visa and discuss itinerary.

do you know what time. i need to go east bay 5:30 if tomorrow not enough time we can meet Wednesday

3/1/16, 7:19 AM

Is this flight ok for your group

Mar 24 2016 SFO 12:55 arrive Hong Kong
March 25 7 pm April 3 12:30 am arrive SFO April 2 10 pm

Ok with me

which credit card should we use ps give us a copy by fax 415 554 8805

can we meet tomorrow after work ?

can i call you

3/3/16, 4:46 PM

what time are we meeting tomorrow after work

3/3/16, 10:51 PM

5?

3/4/16, 7:12 AM

Ok

3/4/16, 8:11 AM

Can I come by now?

In 20 minutes

I am back

are you coming ?

Here

At the lobby

3/5/16, 1:15 PM

How long is the ride from Hong Kong to Macau?

TurboJet provides ferry services between Hong Kong and Macau that take approximately 55 minutes.

3/6/16, 8:03 AM

Can you call me? I have talked with Naomi and Naomi's mom. They have a proposed itinerary.

3/11/16, 7:54 AM

just finalize schedule, do you have time to to a final review

I am in Fresno. You can call me anytime.

Here is the latest on any Comm:Hi Mary,

Thank you for your email.

We'd like to invite you and Brad (and any other interested/involved members of SFPUC) to an exclusive demonstration of the anyCOMM solution in San Jose.

March 31, 2016 is our proposed date for a demonstration.

Please reply to let me know of your availability on that date. Our schedules are open for the entire day.

can i call you now ?

can you also get a sample or spec

can i call you now ?

Yes

3/10/16, 12:55 PM

are you back now, do you have time to finalize the trip

Today?

ok what time?

3/14/16, 2:43 PM

5?

yes sir

3/14/16, 5:20 PM

5:40 ok. still in a meeting?

ok will wait

Here

In elevator

3/15/16, 11:27 AM

Any Comm update standard 7 pin connection. They are getting me the specs for standard. The light must be connection ready. Two step process. 1) prequalified (pass or fail) 2) lowest price.

When can we get any comm spec

3/15/16, 12:59 PM

They are requesting a standard 7 pin connection for all lights. Any Comm system will work with the standard connection.

do any comm require any electric power for their unit

3/15/16, 3:25 PM

No they have to use the standard connection.

Ok

3/15/16, 8:49 AM

did you get your e-ticket please get seat assignment asap flight is full , ps ask LeeMei for copy if you need

3/15/16, 12:14 PM

Got eticket

make sure get seat assignment asap is a full flight

make sure get seat assignment asap is a full flight

3/16/16, 12:47 PM

please let us know after you got seat confirm

We got our seat assignments

Ps send it to me

Ok

Tks

3/23/16, 8:30 PM

Arrived Hong kong

Great! How was the flight? Do U have our visas?

Your visa is in your passport

Did u all get passport back?

Ps reply

Yes

See you tomorrow

3/24/16, 9:29 AM

We are going to the airport. See you 16hours.

The flight is delayed 2 hours. So we will arrive
8:49pm (HK time)

No to worry if will be at airport

3/24/16, 8:08 PM

Ok finally on the plane.

3/25/16, 12:07 PM

Where r u?

4/21/16, 8:32 AM

can you join us for dinner May 5 , our friend all got
back from China

4/25/16, 1:00 PM

4/21/16, 1:09 PM

Yes, what time and where?

at citi center 6:30 pm

4/21/16, 5:10 AM

Good morning can we meet

5/11/16, 12:27 PM

Friday. I taking a group to hetchy

When will you back just take 10 minutes

I have something for u.

When can we meet for 10 minutes

After work today

I won't be back until tomorrow.

OK wait for you to let me where to meet tomorrow

5/12/16, 5:15 PM

are you back, are we meeting

5/13/16, 2:18 PM

Where r u?

I have something to give u.

I am in airport will be back in one hour

Call me when u are nearby.

10 4

i am back to cc now

i am back to now

Are you coming down

Coming down now

Where r u?

5/13/16, 12:00 PM

6/6/16, 11:34 AM

after you return from your weekend. can we meet for
dinner next week

can we meet for dinner this week

6/6/16, 3:34 PM

I am traveling this week and most of next week. I just
got back from hetchy, leaving for Atlanta tomorrow
morning until Friday and then off to LA on Saturday
until Sunday.

understand in between if you have some time Please

How about June 14?

Thank you

June 14 dinner

Yes

Thank you

6/8/16, 1:16 PM

Can we have lunch on the June 14 instead on dinner.

Yes

6/13/16, 2:28 PM

tomorrow, citi center 11:30 is it ok, do you need a
ride

Yes

Yes

Should we pick you up 11:30 at Golden gate ave

6/14/16, 9:11 AM

11:45 ok

Yes sir

6/14/16, 11:45 AM

R UpDown stairs?

yes the car is downstair

6/15/18, 8:00 AM

Can we meet for 5 minutes

6/18/18, 8:43 AM

Can we meet for 4 minutes

6/25/18, 11:40 AM

What's up?

4 minutes your time

How about after 5

OK where to meet you

O3?

?

O3. That is the Thai restaurant that you were at

Thai 10 4

7/5/18, 9:55 PM

[REDACTED]
[REDACTED]

[REDACTED] I am in Fresno until Friday.

I know [REDACTED]

7/17/18, 3:41 PM

Hey Mr. W, Naomi's mom wanted to renovate her kitchen. I am trying to her with pricing and budgeting. Also she is trying to get some bids from some contractors. If you have time, can we meet with u? so u can give us some advice.

7/17/18, 6:00 PM

I am in China now will call you July 25

Ok

Enjoy! And safe travels

7/25/18, 3:17 AM

I am back now please let us know when can we look

at kitchen

7/26/16, 9:36 PM

Can we meet u Thursday morning at Maria house?

7/27/16, 5:04 AM

:-)yes

Ok

What time

10:30am

For tomorrow address please

7/27/16, 10:31 AM

they prefer 10:00 [REDACTED]

8/12/16, 6:53 AM

good morning, can you and Naomi attend 08/16
dinner event for Shaoquan Mayor

8/12/16, 8:14 AM

We are a maybe. [REDACTED]

when will you know, we are setting seating chart

8/14/16, 7:32 PM

Boss want you drop by during reception time 6 to 7
pm at 1142 Van Ness, can you for Shaoquan Mayor

We will try. [REDACTED]

If you can drop by during reception

Please let us know tue pm we can finalize seating

8/16/16, 12:23 PM

[REDACTED] So we would
love to come tonite. Can u give me the details.

OK will do

On behalf of the Hunter Company, Mr. Cheung Kwan
Shan would like to cordially invite you to a dinner

reception to welcome the Mayor of Shaoguan and his delegation, as well as the President of Shaoguan University.

The dinner reception will be held on Tuesday, August 16th, 2016 at 6:PM at the Concordia Argonaut Club at 1142 Van Ness Ave. This is a semi-formal event. Please RSVP if you will be able to attend.

C
Thank you,

Walter Wong

9/2/16, 2:39 AM

are you in town, during holiday

[REDACTED]

[REDACTED]

9/5/16, 7:22 PM

Do you have time to meet this week

9/8/16, 6:55 PM

Do you have time to meet next week

Yes

What day please

Monday?

What time

5pm?

Do u want to pick you up

Yes

Ok

9/2/16, 3:00 PM

are we meeting at 5

Yes - do u want to meet later?

Yes, do u want to meet later?

what time is better, just want to talk to you 2 minutes

Ok. Meet u at 5. Call me and I'll come down.

Ok

R u downstairs?

Arrived

Where are you

9/15/16, 8:40 AM

are you coming [REDACTED] next tue

Yes

2 or 4

9/15/16, 7:16 AM

Maybe 4

9/20/16, 11:30 AM

Hey Walter, I can't make [REDACTED]

I understand

9/25/16, 3:00 PM

Hey what's going on? Let's connect.

10/26/16, 8:07 AM

Can I call you

Yes

11-13/16 4:12 PM

25th street navigation center (need power to site)

PG&E insisting on primary service. From My power team "We're installing overhead. PUC/PW teams met Thursday afternoon. I haven't heard outcome. Will

share more when I hear from team Monday."

thank you need to overcome this issue soon

thank you

Primary service would cost the project a lot of money. What was the other item other than street lights?

30 Van Ness

Primary service apox how much ?

It's primary vs secondary. And I don't know the specifics of the site, but guessing about \$500k more.

Understand

Will relay to team

11/15/16, 6:19 PM

can i call you

The lowest bid is 2 mil..go figure?

I'll call u in an hour

can i call you

ok tks

11/20/16, 7:40 PM

Are they any update for the led

11/25/16, 1:04 PM

any update for LED ?

11/28/16, 4:13 PM

any update for LED ?

11/29/16, 12:38 PM

I'll update up in the morning

11/29/16, 5:25 AM

Thank you

Are you back

11/18/16, 3:00 PM

Arrived

Ok coming down in 5 mins

In front golden gate

12/17/16, 9:52 AM

[REDACTED]

[REDACTED]

[REDACTED] How r u?

Doing fine do you have time to meet next week

I leaving [REDACTED] on Wednesday

Do you have time Monday after work for 5 minutes

How about after 7pm? [REDACTED]

[REDACTED]

OK thank you

12/19/16, 10:37 AM

can we move meeting to tomorrow what time is better for you

12/19/16, 10:40 AM

5pm

tomorrow 5 pm thank

See you at Golden gate 5;15

Ok

Arrived

Come down now

12/24/16, 12:22 PM

Do u know a electrician that can install a 240 volt plug in the garage?

And check the amp on the panel.

Yes

When can he be available?

When

Monday?

I have someone to run the conduit.

12/26/16, 11:33 AM

We can do the work wed is it ok

12/26/16, 1:49 PM

I needed the charger today. But can ur guy make sure the work was done correctly.

12/26/16, 5:32 PM

What do you need it for

We need to get part . How many amp

I had my contractor laborer to run the wire and installed the outlet. I wanted to make sure it was ran properly.

12/27/16, 6:47 AM

We are you using the charge for. 2) do you have the house number too want to do both together

12/27/16, 11:51 AM

We purchase a Tesla electric car. We had a 240 plug installed by the laborer who help the electrician who ran the wires for our house. Just wanted an electrician to look at it to make sure it is installed correct. As far as the house number, I have the number ready to be installed.

tesla.com

OK we install several of them already is easy do you have people at home tomorrow

Yes. Also wanted them to check to see I am not overloading my circuit box

Ok

do you have people at home tomorrow

12/27/16, 10:07 AM

Yes

Let me know what time

12/27/16, 2:10 PM

we will be there 9 am do you have all the part ?

I have the LED address number that went out.

9am ok

do you have the part ?

What parts do I need?

need who is going to pay us

Me:). How much?

wrong person

12/28/16, 5:33 AM

50462427754_59EA06A9-3CA1-4955-8ED4-6120EBB82A

RenderedImage

Mr. W, here is the picture of the number 2 that is not working. And after your guy check to see if the electrical line was installed properly. Can he rotate the plug shown in the other photo? Thanks

12/28/16, 7:14 AM

Ok

12/29/16, 8:15 AM

worker call in sick, will be at you place tomorrow instead

Ok

12/29/16, 8:20 AM

Are you in town

Yes. At work.

12/29/16 1:33 PM

Are you working tomorrow

Did you try the charge yet

12/30/16 2:41 AM

IMG_4408

IMG_4406

Thanks Walter! The charger is working and the number is installed and working. I may need to replace the number 6 soon. Thanks again.

12/30/16 8:48 AM

Are you in office

Home today

Lucky

1/10/17 9:29 AM

Ps let know when can I call you

Ok,

1/12/17 1:40 AM

any leaking from last night rain ?

1/12/17 1:57 PM

IMG_4446

IMG_4445

Yes, it looks like it is coming from the drain.

still leaking last night

Yes a gallon

will ck tomorrow

1/13/17 10:47 AM

Do u know a locksmith?

I need my locks changed

When

Call you back answer machine

1/18/17, 4:48 AM

Please if leaking stop

I am in DC today. I am returning tonight. Is it raining there?

Can you ask who stay home just want to ck water leak ?

Ok

1/18/17, 9:35 PM

any info to water leak yet?

I just landed:)

1/18/17, 10:58 PM

Still leaking! On the floor

1/19/17, 3:55 AM

OK will ck, is it as much as before

No

OK will ck

1/19/17, 7:49 AM

IMG_4462

IMG_4461

Still leaking, looks like around the drain.

It is leaking on the floors. So I put down towels and buckets.

Will ck

1/19/17, 11:14 AM

The door at garage is lock can enter in house , when you open let us know we can check repair



[REDACTED]

we will go back in afternoon

ps let me know

will be down

1/24/17, 8:48 AM

Hey Mr. W, it looks like we will have some dry weather for awhile. Naomi has been asking when will we get our dinning room back. Do u have sense when the will start and finish the work?

crew is at your house now

:)

What's the plan? Did they find out the source of the leak?

we need find that first

1/26/17, 6:48 PM

Any progress?

We patch it wait till next wed to make sure not leaking anymore

Can u just pour bucket of water to see if it leaks?

We did

What the problem? The drain?

1/27/17, 5:19 AM

50721587743_96495158-D047-4DD2-A7F5-A830243A7A
F6
50721589916_DC88FC35-F7E5-4093-828F-D6C6B0FC8
D23

The two drains are sweating and a occasional drip in the bucket.

50721600898_0EB15809-A893-4376-9B3D-3A8D6D404
65

1/27/17, 7:40 AM

Can I call you

Will have crew to check it

2/17/17, 6:23 AM

Roof patch already let see this rain can hold . Please
let us know

2/17/17, 6:50 AM

50815208613__99BBC8F5-51BF-4FD4-8DEF-85850B6C18

50815210042__7C9F6071-49D3-4C73-A266-8059611F48

It's still leaking!

2/17/17, 7:53 AM

Will ck

2/14/17 7:11 PM

Happy Valentine's Day! Any updates on the leak?

Will let you tomorrow they we to ck today again

2/16/17, 7:55 AM

send you report on waterproofing please review
by email

I got the report

ps review and let us know what is your plan, we
need to schedule crew

2/16/17, 8:05 AM

Call u around 11:30am?

2/16/17, 12:41 PM

i just finish meeting , ps call if you hve time

2/16/17 2:26 PM

just out meeting, if you free ps call anytime now

2/16/17, 3:12 PM

can i call you now

2/24/17, 5:13 PM





2/27/17, 6:27 PM



2/28/17, 10:08 PM

Got invoice. Great price. We are ready for you to start:)

3/3/17, 12:47 PM

if possible can you give me a call re Start date

3/9/17, 4:25 PM

can we meeting today 5 pm

3/10/17, 11:20 AM

<Subject: [REDACTED] - Shear wall, from top of deck to 4" up along north wall is water rot damage. Manuel and crew will have to replace approx 4' x 4" of rotted shear before applying Metacrilycs

Can u have them to take pictures.

3/10/17, 4:55 PM

Arrived

Ok

Coming down

3/13/17, 11:27 AM

Can u text me the picture of the dry rot u have on ur phone. The adjuster is coming by the house now.

3/13/17, 3:09 PM



123_1

123_1

3/13/17, 3:09 PM

Any more leak it rain last night

3/21/17, 8:45 AM

From Naomi "There is no leaking in the dining room.

"

Good thank you we can start repair the ceiling now

Great!

3/28/17, 8:05 AM

I am in hong kong now ps text me

Ok, what do you think the total cost of my repairs will be? I need to explain what happen and what we did. Also some of the labor rates seem high. I or someone need to be able to explain to the adjuster. I sent him an email saying I don't agree with their estimate. Your thoughts?

Will reply to you

Thanks


3/29/17, 11:58 AM

Who should the claim adjuster contact to discuss the scope of work and pricing.

4/3/17, 5:49 PM

Hey Walter, did the adjuster reach out to you? Btw, when do u think your crew will finish the job

4/11/17, 8:11 AM

Hi Walter, we are hosting  at our house for Maria on May 6. She would like to invite you, her traveling buddy. When do you think the crews will finish the inside and the deck? Also, we need the receipt to submit to the insurance company.

4/11/17, 9:25 AM

In your house inside painting is done outside tile due to rain we will start tile when weather permit

Can u hang the chandler so I can move back the furniture. Have the adjuster called u or emailed u yet?

We are going to hand it today

Btw, the issuance company sent a check of \$5,600. They said I could cash it. And if the cost of repairs are more, they will work with the contractor. So I will issue you a check in that amount next week.

4/26/17 9:15 AM

Hey Mr. W, are you back in SF? Your crews are now working on the deck. I am sure they realized that the current surface doesn't slope to the drain. So when laying the tile that will have to create a slope to the drains. I finally had the \$5,286.06 check from the insurance company endorsed by my mortgage company. I will write you a check for this amount today. Have the insurance company contacted you on the final cost of the repairs? Hopefully, we can get the insurance company to pay for most of the cost and I will pay the remaining cost.

5/17/17 3:58 PM

got your message, Paul my office is going to call you to give you detail

5/1/17 10:25 AM

Hey W, any update from the adjuster? Also, I told Paul that he can complete the work. I will work with insurance company to pay the whole amount. If insurance company pay for a portion, I will over the rest.

5/5/17 5:03 AM

the waterproof exterior finished will be painted today and tile will be started on Thursday

Ajuster will not talk to us as we are not the insurer.

5/5/17 5:11 AM

I will email him and cc you

Not Deleted

7/5/17 9:07 PM

Hey Walter, I received the bill. Have you guy talked with the adjuster?

7/5/17 11:11 AM

Paul talk to them before

Paul talk to them before

8/25/17, 3:58 PM

Here

Ps go into new elevator

Are you in

8/25/17, 3:55 PM

Dear Harlan, Please join us for the Ceremony at Chinatown's Night Out on Friday Sept. 1st @ 5pm at Portsmouth Square. There will be over 3000 people!

Can you help assign someone from your office to work with the Mayor's Office, Ashley Cheng. [REDACTED]

[REDACTED] She's requesting 3000 cups for the Seniors.

Thank you, Walter

8/30/17, 8:22 AM

Good morning, can we have water for Friday Thank you

I will follow up with my forks

Thank you they want to invite you too can you join them Friday 5 pm

8/30/17, 10:11 AM

I relayed ur text to my staff. I just followed up with them today and they will follow up with Ashley. I plan to be there.

Thank you

8/30/17, 10:49 AM

W, unfortunately, I can't make [REDACTED] next Friday. I will be in Chicago at a conference. Naomi [REDACTED] may come but I will ask Naomi tomorrow when she return from her trip with the mayor to Ireland.

8/30/17, 5:28 PM

THANK

8/30/17, 5:48 AM

Can I give you a call

Yes

The project at 1317 20th Ave requires Fire Service.
We have submitted water meter application on Sep.
7th. As of today, we have not heard any updates on
the application status. they need new fire service to
connect the sprinkler ps help for the new water
meter

10/3/17, 11:26 AM

We should be contacting the project point person
soon.

Thank you

11/7/17, 10:00 AM

We can do it in Dec.

Can it be earlier

The list of projects in the queue is crazy because of
the moratorium restrictions. So we can do it after
holiday right after thanksgiving.

Last week in Nov.

Thank

11/30/17, 12:52 PM

1317 20th Ave still had no fire water meter, please
help

I'll check on it.

Thank you

12/5/17, 2:14 PM

any news for 1317 20th Ave fire water meter, please
help

12/8/17, 2:21 AM

are you ok ? any news for

1317 20th Ave fire water meter

Having my folks to look into,

Thank you please help

12/8/17, 2:30 PM

I am really trying to get my crews to 1317 20th Ave.
it seems like everybody is on vacation:(

Thank for trying

I may have to fire someone for not being responsive.

who you need to repond ps let us know

12/11/17, 3:33 PM

Finally, we will start the work next week.

Thank you do you know what date

You friend wanted me to ask you are you gonna play
2 rounds of golf with him during the March trip?

I had to threaten to fire my manager if not done.

When in March?

March 23 to april 4 you will receive an invitation
from Mark Chancellor (protocol office)

I'm in for golf

12/18/17, 10:35 AM

Is the water meter going to install this week for

1317 20th Ave.

Yes

Thank you

12/19/17, 3:32 PM

1317 20th. Sawcutting 12/18; installation tomorrow
and rest of this week.

Thank you

12/20/17, 8:33 PM

Can we get together tomorrow?

What time

What time

3pm?

12/21/17, 3:35 PM

Where ?

12/22/17, 4:09 AM

Ur place

12/22/17, 5:44 AM

Ok will wait do you need a ride

VIDEO: Candlelight vigil in Chinatown honors late
San Francisco Mayor Ed Lee | [KRON4.com](http://kron4.com)
<http://kron4.com/2017/12/21/candlelight-vigil-in-chinatown-to-onor-late-san-francisco-mayor-ed-lee/>

12/22/17, 3:43 AM

10 mins away

drive careful

12/23/17, 1:37 PM

Hey W, I have included the bell LED lights to the
add back list for Malia Cohan. I need to know how
many bells?, with these additional light, how far
down 3rd street will these light extend?, and how
much?

will get it for you next Wednesday Thank you

12/26/17, 5:03 PM

Naomi and I r here

In elevator

12/4, 18, 19 12:40

Just sent you 555 Fulton, we would like to know how
to pay for the fire hydrant location. We understand
your department cannot schedule until payment is
received. Do you know when the hydrant can be
installed? We are waiting for it so we can final the
building.

We did not receive any information regarding the
pump yet. Please give us the specifications so we
can order.

12-18-19

12/6/18, 3:31 PM

Are you ok didn't hear from you

12/6/18, 3:20 AM

the application was submitted on 12/8, CSB processed the application that day and submitted a hydraulic analysis request to CDD which was returned on 12/28 (normal expected turnaround time for that request). CSB immediately took the next step of requesting a custom cost proposal from CDD on 12/28 which is where we currently are in the process.

Next Steps:

CDD cost proposal preparation – normal turnaround of 1-3 weeks. This was requested 12/28 and there are currently 13 proposals in the queue ahead of it. A good ETA on this would be no later than 1/18. CSB to submit proposal to customer, customer to pay fees, CSB to process fees and issue work orders. If customer provides quick turnaround, this can take less than a week so let's say around 1/25. CDD Construction – for this phase we tell customers to allow a minimum of 65 days putting us at 4/1. Although it's only one hydrant installation this job will require special permitting and potentially a shutdown (TBD) so I would be cautious to propose anything sooner until we get further along with the CDD process.

Thank you

12/23/18, 3:53 PM

what are [REDACTED] meal preference for tomorrow event? We have Prime rib, chicken or Vegetarian. Thank you!

Hey Walter, [REDACTED]

[REDACTED] Also, Naomi had to go to Washington DC tomorrow to receive an award on the behalf of Mayor Ed Lee. Maria will be there at 6:00pm. Is it ok for us to come by around 8pm?

yes

[REDACTED]

Thank you

1/25/18, 5:39 AM

Please give me Kitchen area and pump spec

Got it!

1/29/18, 4:37 PM

the application was submitted on 12/8, CSB processed the application that day and submitted a hydraulic analysis request to CDD which was returned on 12/28 (normal expected turnaround time for that request). CSB immediately took the next step of requesting a custom cost proposal from CDD on 12/28 which is where we currently are in the process.

Next Steps:

CDD cost proposal preparation – normal turnaround of 1-3 weeks. This was requested 12/28 and there are currently 13 proposals in the queue ahead of it. A good ETA on this would be no later than 1/18. CSB to submit proposal to customer, customer

We have not received CDD cost proposal. Please help to find out the status.

2/3/18, 9:19 PM

Kitchen 70 sq ft.
Going to lay tile in laundry area that is 24 sq. Ft.

Will ck Monday and reply you

Please help we did not receive COD cost yet

They were working on it. They should send it to u next week.

Thank you good night

2/6/18, 3:55 PM

we find the wood where do you want it deliver to

3/5/18, 5:11 PM

The kitchen is 70sq.ft. That Oscar can lay right

away.

The living room I measured as 413 sq.ft. If enough for living room I have to submit a sample + under cushion needed per HOA rules at the March 1st meeting.

one box of material is apox is 22.78 sq ft we have 7 boxes where do you want us to deliver the sample

2/6/18, 2:07 AM

You can drop the boxes off at [REDACTED]
[REDACTED] You can leave the boxes at the front desk for Maria Little.

will do it tomorrow

all 7 boxes

Ok

2/7/18, 9:33 AM

wood floor already deliver to [REDACTED] ps
verify

I will ask Maria. Thanks

2/7/18, 11:25 AM

Yes, Wood floor received. Thank you

Thank you please help let us know how much is move the fire Hydrant cost we need it to final 555 Folton

2/12/18, 8:09 PM

I will have Tom contact you on 555 fulton.

Tom's number is [REDACTED]

Thank you

2/15/18, 2:51 PM

we still don't have your confirmation for tomorrow's new year celebration at 11am at Portsmouth Sq. please let us know so we can arrange seating. Thank you and Happy New year! I bring Year of dog bring alot of water to you. Make sure your reservoir is full without creating flooding

2/15/18, 2:51 PM

2/15/18, 6:55 PM

Walter, I'm in Colombia until the 19th.

5/10/18, 5:41 PM

Melanie Lok

Address: [REDACTED]

Cell #: [REDACTED]

Thank you will ck permit tomorrow

5/11/18, 5:51 PM

Can I call you re Melanie project

Yes

5/12/18, 8:58 AM

When can we pick up the plan

5/12/18, 10:28 AM

I just picked up the plans now. Melanie also thinks she will need more power to the house. [REDACTED]

Also, I can show the architect all the other work.

what time can i see you I am free after 1:30 pm

and where can we meet

3:00 at my house?

Ser you 3 pm

Any time after 4

Ok 4 pm

5/12/18, 12:35 PM

At 4 pm can we meet at site I need to see the panel and the deck





Yes

Meet you 4 pm at: [REDACTED]

5/12/18, 2:29 PM

on my way to

[REDACTED], see you at 4 pm

Ok

Arrived where are you

At the front [REDACTED]

5/19/18, 9:53 PM

Did not see PGE bill

PG&E - [REDACTED] [REDACTED]

Not Delivered

PG&E - [REDACTED] [REDACTED]

Not Delivered

Sent it to ur email

did not get it. you know anyone from PGE and find out for her

if we call we need to know lot of her person info before PGE will talk to us

Just emailed u

[REDACTED]

Will ck

read the PGE statement . if you know some one from PGE can you help to call to find out how many amp

in the building

5/12/18, 5:15 PM

Ok

Thank you

5/13/18, 4:16 PM

Burt can meet after 10 am Tuesday morning, can we set that time to meet ?

How about the afternoon?

what time ?

3pm?

let me ck with Burt to confirm

Confirmed Tuesday 3 pm meeting at

[REDACTED] with Burt

5/15/18, 2:00 PM

I'm here

We are 5 min out

Ok

5/16/18, 4:31 PM

when will you have time to prepare ping Pong

when will you have time to practice ping Pong ?

5/17/18, 4:37 AM

Let me look at my schedule.

5/31/18, 5:10 PM

send you Burg est for

[REDACTED] review it and let us know

No, I was looking for it. Can u resend?

just resend

Got it

6/1/18, 3:59 PM

Can I call you, i talk to burt today

6/1/18, 5:18 PM

Call me

6/3/18, 9:54 AM

any more information for [REDACTED] from
owner

Did you receive my email with comments on Burt's
proposal? I told Melanie that we should move
forward in the architect and the demo permit now.
She just want to know the total price. Your
thoughts?

i did not receive email ps resend

consult@jaidin.net ps resend

Resent

Did you get it?

received and review it now

The conversation was with Burt.

7/23/18, 8:45 AM

Good Morning, can we pick up

Guangzhou vice Governor Letter today and we did
not get [REDACTED] items letter yet

7/23/18, 10:35 AM

I just sent email for [REDACTED] I'm still out of
town. I will have Kathy to sign for me. Edgar will call
you so you can pick it up.

Thank you

The letter is ready. The letter with wet signature has
my Chinese business card attached to it. It will be in
an envelope with walter's name on it at the security
counter in lobby of 525. I'll go down now.

Thank you onmy way tp pick iu up

Thank you onmy way tp pick iu up

Great!

7/23/18, 8:16 AM

Good morning we need to revise the invitation letter
please help

Email me the charges

I did thank

Got it

Thank you for revising the letter, let us know when
to pick up

8/13/18, 5:20 PM

good evening, do you still need to do the side of
your building where is leak before ? please give me a
call [REDACTED]

8/20/18, 12:47 PM

IMG_0573

IMG_0572

8/21/18, 8:24 AM

Hey Mr. W, I just remembered that I won't be
available tomorrow at eight. So can Paul come over
Thursday at 8 o'clock?

8/30/18, 10:39 AM

Good Morning Sept 4 is the 5th night out event at
Portsmouth Sq, the Mayor will be here at 5pm, can
you join us

8/31/18, 11:13 AM

[REDACTED]
[REDACTED] Next week I work Wednesday- Friday
(9/5-9/7)

i will check Paul and let you know y end of today

9/4/18, 4:52 PM

What's the status of Melanie 's project? The design
and the construction?

I will call you tomorrow what time is good ?

9:45am

yes sir

9/7/18, 5:30 PM

did you meet Burt, please let us know

Yes

I'll will call u later

Thank

9/9/18, 6:34 PM

Just want to make sure Paul is coming tomorrow at 8:15am

Yes

Can i call you

12/4/18, 3:47 PM

can i call you

Yes

12/5/18, 1:10 PM

📎 IMG_0748

Hey Walter, here is a photo of my backlit numbers
[REDACTED] I was wondering can we place this on a timer
because this is always on and I had to replace the
numbers because they stop illuminating. Thanks

12/6/18, 6:28 AM

Will let election know

12/14/18, 2:41 PM

Can u forward me the invoice for the bell lights
again.

Yes sir

who should we invoice to, or you need a quotation
first? Thanks

Quotation first

is it to dpw

12/29/18, 10:03 PM

Mr. W. Happy Holidays! I received your invoice for the the repairs of the side of the house. Since your repairs I have not noticed any leakage. I will not be submitting this to my insurance company. So, I would like to know my cost for this repair? Also I wanted to have your electrician to place my address numbers on a timer. On a different note, the SFPUC will be purchasing the remaining of the bells and the snowflakes from you. I have the invoice for the bells but not for the snowflakes.

I will take care both issue Wednesday Happy New Year

1/3/19, 8:31 AM

Good Morning do you have the part for your exterior number light need to replace ?

Let me check with staff.

1/3/19, 4:56 PM

Can the electrician come by tomorrow ?

Oj

My exterior number are good for now.

Thank you

1/21/19, 4:53 PM

Hey Mr. W, I wanted to check on the status of the bill I need to pay for the water damage since I'm not going thru my insurance and the electrician for the address lights. Also, the city will pay you for the lights. I will try to make this happen this month.

I will review the file tomorrow, how is Burt doing
[REDACTED]?

He is working with Wayne (Melanie's brother). I will check in with him to find out the status.

Thank you

1/26/19, 5:42 PM

Good morning can I call you

1/27/19, 7:06 PM

I don't have peter's number. This is Lainer's cell:

I got it you give me before and he responded he will take care it tomorrow

Thank you

1/31/19, 12:14 AM

Hey Mr. W, I received the invoice for the repairs. I have issued a bank check for that amount which you should receive by next week. Thanks!

1/31/19, 4:30 AM

Thank you very much

1/31/19, 2:58 PM

Happy New Year! Hi Harlen, please help to confirm if you are attending the Chinese New Year event on Tuesday, Feb. 5 at Portsmouth Square. The program will start at 10:30 am, Mayor Breed will arrive at 10:55am. If you plan to attend the event, please arrive at Portsmouth square by 10:15 am on that day. Look forward to your respond. Thank you Walter

No, I will be out of town at a conference

5/3/19, 3:08 PM

Harlen, how are you? 1) the ping pong will be held on 8/3, Do PUC have a team to participate? 2) Can PUC sponsor a trophy for the winner of advance level? 3) Do you want to practice ping pong before the event? 4) What happened to the LED Christmas light? 5) Alan Varela wants to have dinner with you, are you available on the week of 14th?

5/3/19, 5:32 PM

Hey Mr. W, how are you doing? Yes we plan to participate in the ping pong tournament. We place to be a sponsor. Yes I would like to practice.

I will check the status of the LED Christmas Lights.

Remind me who is Alan varela?

Please call me when you have time

5/23/19, 12:27 PM

Hey W, I had to fire the guy that was [REDACTED]
[REDACTED] He was
incompetent. I have appointment a person that will
create a purchase order to buy the bells. Sorry
sorry for the delay. Call me tomorrow.
By the way, we are putting a PUC team that will win
the ping pong tournament.

I would like to get some ping pong lessons.
However, I can't make the tournament because I
have family reunion on that day.

5/28/19, 11:18 AM

Ping Pong coach just confirm he is available, please
let us know when you available , hope can see you
tonight at Mayor Lee event

6/28/19, 10:51 AM

Hi Harlan, it's only a month apart from the ping
pong tournament. Would you like some practice
before the event? I can arrange a coach for you if
you are interested. Thanks

7/9/19, 4:11 PM

Hey W, can we hook up next week to catch up.

?

7/9/19, 8:38 PM

yes sir

7/14/19, 1:29 PM

your p ractice July 22 and July 24 confirmed

7/14/19, 7:30 PM

Got it!

7/14/19, 5:58 PM

We are waiting for you

I am still in a meeting. Trying to get out

I'm stuck here. I'm with my commissioner

Should we reset to Wednesday

Thanks

7/23/19, 5:23 AM

coach just confirmed tonight at 6:30 pm

Great

7/23/19, 6:37 AM

Here

58562462776_3F878090-50EA-4A51-86F7-6211BC9832
OE

7/24/19, 10:36 PM

Hey Walter, the police will join me in ping pong
practice tomorrow. OK?

7/25/19, 2:07 AM

Good we are ready

7/25/19, 5:30 AM

Police Chief

We will be ready for both

7/26/19, 5:48 PM

Here

7/26/19, 7:23 PM

I just my schedule can Aug 11 dinner move to Aug 10
6:30 pm ps ck with

Chief

7/30/19, 3:22 AM

We will be coming from hetchy on August 11.

I also have closed session at the BOS today. It is
scheduled for 4. It should be over by 5 but I'll let you
know if will be late. I'll let Chief Scott know.

understand

How about July 8-6 pm to Olympia city club

Aug 8?

Aug 8?

we can discuss more

Ping pong at 6:00 today?

yes please

Ok, Chief have confirmed

Thank you

7/12/19 5:13 PM

MI

123_1

We are ready for you

On mu way

8/8/19, 3:24 PM

we missed you with the Ping Pong tournament, how are you 1) we still not receive any PO for Bell and snow flake Led yet please help 2) are we together for dinner Aug 16 or 17 with you,

Naomi, Scott and his wife and Mohammed please let me know I need to confirm with Kinson

8/13/19 3:31 PM

Harlan, are you ok, ?

Hey Mr. W, I just got back. Naomi and I went to Camp Mather [REDACTED] No cell coverage. I will check on the bells tomorrow. What did Washington say? As far as dinner, I have on my calendar Saturday the 16th. I'll check in with the Chief.

Thank

I just check with Washington they asked quote we give them but they did not get back to us

8/13/19 3:31 PM

Good morning please confirm how many people this Friday for dinner

Naomi and I are coming. I'll check with the Chief.

The dinner is on Saturday. Right?

Friday or Saturday both day is ok with me for now is set on Friday

I can make Saturday not Friday.

Thank please ck with chief Saturday is ok with me

8/13/19, 8:01 PM

Any news from Chief for dinner Saturday

The Chief is available. [REDACTED]
Where and what time for dinner?

Do you want Chinese Food

[REDACTED] Is Mo joining us?

I will ask him tomorrow

I can ask Kinson prepare a very Vegetarian din e

Harbor View is ok

Should we invite others?

Yes please just let me k ow hiw .any

Just let know how many people

Anybody u want me to invite?

8/14/19, 3:08 AM

Mo will not join us, please let me know how many people for Sat night

Ok

8/16/19, 7:24 PM

Hi my friend how many people on Saturday dinner

8/16/19, 9:11 PM

Just Na, Bill, and me.

8/17/19, 4:33 AM

3 and ww 4 total right

8/17/19, 10:00 AM



8/17/19, 6:02 PM

Eta 6:10

10 4 i am here

8/29/19, 12:16 PM

Hi Harlan, Christmas is around the corner in 3 months. We previously sent a quote to PUC, but have not received response yet. Is it gonna happen this year? Please help, thank you.

9/3/19, 12:07 PM

Hi, Harlan

Summer is over while Fall is approaching. It is about the time for us to celebrate the Chinese tradition - Moon Festival. We cordially invite you and your family to join our Moon Festival dinner on Friday, Sep. 13 at 6 p.m. at Harborview Restaurant & Bar at 4 Embarcadero Center, Street Level, San Francisco, CA 94111. Look forward to seeing you at the dinner.

Thanks.
Walter

9/5/19, 6:34 PM

Everything has been approved. We should be arranging delivery. Right?

Washington didn't receive the PO yet

1/7/20, 4:01 PM

Happy New Year, do you still need to wine rack support ?

Yes!

Yes!

Read

Ok will set time for Burg to come by next week.

Leger, Cheryl (BOS)

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>
Sent: Tuesday, February 23, 2021 4:04 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127
Attachments: 1. Response - Muckrock SOTF Complaints.pdf; 2. Muckrock SOTF Complaint 20084 (AUGUST 2020 Response).pdf; 3. 2-22-21 Letter re Harlan Kelly texts.pdf; 4. Harlan Kelly Text Messages - Redacted Jan 29 2021.pdf

Good afternoon Ms. Leger,

Please find attached the SFPUC's preliminary letter to the Sunshine Ordinance Task Force, as well as the three attachments to the preliminary letter.

Thank you,
Mayara Ruski Augusto Sa
On Behalf of SFPUC Public Records

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Monday, February 15, 2021 2:42 PM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>
Cc: 94992-15550486@requests.muckrock.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

Harlan Kelly and the Public Utilities Commission have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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.

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.



Cheryl Leger
Assistant Clerk, Board of Supervisors
Sunshine Ordinance Task Force

February 23, 2021

Re: *Anonymous v. Harlan Kelly and the Public Utilities Commission*,
Sunshine Ordinance Task Force Complaint No. 20127
Sunshine Ordinance Task Force Complaint No. 20084

Dear Ms. Leger:

We write with regard to Sunshine Ordinance Task Force ("SOTF") Complaint No. 20127 filed by Anonymous on December 8, 2020 and forwarded to the SFPUC on February 15, 2021.

Complaint No. 20127 appears to be identical to Complaint No. 20084, which was filed on July 13, 2020 by Anonymous regarding a June 11, 2020 Public Records Act request submitted by Anonymous using the MuckRock platform. Indeed, Complaint No. 20127 simply attaches Complaint No. 20084. We are unable to identify how these two complaints differ. We request that the SOTF confirm that these two requests are identical, or whether on what basis SOTF considers Complaint No. 20127 to raise new allegations.

Also, we wish to remind the Task Force that on August 5, 2020, SFPUC provided an initial response to Complaint No. 20084. For your convenience, our prior response is attached here.

Please note that SFPUC has provided the Requester the attached letter, as well as a minimally redacted text message exchange between Harlan Kelly Jr. and Walter Wong.

Finally, as we informed the SOTF in our written submissions on July 15, 2020 and August 5, 2020, the deadlines for responses to SOTF complaints are currently tolled per the Fifth Supplement to the Mayoral Declaration of Emergency. Accordingly, we are not providing a full response to either Complaint Nos. 20127 or 20084 at this time. We intend to follow up with another letter shortly.

Sincerely,
SFPUC Public Records

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, February 23, 2021 6:42 PM
To: SOTF, (BOS); Carlin, Michael (PUC)
Subject: Re: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127
Attachments: signature.asc

PUC and SOTF:

I agree with PUC that - as noticed by SOTF at this moment - 20127 is identical to 20084.
It is unclear if this is my own clerical error or SOTF's.

Ms. Leger: Can you provide to me the email thread and web complaint form that created 20127? I think there is a mistake somewhere.

There are other violations by PUC related to this whole affair - but its not the same thing twice.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Tue, Feb 23, 2021 at 6:34 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous: Please see the response from the PUC regarding complaint 20127.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7721

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?b=www.sfbos.org&g=ZjQwOGVmNjIxZmNlZjkwNw==&h=NjI0YTcyOTJmN28iMzExMmE3ZGZlODVlNTU4NzRlMTYyNjQxZGZmYjE4MjJkZTJhZTU1NDI2ZDJlMzA0ODIzZD==&p=YXAzOnNm>

ZHQyOmF2YW5hbJpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOjM0NmVjZmNjMzAwM2lwOWNkM2I5NzUwYmFjOWQ4NjM1OjYx



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From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Sent: Tuesday, February 23, 2021 4:04 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127

Good afternoon Ms. Leger,

Please find attached the SFPUC's preliminary letter to the Sunshine Ordinance Task Force, as well as the three attachments to the preliminary letter.

Thank you,

Mayara Ruski Augusto Sa

On Behalf of SFPUC Public Records

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Monday, February 15, 2021 2:42 PM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Cc: 94992-15550486@requests.muckrock.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

Harlan Kelly and the Public Utilities Commission have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, February 25, 2021 12:41 PM
To: SOTF, (BOS)
Subject: RE: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127
Attachments: signature.asc

Got it - there is no new complaint here.

Please just add this into older file 20084. Thanks.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Thu, Feb 25, 2021 at 12:17 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous: The attached emails are all the information for 20127 I have.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=ZjYzYTE5ZTVmNTA3ZGZhMw==&h=YTBhMmJkN2ZhYjE3NjJkNGJkNjlmMmY4NTIwZDExOWQ2ZmlwY2Q5N2FiMGYwMTU4NGM1ZTUyM2RjOGMzNWYyNg==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOmJmOWRIYzc5OGZkMjBNDIwZDRlNzNlMDU4NWE4NzVhOnYx>



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From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Tuesday, February 23, 2021 6:42 PM

To: SOTF, (BOS) <sotf@sfgov.org>; Carlin, Michael (PUC) <mcarlin@sfgwater.org>

Subject: Re: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127

PUC and SOTF:

I agree with PUC that - as noticed by SOTF at this moment - 20127 is identical to 20084.

It is unclear if this is my own clerical error or SOTF's.

Ms. Leger: Can you provide to me the email thread and web complaint form that created 20127? I think there is a mistake somewhere.

There are other violations by PUC related to this whole affair - but its not the same thing twice.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages

whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Tue, Feb 23, 2021 at 6:34 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous: Please see the response from the PUC regarding complaint 20127.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=ZjQwOGVmNjlxZmMxZjkwNw==&h=Njl0YTcyOTJmN2RiMzExMmE3ZGZlODVINTU4NzRiMTYyNjQxZGZmYjE4MjdkZTJhZTU1NDI2ZDjiMzA0ODIzZQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjM0NmVjZmNjMzAwM2lwOWNkM2I5NzUwYmFjOWQ4NjM1OnYx>



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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



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Dennis Herrera,

Set aside your opinion of me and my other petitions - this is a case where your office must agree that the public interest is served by immediately reviewing my attached Supervisor of Records petition and ordering the disclosure of these records. **This is of the highest urgency and it is your duty to issue a written determination against PUC and order disclosure.**

You claim to have unparalleled independence. Do not let PUC hide communications of allegedly corrupt behavior. The criminal complaint by the United States against Mr. Kelly references topics ***related to various messages partially withheld by the PUC from me re: travel, insurance payments, and more that were, at first, disclosed.*** If nothing else, your office must review the unredacted versions of those text messages. I have no idea whether Mr. Kelly is guilty or not of any crime, but the public deserves to know the exact conduct that took place between Kelly and Wong.

At first PUC gave me nearly all of the text messages between Wong and Kelly, when I voluntarily informed that they had left readable someone's lockbox code, they then requested I delete the entire PDF, including many other messages not related to such sensitive private info. Note that the public hyperlinks to this PDF were published by PUC online.

While I did delete my own copy of the specific PDF, voluntarily, and without conceding any legal authority of the PUC to command me to do anything at all, the government cannot essentially erase my brain.

I informed PUC:

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

- 1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed*
- 2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*
- 3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*
- 4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))*

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

On Tuesday, December 1st, 2020 at 1:00 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v. Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

Attached is an SFAC 67.21(d) petition against Harlan Kelly, Jr. and PUC regarding, *inter alia*, text messages between Kelly and Walter Wong.

Thanks!

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

On Thursday, July 9, 2020 4:42 AM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file `Walter redacted final.pdf` having SHA256 checksum 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a);
Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM,
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729> Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfwater.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these

records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove

them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted version of this text exchange, which should be available at the following link by the end of today:
<https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From:
sfrecordsresearch@pm.me

<[sfrecordsresearch@p
m.me](mailto:sfrecordsresearch@p
m.me)>

Sent: Tuesday, July 7,
2020 12:37 AM

To: Public Records
<PublicRecords@sflower.org>

Subject: Released info -
please check!

CAUTION: This email originated from **outside** of the organization. Do not click
recognize the sender and know the content is safe.

Hi PUC,

You released to my
MuckRock request 94992
a file called "Walter
redacted final.pdf"
at [https://sfpuc.sharefile.c
om/d-sfaf513caac747dcb](https://sfpuc.sharefile.com/d-sfaf513caac747dcb)

In that file you had some
partially obscured texts
(i.e. the text messages are
still visible but just have
extra black rectangles on
them). One of them says:

"1/19/17, 11:14 AM

The door at garage is
lock can enter in house ,
when you open let us
know we can check repair

There is a key in
the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

Dennis Herrera,

Today is day 174 of you refusing to respond to the Kelly-Wong text message petition under SF Admin Code 67.21(d), and thus also day 174 of you helping PUC and Harlan Kelly, Jr. to hide these records of communications between Kelly and a City contractor who has pled guilty to crimes related to City corruption.

As City Attorney, you have a legal duty to protect public access to information.

Why do you refuse to respond to my July 9, 2020 Supervisor of Records petition for the Kelly-Wong text messages?

What happened to the supposed unparalleled independence of your Office that Mr. Cote touts to the press?

PUC possesses the unredacted original whether or not Kelly is a city employee - all you have to do is order one or more parts of it disclosed.

Sincerely,
Anonymous

On Tue, Dec 1, 2020 at 2:24 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Dennis Herrera,

Set aside your opinion of me and my other petitions - this is a case where your office must agree that the public interest is served by immediately reviewing my attached Supervisor of Records petition and ordering the disclosure of these records. **This is of the highest urgency and it is your duty to issue a written determination against PUC and order disclosure.**

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Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files

to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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

On Tuesday, December 1st, 2020 at 1:00 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v.

Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

Attached is an SFAC 67.21(d) petition against Harlan Kelly, Jr. and PUC regarding, *inter alia*, text messages between Kelly and Walter Wong.

Thanks!

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

On Thursday, July 9, 2020 4:42 AM,
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file 'Walter redacted final.pdf' having SHA256 checksum 8254cbe0fc6d6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM,
sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you

bcc-ed Herrera's office
or something.

Regardless, I'm not
MuckRock, I'm just one
of their many users.

Please contact
MuckRock Foundation
directly if you need to
give their entity some
sort of specific demand.
I've let them know to
expect your request.
The request to
reference is
<https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729>

Info@muckrock.com is
their support email but
I cannot represent that
it is the proper avenue
for such a request.

Again, *please* do
inform whoever that
lockbox code is about
that you released it
accidentally - even if
MuckRock agrees now
to take any copies
down that it has (if
any), your sharefile link
was in fact accessible in
the past, publicly.

Also don't forget that
there are still
outstanding records
requests to you on the
original
requests.muckrock.com
thread.

----- Original Message

On Jul 8, 2020, 5:12
PM, Public Records <
PublicRecords@sfgov.org> wrote:

Dear
MuckRock,

Thank
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information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of

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SFPUC
Public
Records

From:
sfrecordsresearch@m.me
<sfrecordsresearch@m.me>

Sent:
Tuesda
y, July
7, 2020
12:37
AM

To:
Public
Records
<PublicRecords@sfpuc.org>

Subject
:
Release
d info -
please
check!

CAUTION: This email originated from **outside** of the organization. Do recognize the sender and know the content is safe.

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf"

at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of

them
says:

"1/19/1
7, 11:14
AM

The
door at
garage is
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us know
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Thanks!

Wow! I should pay more attention to the news...

Many of the messages unlawfully withheld, and asked to be deleted by me, by PUC in this case are **directly** related to the allegations made by the federal government in United States v.

Kelly, <https://www.justice.gov/usao-ndca/press-release/file/1341026/download> ; <https://www.justice.gov/usao-ndca/pr/general-manager-san-francisco-public-utilities-commission-charged-honest-services-wire>

Both the Supervisor of Records and SOTF must order their immediate disclosure.

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

On Thursday, July 9th, 2020 at 12:11 PM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

Supervisor of Records Herrera,

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Thanks!

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

On Thursday, July 9, 2020 4:42 AM, sfrecordsresearch@pm.me <sfrecordsresearch@pm.me> wrote:

PUC - Without waiving any rights or conceding that you have the right to demand that I do so, I have voluntarily deleted my own copy of the file 'Walter redacted final.pdf' having SHA256 checksum 8254cbe0fcdb6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453 - I am also filing an SOTF/Ethics/Supervisor of Records complaint against Mr. Kelly and PUC for disclosure of some or all of these messages.

SOTF:

Please file attached complaint, and provide formal notice: Anonymous (94992-15550486@requests.muckrock.com) v. Harlan Kelly, Jr and Public Utilities Commission - your webform will be filled out.

Allegations: SFAC 67.21(b), 67.26, 67.27, 67.29-7(a); Gov Code 6253(b; c; d(3))

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

On Wednesday, July 8, 2020 7:03 PM, sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me> wrote:

I'm unsure why you are claiming attorney client privilege in this email. You are not my attorney nor am I your's; perhaps you bcc-ed Herrera's office or something.

Regardless, I'm not MuckRock, I'm just one of their many users.

Please contact MuckRock Foundation directly if you need to give their entity some sort of specific demand. I've let them know to expect your request. The request to reference is <https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729> Info@muckrock.com is their support email but I cannot represent that it is the proper avenue for such a request.

Again, *please* do inform whoever that lockbox code is about that you released it accidentally - even if MuckRock agrees now to take any copies down that it has (if any), your sharefile link was in fact accessible in the past, publicly.

Also don't forget that there are still outstanding records requests to you on the original requests.muckrock.com thread.

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

On Jul 8, 2020, 5:12 PM, Public Records <PublicRecords@sfgov.org> wrote:

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July

3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted version of this text exchange, which should be available at the following link by the end of today:
<https://sfpuc.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From: sfrecordsresearch@pm.me
<sfrecordsresearch@pm.me>
Sent: Tuesday, July 7, 2020 12:37 AM
To: Public Records
<PublicRecords@sfpwater.org>
Subject: Released info - please check!

CAUTION: This email originated from outside of the organization. Do not click links or recognize the sender and know the content is safe.

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf" at <https://sfpuc.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of them says:

"1/19/17, 11:14 AM

Leger, Cheryl (BOS)

From: 94992-15550486@requests.muckrock.com
Sent: Friday, March 5, 2021 4:06 PM
To: Ruski Augusto Sa, Mayara (PUC)
Cc: SOTF, (BOS)
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

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

Public Utilities Commission
PRA Office
Polk Street
525 Golden Gate Avenue
SF, CA 94102

March 5, 2021

This is a follow up to a previous request:

FOR FILE 20084 and FILE 20127:

1. As the Task Force is aware, attempting to produce records months after I file a complaint does not in any way mean that the Respondents did not violate the ordinance at the time I filed the complaint. By the City's logic as long as some point down the line you produce records, there are never any violations of the Ordinance. You've never made a determination in that manner, and you should not now do so.

2. The records have still not been produced in full even to this day. Various text messages had attachment parts, have been admitted to be public, and the attachments have not yet been provided. That remains non-minimal withholding and an incomplete response.

While I do not have to specifically request attachments (since attachments are in fact stored within the text message electronic record), I did specifically request them:

"For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups)."

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 94992-15550486@requests.muckrock.com
Upload documents directly: https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fpublic-utilities-commission-4834%25252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-

94992%25252F%25253Femail%25253DMRuskiAugustoSa%25252540sfwater.org%26amp%3Burl_auth_token%3DAABcOvcgKY8Kp2249Biuij8PPBY%253A1IKS9%253ACIEt0HRbDNRffcmo9rITfeQAX-I&g=OTdIYTg1ZGMwYmFINmVmZg==&h=MTViNTVkyTE4NThmYzFjMWRkYjIiZTI5OGYwMzE4YzY5ODJlZjlmNGQ3OWViMDIIZDM2Yjk4ZDIxMWZINzY3Nw==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 94992
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On March 5, 2021:

Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127

Good afternoon,

Attached is the SFPUC's full response to Complaints Nos. 20127 and 20084, as well as the two documents mentioned in the response letter.

Thank you,
Mayara Ruski Augusto Sa
SFPUC Public Records Senior Analyst

On March 2, 2021:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
See attached distinct 67.21(D) petition about Kelly-Breed messages.

On Feb. 23, 2021:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Mr. Carlin and SFPUC:

This is a NEW immediate disclosure request for all communications between Harlan Kelly Jr. and Walter Wong in the possession of the PUC for dates (a) BEFORE Jan 1, 2015, and also (b) ON OR AFTER June 11, 2020. These were not responsive to my request on June 11. I'm not arguing PUC has to go talk to Kelly now as a former employee (for this request) - but if you (i.e. PUC, or any of its current employees) have anywhere in your computer systems or in hardcopy any copies (including the black hiliter but unredacted file) of responsive records - you must provide them to me. I know that your agency still possesses at least some of these records both based on the black hiliter file and also based on your admission in the recent letter to me (https://avanan.url-protection.com/v1/url?o=https%3A//cdn.muckrock.com/foia_files/2021/02/22/2-22-21_Letter_re_Harlan_Kelly_texts.pdf&g=MmM3YmI3ZjJkZTViNWJhMA==&h=MDFmYmY0YmZhM2JlOTIhYjVjOWU3YmMzMDg5YzVjZmJlM2FkNmMwNGRlZjZkNTRmOTRiNGMxOGNmNTNIOTJmMQ==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx).

Thanks,
Anonymous

On Feb. 22, 2021:

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you. We do not concede that any of the still-withheld information is in fact lawfully withheld. Analysis and corroboration continue. You will see petitions shortly.

I also enjoyed the part of your letter that speaks on behalf of the entire City's procedures re: personally-held public records - I assume it was dictated by Herrera. Funny stuff.

--Anonymous

On Feb. 22, 2021:

Subject: Muckrock June 11, 2020 Request Supplement

Dear Requester,

Please find attached a letter from the SFPUC's Acting General Manager Michael Carlin.

Best Regards,
SFPUC Public Records

On June 11, 2020:

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngpr@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response [here](#):

<https://avanan.url->

protection.com/v1/url?o=https%3A//cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf&g=MjNmMmM5ZjkxZjYwMTc0YQ==&h=MDdmMGUzZDhiMzhIMDczZTg0MDUyYWI2OTZjNWMyYzg1Yzc2ODhiYTBMNjNhZmQ0NjQ0NmYzOWYwNTk0YjVjNg==&p=YXAzOnNmZHQyOmF2YW5hbGpvcZmZpY2UzNjVfZW1haWxzX2VtYWIsOjBmYTg3NTk5NDhhZTgwNjA0MjExNDI0YmU4YjI2ZmNiOnYx and clearly referenced redaction justifications here:

<https://avanan.url->

protection.com/v1/url?o=https%3A//cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf&g=NGQ2NmQ1MTVlZmFIN2JkYQ==&h=YjNhYzBiNTdlMmRlMTJhZmVkMWQ5Y2U4ZDczNTc3ZTE3Mjl4Nzg4MWQ3YjQ3ZDBmZjBkYjJlNGNmMzdIOGEyMg==&p=YXAzOnNmZHqYOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWwlsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:

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

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Thank you for your anticipated cooperation in this matter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly- viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing

herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 94992-15550486@requests.muckrock.com

Upload documents directly: [https://avanan.url-](https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fpublic-utilities-commission-4834%25252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%25252F%25253Femail%25253DMRuskiAugustoSa%25252540sfwater.org%26amp%3Burl_auth_token%3DAABcOvcgKY8Kp2249Biuij8PPBY%253A1lIKS9%253ACIEt0HRbDNRffcmo9rITfeQAX-l&g=NmJIYzVhYTAzMWE1NDY4NQ==&h=MWE3MGY4OWY2OTdkMTI3NmQ2MjQ2YzFkZjkyMWU0YTY4MDI0MDgwYWl3ZWQ1MjBmMWY3Yjk2OGM5YjA3OGQzMA==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx)

[protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fpublic-utilities-commission-4834%25252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%25252F%25253Femail%25253DMRuskiAugustoSa%25252540sfwater.org%26amp%3Burl_auth_token%3DAABcOvcgKY8Kp2249Biuij8PPBY%253A1lIKS9%253ACIEt0HRbDNRffcmo9rITfeQAX-](https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fpublic-utilities-commission-4834%25252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%25252F%25253Femail%25253DMRuskiAugustoSa%25252540sfwater.org%26amp%3Burl_auth_token%3DAABcOvcgKY8Kp2249Biuij8PPBY%253A1lIKS9%253ACIEt0HRbDNRffcmo9rITfeQAX-l&g=NmJIYzVhYTAzMWE1NDY4NQ==&h=MWE3MGY4OWY2OTdkMTI3NmQ2MjQ2YzFkZjkyMWU0YTY4MDI0MDgwYWl3ZWQ1MjBmMWY3Yjk2OGM5YjA3OGQzMA==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx)

[l&g=NmJIYzVhYTAzMWE1NDY4NQ==&h=MWE3MGY4OWY2OTdkMTI3NmQ2MjQ2YzFkZjkyMWU0YTY4MDI0MDgwYWl3ZWQ1MjBmMWY3Yjk2OGM5YjA3OGQzMA==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx](https://avanan.url-protection.com/v1/url?o=https%3A//accounts.muckrock.com/accounts/login/%3Fnext%3Dhttps%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fpublic-utilities-commission-4834%25252Finter-agency-text-messages-immediate-disclosure-request-sf-puc-94992%25252F%25253Femail%25253DMRuskiAugustoSa%25252540sfwater.org%26amp%3Burl_auth_token%3DAABcOvcgKY8Kp2249Biuij8PPBY%253A1lIKS9%253ACIEt0HRbDNRffcmo9rITfeQAX-l&g=NmJIYzVhYTAzMWE1NDY4NQ==&h=MWE3MGY4OWY2OTdkMTI3NmQ2MjQ2YzFkZjkyMWU0YTY4MDI0MDgwYWl3ZWQ1MjBmMWY3Yjk2OGM5YjA3OGQzMA==&p=YXAzOnNmZHQyOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOjBmYTg3NTk5NDhhZTgwNjA0MjExN2I0YmU4YjI2ZmNiOnYx)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 94992

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, March 8, 2021 6:24 PM
To: Records, Supervisor (CAT); GIVNER, JON (CAT); HALL, ARLENE (CAT); Dennis Herrera (City Attorney, SF); FEITELBERG, BRITTANY (CAT); Carlin, Michael (PUC)
Cc: SOTF, (BOS)
Subject: RE: Subsequent 67.21(d) petition re Kelly-Wong records (also filed to SOTF 20084)
Attachments: SOR response.pdf; signature.asc

Supervisor of Records Herrera and DCA Givner:

In your petition response - absurdly *denying* my petition after having to unredact nearly all of the unlawfully withheld records and thus accepting they were public - the City is admitting that it *could* have reviewed the records both at the time I filed my request AND at the time I filed the petition - all points during which Kelly remained an employee of the City, and thus records remained within the constructive possession of the City.

But, conveniently for you, your office and the PUC only chose to do what you were legally required to do, not only under the CPRA but also under Admin Code 67.21(d), months later, *after* Kelly resigned, even though, as your office states in your *City of San Jose* memo, the City is legally responsible for the judgments of its employee Kelly in not providing the records. Even if the City had erred initially in its July 2020 response, it had months to correct the response prior to Kelly's resignation, and it made a deliberate choice not to do so, allowing Kelly control of the City's public records that were politically, if not criminally, damaging to him, and that he could not have judged in an unbiased manner. Moreover, it is apparently your office's policy to advise the City to do this as a matter of course.

If your office had followed the law and responded to my petition within 10 days, the City would have been able to review the text attachments when they were still in the constructive possession of the City. That choice was not merely PUC's or Kelly's - it was your's. As you know, "[t]he effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public." *Cnty. Youth Athletic Ctr. v. City of Nat'l City*, 164 Cal. Rptr. 3d 644, 676 (Cal. Ct. App. 2013)

This case will be key in causing the City to pass an ordinance criminalizing the destruction of or failure to retain or disclose any public records stored on a City employee's personal property. Your office's policy in giving City officials unlimited control of the public's records gives the public no other choice. And any City official who opposes such a measure can only do it to hide their public correspondence from the public.

SOTF - please file this thread and all attachments in File 20084. Please also file it in the unnumbered complaint against Dennis Herrera for failing to respond to the supervisor of records petition.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Mon, Mar 8, 2021 at 5:53 PM, Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG> wrote:

Please see attached response to your petition.

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of this email or received this email inadvertently, please notify the sender and delete it.

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, February 22, 2021 6:49 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>; Carlin, Michael (PUC) <mcarlin@sfgov.org>
Cc: SOTF, (BOS) <sotf@sfgov.org>
Subject: Subsequent 67.21(d) petition re Kelly-Wong records (also filed to SOTF 20084)

Supervisor of Records Herrera,

For mysterious reasons -- perhaps related to the immediately prior email about this issue being BCC-ed to every reporter that I know and many that I don't -- I today got a revised 56 page production of a records request I made to PUC last year and petitioned Herrera for last summer. What could possibly have delayed Dennis Herrera and the PUC in not doing this partial disclosure for over half a year? Why was the record supposedly re-redacted on Jan 29 but released only today? Who knows - the letter in Exhibit A certainly does not explain. I'm sure some intrepid reporter will find out.

This is a new additional 67.21(d) petition against the PUC related to the Kelly-Wong text messages requested via 94992-15550486@requests.muckrock.com for a written determination that some portions withheld are public and an order for their disclosure.

Attachments in the text messages have been unlawfully withheld, were **specifically** requested in the original request (Exhibit C), are at least in part public, and must be ordered disclosed. This includes but is not limited to at least the image, video, and audio attachments depicted on Exhibit B pages my Bates numbers: 9 (image), 28 (the hyperlink url), 29 (two images), 30 (4 images), 31 (two images), 32 (three images), 33 (two images), 34 (two images), 44 (two audio files), 45 (two audio files), 48 (two images), 49 (one image), 53 (one image), 54 (one image).

At the time of my request in June 11, 2020, the City had "constructive possession" of the relevant records because their employee, Harlan Kelly Jr., had possession of the records, and pursuant to *City of San Jose v Superior Court* the possession of a record by an individual employee imputes to the local agency. The fact that the City may or may not have preserved the records as lawfully required as of the time I requested them is of no consequence as to whether or not they were lawfully mine (or the public's) to have when I made the request last year. "The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public." See *Community Youth Athletic Center v. City of National City*. I hope you actually collected the records when I requested them, because if the City failed to do so, I've got a pretty slam-dunk suit I can win. As in *National City*, any claims of the City to searching in good faith for the requested records for the records but "mistakenly" not producing them will not help you win. The fact that the records may not *now* be in the possession of the City (due to Kelly's separation) is *also* not relevant.

Note that a determination by Herrera is not conditioned on PUC actually providing me these records. Herrera's obligations are to declare the records public and order them disclosed. If PUC refuses to comply (for any reason including that they did not actually search for and preserve responsive records at the time of my request - that's not my problem or Herrera's problem), I'll deal with actually getting the records in court.

NOTE: I still await your legally-mandated "determination" in response to my earlier, separate, petition of last summer on this request. **I won** - at least in part as the information was *admittedly* public - and I expect an appropriate determination. Note that the earlier petition for these records **ALSO** needs the withheld attachments to be disclosed. This is also **NOT** a concession that any of the text still redacted in your most recent release is not a disclosable public record. Corroboration from other sources may yet be used to prove that some of the textual content still redacted continues to be withheld unlawfully.

NOTE: 1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary. 2. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. 3. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. 4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

March 8, 2021

Sent via email (94992-15550486@requests.muckrock.com and arecordsrequestor@protonmail.com)

Re: Petitions to Supervisor of Records

To Whom It May Concern:

This letter responds to your petitions sent via email to the Supervisor of Records on July 9, 2020 and February 22, 2021, both concerning your June 11, 2020 request to the San Francisco Public Utilities Commission ("SFPUC") and former SFPUC General Manager Harlan Kelly, Jr. for communications involving Mr. Kelly. Specifically, on June 11, 2020, you requested that the SFPUC provide texts, emails, and chat messages with various individuals. Relevant to these petitions, your June 11 request in part sought the following records:

All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngpr@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to *City of San Jose v Superior Court* (2017))

We understand that in response to your June 11 request, and consistent with the longstanding advice of the City Attorney's Office as described in our Office's public memorandum dated March 24, 2017, the SFPUC asked Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. Mr. Kelly provided the SFPUC with a document containing a series of text messages between himself and Mr. Wong. Mr. Kelly redacted a significant number of text messages in the document, asserting that the redacted communications between him and Mr. Wong did not relate to City business. Following the standard practice of City departments and the general guidance of the City Attorney's Office under the Supreme Court's decision in *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017), the SFPUC relied on Mr. Kelly to prepare the redactions, and did not ask to review the unredacted text messages before producing the document in response to the June 11 records request. The SFPUC responded to your June 11 request by providing responsive records on July 2 and July 6, 2020, including the document prepared by Mr. Kelly. The SFPUC's reliance on Mr. Kelly to produce a redacted version of his text messages was appropriate, consistent with *San Jose*, and consistent with this Office's longstanding legal advice.

On July 7, 2020, after the SFPUC provided you with the document prepared by Mr. Kelly including redacted text messages, you informed the SFPUC that Mr. Kelly had not properly redacted the text messages, so a member of the public or the SFPUC's staff could make the redacted text visible on a computer. As the SFPUC explained in its letter to you on February 22, 2021, subsequent events in 2020 caused the SFPUC to reconsider whether it was appropriate for

Letter to Anonymous
March 8, 2021
Page 2

the agency to review the text messages in their original, unredacted form. In light of the unique and extraordinary situation described in the SFPUC's letter to you, the SFPUC reviewed the unredacted text messages to determine whether they were clearly private or unrelated to City business. On February 22, 2021, the SFPUC sent you a second version of the document with fewer portions of the text message exchange redacted.

Your July 9, 2020 petition asked the Supervisor of Records to examine the original unredacted records and "determine that some or all of the records or portions thereof withheld from disclosure or not yet disclosed are public." We have reviewed the unredacted text exchange and the SFPUC's redactions in the version the SFPUC provided to you on February 22. Based on that review, we find that the SFPUC appropriately redacted portions of the text messages that do not contain information relating to the conduct of the public's business and therefore do not constitute public records responsive to your request (see Cal. Gov't Code § 6252(e); *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017) (*San Jose*)), would constitute an unwarranted invasion of personal privacy (Cal. Const. Art. I, Sec. 1; Cal. Gov't Code § 6254(c)), or would disclose confidential personnel information (Cal. Gov't Code § 6254(c)).

Your February 22, 2021 petition asked the Supervisor of Records to determine that image, video, and audio files attached to text messages exchanged between Mr. Kelly and Mr. Wong are "at least in part public." The SFPUC does not currently have—and never had—possession of those attachments. As described above and in the SFPUC's February 22 letter to you, the SFPUC relied on Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. Mr. Kelly produced the PDF document that the SFPUC provided to you in July 2020. Mr. Kelly did not produce copies of the attached image, video, or audio files to the SFPUC, presumably based on his determination that the attached files were unrelated to City business. As noted above, it was appropriate for the SFPUC to rely on Mr. Kelly to review his text messages and produce responsive records. When the SFPUC determined it was appropriate to review the unredacted messages after Mr. Kelly's resignation, it reviewed and produced only the files in its possession. Because the SFPUC did not have possession of, or access to, the image, video, and audio files, it could not independently review Mr. Kelly's determination and evaluate for itself whether the attached files might relate to public business.

For the reasons stated above, your petitions are denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Jon Givner
Deputy City Attorney

Leger, Cheryl (BOS)

From: Hood, Donna <DHood@sflower.org> on behalf of Commission <commission@sflower.org>
Sent: Monday, March 22, 2021 3:08 PM
To: Anonymous Records Requester; Carlin, Michael (PUC); Ruski Augusto Sa, Mayara (PUC); Commission
Cc: Dennis Herrera (City Attorney, SF); FEITELBERG, BRITTANY (CAT); Cityattorney; Board of Supervisors, (BOS); GIVNER, JON (CAT); SOTF, (BOS)
Subject: RE: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

Thank you. Your correspondence has been forwarded to the Commission.

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, March 19, 2021 11:29 PM
To: Carlin, Michael (PUC) <mcarlin@sflower.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sflower.org>; Commission <commission@sflower.org>
Cc: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityatty.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityatty.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; SOTF, (BOS) <sotf@sfgov.org>
Subject: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:
as a public communication for distribution to Commissioners with attachment

See attached letter.

bcc other custodians - I would urge you to please not make up false claims about me or my requests.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Very truly yours,

Anonymous

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 24, 2021 12:29 PM
To: Carlin, Michael (PUC); Ruski Augusto Sa, Mayara (PUC); commission@sfgwater.org
Cc: Dennis Herrera (City Attorney, SF); FEITELBERG, BRITTANY (CAT); Cityattorney; Board of Supervisors, (BOS); GIVNER, JON (CAT); SOTF, (BOS)
Subject: Re: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084
Attachments: 20210319_puc_false_statements_letter-FINAL (2).pdf; signature.asc

The PUC has refused to retract its false statements about this request after being informed that they were in fact false.
SOTF: please enter this thread and attachments into the file 20084.
It will be used as evidence of willful violation by the PUC.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

On Friday, March 19th, 2021 at 11:29 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:
as a public communication for distribution to Commissioners with attachment

See attached letter.

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3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability

or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.

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Very truly yours,

Anonymous

Anonymous Public Records Audit of San Francisco

arecordsrequestor@protonmail.com

<https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/>

Anonymous

Attn. Michael Carlin
Public Utilities Commission
525 Golden Gate Avenue
San Francisco, CA 94102
*via email, CC: Dennis Herrera, City Attorney,
and Board of Supervisors*

March 19, 2021

Demand that SFPUC retract false statements of fact

Public Utilities Commission, City and County of San Francisco, and counsel:

PUC, an agency of the City and County of San Francisco, wrote a letter to a MuckRock request email address addressed to me on March 19, 2021 with multiple false statements of fact. That letter is available on MuckRock¹ and says in relevant part:

Dear Requester, ... As you recall, on July 9, 2020, due to an "inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020," we demanded that you destroy all copies of the record you have again requested and not forward copies to others, and we provided you a copy of the record in its place, available here <<https://sfpuc.sharefile.com/d-s62b89803d7484d6e94cbc0ce1b8b3ad3>>.

This contains multiple lies. As you may be aware, the full request thread is available to the public on MuckRock² and proves PUC is lying (see "Evidence of False Statements of Fact" section below).

Instead of lying about what happened, the City should thank me. The only

¹<https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-1053002>

²<https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/>

reason more people don't have the unredacted file is because I, voluntarily and without obligation to do so, informed you about the partial redactions, as I often inform various City departments.³

What I have sadly learned is that no good deed goes unpunished, and the behavior of the PUC and City Attorney in this case, and the broader retaliation by the City Attorney against my guaranteed rights of public

³Including but not limited to:

1. Oct 31, 2019 email to CIO/CISO regarding improperly applied redactions in DT records;
2. Jan 17, 2020 email to Mayor's Office, CIO, CISO regarding release of IP address info in City contract records;
3. Jan 22, 2020 email to City Attorney's Office, CIO, CISO regarding release of employee addresses and phone numbers on a Board of Appeals record;
4. Jan 30, 2020 email to CIO/CISO regarding release of a person's Social Security Number, drivers license, and birth date on a City website;
5. July 16, 2020 email to SFPD regarding their release of Bryan Carmody's drivers license number
6. repeated warnings in July and December 2020 and January 2021 (and associated SOTF complaint) to the City Attorney's Office that they too had released Bryan Carmody's drivers license information, with no acknowledgment until March 2021;
7. Dec 18, 2020 voluntary redaction of Sean Elsbernd's phone numbers and familial affairs as released by Police Commission;
8. Dec 21, 2020 email to Public Works and Mayor's Office regarding Public Works' release of the Mayor's personal phone number – for which I was thanked with an illegal (imperfected) and unconstitutional (see *Publius v Boyer-Vine*) demand by the Mayor's Office not to communicate the number to others (a demand which the City later had to retract);
9. Feb 25, 2021 email to City Attorney's Office disclosing the URLs of Herrera's release of his personal email address to a *different records requester* that I found online; and
10. Mar 15, 2021 email to CIO, CISO, and City Attorney's Office regarding potential for widespread release of unredacted email attachment information via NextRequest.

access and appeal in order to prevent me from uncovering City misconduct, forces me to rethink my policy of informing the City going forward.

My alerting PUC to the lock box code in the unredacted PDF appears to have harmed the public interest because the other messages between Kelly and Wong were hidden from public view while you and Herrera took your time in re-releasing the other unredacted messages over half a year later. If I had not so informed you, the public would have had the opportunity to learn about the Kelly-Wong interactions, whether allegedly criminal or not, even before he was arrested.

The public has its own right to hold the government accountable and ensure officials use their vast powers of temporarily delegated sovereignty in the public interest as opposed to their private interest – we do not have to rely solely on the whims of prosecutors.

I am proud of my ability to consistently beat the City of San Francisco on Sunshine issues on the basis of a precise application of the law⁴ – I don't need to cheat or lie to win and I will not permit any insinuations to the contrary. I win because I am correct, and the City nearly always attempts to hide some disclosable public information in records or otherwise skirt the transparency laws.

I demand, not request, that the City of San Francisco retract its false statements of fact, by email to myself and to MuckRock no later than close of business March 22, 2021.

EVIDENCE OF FALSE STATEMENTS OF FACT:

On July 8, 2020, PUC sent me on my own personal email the following message (emphasis mine): “Dear **MuckRock**, ... The SFPUC hereby

⁴See: at least 14 out of 15 decisions by the Sunshine Ordinance Task Force in my favor;
<https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/01/log>

requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.”⁵ On July 9, PUC separately sent to MuckRock the following message: “The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.”⁶

First, I am not MuckRock - and I had no obligation even to acknowledge your request since it was directed to MuckRock, and not to me. Regardless, I did respond voluntarily and without any obligation to do so, informing you that I deleted my own copy of the PDF. That does not mean my brain was wiped of the information contained in the PDF. And it doesn't mean that copies of the PDF in any other person's possession would be magically deleted either.

Second, you have now falsely characterized this request as a “demand.” As your July letter states - it was a request, not a demand.

Third, you falsely state that you demanded that I “not forward copies to others.” You did not ask me not to forward the PDF to anyone else. You asked MuckRock (not me) to remove the document from all publicly accessible locations. As I understand, Michael of MuckRock separately informed you that they had never had a copy to distribute in the first place. Regardless, to be clear, I never posted my copy of that PDF publicly nor have I provided my copy of that PDF to anyone else, even though I had no obligation to refrain from doing either.

Whether you believe me or not, I did in fact delete my copies of the

⁵<https://www.documentcloud.org/documents/20509097>

⁶<https://www.documentcloud.org/documents/20509099>

original unredacted PDF when I told you as such on July 9.⁷ If you're wondering how I still have the SHA hash of the file, it is because I hashed the file prior to deletion so I could always prove that the file at some point existed, that I did in fact at some point have possession of it, if someone ever challenged that I had previously had such access, and to uniquely identify the file. Hashing is a common mathematical technique to prove the existence of and uniquely identify a block of data (like a PDF file) to a very high degree of certainty, without having to keep a copy of the data. If this is unclear, you may wish to consult your IT professionals about it.

Whatever your frustration at the public at large potentially having access to the PDF, it is a result of your own (and Mr. Kelly's) failure to properly redact public records, the City's absurd policy of letting senior officials unilaterally decide what to hide from the public without any oversight in performing redactions (apparently on City Attorney Herrera's advice), and your subsequent public release of those records on your website.

Your own PUC sharefile URL provided the PDF to anyone who wanted it, and that link – but not the unredacted file – appears publicly on the MuckRock thread.⁸

Do better next time.

Very truly yours,

Anonymous

⁷<https://www.documentcloud.org/documents/20513701>

⁸<https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729>

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sflower.org>
Sent: Friday, March 26, 2021 3:34 PM
To: Anonymous Records Requester
Cc: SOTF, (BOS)
Subject: RE: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084
Attachments: 7.8.2020.5.12PM FW Released info - please check! CLIENT-ATTORNEY PRIVILEGED.pdf;
7.9.2020 Retraction of Incorrect Redactions.pdf

Dear Requester,

We write in response to your letter dated March 19, 2021 titled, "Demand that SFPUC retract false statements of fact." In that letter, you demand that SFPUC retract three alleged "false statements of fact" you claim SFPUC made in its March 19 email to you responding to your PRA request dated March 9, 2021. In our March 19 email, we referenced a July 9, 2020 email we sent MuckRock requesting destruction of all copies of a text chain between Harlan Kelly and Walter Wong Bates stamped PUC 000175 through PUC 000219.

In your March 19, 2021 letter, you raise three allegations: (1) SFPUC's July 8, 2020 email to you incorrectly called you "MuckRock," (2) SFPUC's March 19 email "falsely characterized" SFPUC's July 9 "request as a 'demand,'" and (3) SFPUC's March 19 email incorrectly states that our July 9 email demanded the records not be forwarded.

Regarding your first allegation, on July 8, 2020 we sent the retraction email to the email address "sfrecordsresearch@pm.me" after you used that email address to inform us that information was still visible under the redactions in the above-referenced record. (The July 8 email is attached). We incorrectly wrote in that July 8 email "Dear MuckRock," and agree this was in error since you are not MuckRock. Rather, MuckRock is the platform you had used to submit the public records request at issue. Indeed, our July 8 email pertained to a public records act request you had submitted using the MuckRock platform, "MuckRock request 94992." On July 8, you wrote back to us saying you were not MuckRock and that we should contact MuckRock separately if we have a request directed at them. Accordingly, on July 9, 2020, we sent the same retraction email to the MuckRock email account for your request – "94992-15550486@requests.muckrock.com." (The July 9 email is attached). We understand you are not the entity MuckRock but rather MuckRock is the platform you used for this request.

Regarding your second claim, the July 8 email we sent to "sfrecordsresearch@pm.me" and the July 9 email to the MuckRock account both stated:

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

In this paragraph, we stated the documents "must" be destroyed and cited applicable caselaw. We considered this to be a "demand."

Finally, regarding your third claim, we agree that our July 8 and July 9 emails did not include an express statement not to "forward copies to others." But the July letters both state that all copies must be "returned," "destroyed," and "removed" from publicly accessible locations, which inherently means copies should not be forwarded to others.

We hope this responds to your concerns. Thank you for your time.

cc: SOTF

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>

Sent: Wednesday, March 24, 2021 12:29 PM

To: Carlin, Michael (PUC) <mcarlin@sfgov.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>; Commission <commission@sfgov.org>

Cc: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityattorney.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityattorney.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityattorney.org>; SOTF, (BOS) <sotf@sfgov.org>

Subject: Re: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

The PUC has refused to retract its false statements about this request after being informed that they were in fact false.

SOTF: please enter this thread and attachments into the file 20084.

It will be used as evidence of willful violation by the PUC.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

On Friday, March 19th, 2021 at 11:29 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:
as a public communication for distribution to Commissioners with attachment

See attached letter.

bcc other custodians - I would urge you to please not make up false claims about me or my requests.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.

3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Very truly yours,

Anonymous

Alt, Emily J

From: Public Records
Sent: Wednesday, July 08, 2020 5:12 PM
To: sfrecordsresearch@pm.me
Subject: FW: Released info - please check! CLIENT-ATTORNEY PRIVILEGED

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink and that we will be providing you with a new redacted version of this text exchange, which should be available at the following link by the end of today: <https://sfpub.sharefile.com/d-sabd81b687ef4187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

From: sfrecordsresearch@pm.me <sfrecordsresearch@pm.me>
Sent: Tuesday, July 7, 2020 12:37 AM
To: Public Records <PublicRecords@sfgwater.org>
Subject: Released info - please check!

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi PUC,

You released to my MuckRock request 94992 a file called "Walter redacted final.pdf" at <https://sfpub.sharefile.com/d-sfaf513caac747dcb>

In that file you had some partially obscured texts (i.e. the text messages are still visible but just have extra black rectangles on them). One of them says:

"1/19/17, 11:14 AM

The door at garage is lock can enter in house , when you open let us know we can check repair

There is a key in the lock box

The code is XXXX" (but the real number is the document)

Given that you've already released this document publicly on the Internet and on MuckRock, **please do make sure whoever this message is about is informed to ensure the lock box code isn't still being used.**

It is unclear whether any other especially sensitive information was in the PDF.

(I'm contacting you via this email instead of MuckRock regarding this specific issue since the messages on MuckRock are public).

Thanks!

From: Public Records
To: 94992-15550486@requests.muckrock.com
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages
Date: Thursday, July 9, 2020 11:58:16 AM

Dear MuckRock,

Thank you for bringing to our attention an inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020 labeled Bates numbers PUC 000175 through PUC 000219. As explained in our July 3rd email to you, we redacted from these records messages containing personal and private information that did not constitute a "public record." Although the legal basis for these redactions was proper, we now realize that the technical method we used to black out the private material did not in fact protect the private information from disclosure. That was not our intent and was an inadvertent error. The material we intended to redact contains sensitive personal information that is protected from disclosure by Cal. Constitution Art. I, Sec. I and Section 6254(c) of the Public Records Act.

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

Please note that the version of this text exchange that we shared with you on July 6, 2020 has been removed from the Sharefile weblink. You can access a new redacted version of this text exchange at the following link: <https://sfouc.sharefile.com/ci-sahrd81b687e74187b>.

Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records. Thank you for your anticipated cooperation.

SFPUC Public Records

Leger, Cheryl (BOS)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, March 26, 2021 5:27 PM
To: Ruski Augusto Sa, Mayara (PUC)
Cc: SOTF, (BOS); Cityattorney
Subject: RE: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084
Attachments: signature.asc

See inline.

Per the explanation below, the PUC has not demanded that I do anything, either in its July letters to MuckRock or my own email address, or even now.

Per *Ardon*, it is unclear PUC would have any authority to make *demands* of *non-lawyer* records requesters like me where no underlying court case existed, anyway.

Furthermore you have never even *requested* that I do anything, even at this moment.

Regardless of all of that, I indeed don't have a the original unredacted PDF file myself, and did not in fact give a copy of that file to anyone.

As I've already explained, your PUC sharefile link is (still) available on MuckRock's website for anyone who wants to click on it.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

On Friday, March 26th, 2021 at 3:34 PM, Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sflower.org> wrote:

Dear Requester,

We write in response to your letter dated March 19, 2021 titled, "Demand that SFPUC retract false statements of fact." In that letter, you demand that SFPUC retract three alleged "false statements of fact" you claim SFPUC made in its March 19 email to you responding to your PRA request dated March 9, 2021. In our March 19 email, we referenced a July 9, 2020 email we

sent MuckRock requesting destruction of all copies of a text chain between Harlan Kelly and Walter Wong Bates stamped PUC 000175 through PUC 000219.

In your March 19, 2021 letter, you raise three allegations: (1) SFPUC's July 8, 2020 email to you incorrectly called you "MuckRock," (2) SFPUC's March 19 email "falsely characterized" SFPUC's July 9 "request as a 'demand,'" and (3) SFPUC's March 19 email incorrectly states that our July 9 email demanded the records not be forwarded.

Regarding your first allegation, on July 8, 2020 we sent the retraction email to the email address "sfrecordsresearch@pm.me" after you used that email address to inform us that information was still visible under the redactions in the above-referenced record. (The July 8 email is attached). We incorrectly wrote in that July 8 email "Dear MuckRock," and agree this was in error since you are not MuckRock. Rather, MuckRock is the platform you had used to submit the public records request at issue. Indeed, our July 8 email pertained to a public records act request you had submitted using the MuckRock platform, "MuckRock request 94992." On July 8, you wrote back to us saying you were not MuckRock and that we should contact MuckRock separately if we have a request directed at them. Accordingly, on July 9, 2020, we sent the same retraction email to the MuckRock email account for your request – "94992-15550486@requests.muckrock.com." (The July 9 email is attached). We understand you are not the entity MuckRock but rather MuckRock is the platform you used for this request.

Regarding your second claim, the July 8 email we sent to "sfrecordsresearch@pm.me" and the July 9 email to the MuckRock account both stated:

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

In this paragraph, we stated the documents "must" be destroyed and cited applicable caselaw. We considered this to be a "demand."

This paragraph explicitly states that SFPUC "hereby requests" that MuckRock (not I) immediately destroy the records. This is not a demand upon me. You explicitly chose the word "request" instead of "demand" for whatever reason.

Stating what proposition you believe a court case stands for is not a demand for me to do anything.

Finally, having actually read the case you cite, it never says that local agencies (as opposed to courts) can force anyone to give up any record supposedly inadvertently released. Instead, it concludes that an inadvertent disclosure does not constitute a waiver of privilege under Gov Code 6254.5. It further states "Indeed, if the inadvertent disclosure under the Public Records Act is made to a nonlawyer, the public agency might never become aware of the mistake. But the fact

that a proper remedy might be difficult to obtain for an inadvertent disclosure under the Public Records Act provides no reason to deny a remedy when a judicial forum does exist."

Unlike *Ardon*, there was no underlying court case here, and I am not a lawyer to whom the Rules of Professional Conduct apply regarding return of apparently confidential material.

Furthermore, having gone through a similar situation with the Office of the Mayor, I am well aware of the distinction between a demand and a request. The Mayor's Office initially issued what they characterized as a demand, then they later retracted that demand, and made it a request instead. I happily complied with their *request*, but did not acknowledge any authority to make demands.

Finally, regarding your third claim, we agree that our July 8 and July 9 emails did not include an express statement not to "forward copies to others." But the July letters both state that all copies must be "returned," "destroyed," and "removed" from publicly accessible locations, which inherently means copies should not be forwarded to others.

One can remove a file from a *publicly* accessible location and still *privately* forward a copy to others. Because again, you requested MuckRock, not me, to destroy their, not my, copies.

We hope this responds to your concerns. Thank you for your time.

I hope you write your "demands" ordering the public around more clearly next time, if you believe you can actually sustain such "demands."
Have a good weekend.

cc: SOTF

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 24, 2021 12:29 PM
To: Carlin, Michael (PUC) <mcarlin@sfgov.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>; Commission <commission@sfgov.org>
Cc: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityattorney.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityattorney.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityattorney.org>; SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

The PUC has refused to retract its false statements about this request after being informed that they were in fact false.

SOTF: please enter this thread and attachments into the file 20084.

It will be used as evidence of willful violation by the PUC.

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2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

On Friday, March 19th, 2021 at 11:29 PM, Anonymous Records Requester
<arecordsrequestor@protonmail.com> wrote:

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:

as a public communication for distribution to Commissioners with attachment

See attached letter.


bcc other custodians - I would urge you to please not make up false claims about me or my requests.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Very truly yours,

Anonymous

From: Anonymoose (@journ0_anon)  <arecordsrequestor@protonmail.com>
Sent: Tuesday, January 11, 2022 10:22 AM
To: Leger, Cheryl (BOS)
Subject: Re: SOTF - Updated Notice of Complaint Committee hearing January 18, 2022
Attachments: signature.asc

Hi- I had closed File 20023 a long time ago; no need to hear it.

If you're looking to wrap up my 2020 complaints, the most important one is 20084, Anonymous v PUC & Harlan Kelly. Can that one be scheduled on Jan 18 instead?

It has detailed written responses from the PUC as well.

On Tue, Jan 11, 2022 at 9:04 AM, Leger, Cheryl (BOS) <cheryl.leger@sfgov.org> wrote:

Good Morning:

THIS IS AN UPDATED NOTICE WHICH WAS SENT OUT THIS MORNING 1/11/22. PLESAE REFER TO THIS NOTICE WHEN PROVIDING YOUR RECORDS. The hearing is 1/18/22 and you must submit your records by Thursday, January 13 at 5:00 pm.

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: January 18, 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.

File No. 20023: Complaint filed by Anonymous against The Office of Cannabis for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29 by failing to prepare and continually maintain an index of records on the City's worldwide website.

File No. 20030: Complaint filed by Anonymous against The Office of the City Attorney, Dennis Herrera, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(c)(d), by failing to provide assistance, failure to provide determinations as the Supervisor of Records and 67.34 for willful violation.

File No. 20124: Complaint filed by Stephen Bejanski against Kevin Guy and the Office of Short-Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24 for failing to provide public information; 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner, 67.26 for failing to keep withholding to a minimum; 67.27 for failing to justify withholding and 67.29 and failing to provide an index of records.

File No. 21165: Complaint filed by Peter Warfield, Library Users Association against City Librarian Michael Lambert and the Public Library for allegedly violating Administrator Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 22001: Complaint filed by Andrew Sisneros against Caroline Celaya and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrator Code (Sunshine Ordinance), Sections 67.1, 67.8, 67.9, 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 22004: Complaint filed by Karioki Uhuru against the Police Department for allegedly violating Administrator Code (Sunshine Ordinance), Sections 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 (4) 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 13, 2022.**

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org



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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Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=OTk2ZjdINzZhOWQ2MmVlZg==&h=NTJmY2RINTi1ZTlkYzZkNDFkYTcyNDk5ZTlkNTMwNDBIYzM3Yzg0MTFjNzhmZWxOGM0NWM4NDk2YjY4ODE1Yw==&p=YXAzOnNmZHQyOmF2YW5hbGpvcjFINTM3NjAzMDQ4OGMwZDEzN2MxMjdjOTM0YWQxODg2OnYxOnQ6TG==>




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Leger, Cheryl (BOS)

From: Anonymoose (@journon_anon)  <arecordsrequestor@protonmail.com>
Sent: Tuesday, January 11, 2022 10:58 AM
To: SOTF, (BOS); Ruski Augusto Sa, Mayara (PUC); Scarpulla, John (PUC)
Subject: Re: SOTF - Complaint 20084; Anonymous v. PUC; January 18, 2022: 5:30 PM
Attachments: signature.asc

Thanks Ms. Leger - last time I believe PUC sent Mr. Scarpulla instead.

Regards,

Anonymous
Twitter [@journon_anon](https://twitter.com/journon_anon)

Sent from ProtonMail for iOS

On Tue, Jan 11, 2022 at 10:44 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Hello: I have an opening for a case to be heard next Tuesday, January 18, before the Complaint Committee and was wondering if you would be able to participate on behalf of the PUC? The PUC has already submitted a written response and the Complaint is attached. The last day to submit supporting documents is January 13 at 5:00 PM. Please advise. Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MzVjOTJiNjdjZTc4Yzc4YWw=&h=NzNjM2Q5Y2NkMTVjNTk0NmRiOGM2MzA1NDQ3NjU1ZmRhNTU1NmJmODg0YThjYzZiMjY0MGRkNzI2MTMzZDA1ZA==&p=YXAzOnNmZHQyOmF2YW5hbGpvcOmQ4NzJiNTVhNmM5OGNkMjY5NWw0MDYxOGM5N2U3YmU3OnYxOnQ6TG==>





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Leger, Cheryl (BOS)

From: Anonymoose (@journno_anon)   <arecordsrequestor@proton.me>
Sent: Tuesday, September 20, 2022 8:55 PM
To: myankee.sotf@gmail.com
Cc: SOTF, (BOS)
Subject: Re: List of complaints / 20084
Attachments: signature.asc

Correct 20084 has been heard by committee.

I'm going through your list now.

21086 is the other quite important one if you have space. It too has been heard already by committee almost 11 months ago:

Action: Moved by Member Padmanabhan, seconded by Chair Hyland, to find that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing with the recommendation that that the SOTF find a violation of Administrative Code, Sunshine Ordinance, Sections 67.26 by failing to keep withholding to a minimum and 67.27 for citing justifications that do not apply.

Regards,

Anonymoose

twitter.com/journno_anon
a 2022 SPJ NorCal James Madison Freedom of Information Award Winner



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

On Monday, September 19th, 2022 at 9:30 AM, Matt Yankee <myankee.sotf@gmail.com> wrote:

Cheryl -- can we tentatively plan to hear 20084 in November? I'm assuming it has been heard in a Committee already and is ready for a full SOTF hearing, but let me know if that's incorrect. And please send Anonymous a list of his outstanding complaints when you have a moment to compile them. Thanks!

Matt

On Sun, Sep 18, 2022 at 5:15 PM Anonymoose (@journno_anon)  
<arecordsrequestor@proton.me> wrote:
dear SOTF Clerk and Chair,

I am unsure in what order my complaints are heard by the Task Force. It seems quite random.

From: [Charles H. Jung](#)
To: [SOTF, \(BOS\); Matt Yankee](#)
Cc: [Young, Victor \(BOS\)](#)
Subject: FW: SOTF - Determination and Order of the Sunshine Task Force from Hearing on August 3, 2022; File No. 22036
Date: Thursday, August 4, 2022 12:07:30 PM
Attachments: [image001.png](#)
[image002.png](#)

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

Dear Matt and Cheryl –

Thanks for this information. I was not aware of this hearing or the request. May I request reconsideration? I'd like actual notice and an opportunity to be heard.

Thanks!

Charles H. Jung
NASSIRI & JUNG LLP
Los Angeles | San Francisco
Tel: 213-626-6200 | 415-762-3100
Fax: 213-284-3900 | 415-534-3200
charles@njfirm.com | <https://www.njfirm.com/>



Employment | Executive & Founder Disputes

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, August 4, 2022 12:01 PM
To: Anonymous <arecordsrequestor@protonmail.com>
Cc: Charles H. Jung <charles@njfirm.com>
Subject: SOTF - Determination and Order of the Sunshine Task Force from Hearing on August 3, 2022; File No. 22036

Dear Mr. Jung and Anonymoose #3: The following is the Order of the Sunshine Task Force from the August 3, 2022 hearing.

File No. 22036: Complaint filed by Anonymous (ARE) against Charles Jung (Elections Commission) 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.

Action: Moved by Member Schmidt, seconded by Member Wolfe to find violations of Charles Jung of Administrative Code, Sunshine Ordinance Section(s) 67.21(b) for failure to respond to an Immediate Disclosure Request in a complete and/or timely manner; 67.25 for failure to acknowledge in one business day of receipt of the public records request; California Public

Records Act 6253(c) for failing to provide notice that there were any disclosable records.

Public Comment: None.

The motion PASSED by the following vote:

Ayes: 8 - Schmidt, Wolfe, LaHood, Padmanabhan, Wong, Yankee, Hyland, Neighbors

Noes: None.

Absent: 2 - Stein, Hill

Action: Moved by Chair Yankee, seconded by Member Wolfe to order the Department of Elections to search Charles Jung's email address and ask him to each out to Mr. Jung to obtain records in his possession under *Smith v. San Jose*.

Public Comment: David Pilpel noted that he has no objection to the SOTF reaching out to either the Dept. of Elections or Elections Commission and thinks it is reasonable for the Elections Commission to attend these meetings so it is unreasonable to find a violation.

Peter Warfield stated that if there are government issued emails that exist you should make the request as broad as possible and direct the most inclusive request to the highest level that has relevance to this case.

The motion PASSED by the following vote:

Ayes: 6 - Wolfe, LaHood, Wong, Yankee, Hyland, Neighbors

Noes: 2 - Schmidt, Padmanabhan

Absent: 2 - Stein, Hill

I will be out of the office August 5 through August 8. For questions regarding the Sunshine Ordinance, please contact Victor Young at Victor.Young@sfgov.org.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org



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If you are looking for a complaint of mine to be heard in October by full SOTF, I would suggest 20084 v. Harlan Kelly et al. It has been outstanding for a very long time and is almost certainly one of my most important complaints.

I'd reiterate my interest in a list of complaints and where they are in your process so I can decide which to close or handle otherwise.

Regards,


Anonymoose


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Sent from Proton Mail for iOS

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Sent: Wednesday, September 21, 2022 8:54 PM
To: Matt Yankee
Cc: SOTF, (BOS)
Subject: Re: List of complaints / 20084
Attachments: signature.asc

Sorry, I misread a different email - you are correct.

Regards,

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[View my profile](#)

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November is what I suggested in my email from 9/19 for 20084. Not sure if there was a discussion about this file prior to that, but November is the earliest I can get it scheduled at this point. There may also be room in November for 21086. If not, Cheryl - can you remind me about it for December? Thanks!

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Hi just to confirm it's November for 20084?
A prior email I think said October.

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20084 will be set for November 2022 hearing.

Cheryl Leger

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https://url.avanan.click/v2/___www.sfbos.org___YXAzOnNmZHQyOmE6bzphYjIONThkMDFmMwY3MzY1MTVmNzE2YTJmNjY3YmJmMDo2Ojc1YmE6MGNhNzJlMTViYWFiZDkzMTBjYjI4MGJkOWUwNzEwMzAwMTEwMzgyYjdlNDZhNWl4N2VlMzI4MmNmNmJOGMwYmFkMTp0OIQ

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Journal of the American Medical Association

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Cc: [SOTF, \(BOS\)](#)
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Date: Tuesday, September 20, 2022 8:54:55 PM
Attachments: [signature.asc](#)

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twitter.com/journo_anon

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Sent from Proton Mail for iOS

From: Anonymoose (@journ_ano)
To: Matt Yankee
Cc: SOTF, (BOS)
Subject: Re: List of complaints / 20084
Date: Wednesday, September 21, 2022 8:54:26 PM
Attachments: [screenshots](#)

Sorry, I misread a different email - you are correct.

Regards,

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twitter.com/journ_ano

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https://url.avanan.click/v2/_/www.sfbos.org___YXAzOnNmZHYOmE6b2phYjI0NThkMDFmMWY3MzY1MTVmNzE2YTJmNjY3YmNmMDo2Ojc1YmE6MGhhNzIjMTViYWZkzMTBjYjI4MGkOWUwN2EwMzAwMTcwMzgyYjI0NDZhNW4iN2VlMzI4MmMjOGMwYmFkMTp0OQ

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Sent from Proton Mail for iOS

From: [Ruski Augusto Sa, Mayara](#)
To: [SOTF, \(BOS\)](#)
Subject: RE: SOTF - Notice of Appearance, October 5, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
Date: Friday, September 23, 2022 4:27:23 PM
Attachments: [image001.png](#)

I'll be there. Thanks!

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Friday, September 23, 2022 4:15 PM
To: 94992-15550486@requests.muckrock.com; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>
Cc: Young, Victor (BOS) <victor.young@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; mark.price.wolf@sfcityatty.org; RIES, DAVID (CAT) <David.Ries@sfcityatty.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SOTF - Notice of Appearance, October 5, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

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. ***Please confirm your attendance.***

Date: October 5, 2022

Location: Remote Meeting

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. 20084: Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 PM, September 29, 2022.**

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



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From: [Anonymoose \(@journonon\)](#)
To: [SOTF, \(BOS\)](#); [Ruski Augusto Sa, Mayara \(PUC\)](#)
Cc: [Herrera, Dennis \(PUC\)](#); [Carlin, Michael \(PUC\)](#)
Subject: October 5, 2022 Anonymous v Harlan Kelly and PUC - sotf 20084
Date: Friday, September 23, 2022 5:48:55 PM
Attachments: [image001.png](#)
[signature.asc](#)

I am frankly uncertain why the current PUC leadership is defending Harlan Kelly's actions as the previous department head in this case regarding his texts with Walter Wong.

Neither Carlin nor Herrera are currently named as respondents in this complaint as they were not the dept head in summer 2020 when this complaint and request were filed.

Regardless, because the PUC at least partially unredacted the records at issue in early 2021 almost half a year after I filed this complaint, the violation of at least Admin Code 67.26 for non-minimal withholding is self-evident.

Regards,

Anonymous
twitter.com/journonon
a 2022 SPJ NorCal Freedom of Information Award Winner

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

On Sep 23, 2022, 4:59 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Morning:

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. ***Please confirm your attendance and please take notice of the start time of the meeting – 7:00 PM.***

Date: October 5, 2022

Location: Remote Meeting

Time: 7:00 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.

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From: [Leger, Cheryl \(BOS\)](#)
To: [Leger, Cheryl \(BOS\)](#)
Subject: re 6
Date: Monday, October 3, 2022 4:00:43 PM
Attachments: [signature.asc](#)

From: Anonymoose (@journno_anon) <arecordsrequestor@proton.me>
Sent: Sunday, September 18, 2022 5:15 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Matt Yankee <myankee.sotf@gmail.com>
Subject: List of complaints / 20084

dear SOTF Clerk and Chair,

I am unsure in what order my complaints are heard by the Task Force. It seems quite random.

If you are looking for a complaint of mine to be heard in October by full SOTF, I would suggest 20084 v. Harlan Kelly et al. It has been outstanding for a very long time and is almost certainly one of my most important complaints.

I'd reiterate my interest in a list of complaints and where they are in your process so I can decide which to close or handle otherwise.

Regards,

Anonymoose


twitter.com/journno_anon

a 2022 SPJ NorCal James Madison Freedom of Information Award Winner

I'm not a lawyer; nothing herein is legal advice. If you are a public official, I may publish any of your communications regardless of any notice you send to me.

Sent from Proton Mail for iOS

Leger, Cheryl (BOS)

From: Anonymoose (@journno_anon)  <arecordsrequestor@protonmail.com>
Sent: Thursday, September 29, 2022 4:59 PM
To: SOTF, (BOS); Ruski Augusto Sa, Mayara (PUC)
Cc: Herrera, Dennis (PUC); Carlin, Michael (PUC)
Subject: SOTF 20084 - October 5, 2022 Anonymous v Harlan Kelly and PUC
Attachments: signature.asc

Summary

- This is a June 11, 2020 request, for among other things texts between Harlan Kelly Jr. and Walter Wong.
- Initial production by Respondents provided unredacted information including relationship between Kelly and Walter Wong
- Respondents then purported to retract the unredacted information and actually redact much of the records, causing **this complaint to be filed in July 2020.**
- Around November 2020, Harlan Kelly is charged by the DOJ. The charging papers happen to cite various parts of the texts responsive to this request.
- On Feb 22, 2021, PUC informs me that they have unredacted much of the challenged material, producing a new version of the records. **This proves a violation of Admin Code 67.26, non-minimum withholding by Harlan Kelly in July 2020.** The public should not have had to wait another 6+ months to get the unlawful redactions that I had correctly challenged.

Regards,


Anonymoose

[Walter Wong](#)

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I'm not a lawyer; nothing herein is legal advice. If you are a public official, I may publish any of your communications regardless of any notice you send to me.

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

On Friday, September 23rd, 2022 at 5:48 PM, Anonymoose (@journno_anon)  <arecordsrequestor@protonmail.com> wrote:

I am frankly uncertain why the current PUC leadership is defending Harlan Kelly's actions as the previous department head in this case regarding his texts with Walter Wong.

Neither Carlin nor Herrera are currently named as respondents in this complaint as they were not the dept head in summer 2020 when this complaint and request were filed.

Regardless, because the PUC at least partially unredacted the records at issue in early 2021 almost half a year after I filed this complaint, the violation of at least Admin Code 67.26 for non-minimal withholding is self-evident.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

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

On Sep 23, 2022, 4:59 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Morning:

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. ***Please confirm your attendance and please take notice of the start time of the meeting – 7:00 PM.***

Date: October 5, 2022

Location: Remote Meeting

Time: 7:00 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. 20084: Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 PM, September 29, 2022.**

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

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Respondent's Response

Leger, Cheryl (BOS)

From: Gautier, Suzanne <SGautier@sfgwater.org>
Sent: Wednesday, July 15, 2020 1:32 PM
To: Leger, Cheryl (BOS)
Cc: Public Records
Subject: SOTF - Response to filing of Complaint no. 20084
Attachments: SF_Mayor_Emergency_Declaration_032320_FifthSupplement.pdf

Dear Ms. Leger,

The SFPUC is in receipt of your email dated July 14, 2020 regarding SOTF Complaint No. 20084, Anonymous v. Harlan Kelly and SFPUC ("Complaint"), wherein you state the SFPUC and Harlan Kelly are "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."

On March 23, 2020, the Mayor issued the Fifth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020 ("Fifth Supplement"), a copy of which is attached to this email.. Section 7(e) of the Fifth Supplement suspended "[a]ll deadlines in Administrative Code Section 67 .21 for the Sunshine Ordinance Task Force . . . to make determinations, *and all deadlines in the Administrative Code or in regulations for parties to submit information to the Sunshine Ordinance Task Force . . . until 15 days after the termination of this Order.*" Although SFPUC will endeavor to prepare a response to the Complaint forthwith, the Fifth Supplement makes clear that the five-day response time is currently not in effect and accordingly we do not intend to comply with it. Pursuant to the Fifth Supplement, we request that you stay consideration of this Complaint until after respondents have provided their response to the Complaint.

Suzanne Gautier, on Behalf of Public Records
Suzanne Gautier
Manager, Communications and Public Outreach
External Affairs
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 12th Floor
San Francisco, CA 94102
Phone - 415-513-2529
Email - sgautier@sfgwater.org
Note: I am working remotely until further notice



**FIFTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, March 13, 2020, March 17, 2020, and March 18, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

WHEREAS, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among residential and commercial tenancies to further public health and to mitigate the economic pressures of the emergency, and waiving certain provisions of state law so that local jurisdictions may achieve these purposes; and

WHEREAS, On March 17, 2020, the Governor issued Executive Order N-29-20, suspending provisions of state and local law to allow policy bodies to hold public meetings remotely without providing a physical meeting place so long as the policy body provides a means for the public to observe and address the policy body; and

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed to maintain the continuity of operations of federal critical infrastructure sectors; and

WHEREAS, On March 21, 2020, the Governor issued Executive Order N-35-20, suspending provisions of state law to allow policy bodies to simultaneously receive briefings from local, state, or federal officials concerning information relevant to the COVID-19 emergency outside of a meeting of the policy body and to ask questions of such officials, so long as the members of the policy body do not discuss the briefing amongst themselves or take any action; and

WHEREAS, There are currently over 131 confirmed cases of COVID-19 within the City, more than 2,100 confirmed cases in California, and there have been 39 COVID-19-related deaths in California; and

WHEREAS, On March 18, 2020, the San Francisco Superior Court stayed all actions of unlawful detainer cases for 90 days, except those resulting from violence, threats of violence, or health and safety issues, and ordered that the period from March 18, 2020, through April 15, 2020 is deemed a holiday for purposes of computing time under Code



of Civil Procedure Section 1167, with the exception of unlawful detainer cases resulting from violence, threats of violence, or health and safety issues; and

WHEREAS, In the Mayor's Second Supplement to the Proclamation dated March 13, 2020, the Mayor temporarily suspended certain provisions of the City's Rent Ordinance that allow landlords to evict tenants due to non-payment of rent; the extreme circumstances presented by the COVID-19 crisis warrant expanding the protections in the Second Supplement so that there is a temporary moratorium on additional evictions, consistent with the Governor's Executive Order N-28-20 and the Superior Court's March 18, 2020 order; and

WHEREAS, Construction of temporary medical and public health facilities for testing and treatment may be necessary to address the crisis posed by COVID-19, and it is in the public interest to remove barriers in local law that would prohibit or slow the creation of such facilities; and

WHEREAS, The City is taking immediate action to procure rooms in hotels and similar facilities so that the City can provide temporary shelter to vulnerable persons who are unable to self-quarantine, and to persons who are assisting in the emergency response, and it will be essential that the City be able to transition these persons in and out of the rooms, in order to quickly and safely address the spread of the virus, and it is in the public interest to suspend local laws that may slow the process or disincentivize owners of hotels and similar facilities from making their properties available for these purposes; and

WHEREAS, Administrative Code Section 14.3(f)(2) requires employers to report annually on health care expenditures pursuant to the San Francisco Health Care Security Ordinance and Police Code Section 4910(b) requires employers to report annually on compliance with the San Francisco Fair Chance Ordinance; and the work required to compile and report this data would require some employers to engage in non-essential travel to their places of business and would place further economic strain on employers; and

WHEREAS, The COVID-19 emergency and related health restrictions has impacted the ability of City policy bodies to safely meet in person; as noted above, the Governor has relaxed state laws governing public meetings; it is in the public interest to suspend select



provisions of local law to allow policy bodies to meet efficiently and safely during the emergency consistent with state law and while ensuring public participation; and

WHEREAS, Many City employees have been reassigned from their normal duties or deployed as Disaster Service Workers to assist in the emergency response effort; other City employees must prioritize and devote their work time to work related to the emergency response; City departments have been directed to support telecommuting to the extent possible, and telecommuting employees may not have access to City records; and many City employees are unable to work full-time because they are caring for children and family members at home who have been impacted by the pandemic; these changes to the typical functioning of the City workforce and workplace have burdened the City's ability to respond to requests for public records; temporarily suspending select provisions of the Sunshine Ordinance will allow the City to devote limited staff resources to emergency services and providing services to the public while still providing transparency; the California Public Records Act will continue to apply; and

WHEREAS, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, and March 18, 2020, it is further ordered that:

(1) It is necessary to amend the temporary moratorium on eviction for non-payment of rent by residential tenants directly impacted by the COVID-19 crisis, as stated in Section 1 of the Second Supplement dated March 13, 2020, to clarify that it also applies to housing providers who are exempt from the Rent Ordinance because their rent is controlled or regulated by the City; to allow tenants to obtain extensions due to expenses that are non-medical in nature; and to modify the notification and timing procedures that apply when a tenant requires an extension. Accordingly, Section 1 of the Second Supplement is hereby withdrawn, and the temporary moratorium shall be as follows:



(a) Notwithstanding Section 37.9(a)(1) of the Administrative Code, if a residential tenant has not timely made a rent payment that was due on or after March 13, 2020, the landlord may not recover possession of the unit under Section 37.9(a)(1) if the tenant has provided notice to the landlord within 30 days after the date that rent was due that the tenant is unable to pay rent due to financial impacts related to COVID-19. This eviction moratorium also applies to housing providers who are exempt from Chapter 37 on the basis that the rent is controlled or regulated by the City (including without limitation privately-operated units regulated by the Mayor's Office of Housing and Community Development or the Department of Homelessness and Supportive Housing).

(b) For purposes of this Order, "financial impacts" means a substantial loss of household income due to business closure, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket expenses. A financial impact is "related to COVID-19" if it was caused by the COVID-19 pandemic, the Mayor's Proclamation, the Local Health Officer's Declaration of Local Health Emergency, or orders or recommended guidance related to COVID-19 from local, state, or federal authorities.

(c) Within one week of providing notice under subsection (1)(a), the tenant shall provide the landlord documentation or other objectively verifiable information that due to financial impacts related to COVID-19, the tenant is unable to pay rent. The landlord may attempt to proceed under Section 37.9(a)(1) if the tenant does not comply with this requirement to provide documentation of financial impact within one week. If the tenant has provided documentation, then the tenant shall automatically receive an additional month after the date the tenant provided the documentation to pay the rent. If the tenant does not pay the rent at that time, the landlord must inform the tenant of the breach in writing, and the landlord and tenant shall then attempt to discuss the matter in good faith in order to develop a payment plan for the tenant to pay the missed rent.

(d) This Order shall last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The Mayor may extend this Order by an additional period of 30 days if conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(e) Upon expiration or termination of this Order, a tenant who provided the notice required under subsection (1)(a) shall have up to six months to pay the rent owed to the



landlord, before the landlord may recover possession due to those missed rent payments under Section 37.9(a)(1). The foregoing sentence does not prevent a landlord from providing a tenant additional time under a payment plan. During the six-month period, a landlord may request documentation of the tenant's ongoing inability to pay, and the tenant shall pay if able to do so, but under no circumstances shall a tenant's failure to timely respond to a follow-up request for documentation invalidate the six-month extension period. At the end of the six-month extension period, if the tenant still has not paid all outstanding rent, Section 37.9(a)(1) shall apply.

(f) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restricts a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(g) The Director of the Mayor's Office of Housing and Community Development or the Director's designee, in consultation with the Executive Director of the Rent Board as appropriate, is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including through the development of forms and recommendations of the types of documentation that may show financial impacts related to COVID-19.

(2) There shall be a moratorium on attempts to recover possession of rental units from residential tenants, if the effective date of the notice of termination of tenancy would fall within 60 days after the date this Order expires or is terminated, except where the landlord is endeavoring to recover possession due to violence, threats of violence, or health and safety issues. This Order shall apply to evictions under Section 37.9(a)(13) only if and when the Governor or State Legislature authorize such limitations on Ellis Act evictions during this state of emergency. The Executive Director of the Rent Board is directed to develop a form that landlords shall be required to include with any eviction notices, to inform tenants of the requirements of Sections (1) and (2) of this Order, and of the Superior Court Order.

(3) Temporary medical or public health facilities related to the City's COVID-19 response, as recommended by the Director of Public Health or the Director's designee and authorized by the Mayor or the Mayor's designee, shall be allowed in the City, including on any City streets; any provision in City law that limits or restricts deployment of any emergency public health response is hereby waived, and any applicable local



requirements for public notice, the filing or approval of a permit application, or payment of fees are hereby waived.

(4) Any hotel, or other tourist or transient use, may be used for residential purposes related to the City's COVID-19 response without losing its designation as a hotel, tourist, or transient use under the Planning Code or Administrative Code Chapter 41. Any provision in City law that limits or restricts such conversions to residential use is hereby waived during the local emergency, and all otherwise applicable local requirements for public notice, the filing or approval of a permit application, or payment of fees are hereby waived. Chapter 37 of the Administrative Code shall not apply to any rooms used for the City's COVID-19 response in a hotel or other tourist or transient use property. For avoidance of doubt, the rooms shall not be "rental units" for the purpose of the Rent Ordinance under Administrative Code Section 37.2(r), and individuals staying in such rooms shall not be "tenants" under Administrative Code Section 37.2(t).

(5) The requirements for employers to report in 2020 on prior year health care expenditures and Fair Chance Ordinance compliance pursuant to Administrative Code Section 14.3(f)(2) and Police Code Section 4910(b) are waived.

(6) The following provisions of City law governing policy body meetings are hereby suspended, until the termination of the emergency, unless the Mayor provides notice to the Board of Supervisors that the suspension is no longer necessary and rescinds this Order:

(a) The requirements in Administrative Code Section 67.6(f) that policy bodies provide 72 hours' notice of special meetings and 15 days' notice of special meetings held at a location other than the building where the policy body holds regular meetings.

(b) All requirements in the Municipal Code, including in Administrative Code Chapters 8 and 67, that agendas or other information be posted at the Main Library, provided that the policy body makes reasonable efforts to post the agenda outside Room 244 in City Hall, the office for the Board of Supervisors, but only so long as the Main Library is not open to the general public.

(c) Any requirement in the Administrative Code or Campaign and Governmental Conduct Code to televise policy body meetings if the chairperson of the



policy body determines, in consultation with the Mayor's office or the staff of SFGOVTV, that televising a particular meeting is not reasonably feasible.

(d) Any requirement in Administrative Code Chapter 67 requiring policy bodies to provide a physical location for members of the public to attend or make public comment at a meeting in which all members of the policy body are teleconferencing from remote locations. The chairperson of each policy body may determine, in consultation with the Mayor's office and the clerk or secretary of the policy body, whether to provide a physical location for a particular meeting.

(e) All requirements in Chapter 67 of the Administrative Code concerning passive meetings and passive meeting bodies.

(f) The provision of Section 67.15(c) of the Administrative Code requiring that each member of the public be provided an equal amount of time for public comment, provided that any departure from the equal time rule not be intended to favor or discriminate against a particular viewpoint.

(g) Administrative Code Section 67.3(b) is suspended to the extent it would prohibit policy bodies from receiving updates relevant to the declared emergency as permitted by the Governor's Executive Order N-35-20, or any other order of the Governor in the exercise of his emergency powers.

(7) The following provisions of City law governing public records are hereby suspended for pending and future records requests, until the termination of the emergency, unless the Mayor provides notice to the Board of Supervisors that the suspension is no longer necessary and rescinds this Order:

(a) The requirements in Administrative Code Section 67.21(a) and (b) that City agencies comply with requests for inspection or copying of a public record within 10 days following receipt of the request, or provide a written justification for withholding a record within 10 days. The foregoing sentence only addresses those deadlines under the Sunshine Ordinance, and does not affect a City agency's obligation to provide an initial response to a requester within the timeframes set forth in California Government Code Section 6253(c).



(b) The requirement in Administrative Code Section 67.21(c) that City agencies comply with requests for descriptions of records.

(c) The requirement in Administrative Code Section 67.24(e)(3) that City agencies prepare and provide documents and information during the course of contract negotiations.

(d) The restriction in Administrative Code Sections 67.24(g) and 67.24(i) prohibiting City departments from relying upon Government Code Section 6255 or any similar provision as the basis for withholding any documents or information. This paragraph does not suspend Administrative Code Section 67.24(h) regarding a "deliberative process" exemption.

(e) All deadlines in Administrative Code Section 67.21 for the Sunshine Ordinance Task Force or the Supervisor of Records to make determinations, and all deadlines in the Administrative Code or in regulations for parties to submit information to the Sunshine Ordinance Task Force. All such deadlines shall be tolled until 15 days after the termination of this Order.

(f) The requirement in Administrative Code Section 67.21(e) that an authorized representative of the custodian of records attend any hearing concerning a records request and explain its decision to withhold the records requested.

(8) Any provision of City law, including but not limited to Administrative Code Chapter 67, that relates to meetings of policy bodies or public records is hereby suspended to the extent that it either (i) conflicts with an executive order of the Governor issued in the exercise of his emergency powers, or (ii) would render it unlawful to comply with such a gubernatorial order without meeting additional requirements imposed by City law. The purpose of this paragraph is to align City law with state law to the extent any provision of state law regarding meetings of policy bodies or public records is modified or suspended by the Governor in the exercise of his emergency powers.

DATED: March 23, 2020

A handwritten signature in cursive script, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco



August 5, 2020

Re: Anonymous v. Harlan Kelly and the Public Utilities Commission, Sunshine
Ordinance Task Force Complaint No. 20084

Dear Anonymous:

The above-referenced Sunshine Ordinance Task Force ("SOTF") Complaint was filed on July 13, 2020 in relation to a Public Records Act ("PRA") request submitted by you ("Anonymous") to the San Francisco Public Utilities Commission ("SFPUC") using the MuckRock platform on or around June 11, 2020 ("Complaint"). As we informed the SOTF on July 15, 2020, the deadlines for responses to SOTF complaints are currently tolled per the Fifth Supplement to the Mayoral Declaration of Emergency. Accordingly, we are not providing a full response to the Complaint at this time. However, we wish to address one allegation in the Complaint for purposes of clarification.

At Paragraph 30 of the Complaint (page 6), you allege that the legal basis for the SFPUC's redactions in the text message production is Section 6254(c) of the PRA. That is incorrect. As stated in our July 2, 2020 response to your PRA request, the material was redacted because it does not relate substantively to the conduct of public business and therefore is not a "public record" within the meaning of the PRA.

In our July 8, 2020 email to you requesting that you destroy and delete all copies of the text conversation between Harlan Kelly and Walter Wong we provided to you in our initial production to your June 11 request (Bates numbered PUC 000175 through PUC 000219) that inadvertently contained readable text under these redactions, we observed that some of the information contained in these redacted text messages, such as a home garage door code, constituted sensitive, private information protected from disclosure under Section 6254(c) of the Public Records Act and the California Constitution. Our reference in our July 8 email to privacy generally, and Section 6254(c) in particular, did not "concede" that the redacted material is related to City business and therefore subject to the PRA. We were simply pointing out – as you had rightly pointed out to us – that some of the information that could be viewed under the redacted boxes was highly sensitive, personal information that would have been withholdable even if it had been subject to the PRA, because it would invade individual privacy if it were publicly released. This fact underscored the need for MuckRock to promptly destroy the incorrectly redacted version MuckRock had received and remove it from the public domain.

London N. Breed
Mayor

Ann Moller Caen
President

Francesca Vietor
Vice President

Anson Moran
Commissioner

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Harlan L. Kelly, Jr.
General Manager



Please note that we continue to search for and review records for potential responsiveness to your request, and we reserve the right to invoke any and all applicable exemptions for any future batches of records we may produce.

Sincerely,

SFPUC Public Records

cc: Cheryl Leger, Assistant Clerk, Board of Supervisors



San Francisco Water

Services of the San Francisco Public Utilities Commission

OFFICE OF THE GENERAL MANAGER
525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

February 22, 2021

Muckrock Anonymous Requester
94992-15550486@requests.muckrock.com

Dear Requester:

We write to supplement our response to your June 11, 2020 request for communications contained in personal or government accounts of former San Francisco Public Utilities Commission ("SFPUC") General Manager Harlan Kelly, Jr. As you know, the SFPUC provided responsive records to you on July 2 and July 6, 2020, including a document showing numerous text messages between Mr. Kelly and Walter Wong on Mr. Kelly's personal cell phone. In that document, which the SFPUC produced in Bates-stamped pages 161 to 219, Mr. Kelly redacted a significant number of text messages. As explained below, in light of the unique and extraordinary circumstances surrounding these records, the City Attorney, working with the SFPUC, has recently reviewed an unredacted draft of the document containing those text messages in the City's possession. Following that review, we are now providing you with a new version of the document. We have redacted certain portions of the text messages that do not contain information relating to the conduct of the public's business and therefore do not constitute public records responsive to your request (see Cal. Gov't Code § 6252(e); *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017) (*San Jose*)), would constitute an unwarranted invasion of personal privacy (Cal. Const. Art. I, Sec. 1; Cal. Gov't Code § 6254(c)), or would disclose confidential personnel information (Cal. Gov't Code § 6254(c)).

Your request sought text messages, chats, and emails between Mr. Kelly and other individuals including Walter Wong "on government or personal accounts" during the period from January 1, 2015 through June 11, 2020. Under the California Supreme Court's 2017 decision in *San Jose*, communications on City employees' personal accounts or devices, including text messages on personal cell phones, may be public records subject to disclosure if those communications involve the conduct of the public's business. As the City Attorney described in a [Public Records Act](#) dated March 24, 2017, departments generally satisfy the legal duty under the Public Records Act to search for and produce public records on an employee's personal electronic device by entrusting the employee to conduct the search and retrieve responsive records. That memorandum instructs that the department must notify the employee of the request and acquaint the employee with the standards for determining whether a writing on the device is a public record and responsive to the request. And should there be a court proceeding

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



concerning the request, the employee may be required to testify under oath or submit a statement under penalty of perjury, describing the search conducted on the device and explaining the types of writings on the device that were not provided to the requester because of not being responsive public records.

Consistent with the longstanding advice of the City Attorney's Office as described in the March 24, 2017 memorandum, the SFPUC asked Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. In response, Mr. Kelly provided a document (Bates-stamped pages 161-219) containing a series of text messages between himself and Mr. Wong beginning January 1, 2015. Mr. Kelly redacted a significant number of text messages in the document, asserting that the redacted communications between him and Mr. Wong did not relate to City business. Following the standard practice of City departments and the general guidance of the City Attorney's Office, the SFPUC relied on Mr. Kelly to prepare the redactions, and did not ask to review the unredacted text messages before producing the document to you in response to your records request.

Mr. Kelly attempted to redact text messages in the document by covering those text messages with black rectangles. But this redaction method was insufficient; it did not completely redact the content that Mr. Kelly wanted to withhold. On July 7, 2020, after the SFPUC provided you with the document prepared by Mr. Kelly including redacted text messages, you informed us that Mr. Kelly had not properly redacted the text messages, so a member of the public could make the redacted text visible on a computer. You informed us that at least some of that information appeared to be sensitive personal information like a security code. We appreciate your letting us know. After receiving your email, the SFPUC asked you to destroy the original document in your possession and remove it from the internet. The SFPUC based this request on its understanding that the redacted text messages in the document did not relate to City business, relying on Mr. Kelly's representation.

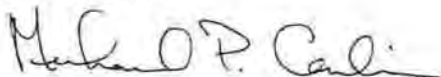
Subsequent events have caused the SFPUC to reconsider whether it is appropriate for it to review the text messages in their original, unredacted form. On June 24, 2020, approximately one week before the SFPUC responded to your initial request for records, the U.S. Attorney for the Northern District of California announced that he had charged Walter Wong with conspiring for over 15 years to defraud the public of its right to the honest services of City officials, including schemes involving bribery, kickbacks, and money laundering. On November 30, 2020, the U.S. Attorney's Office announced that it had charged Mr. Kelly in a federal criminal complaint with honest services wire fraud. The complaint alleged that Mr. Kelly engaged in a long-running bribery scheme and corrupt partnership with Walter Wong, and that as part of the scheme, Mr. Wong provided items of value to Mr. Kelly in exchange for official acts by Mr. Kelly that benefited or attempted to benefit Mr. Wong's business ventures. The U.S. Attorney alleged that Mr. Kelly and Mr. Wong had a longstanding relationship involving multiple international trips paid for or subsidized by Wong, cash exchanges, free meals, repairs to Mr. Kelly's personal residence, and personal car services, all while Mr. Kelly tried to use his City position to benefit Mr. Wong and his businesses.

Although the criminal charges are still pending and have not been proven in a court of law, the complaint alleges that the entire course of Mr. Kelly's personal relationship with Mr. Wong was entangled with City business because Mr. Wong allegedly gave Mr. Kelly personal favors and gifts in the hope of exchange for Mr. Kelly's acts as the General Manager of the SFPUC. Given the seriousness of these criminal allegations and the compelling public interest in potential misconduct by government employees, certain text messages between Mr. Kelly and Mr. Wong that previously appeared to be purely personal, non-City business may now reasonably be understood as related to the conduct of the City's business. In reaching this conclusion, we emphasize that Mr. Kelly, like any criminal defendant, is entitled to a presumption of innocence, and we do not suggest or imply anything to the contrary. But given the allegations in the criminal complaints against Mr. Kelly and Mr. Wong, the SFPUC deemed it prudent to review the unredacted text messages to determine whether they were clearly private or unrelated to City business. The redactions in the new version we are providing today redact only those matters that are clearly private or clearly unrelated to City business.

Two extraordinary factors, unlikely to recur, support this unorthodox approach. First, the SFPUC now has in its possession a copy of the full text exchange unredacted, such that the City is able to review the full text exchange. Second, the charges against Mr. Kelly and Mr. Wong allege that personal communications between the two men actually relate to City business and memorialize interactions and transactions related to Mr. Kelly's exercise of duties as the SFPUC's General Manager. The SFPUC's decision to review the unredacted text messages is based on these unique circumstances and does not change the City's usual protocols for responding to requests for communications on employees' personal devices, as described in the City Attorney's 2017 memorandum.

Accordingly, please find attached a new copy of the document provided by Mr. Kelly reflecting his communications with Mr. Wong between January 1, 2015 and June 11, 2020. As noted above, we have redacted several portions of the text exchange. We redacted those portions of the exchange the disclosure of which would constitute an unwarranted invasion of personal privacy, such as discussions of family illnesses, children, and personal residential addresses or personal cell phone numbers, and a reference to a personnel matter on page 51 of the document. See Cal. Const., Art. I, § 1; Cal. Gov. Code § 6254(c),(k); S.F. Admin. Code § 67.1(g). We have also redacted the text message on page 1, dated January 1, 2015, because it does not contain information relating to the conduct of the public's business and therefore is not a public record responsive to your request. See Cal. Gov't Code § 6252(e). We have also excluded the portions of the first page that Mr. Kelly previously redacted because that portion of the text exchange occurred before January 1, 2015 and is not responsive to your June 11, 2020 request.

Best Regards,



Michael P. Carlin
Acting General Manager
San Francisco Public Utilities Commission


7/3/15 6:53 AM



7/5/15 11:20 AM

We are going to postpone the LED light dates

Till when

Doug Parrish # is 

Doug Parrish # is [REDACTED]
East San Francisco Bay Area

Weeks

10 4

10:22:33 PM

Did you call Doug?

Frank in my office call him and we also submit the
LBE paper hope this can be final review from them
hope u can help to check if they got a require
Document

1/15/15, 12:46 PM

Current LED RFP does not require any assembly in
SF

We legally can't require that. However, you can
place that in the special consideration. Also one of
the competitor already assemble in SF

R u certified?

not yet

Did u talk with Doug?

waiting for control UL we wont get it till Jan 31

UL? You told me that you had everything?

The control from France just received information
from UL

You told me
That you had everything? I don't know what to do?

I don't know how to stop the process anymore

Just talk to Frank will use existing control with UL to
send in will call u after work

Great! I will be in LA until Friday evening

Hope we can get together weekend

4 sure

thank

1/26/15, 6:05 PM

Can I call you

1/27/15, 7:04 AM

can we talk today

1/27/15, 11:12 AM

are you in town ??

try to reach for 3 days already

Ok

can i call you

Now

1/27/15, 9:15 AM

tech team reply, what you request is possible, do u have time to go over what we find

1/27/15, 9:39 PM

are you intown ?

Yes, let me get the specs

Ok

1/30/15, 6:26 AM

Good morning do u have a few minutes to catch up

1/30/15, 8:08 AM

Ok can you send some one over to pick up specs

yes what time

who should we see

1/30/15, 8:44 AM

can we go to pick up package yet

Come now to my office

what floor

on our way ps let u know what floor

Green Source Trading, LLC

1/30/15 3:02 PM

review info we have question ps let me know when
can i call you

2/15/15 9:01 AM

Our family would like to invite
you to a Chinese New Year celebration on Monday,
February 23 at 6 pm at Citi
Center. Please let us know whether you can join us
or not.

2/20/15 6:28 PM

Gong Hay Fat Choy! Due to CNY preparations, we
are postponing dinner on February 23, 2015 to 7PM.
Sorry for the inconvenience. See you there!

2/27/15 3:29 AM

good morning, what time will you available
tomorrow

Lunch?

when today or tomorrow

2/28/15 1:13 PM

Tomorrow

ok we got LBE thank you

2/28/15 1:00 PM

Congrats!

Thank you

2/28/15 1:00 PM

Good morning where do u want to meet for lunch

2/28/15 9:24 AM

where do u want to meet for lunch

Where do u recommend?

Do u want to go to R AND G

OK

see you at noon

Ok

In R & G 2nd fl

Ok parking

2/23/85, 5:08 PM

Do u have time to meet this week

Yes

What date

Do u have time for dinner tomorrow

2/1/85, 6:29 AM

Do u have time for dinner tonight

2/1/85, 4:15 AM

Can't tonight, Saturday?

Sat ok

2/2/85, 10:03 AM

Lunch on Saturday?

OK where do u want to meet

2/2/85, 10:45 AM

can we meet at

Shangri-La vegetarian Restaurant

2026 Irving St
San Francisco, CA at noon

Ok

OK do u want meet at 11:30

let go to Loving hut Viet nam 524 Irving and 6th ave
better food for children

see you at noon

Ok

If u arrive first please get table for 5 people

I am running late 10mins

Ok

We are here

I leaving the house not

Now

Is hard to park here

Should I take uber?

Yes

Irvine and 6th

— 12:10 PM —

can you join us for dinner next tue

Unfortunately, I will be in Chicago.

how about your wife, is the boss birthday

I will ask her,

are you intown now

Naomi said that she can make it. I am currently in San Diego and getting on a plane for Atlanta. I will be back in SF on Thursday night.

are you in sf now

can Moh see you tomorrow

Naomi wants to know where and when is the party?

in Citi center ps do not tell anyone

The Mayor's birthday dinner has been re-scheduled to Sunday, 5/3 at 6 pm. Please rsvp.

Have a good trip

We r here

On my way

On the 3rd floor

Have a safe trip

Have a safe trip

I will email the two letter tomorrow

Thank you

do u have time to meet this week ?

do u have time to meet this week ?

I am back. Let's hook up today.

I am back. Let's hook up today.

what time do u have time for a quick lunch ?

Can't get away long because of meetings

how about tomorrow

How about after 5?

yes where do u want to meet

what you ready to meet ps call me instead text me please

what you ready to meet ps call me instead text me please

Downstairs

did someone hack your email

did someone hack your email
ps change your password asap

Yes, I changed my email.

good

good

11/20/15 2:15 PM

123_1

[REDACTED]

11/21/15 2:53 PM

[REDACTED]

11/1/16 9:30 AM

How are you do u have time to meet before Holliday

11/1/16 12:19 PM

Yes, I going out of town tomorrow until Wednesday

OK let meet end of week if u have time

11/2/16 8:34 PM

Ok

11/2/16 2:12 PM

How about Saturday?

lunch ?

Ok

Tks location TBD

11/2/16 11:11 AM

Good morning please us know where to meet

11/2/16 5:11 PM

11:30 around here?

OK do u want me pick u up

Yes

OK will come by apox 11:25 to pick u up

Ok

ETA?

2 minutes

Arrived

11/10/16, 12:12 PM

ps ck your email for cabinet drawing

11/10/16, 3:17 PM

Perfect!

What the timing?

Will back to final messurement

Great.

Did u find the sample

11/10/16, 4:36 PM

Some were taken back. We are checking to see which ones we still have.

can i call you

Call after my meeting

tk

11/10/16, 6:08 AM

can i meet you for 5 minutes tomorrow to show you the plan

11/10/16, 9:42 AM

Can I call you

11/10/16, 1:05 PM

on our way to ck ensnarement

Ok

11/10/16, 1:11 PM

Ready to pick up

can we pick it up

When?

8 minutes from now

Who is picking it up?

me

or someone from my office depend where to pick up

I will leave it at the front desk with guard,

ok tks under my name ?

No name on it. from Carmelita.

ok

Did u get it?

Yes thanks

Please join us at [REDACTED]
[REDACTED] party. This Sunday, January 10th,
2016. 10:30AM-1PM. Kome Buffet in Daly City.
Please let me know if you can attend

W, when did you get back? We will be there. [REDACTED]
[REDACTED] Also I would like
to talk to catchup.

Back yesterday thank you for coming [REDACTED]
[REDACTED]

Yes

Thank

Also thanks for having Alfred to finish the laundry
room. It looks vice nice.

are you back, when do you have time to catch up

Can we do lunch on Sunday?

Instead of breakfast

Lunch sundry is prefect

Lunch sundry is prefect

11:01 AM
[REDACTED]
[REDACTED] So I won't be here on Sunday. I left the papers for u with Naomi. Call her to coordinate.

Ok

11:04 AM
[REDACTED]
[REDACTED] I gave Naomi the info on the device and the connect numbers.

Thank you [REDACTED]

are you back sf yet

11:08 AM
[REDACTED]
Be back in SF around 5

drive careful [REDACTED]

[REDACTED]
11:16 AM
I'm back

do u have time to a earlier breakfast

11:20 AM
Please let me know when can I call you

11:25 AM
Hey W, naomi asked me to give you our passports. I have them at my office. How can I get them to you?

just scan the info need ID for plan

can i meet you for 5 minutes afterwork

are you going to China to, if you you need to visa

2016, 10:22 AM

Naomi is in DC.

Just scan the passport to us for info

Lunch?

What time

Noon

Pick me up?

I am in Hayward. I can't back San Francisco until 1.
Can I meet you lunch tomorrow or breakfast
tomorrow?

Breakfast tomorrow 8:45

OK good

Where should we meet tomorrow? Should I pick you
at where?

Please join us at construction cen2

Where should we meet tomorrow? Should I pick you
at where?

At the office at 8:45am

Who office

You can pick me up at the office.

Ok

Kam waiting for you downstairs

Coming down in 5 mins

thank you ps bring passport

Where is he parked?

he should waiting for ou in front

he should waiting for ou infront

Found him

10 4

12:15 PM

I will email you the forms filled out in PDF. Ok?

can i pick up oringal tonight

12:18 PM

We filled it out online

But need you sign it too

will arrive your home apox 7:30

Ok

12:20 PM

ETA?

Is it too late 15 minutes

[REDACTED]

12:22 PM

when can we finish her photo for Visa

R u back? Naomi is ready for photo.

i am back

when can we do photo, ps give me date of your trip again

12:24 PM

March 24-April 2. Naomi is able to take a picture any day

tomorrow after work ? time ?

12:26 PM

How about 7:30pm tonight

ok see you at 7:30pm

Naomi said can u make it for 8:00pm instead of 7:30pm?

8 pm is fine

2/2/18, 1:06:21 PM

did anyCOMM reply you

2/2/18, 5:07 PM

I will be hosting a Chinese New Year feast at my office on Thursday, February 11th, 7pm. Please let me know if you family will be able to attend.

2/2/18, 7:40:25 PM

On my way 20 minutes

2/2/18, 8:01 AM

good morning, did you hear from

anyCOMM yet ?

remind you tomorrow night dinner at 7 pm

2/2/18, 5:08 PM

MO told us book ticket to J emilla she is going with your group, should i book it

I thought she was going. I will ask naomi. Naomi's mom is going.

ps re-confirm, you only give us 5 passports

2/22/18, 5:14:38 PM

can i call you

Yes

2/2/18, 8:20:01 PM

can i call re: your trip ticket , need to issue by this Wednesday

5k option

Ok

2/2/18, 8:20:01 PM

got all your visa , when do you want to pick up

Tomorrow?

What time

Please allow 15 minutes to discuss your itinerary

2:29:18, 4/3/16

How about after work. Naomi and I can swing by to pick up visa and discuss itinerary.

do you know what time. i need to go east bay 5:30 if tomorrow not enough time we can meet Wednesday

3:11:13, 4/3/16

Is this flight ok for your group

Mar 24 2016 SFO 12:55 arrive Hong Kong

March 25 7 pm April 3 12:30 am arrive SFO April 2 10 pm

Ok with me

which credit card should we use ps give us a copy by fax 415 554 8803

can we meet tomorrow after work ?

can i call you

3:31:36, 4/3/16

what time are we meeting tomorrow after work

5?

Ok

Can I come by now?

In 20 minutes

I am back

are you coming ?

Here

At the lobby

3:57 PM 3/23/16

How long is the ride from Hong Kong to Macau?

TurboJet provides ferry services between Hong Kong and Macau that take approximately 55 minutes.

3:57 PM 3/23/16

Can you call me? I have talked with Naomi and Naomi's mom. They have a proposed itinerary.

3:57 PM 3/23/16

just finalize schedule, do you have time to to a final review

I am in Fresno. You can call me anytime.

Here is the latest on any Comm:Hi Mary,

Thank you for your email.

We'd like to invite you and Brad (and any other interested/involved members of SFPUC) to an exclusive demonstration of the anyCOMM solution in San Jose.

March 31, 2016 is our proposed date for a demonstration.

Please reply to let me know of your availability on that date. Our schedules are open for the entire day.

can i call you now ?

can you also get a sample or spec

can i call you now ?

Yes

are you back now, do you have time to finalize the trip

Today?

ok what time?

3/18/16 5:41 PM

5?

yes sir

3/18/16 5:40 PM

5:40 ok. still in a meeting?

ok will wait

Here

In elevator

3/18/16 11:27 AM

Any Comm update standard 7 pin connection. They are getting me the specs for standard. The light must be connection ready. Two step process. 1) prequalified (pass or fail) 2) lowest price.

When can we get any comm spec

3/18/16 12:09 PM

They are requesting a standard 7 pin connection for all lights. Any Comm system will work with the standard connection.

do any comm require any electric power for their unit

3/18/16 9:00 AM

No they have to use the standard connection.

Ok

3/18/16 12:09 PM

did you get your e-ticket please get seat assignment asap flight is full , ps ask LeeMei for copy if you need

3/18/16 12:09 PM

Got eticket

make sure get seat assignment asap is a full flight

make sure get seat assignment asap is a full flight

3/19/16, 12:44 PM

please let us know after you got seat confirm

We got our seat assignments

Ps send it to me

Ok

Tks

3/22/16, 5:30 PM

Arrived Hong kong

Great! How was the flight? Do U have our visas?

Your visa is in your passport

Did u all get passport back?

Ps reply

Yes

See you tomorrow

3/24/16, 9:29 AM

We are going to the airport. See you 16hours.

The flight is delayed 2 hours. So we will arrive
8:49pm (HK time)

No to worry if will be at airport

3/24/16, 10:50 PM

Ok finally on the plane.

Where?

can you join us for dinner May 5 , our friend all got
back from China

Yes, what time and where?

at citi center 6:30 pm

Good morning can we meet

Friday. I taking a group to hetchy

When will you back just take 10 minutes

I have something for u.

When can we meet for 10 minutes

After work today

I won't be back until tomorrow.

OK wait for you to let me where to meet tomorrow

are you back, are we meeting

Where r u?

I have something to give u.

I am in airport will be back in one hour

Call me when u are nearby.

10 4

i am back to cc now

i am back to now

Are you coming down

Coming down now

Where r u?

6/13/16 11:01 AM

after you return from your weekend. can we meet for
dinner next week

can we meet for dinner this week

6/13/16 11:01 AM

I am traveling this week and most of next week. I just
got back from hetchy, leaving for Atlanta tomorrow
morning until Friday and then off to LA on Saturday
until Sunday.

understand in between if you have some time Please

How about June 14?

Thank you

June 14 dinner

Yes

Thank you

6/13/16 11:01 AM

Can we have lunch on the June 14 instead on dinner.

Yes

6/13/16 2:28 PM

tomorrow, citi center 11:30 is it ok, do you need a
ride

Yes

Yes

Should we pick you up 11:30 at Golden gate ave

6/13/16 3:08 PM

11:45 ok

Yes sir

R UpDown stairs?

yes the car is downstair

Can we meet for 5 minutes

Can we meet for 4 minutes

4 minutes your time

OK where to meet you

?

Thai 10 4

I know

July 13 2013

Hey Mr. W, Naomi's mom wanted to renovate her kitchen. I am trying to her with pricing and budgeting. Also she is trying to get some bids from some contractors. If you have time, can we meet with u? so u can give us some advice.

I am in China now will call you July 25

I am back now please let us know when can we look

July 13 2013

July 13 2013

July 13 2013

What's up?

How about after 5

O3?

O3. That is the Thai restaurant that you were at

July 13 2013

I am in Fresno until Friday.

Ok

Enjoy! And safe travels

at kitchen

7/29/16 8:41 AM

Can we meet u Thursday morning at Maria house?

7/29/16 10:00 AM

:-)yes

Ok

What time

10:30am

For tomorrow address please

7/29/16 5:21 AM

they prefer 10:00

8/12/16 8:03 AM

good morning, can you and Naomi attend 08/16
dinner event for Shaoquan Mayor

8/12/16 8:14 AM

We are a maybe.

when will you know, we are setting seating chart

8/12/16 7:42 AM

Boss want you drop by during reception time 6 to 7
pm at 1142 Van Ness, can you for Shaoquan Mayor

We will try.

If you can drop by during reception

Please let us know tue pm we can finalize seating

8/12/16 7:42 AM

So we would
love to come tonite. Can u give me the details.

OK will do

On behalf of the Hunter Company, Mr. Cheung Kwan
Shan would like to cordially invite you to a dinner

reception to welcome the Mayor of Shaoguan and his delegation, as well as the President of Shaoguan University.

The dinner reception will be held on Tuesday, August 16th, 2016 at 6:PM at the Concordia Argonaut Club at 1142 Van Ness Ave. This is a semi-formal event. Please RSVP if you will be able to attend.

C
Thank you,
Walter Wong

are you in town, during holiday

[REDACTED]

Do you have time to meet this week

Do you have time to meet next week

Yes

What day please

Monday?

What time

5pm?

Do u want to pick you up

Yes

Ok

are we meeting at 5

Yes do u want to meet later?

Yes, do u want to meet later?

what time is better, just want to talk to you 2 minutes

Ok. Meet u at 5. Call me and I'll come down.

Ok

R u downstairs?

Arrived

Where are you

9/18/10 8:10 AM

are you coming [REDACTED] next tue

Yes

2 or 4

9/18/10 8:16 AM

Maybe 4

9/20/10 11:20 AM

Hey Walter, I can't make [REDACTED]
[REDACTED]

I understand

[REDACTED]

9/20/10 8:10 AM

Hey what's going on? Let's connect.

9/20/10 1:00 PM

Can I call you

Yes

9/20/10 1:00 PM

25th street navigation center (need power to site)

PG&E insisting on primary service. From My power team "We're installing overhead. PUC/PW teams met Thursday afternoon. I haven't heard outcome. Will

share more when I hear from team Monday."

thank you need to overcome this issue soon

thank you

Primary service would cost the project a lot of money. What was the other item other than street lights?

30 Van Ness

Primary service apox how much ?

It's primary vs secondary. And I don't know the specifics of the site, but guessing about \$500k more.

Understand

Will relay to team

can i call you

The lowest bid is 2 mil..go figure?

I'll call u in an hour

can i call you

ok tks

Are they any update for the led

any update for LED ?

any update for LED ?

I'll update up in the morning

Thank you

Are you back

11/20/16 12:50 PM

Arrived

Ok coming down in 5 mins

In front golden gate

12/11/16 10:14 AM

[REDACTED]

[REDACTED]

[REDACTED] How r u?

Doing fine do you have time to meet next week

I leaving [REDACTED] on Wednesday

Do you have time Monday after work for 5 minutes

How about after 7pm? [REDACTED]

[REDACTED]

OK thank you

12/19/16 10:37 AM

can we move meeting to tomorrow what time is better for you

12/19/16 11:40 AM

5pm

tomorrow 5 pm thank

12/19/16 11:48 AM

See you at Golden gate 5;15

Ok

Arrived

Come down now

12/20/16 12:20 PM

Do u know a electrician that can install a 240 volt plug in the garage?

And check the amp on the panel.

Yes

When can he be available?

When

Monday?

I have someone to run the conduit.

12/26/16 11:30 AM

We can do the work wed is it ok

12/26/16 12:49 PM

I needed the charger today. But can ur guy make sure the work was done correctly.

12/26/16 3:52 PM

What do you need it for

We need to get part . How many amp

I had my contractor laborer to run the wire and installed the outlet. I wanted to make sure it was ran properly.

12/27/16 8:07 AM

We are you using the charge for. 2) do you have the house number too want to do both together

12/27/16 8:07 AM

We purchase a Tesla electric car. We had a 240 plug installed by the laborer who help the electrician who ran the wires for our house. Just wanted an electrician to look at it to make sure it is installed correct. As far as the house number, I have the number ready to be installed.

tesla.com

OK we install several of them already is easy do you have people at home tomorrow

Yes. Also wanted them to check to see I am not overloading my circuit box

Ok

do you have people at home tomorrow

Yes

Let me know what time

we will be there 9 am do you have all the part ?

I have the LED address number that went out.

9am ok

do you have the part ?

What parts do I need?

need who is going to pay us

Me:). How much?

wrong person

12/28/20 11:25 AM

50462427754_59EA06A9-3CA1-4955-8ED4-6120EBB82A

RenderedImage

Mr. W, here is the picture of the number 2 that is not working. And after your guy check to see if the electrical line was installed properly. Can he rotate the plug shown in the other photo? Thanks

12/28/20 11:25 AM

Ok

worker call in sick, will be at you place tomorrow instead

Ok

Are you in town

Yes. At work.

Are you working tomorrow
Did you try the charge yet

12/27/15, 11:01 AM

12/28/15, 8:37 AM

IMG_4408

IMG_4406

Thanks Walter! The charger is working and the number is installed and working. I may need to replace the number 6 soon. Thanks again.

12/30/15, 8:45 AM

Are you in office

Home today

Lucky

12/31/15, 9:29 AM

Ps let know when can I call you

Ok,

12/31/15, 7:40 AM

any leaking from last night rain ?

12/31/15, 9:40 AM

IMG_4446

IMG_4445

Yes, it looks like it is coming from the drain.

still leaking last night

Yes a gallon

will ck tomorrow

Do u know a locksmith?
I need my locks changed

When

Call you back answer machine

11/17/17 4:45 AM

Please if leaking stop

I am in DC today. I am returning tonight. Is it raining there?

Can you ask who stay home just want to ck water leak ?

Ok

11/17/17 4:50 PM

any info to water leak yet?

I just landed:)

11/17/17 4:55 PM

Still leaking! On the floor

11/17/17 4:57 PM

OK will ck, is it as much as before

No

OK will ck

11/17/17 5:00 PM

IMG_4462

IMG_4461

Still leaking, looks like around the drain.

It is leaking on the floors. So I put down towels and buckets.

Will ck

11/17/17 5:03 PM

The door at garage is lock can enter in house , when you open let us know we can check repair

[REDACTED]

we will go back in afternoon

ps let me know

will be down

1/24/17 6:48 AM

Hey Mr. W, it looks like we will have some dry weather for awhile. Naomi has been asking when will we get our dinning room back. Do u have sense when the will start and finish the work?

crew is at your house now

:)

What's the plan? Did they find out the source of the leak?

we need find that first

1/26/17 6:48 PM

Any progress?

We patch it wait till next wed to make sure not leaking anymore

Can u just pour bucket of water to see if it leaks?

We did

What the problem? The drain?

1/26/17 6:48 PM

50721587743_96495158-D047-4DD2-A7F5-A830243A7A
F6
50721589916_DC88FC35-F7E5-4093-828F-D6C6B0FC8
D23

The two drains are sweating and a occasional drip in the bucket.

50721600898_0EB15809-A893-4376-9B3D-3A8D6D404
65

Can I call you

Will have crew to check it

2/7/17, 6:23 AM

Roof patch already let see this rain can hold . Please
let us know

2/7/17, 6:50 AM

50815208613_99BBC8F5-51BF-4FD4-8DEF-85850B6C18

50815210042_7C9F6071-49D3-4C73-A266-8059611F48

It's still leaking!

2/7/17, 7:53 AM

Will ck

2/14/17, 7:11 AM

Happy Valentine's Day! Any updates on the leak?

Will let you tomorrow they we to ck today again

2/16/17, 7:55 AM

send you report on waterproofing please review
by email

I got the report

ps review and let us know what is your plan, we
need to schedule crew

2/16/17, 8:01 AM

Call u around 11:30am?

2/16/17, 8:54 PM

i just finish meeting , ps call if you hve time

2/16/17, 9:25 PM

just out meeting, if you free ps call anytime now

2/16/17, 9:29 PM

can i call you now

2/16/17, 9:30 PM





2/27/17, 6:03 PM



2/28/17, 10:05 PM

Got invoice. Great price. We are ready for you to start:))

3/3/17, 12:37 PM

if possible can you give me a call re Start date

3/9/17, 8:25 PM

can we meeting today 5 pm

3/10/17, 11:20 AM

<Subject: [REDACTED] - Shear wall, from top of deck to 4" up along north wall is water rot damage. Manuel and crew will have to replace approx 4' x 4" of rotted shear before applying Metacrilycs

Can u have them to take pictures.

3/10/17, 1:04 PM

Arrived

Ok

Coming down

3/10/17, 11:22 AM

Can u text me the picture of the dry rot u have on ur phone. The adjuster is coming by the house now.

3/10/17, 3:05 PM



123_1

123_1

Any more leak it rain last night

3/27/17 3:55 AM

From Naomi "There is no leaking in the dining room.

3/27/17

Good thank you we can start repair the ceiling now

Great!

3/27/17 3:55 AM

I am in hong kong now ps text me

Ok, what do you think the total cost of my repairs will be? I need to explain what happen and what we did. Also some of the labor rates seem high. I or someone need to be able to explain to the adjuster. I sent him an email saying I don't agree with their estimate. Your thoughts?

Will reply to you

Thanks

3/28/17 1:08 AM

Who should the claim adjuster contact to discuss the scope of work and pricing.

3/28/17 3:02 AM

Hey Walter, did the adjuster reach out to you? Btw, when do u think your crew will finish the job

Hi Walter, we are hosting [REDACTED] at our house for Maria on May 6. She would like to invite you, her traveling buddy. When do you think the crews will finish the inside and the deck? Also, we need the receipt to submit to the insurance company.

In your house inside painting is done outside tile due to rain we will start tile when weather permit

Can u hang the chandler so I can move back the furniture. Have the adjuster called u or emailed u yet?

We are going to hand it today

Btw, the issuance company sent a check of \$5,600. They said I could cash it. And if the cost of repairs are more, they will work with the contractor. So I will issue you a check in that amount next week.

4/26/17 9:13 AM

Hey Mr. W, are you back in SF? Your crews are now working on the deck. I am sure they realized that the current surface doesn't slope to the drain. So when laying the tile that will have to create a slope to the drains. I finally had the \$5,286.06 check from the insurance company endorsed by my mortgage company. I will write you a check for this amount today. Have the insurance company contacted you on the final cost of the repairs? Hopefully, we can get the insurance company to pay for most of the cost and I will pay the remaining cost.

4/27/17 3:53 PM

got your message, Paul my office is going to call you to give you detail

4/27/17 10:23 AM

Hey W, any update from the adjuster? Also, I told Paul that he can complete the work. I will work with insurance company to pay the whole amount. If insurance company pay for a portion, I will over the rest.

4/27/17 10:23 AM

the waterproof exterior finished will be painted today and tile will be started on Thursday

Ajuster will not talk to us as we are not the insurer.

4/27/17 10:23 AM

I will email him and cc you

4/27/17 10:23 AM

Hey Walter, I received the bill. Have you guy talked with the adjuster?

4/27/17 10:23 AM

Paul talk to them before

Paul talk to them before

8/18/17 8:19 PM

Here

Ps go into new elevator

Are you in

8/18/17 1:56 PM

Dear Harlan, Please join us for the Ceremony at Chinatown's Night Out on Friday Sept. 1st @ 5pm at Portsmouth Square. There will be over 3000 people!

Can you help assign someone from your office to work with the Mayor's Office, Ashley Cheng. [REDACTED]

[REDACTED] She's requesting 3000 cups for the Seniors.

Thank you, Walter

8/18/17 6:22 AM

Good morning, can we have water for Friday Thank you

I will follow up with my forks

Thank you they want to invite you too can you join them Friday 5 pm

8/18/17 11:41 AM

I relayed ur text to my staff. I just followed up with them today and they will follow up with Ashley. I plan to be there.

Thank you

8/18/17 12:28 PM

W, unfortunately, I can't make [REDACTED] next Friday. I will be in Chicago at a conference. Naomi [REDACTED] may come but I will ask Naomi tomorrow when she return from her trip with the mayor to Ireland.

THANK

Can I give you a call

Yes

The project at 1317 20th Ave requires Fire Service.
We have submitted water meter application on Sep.
7th. As of today, we have not heard any updates on
the application status. they need new fire service to
connect the sprinkler ps help for the new water
meter

10/23/17, 11:28 AM

We should be contacting the project point person
soon.

Thank you

11/1/17, 1:03 PM

We can do it in Dec.

Can it be earlier

The list of projects in the queue is crazy because of
the moratorium restrictions. So we can do it after
holiday right after thanksgiving.

Last week in Nov.

Thank

11/30/17, 12:02 PM

1317 20th Ave still had no fire water meter, please
help

I'll check on it.

Thank you

12/6/17, 2:12 PM

any news for 1317 20th Ave fire water meter, please
help

are you ok ? any news for

1317 20th Ave fire water meter

Having my folks to look into.

Thank you please help

12/8/17 2:30 PM

I am really trying to get my crews to 1317 20th Ave.
it seems like everybody is on vacation:(

Thank for trying

I may have to fire someone for not being responsive.

who you need to repond ps let us know

12/12/17 3:33 PM

Finally, we will start the work next week.

Thank you do you know what date

You friend wanted me to ask you are you gonna play
2 rounds of golf with him during the March trip?

I had to threaten to fire my manager if not done.

When in March?

March 23 to april 4 you will receive an invitation
from Mark Chancellor (protocol office)

I'm in for golf

12/18/17 11:05 AM

Is the water meter going to install this week for

1317 20th Ave.

Yes

Thank you

12/19/17 3:02 PM

1317 20th. Sawcutting 12/18; installation tomorrow
and rest of this week.

Thank you

Can we get together tomorrow?

What time

What time

3pm?

12/21/17 9:39 PM

Where ?

12/21/17 9:40 PM

Ur place

12/22/17 8:48 AM

Ok will wait do you need a ride

VIDEO: Candlelight vigil in Chinatown honors late
San Francisco Mayor Ed Lee | [KRON4.com](http://kron4.com/2017/12/21/candlelight-vigil-in-chinatown-to-honor-late-san-francisco-mayor-ed-lee/)
<http://kron4.com/2017/12/21/candlelight-vigil-in-chinatown-to-honor-late-san-francisco-mayor-ed-lee/>

12/22/17 11:12 AM

10 mins away

drive careful

12/23/17 1:07 PM

Hey W, I have included the bell LED lights to the add back list for Malia Cohan. I need to know how many bells?, with these additional light, how far down 3rd street will these light extend?, and how much?

will get it for you next Wednesday Thank you

12/23/17 1:10 PM

Naomi and I r here

In elevator

12/23/17 1:11 PM

Just sent you 555 Fulton, we would like to know how to pay for the fire hydrant location. We understand your department cannot schedule until payment is received. Do you know when the hydrant can be installed? We are waiting for it so we can final the building.

We did not receive any information regarding the pump yet. Please give us the specifications so we can order.

Are you ok didn't hear from you

12/31/2017

the application was submitted on 12/8, CSB processed the application that day and submitted a hydraulic analysis request to CDD which was returned on 12/28 (normal expected turnaround time for that request). CSB immediately took the next step of requesting a custom cost proposal from CDD on 12/28 which is where we currently are in the process.

Next Steps:

CDD cost proposal preparation – normal turnaround of 1-3 weeks. This was requested 12/28 and there are currently 13 proposals in the queue ahead of it.

A good ETA on this would be no later than 1/18.

CSB to submit proposal to customer, customer to pay fees, CSB to process fees and issue work orders. If customer provides quick turnaround, this can take less than a week so let's say around 1/25.

CDD Construction – for this phase we tell customers to allow a minimum of 65 days putting us at 4/1.

Although it's only one hydrant installation this job will require special permitting and potentially a shutdown (TBD) so I would be cautious to propose anything sooner until we get further along with the CDD process.

Thank you

12/31/2017

what are [REDACTED] meal preference for tomorrow event? We have Prime rib, chicken or Vegetarian.

Thank you!

Hey Walter, [REDACTED]

[REDACTED] Also, Naomi had to go to Washington DC tomorrow to receive an award on the behalf of Mayor Ed Lee. Maria will be there at 6:00pm. Is it ok for us to come by around 8pm?

yes

Thank you

12/29/18 @ 10:03 AM

Please give me Kitchen area and pump spec

Got it!

12/29/18 @ 2:37 PM

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We have not received CDD cost proposal. Please help to find out the status.

12/31/18 @ 10:03 AM

Kitchen 70 sq ft.

Going to lay tile in laundry area that is 24 sq. Ft.

Will ck Monday and reply you

Please help we did not receive COD cost yet

They were working on it. They should send it to u next week.

Thank you good night

12/31/18 @ 10:03 AM

we find the wood where do you want it deliver to

12/31/18 @ 10:03 AM

The kitchen is 70sq.ft. That Oscar can lay right

away.

The living room I measured as 413 sq.ft. If enough for living room I have to submit a sample + under cushion needed per HOA rules at the March 1st meeting.

one box of material is apox is 22.78 sq ft we have 7 boxes where do you want us to deliver the sample

2/15/16 9:07 AM

You can drop the boxes off at [REDACTED]
[REDACTED] You can leave the boxes at the front desk for Maria Little.

will do it tomorrow

all 7 boxes

Ok

2/15/16 9:32 AM

wood floor already deliver to [REDACTED] ps
verify

I will ask Maria. Thanks

2/15/16 10:04 AM

Yes. Wood floor received. Thank you

Thank you please help let us know how much is move the fire Hydrant cost we need it to final 555 Fulton

2/15/16 10:44 AM

I will have Tom contact you on 555 fulton.

Tom's number is [REDACTED]

Thank you

2/15/16 11:04 AM

we still don't have your confirmation for tomorrow's new year celebration at 11am at Portsmouth Sq. please let us know so we can arrange seating. Thank you and Happy New year! I bring Year of dog bring alot of water to you. Make sure your reservoir is full without creating flooding

3/15/13 3:45 PM

Walter, I'm in Colombia until the 19th.

3/10/13, 8:41 PM

Melanie Lok

Address:

Cell #:

Thank you will ck permit tomorrow

3/14/13 8:07 AM

Can I call you re Melanie project

Yes

3/12/13 3:05 AM

When can we pick up the plan

3/12/13 10:38 AM

I just picked up the plans now. Melanie also thinks she will need more power to the house.

Also, I can show the architect all the other work.

what time can i see you I am free after 1:30 pm

and where can we meet

3:00 at my house?

Ser you 3 pm

Any time after 4

Ok 4 pm

3/11/13

At 4 pm can we meet at site I need to see the panel and the deck





Yes

Meet you 4 pm a: [REDACTED]

8/13/18 10:00 AM

on my way to

[REDACTED], see you at 4 pm

Ok

Arrived where are you

At the front [REDACTED]

8/13/18 10:00 AM

Did not see PGE bill

PG&E - [REDACTED]



8/13/18 10:00 AM

PG&E - [REDACTED]



8/13/18 10:00 AM

Sent it to ur email

did not get it. you know anyone from PGE and find out for her

if we call we need to know lot of her person info before PGE will talk to us

Just emailed u

[REDACTED]

Will ck

read the PGE statement . if you know some one from PGE can you help to call to find out how many amp

in the building

5/17/18, 3:09 PM

Ok

Thank you

5/13/18, 4:16 PM

Burt can meet after 10 am Tuesday morning, can we set that time to meet ?

How about the afternoon?

what time ?

3pm?

let me ck with Burt to confirm

Confirmed Tuesday 3 pm meeting at

[REDACTED] with Burt

5/15/18, 2:50 PM

I'm here

We are 5 min out

Ok

5/16/18, 3:31 PM

when will you have time to prepare ping Pong

when will you have time to practice ping Pong ?

5/17/18, 4:32 AM

Let me look at my schedule.

5/31/18, 5:16 PM

send you Burg est for

[REDACTED] review it and let us know

No, I was looking for it. Can u resend?

just resend

Got it

6/1/18, 7:59 PM

Can I call you, i talk to burt today

6/1/18, 8:18 PM

Call me

6/3/18, 9:54 AM

any more information for [REDACTED] from
owner

Did you receive my email with comments on Burt's
proposal? I told Melanie that we should move
forward in the architect and the demo permit now.
She just want to know the total price. Your
thoughts?

i did not receive email ps resend

consult@jaicin.net ps resend

Resent

Did you get it?

received and review it now

The conversation was with Burt.

7/3/18, 8:05 AM

Good Morning, can we pick up

Guangzhou vice Governor Letter today and we did
not get [REDACTED] items letter yet

7/23/18, 10:35 AM

I just sent email for [REDACTED] I'm still out of
town. I will have Kathy to sign for me. Edgar will call
you so you can pick it up.

Thank you

The letter is ready. The letter with wet signature has
my Chinese business card attached to it. It will be in
an envelope with walter's name on it at the security
counter in lobby of 525. I'll go down now.

Thank you onmy way tp pick iu up

Thank you onmy way tp pick iu up

Great!

Good morning we need to revise the invitation letter
please help

Email me the charges

I did thank

Got it

Thank you for revising the letter, let us know when
to pick up

good evening, do you still need to do the side of
your building where is leak before ? please give me a
call [REDACTED]

IMG_0573

IMG_0572

Hey Mr. W, I just remembered that I won't be
available tomorrow at eight. So can Paul come over
Thursday at 8 o'clock?

Good Morning Sept 4 is the 5th night out event at
Portsmouth Sq, the Mayor will be here at 5pm, can
you join us

[REDACTED]
[REDACTED] Next week I work Wednesday- Friday
(9/5-9/7)

i will check Paul and let you know y end of today

What's the status of Melanie 's project? The design
and the construction?

I will call you tomorrow what time is good ?

9:45am

yes sir

did you meet Burt, please let us know

Yes

I'll will call u later

Thank

Just want to make sure Paul is coming tomorrow at 8:15am

Yes

Can i call you

can i call you

Yes

IMG_0748

Hey Walter, here is a photo of my backlit numbers
[REDACTED] I was wondering can we place this on a timer
because this is always on and I had to replace the
numbers because they stop illuminating. Thanks

Will let election know

Can u forward me the invoice for the bell lights
again.

Yes sir

who should we invoice to, or you need a quotation
first? Thanks

Quotation first

is it to dpw

12/25/18, 12:03 PM

Mr. W. Happy Holidays! I received your invoice for the the repairs of the side of the house. Since your repairs I have not noticed any leakage. I will not be submitting this to my insurance company. So, I would like to know my cost for this repair? Also I wanted to have your electrician to place my address numbers on a timer. On a different note, the SFPUC will be purchasing the remaining of the bells and the snowflakes from you. I have the invoice for the bells but not for the snowflakes.

I will take care both issue Wednesday Happy New Year

12/25/18, 8:11 AM

Good Morning do you have the part for your exterior number light need to replace ?

Let me check with staff.

12/25/18, 8:11 AM

Can the electrician come by tomorrow ?

Oj

My exterior number are good for now.

Thank you

12/25/18, 8:11 AM

Hey Mr. W, I wanted to check on the status of the bill I need to pay for the water damage since I'm not going thru my insurance and the electrician for the address lights. Also, the city will pay you for the lights. I will try to make this happen this month.

I will review the file tomorrow, how is Burt doing [REDACTED]?

He is working with Wayne (Melanie's brother). I will check in with him to find out the status.

Thank you

1/26/19 8:02 AM

Good morning can I call you

1/27/19 7:05 PM

I don't have peter's number. This is Lainer's cell:

I got it you give me before and he responded he will take care it tomorrow

Thank you

2/3/19 12:04 PM

Hey Mr. W, I received the invoice for the repairs, I have issued a bank check for that amount which you should receive by next week. Thanks!

1/31/19 4:46 AM

Thank you very much

1/31/19 2:48 PM

Happy New Year! Hi Harlen, please help to confirm if you are attending the Chinese New Year event on Tuesday, Feb. 5 at Portsmouth Square. The program will start at 10:30 am, Mayor Breed will arrive at 10:55am. If you plan to attend the event, please arrive at Portsmouth square by 10:15 am on that day. Look forward to your respond. Thank you Walter

No, I will be out of town at a conference

3/9/19 6:00 PM

Harlen, how are you? 1) the ping pong will be held on 8/3, Do PUC have a team to participate? 2) Can PUC sponsor a trophy for the winner of advance level? 3) Do you want to practice ping pong before the event? 4) What happened to the LED Christmas light? 5) Alan Varela wants to have dinner with you, are you available on the week of 14th?

3/17/19 3:24 PM

Hey Mr. W, how are you doing? Yes we plan to participate in the ping pong tournament. We place to be a sponsor. Yes I would like to practice.

I will check the status of the LED Christmas Lights.

Remind me who is Alan varela?

Please call me when you have time

Hey W, I had to fire the guy that was [REDACTED]
[REDACTED] He was
incompetent. I have appointment a person that will
create a purchase order to buy the bells. Sorry
sorry for the delay. Call me tomorrow.
By the way, we are putting a PUC team that will win
the ping pong tournament.

I would like to get some ping pong lessons.
However, I can't make the tournament because I
have family reunion on that day.

Ping Pong coach just confirm he is available, please
let us know when you available , hope can see you
tonight at Mayor Lee event

Hi Harlan, it's only a month apart from the ping
pong tournament. Would you like some practice
before the event? I can arrange a coach for you if
you are interested. Thanks

Hey W, can we hook up next week to catch up.

?

yes sir

your p ractice July 22 and July 24 confirmed

Got it!

We are waiting for you

I am still in a meeting. Trying to get out

I'm stuck here. I'm with my commissioner

Should we reset to Wednesday

Thanks

coach just confirmed tonight at 6:30 pm

Great

Here

58562462776__3F878090-50EA-4A51-86F7-6211BC9832
OE

Hey Walter, the police will join me in ping pong
practice tomorrow. Ok?

Good we are ready

Police Chief

We will be ready for both

Here

I just my schedule can Aug 11 dinner move to Aug 10
6:30 pm ps ck with

Chief

We will be coming from hetchy on August 11.

I also have closed session at the BOS today. It is
scheduled for 4. It should be over by 5 but I'll let you
know if will be late. I'll let Chief Scott know.

understand

How about July 8-6 pm to Olympia city club

Aug 8?

Aug 8?

we can discuss more

Ping pong at 6:00 today?

yes please

Ok, Chief have confirmed

Thank you

8/8/10 2:34 PM

MI

123_1

We are ready for you

On mu way

8/8/10 2:24 PM

we missed you with the Ping Pong tournament, how are you 1) we still not receive any PO for Bell and snow flake Led yet please help 2) are we together for dinner Aug 16 or 17 with you,

Naomi, Scott and his wife and Mohammed please let me know I need to confirm with Kinson

8/8/10 2:24 PM

Harlan, are you ok, ?

Hey Mr. W, I just got back. Naomi and I went to Camp Mather [REDACTED] No cell coverage. I will check on the bells tomorrow. What did Washington say? As far as dinner, I have on my calendar Saturday the 16th. I'll check in with the Chief.

Thank

I just check with Washington they asked quote we give them but they did not get back to us

8/8/10 1:11 PM

Good morning please confirm how many people this
Friday for dinner

Naomi and I are coming. I'll check with the Chief.

The dinner is on Saturday. Right?

Friday or Saturday both day is ok with me for now is
set on Friday

I can make Saturday not Friday.

Thank please ck with chief Saturday is ok with me

8:15 AM 8/1/16

Any news from Chief for dinner Saturday

The Chief is available. [REDACTED]
Where and what time for dinner?

Do you want Chinese Food

[REDACTED] Is Mo joining us?

I will ask him tomorrow

I can ask Kinson prepare a very Vegetarian din e

Harbor View is ok

Should we invite others?

Yes please just let me k ow hiw .any

Just let know how many people

Anybody u want me to invite?

8:16 AM 8/1/16

Mo will not join us, please let me know how many
people for Sat night

Ok

Hi my friend how many people on Saturday dinner

8/15/19 11:01 AM

Just Na, Bill, and me.

8/17/19 4:33 AM

3 and ww 4 total right

8/17/19 10:40 AM



8/17/19 1:03 PM

Eta 6:10

10 4 i am here

8/29/19 12:16 PM

Hi Harlan, Christmas is around the corner in 3 months. We previously sent a quote to PUC, but have not received response yet. Is it gonna happen this year? Please help, thank you.

8/31/19 10:07 PM

Hi, Harlan
Summer is over while Fall is approaching. It is about the time for us to celebrate the Chinese tradition - Moon Festival. We cordially invite you and your family to join our Moon Festival dinner on Friday, Sep. 13 at 6 p.m. at Harborview Restaurant & Bar at 4 Embarcadero Center, Street Level, San Francisco, CA 94111. Look forward to seeing you at the dinner.

Thanks.
Walter

9/3/19 5:07 PM

Everything has been approved. We should be arranging delivery. Right?

Washington didn't receive the PO yet

9/10/19 11:00 AM

Happy New Year, do you still need to wine rack support ?

Yes!

Yes!

10/15/19

Ok will set time for Burg to come by next week.



Cheryl Leger
Assistant Clerk, Board of Supervisors
Sunshine Ordinance Task Force

SENT VIA EMAIL

March 5, 2021

Re: Response to Complaint Nos. 20084 and 20127

Dear Honorable Members of the Sunshine Ordinance Task Force:

We write to further respond to Sunshine Ordinance Task Force ("Task Force") Complaint Nos. 20084 and 20127 ("Complaints"), to which the San Francisco Public Utilities Commission ("SFPUC") previously responded on August 5, 2020, and February 23, 2021, respectively.¹ The Complaints both pertain to a public records request filed on June 11, 2020, by Anonymous that requested, in relevant part:

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngpr@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and [sic] present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

On July 2, 2020, SFPUC produced to Anonymous partially redacted text messages between Mr. Wong and Mr. Kelly (Bates-stamped pages 175 to 219). In its response, SFPUC provided legal citations for the redaction of certain text messages that did not constitute public records and/or contained personal information the disclosure of which would constitute an unwarranted invasion of privacy.

The Complaints allege three violations pertaining to SFPUC's July 2, 2020 response to the public records request.

¹ Because Complaint Nos. 20084 and 20127 appear to be identical, we are providing a single response to both by this letter.

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager



Violation #3 alleges SFPUC provided an "[i]ncomplete response to records request" and engaged in "unlawful and non-minimal withholding" in violation of S.F. Administrative Code Sections 67.21(b), 67.26, and 67.27 and California Government Code Section 6253(b), (c). Specifically, the Complaint alleges that SFPUC improperly redacted text messages that constitute "city business" and/or were not protected by privacy laws.

On February 22, 2021, SFPUC's Acting General Manager Michael Carlin sent Anonymous the attached letter and produced a new 56-page long version of redacted text messages to the Anonymous Complainant. We ask that the Task Force review the February 22 letter in its entirety. The letter explains the protocol SFPUC followed when it initially responded to Anonymous' request on July 2, 2020:

Consistent with the longstanding advice of the City Attorney's Office as described in the March 24, 2017 memorandum [regarding the *City of San Jose v. Superior Court* decision], the SFPUC asked Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. In response, Mr. Kelly provided a document (Bates-stamped pages 161-219) containing a series of text messages between himself and Mr. Wong beginning January 1, 2015. Mr. Kelly redacted a significant number of text messages in the document, asserting that the redacted communications between him and Mr. Wong did not relate to City business. Following the standard practice of City departments and the general guidance of the City Attorney's Office, the SFPUC relied on Mr. Kelly to prepare the redactions, and did not ask to review the unredacted text messages before producing the document to you in response to [Anonymous'] records request.

The attached February 22, 2021 letter goes on to explain that, due to extraordinary circumstances and events related to federal criminal charges brought against Mr. Kelly and Mr. Wong in recent months, the SFPUC, in consultation with the City Attorney's Office, subsequently undertook its own review of an unredacted draft of the document containing those text messages in the City's possession. Following that review, SFPUC determined that additional messages should be unredacted and a new version be provided to Anonymous. The letter explains: "Given the seriousness of these criminal allegations and the compelling public interest in potential misconduct by government employees, certain text messages between Mr. Kelly and Mr. Wong that previously appeared to be purely personal, non-City business may now reasonably be understood as related to the conduct of the City's business."² As stated in the letter, "The redactions in the new version we are providing today redact only those matters that are clearly private or clearly unrelated to City business."

We believe our February 22 production of a new version of the text messages addresses and resolves the allegations under Violation #3 of the Complaints.

² As we noted in our February 22, 2021 letter, the criminal charges against Mr. Kelly "are still pending and have not been proven in a court of law." Accordingly, "Mr. Kelly, like any criminal defendant, is entitled to a presumption of innocence, and we do not suggest or imply anything to the contrary." (*Id.*)

We now address the remaining two violations alleged in the Complaints.

Violation #1 alleges that Mr. Kelly violated Section 67.29-7(a) of the Administrative Code by failing to disclose all of his correspondence with Walter Wong. The violation is alleged as to "Kelly only." As the Task Force is aware, Mr. Kelly resigned from City employment on November 30, 2020. SFPUC has produced to Anonymous all of the text message correspondence in its possession between Mr. Kelly and Mr. Wong. SFPUC does not have any other correspondence responsive to the request in its possession. Accordingly, this allegation is without merit.

Violation #2 alleges that SFPUC's July 2, 2020 response to Anonymous' public records request failed to identify all persons responsible for denial of access to records as required by Government Code section 6253(d)(3), which provides: "The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial." In the July 2, 2020 written response to Anonymous' request, SFPUC signed the letter "SFPUC Public Records" and did not provide the name or title of the responsible person. We agree this was an error. As the attached February 22, 2021 letter explains in greater detail, in this particular case, Mr. Kelly was responsible for the redactions in the document provided in our July 2, 2020 response.

In light of this letter to the Task Force, and the February 22, 2021 letter to Anonymous, Violations #1, #2 and #3 have been addressed and resolved. Accordingly, SFPUC respectfully requests that the Task Force dismiss Complaint Nos. 20084 and 20127.

Thank you for your consideration.

Sincerely,
Mayara Ruski Augusto Sa
SFPUC Public Records Senior Analyst

Encl. February 22, 2021 Letter to Anonymous and Redacted Text Messages

cc: Anonymous Complainant

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Sent: Friday, March 26, 2021 3:34 PM
To: Anonymous Records Requester
Cc: SOTF, (BOS)
Subject: RE: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084
Attachments: 7.8.2020.5.12PM FW Released info - please check! CLIENT-ATTORNEY PRIVILEGED.pdf;
7.9.2020 Retraction of Incorrect Redactions.pdf

Dear Requester,

We write in response to your letter dated March 19, 2021 titled, "Demand that SFPUC retract false statements of fact." In that letter, you demand that SFPUC retract three alleged "false statements of fact" you claim SFPUC made in its March 19 email to you responding to your PRA request dated March 9, 2021. In our March 19 email, we referenced a July 9, 2020 email we sent MuckRock requesting destruction of all copies of a text chain between Harlan Kelly and Walter Wong Bates stamped PUC 000175 through PUC 000219.

In your March 19, 2021 letter, you raise three allegations: (1) SFPUC's July 8, 2020 email to you incorrectly called you "MuckRock," (2) SFPUC's March 19 email "falsely characterized" SFPUC's July 9 "request as a 'demand,'" and (3) SFPUC's March 19 email incorrectly states that our July 9 email demanded the records not be forwarded.

Regarding your first allegation, on July 8, 2020 we sent the retraction email to the email address "sfrecordsresearch@pm.me" after you used that email address to inform us that information was still visible under the redactions in the above-referenced record. (The July 8 email is attached). We incorrectly wrote in that July 8 email "Dear MuckRock," and agree this was in error since you are not MuckRock. Rather, MuckRock is the platform you had used to submit the public records request at issue. Indeed, our July 8 email pertained to a public records act request you had submitted using the MuckRock platform, "MuckRock request 94992." On July 8, you wrote back to us saying you were not MuckRock and that we should contact MuckRock separately if we have a request directed at them. Accordingly, on July 9, 2020, we sent the same retraction email to the MuckRock email account for your request – "94992-15550486@requests.muckrock.com." (The July 9 email is attached). We understand you are not the entity MuckRock but rather MuckRock is the platform you used for this request.

Regarding your second claim, the July 8 email we sent to "sfrecordsresearch@pm.me" and the July 9 email to the MuckRock account both stated:

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

In this paragraph, we stated the documents "must" be destroyed and cited applicable caselaw. We considered this to be a "demand."

Finally, regarding your third claim, we agree that our July 8 and July 9 emails did not include an express statement not to "forward copies to others." But the July letters both state that all copies must be "returned," "destroyed," and "removed" from publicly accessible locations, which inherently means copies should not be forwarded to others.

We hope this responds to your concerns. Thank you for your time.

cc: SOTF

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>

Sent: Wednesday, March 24, 2021 12:29 PM

To: Carlin, Michael (PUC) <mcarlin@sfgov.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgov.org>; Commission <commission@sfgov.org>

Cc: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityattorney.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityattorney.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityattorney.org>; SOTF, (BOS) <sotf@sfgov.org>

Subject: Re: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

The PUC has refused to retract its false statements about this request after being informed that they were in fact false.

SOTF: please enter this thread and attachments into the file 20084.

It will be used as evidence of willful violation by the PUC.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

On Friday, March 19th, 2021 at 11:29 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:
as a public communication for distribution to Commissioners with attachment

See attached letter.

bcc other custodians - I would urge you to please not make up false claims about me or my requests.

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.

3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.

4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Very truly yours,

Anonymous

Leger, Cheryl (BOS)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, March 26, 2021 5:27 PM
To: Ruski Augusto Sa, Mayara (PUC)
Cc: SOTF, (BOS); Cityattorney
Subject: RE: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084
Attachments: signature.asc

See inline.

Per the explanation below, the PUC has not demanded that I do anything, either in its July letters to MuckRock or my own email address, or even now.

Per *Ardon*, it is unclear PUC would have any authority to make *demands* of *non-lawyer* records requesters like me where no underlying court case existed, anyway.

Furthermore you have never even *requested* that I do anything, even at this moment.

Regardless of all of that, I indeed don't have a the original unredacted PDF file myself, and did not in fact give a copy of that file to anyone.

As I've already explained, your PUC sharefile link is (still) available on MuckRock's website for anyone who wants to click on it.

IMPORTANT:

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2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
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Sincerely,

Anonymous

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

On Friday, March 26th, 2021 at 3:34 PM, Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org> wrote:

Dear Requester,

We write in response to your letter dated March 19, 2021 titled, "Demand that SFPUC retract false statements of fact." In that letter, you demand that SFPUC retract three alleged "false statements of fact" you claim SFPUC made in its March 19 email to you responding to your PRA request dated March 9, 2021. In our March 19 email, we referenced a July 9, 2020 email we

sent MuckRock requesting destruction of all copies of a text chain between Harlan Kelly and Walter Wong Bates stamped PUC 000175 through PUC 000219.

In your March 19, 2021 letter, you raise three allegations: (1) SFPUC's July 8, 2020 email to you incorrectly called you "MuckRock," (2) SFPUC's March 19 email "falsely characterized" SFPUC's July 9 "request as a 'demand,'" and (3) SFPUC's March 19 email incorrectly states that our July 9 email demanded the records not be forwarded.

Regarding your first allegation, on July 8, 2020 we sent the retraction email to the email address "sfrecordsresearch@pm.me" after you used that email address to inform us that information was still visible under the redactions in the above-referenced record. (The July 8 email is attached). We incorrectly wrote in that July 8 email "Dear MuckRock," and agree this was in error since you are not MuckRock. Rather, MuckRock is the platform you had used to submit the public records request at issue. Indeed, our July 8 email pertained to a public records act request you had submitted using the MuckRock platform, "MuckRock request 94992." On July 8, you wrote back to us saying you were not MuckRock and that we should contact MuckRock separately if we have a request directed at them. Accordingly, on July 9, 2020, we sent the same retraction email to the MuckRock email account for your request – "94992-15550486@requests.muckrock.com." (The July 9 email is attached). We understand you are not the entity MuckRock but rather MuckRock is the platform you used for this request.

Regarding your second claim, the July 8 email we sent to "sfrecordsresearch@pm.me" and the July 9 email to the MuckRock account both stated:

In such cases of accidental, inadvertent disclosure of private or confidential information in response to a Public Records Act request, the documents must be returned and copies destroyed if the City notifies those who have received an inadvertently disclosed record. (See *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176). The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.

In this paragraph, we stated the documents "must" be destroyed and cited applicable caselaw. We considered this to be a "demand."

This paragraph explicitly states that SFPUC "hereby requests" that MuckRock (not I) immediately destroy the records. This is not a demand upon me. You explicitly chose the word "request" instead of "demand" for whatever reason.

Stating what proposition you believe a court case stands for is not a demand for me to do anything.

Finally, having actually read the case you cite, it never says that local agencies (as opposed to courts) can force anyone to give up any record supposedly inadvertently released. Instead, it concludes that an inadvertent disclosure does not constitute a waiver of privilege under Gov Code 6254.5. It further states "Indeed, if the inadvertent disclosure under the Public Records Act is made to a nonlawyer, the public agency might never become aware of the mistake. But the fact

that a proper remedy might be difficult to obtain for an inadvertent disclosure under the Public Records Act provides no reason to deny a remedy when a judicial forum does exist."

Unlike *Ardon*, there was no underlying court case here, and I am not a lawyer to whom the Rules of Professional Conduct apply regarding return of apparently confidential material.

Furthermore, having gone through a similar situation with the Office of the Mayor, I am well aware of the distinction between a demand and a request. The Mayor's Office initially issued what they characterized as a demand, then they later retracted that demand, and made it a request instead. I happily complied with their *request*, but did not acknowledge any authority to make demands.

Finally, regarding your third claim, we agree that our July 8 and July 9 emails did not include an express statement not to "forward copies to others." But the July letters both state that all copies must be "returned," "destroyed," and "removed" from publicly accessible locations, which inherently means copies should not be forwarded to others.

One can remove a file from a *publicly* accessible location and still *privately* forward a copy to others. Because again, you requested MuckRock, not me, to destroy their, not my, copies.

We hope this responds to your concerns. Thank you for your time.

I hope you write your "demands" ordering the public around more clearly next time, if you believe you can actually sustain such "demands."

Have a good weekend.

cc: SOTF

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>

Sent: Wednesday, March 24, 2021 12:29 PM

To: Carlin, Michael (PUC) <mcarlin@sflower.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sflower.org>; Commission <commission@sflower.org>

Cc: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityatty.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityatty.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; SOTF, (BOS) <sotf@sfgov.org>

Subject: Re: Demand that the PUC/CCSF retract false statements of fact / SOTF 20084

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3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sincerely,

Anonymous

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

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<arecordsrequestor@protonmail.com> wrote:

Public Utilities Commission, President Maxwell, City of San Francisco, and counsel:

as a public communication for distribution to Commissioners with attachment

See attached letter.

bcc other custodians - I would urge you to please not make up false claims about me or my requests.

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3. I am not an attorney. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Very truly yours,

Anonymous

From: SOTF, (BOS)
Sent: Tuesday, July 14, 2020 10:39 AM
To: Kelly, Jr, Harlan (PUC); Yip, Kesinee (PUC)
Cc: '94992-15550486@requests.muckrock.com'
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20084
Attachments: SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Morning:

Harlan Kelly and the Public Utilities Commission have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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.

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

From: SOTF, (BOS)
Sent: Tuesday, August 18, 2020 4:22 PM
To: 76434-70600365@requests.muckrock.com; Heckel, Hank (MYR); Elsbernd, Sean (MYR); Power, Andres (MYR); Cretan, Jeff (MYR); Bruss, Andrea (MYR); Kittler, Sophia (MYR); anntreboux@yahoo.com; Cote, John (CAT); CityAttorney (CAT); 84603-91115102@requests.muckrock.com; Miyamoto, Paul (SHF); Quanico, James (SHF); DIETTERLE, COLLEEN (CAT); FEITELBERG, BRITTANY (CAT); pmonette-shaw; AhimsaPorterSumchaiMD@comcast.net; Walton, Shamann (BOS); Gee, Natalie (BOS); Maybaum, Erica (BOS); 72916-68249481@requests.muckrock.com; Cote, John (CAT); COOLBRITH, ELIZABETH (CAT); CityAttorney (CAT); arecordsrequestor@protonmail.com; Office of Cannabis (ADM); MICHAEL PETRELIS; 84960-47105337@requests.muckrock.com; Lim, Victor (DEM); Zamora, Francis (DEM); Hart, Amy (ADM); Breed, Mayor London (MYR); Kositsky, Jeff (DEM); Rosenfield, Ben (CON); Forbes, Elaine (PRT); 'Murase, Emily (WOM)'; Colfax, Grant (DPH); Nicholson, Jeanine (FIR); Torres, Joaquin (ECN); Arntz, John (REG); Raju, Manohar (PDR); Lambert, Michael (LIB); Callahan, Micki (HRD); Rhorer, Trent (HSA); Rydstrom, Todd (CON); 'Wirowek, Christopher (ADM)'; Quesada, Amy (PRT); 'Murase, Emily (WOM)'; Ludwig, Theresa (FIR); Thompson, Marianne (ECN); Vu, Tyler (PDR); McHale, Maggie (HRD); Rudakov, Vladimir (HSA); 84949-27319664@requests.muckrock.com; 83843-75468749@requests.muckrock.com; 86453-88963364@requests.muckrock.com; Vien, Veronica (DPH); lizamurawski@yahoo.com; Lambert, Michael (LIB); 87732-85704646@requests.muckrock.com; Elsbernd, Sean (MYR); Rosenstein, Diana (DPA); Henderson, Paul (DPA); Taylor, Damali (POL); Elias, Cindy (POL); Hamasaki, John (POL); Brookter, Dion-Jay (POL); DeJesus, Petra (POL); Youngblood, Stacy (POL); Zach; MICHAEL PETRELIS; mary.ghirarduzzi@sfpl.org; Patterson, Kate (LIB); Malhi, Mohammed (DPH); judbuechler667@gmail.com; 88549-63926635@requests.muckrock.com; 81856-14311352@requests.muckrock.com; tom@intrinsicdevices.com; Lin-Wilson, Tiffany (REC); Tucker, John (FIR); Jared.Cooper1@gmail.com; sanderies@andgolaw.com; Nicole Mitchell; Boudin, Chesa (DAT); Bastian, Alex (DAT); 94375-24579709@requests.muckrock.com; Kositsky, Jeff (DEM); 88337-02999056@requests.muckrock.com; Rosenfield, Ben (CON); Rydstrom, Todd (CON); libraryusers2004@yahoo.com; 88199-65424898@requests.muckrock.com; 94992-15550486@requests.muckrock.com; Kelly, Jr, Harlan (PUC); Public Records; Yip, Kesinee (PUC); Youngblood, Stacy (POL); sjdanon14213@gmail.com; Mahogany, Honey (BOS); Mcdonald, Courtney (BOS); RivamonteMesa, Abigail (BOS); Haney, Matt (BOS); Zou, Han (BOS); Beinart, Amy (BOS); Lerma, Santiago (BOS); Monge, Paul (BOS); Ronen, Hillary; Quan, Daisy (BOS); Wong, Alan (BOS); Wright, Edward (BOS); Mar, Gordon (BOS); Maxine Doogan; Vien, Veronica (DPH); San Francisco Living Wage; Kelly, Naomi (ADM); Thompson, Marianne (ECN); Davis, Sheryl (HRC); Maria Schulman; chris roberts; Amanda Ashton; Doug Yakel (AIR); Tanenberg, Diedre (ENV); Sheehan, Charles (ENV)
Subject: SOTF - Request for Waiver of 45 day Rule

Dear SOTF Petitioners, Respondents and other Stakeholders:


As you most likely know SOTF operations have been delayed over the last few months due to the Covid-19 emergency. The SOTF have started to conduct remote meetings via videoconference and are working to establish procedures to resume all operations including the processing of complaints.

While the Sunshine Ordinance requires that certain actions be taken within 45 days, the Covid-19 emergency has forced delays and immense new backlogs for complaint hearings. We write today to ask if you are willing to waive the 45 day rule for your complaint.

The SOTF intends to resume hearing complaints *on a limited basis and complaints will be queued to be heard in the near future*. We continue to work to address technical issues posed by remote meetings. We are aware of the time sensitivity of your records requests. Please be assured that the SOTF appreciates the urgency of your matters and the importance of handling them in a timely manner.

If you have further questions about your files or have other issues, please feel free to email the SOTF Administrator at the email below.


Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

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Leger, Cheryl (BOS)

From: Anonymoose (@journno_anon)  <arecordsrequestor@protonmail.com>
Sent: Tuesday, January 11, 2022 10:22 AM
To: Leger, Cheryl (BOS)
Subject: Re: SOTF - Updated Notice of Complaint Committee hearing January 18, 2022
Attachments: signature.asc

Hi- I had closed File 20023 a long time ago; no need to hear it.

If you're looking to wrap up my 2020 complaints, the most important one is 20084, Anonymous v PUC & Harlan Kelly. Can that one be scheduled on Jan 18 instead?

It has detailed written responses from the PUC as well.

On Tue, Jan 11, 2022 at 9:04 AM, Leger, Cheryl (BOS) <cheryl.leger@sfgov.org> wrote:

Good Morning:

THIS IS AN UPDATED NOTICE WHICH WAS SENT OUT THIS MORNING 1/11/22. PLESAS E REFER TO THIS NOTICE WHEN PROVIDING YOUR RECORDS. The hearing is 1/18/22 and you must submit your records by Thursday, January 13 at 5:00 pm.

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: January 18, 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.

File No. 20023: Complaint filed by Anonymous against The Office of Cannabis for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.29 by failing to prepare and continually maintain an index of records on the City's worldwide website.

File No. 20030: Complaint filed by Anonymous against The Office of the City Attorney, Dennis Herrera, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(c)(d), by failing to provide assistance, failure to provide determinations as the Supervisor of Records and 67.34 for willful violation.

File No. 20124: Complaint filed by Stephen Bejanski against Kevin Guy and the Office of Short-Term Rentals for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24 for failing to provide public information; 67.25 for failing to respond to an Immediate Disclosure Request in a timely manner; 67.26 for failing to keep withholding to a minimum; 67.27 for failing to justify withholding and 67.29 and failing to provide an index of records.

File No. 21165: Complaint filed by Peter Warfield, Library Users Association against City Librarian Michael Lambert and the Public Library for allegedly violating Administrator Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 22001: Complaint filed by Andrew Sisneros against Caroline Celaya and the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrator Code (Sunshine Ordinance), Sections 67.1, 67.8, 67.9, 67.21, 67.25 and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 22004: Complaint filed by Karioki Uhuru against the Police Department for allegedly violating Administrator Code (Sunshine Ordinance), Sections 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 (4) 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 13, 2022.**

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org



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Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=OTk2ZjdlnZzhOWQ2MmVlZg==&h=NTJmY2RlNTI1ZTlkYzZkNDk5ZTlkNTMwNDJlYzYzMDM0MTFjNzZmZWx0OGM0NWM4NDk2YjY4ODE1Yw==&p=YXAzOnNmZHQyOmF2YW5hbGpvcjFjNTM3NjAzMDQ0OGMwZDEzN2MxMjdjOTM0YWQxODg2OnYxOnQ6TG==>




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Leger, Cheryl (BOS)

From: Anonymoose (@journos_anon)  <arecordsrequestor@protonmail.com>
Sent: Tuesday, January 11, 2022 10:58 AM
To: SOTF, (BOS); Ruski Augusto Sa, Mayara (PUC); Scarpulla, John (PUC)
Subject: Re: SOTF - Complaint 20084; Anonymous v. PUC; January 18, 2022: 5:30 PM
Attachments: signature.asc

Thanks Ms. Leger - last time I believe PUC sent Mr. Scarpulla instead.

Regards,

Anonymous
Twitter [@journos_anon](https://twitter.com/journos_anon)

Sent from ProtonMail for iOS

On Tue, Jan 11, 2022 at 10:44 AM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Hello: I have an opening for a case to be heard next Tuesday, January 18, before the Complaint Committee and was wondering if you would be able to participate on behalf of the PUC? The PUC has already submitted a written response and the Complaint is attached. The last day to submit supporting documents is January 13 at 5:00 PM. Please advise. Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

<https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MzVjOTJlNjdjZTc4Yzc4YWw=&h=NzNjM2Q5Y2NkMTVjNTk0NmRlOGM2MzA1NDQ3NjU1ZmRhNTU1NmJmODg0YTJhYzZiMjY0MGRkNzI2MTMzZDA1ZA==&p=YXAzOnNmZHQyOmF2YW5hbGpvcQ4NzJlNTVhNmM5OGNkMjY5NWw0MDYxQGM5N2U3YmU3OnYxOnQ6TG==>



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Leger, Cheryl (BOS)

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Sent: Tuesday, January 11, 2022 12:15 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Complaint 20084; Anonymous v. PUC; January 18, 2022: 5:30 PM

Dear Ms. Leger,

I represent the SFPUC at the Task Force. However, I cannot attend next week's meeting. I staff the SFPUC's Citizens' Advisory Committee and the Full Committee is scheduled to meet next Tuesday from 5:30 to 7pm.

Best Regards,
Mayara Sa

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Tuesday, January 11, 2022 10:44 AM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Cc: Anonymoose (@journo_anon)  <arecordsrequestor@protonmail.com>
Subject: SOTF - Complaint 20084; Anonymous v. PUC; January 18, 2022: 5:30 PM

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Hello: I have an opening for a case to be heard next Tuesday, January 18, before the Complaint Committee and was wondering if you would be able to participate on behalf of the PUC? The PUC has already submitted a written response and the Complaint is attached. The last day to submit supporting documents is January 13 at 5:00 PM. Please advise. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfoos.org



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Leger, Cheryl (BOS)

From: Leger, Cheryl (BOS)
Sent: Wednesday, July 13, 2022 9:46 AM
To: SOTF, (BOS); San Francisco Living Wage; Ginsburg, Phil (REC); Summers, Ashley (REC); KWART, JEN (CAT); Sergei Severinov; McSpadden, Shireen (HOM); Schneider, Dylan (HOM); Hamilton, Jeffrey (HOM); 94375-24579709@requests.muckrock.com; Rydstrom, Todd (CON); Rosenfield, Ben (CON); 88337-02999056@requests.muckrock.com; Scott, William (POL); Reilly, Lynn (POL); 88199-65424898@requests.muckrock.com; Feitelberg, Brittany (PUC); Ruski Augusto Sa, Mayara (PUC); Cote, John (PUC); 94992-15550486@requests.muckrock.com; Lim, Victor (DEM)
Cc: Young, Victor (BOS)
Subject: RE: SOTF - Complaint Committee hearing, June 21, 2022; 5:30 PM; remote meeting;

From: SOTF, (BOS)
Sent: Wednesday, July 13, 2022 9:44 AM
To: San Francisco Living Wage <sflivingwage@gmail.com>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; Summers, Ashley (REC) <ashley.summers@sfgov.org>; KWART, JEN (CAT) <Jen.Kwart@sfcityatty.org>; Sergei Severinov <serolga@yahoo.com>; McSpadden, Shireen (HOM) <shireen.mcspadden@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; '94375-24579709@requests.muckrock.com' <94375-24579709@requests.muckrock.com>; Rydstrom, Todd (CON) <todd.rydstrom@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; '88337-02999056@requests.muckrock.com' <88337-02999056@requests.muckrock.com>; Scott, William (POL) <william.scott@sfgov.org>; Reilly, Lynn (POL) <lynn.reilly@sfgov.org>; '88199-65424898@requests.muckrock.com' <88199-65424898@requests.muckrock.com>; Feitelberg, Brittany (PUC) <BFeitelberg@sfgwater.org>; Ruski Augusto Sa, Mayara (PUC) <MRuskiAugustoSa@sfgwater.org>; Cote, John (PUC) <JCote@sfgwater.org>; '94992-15550486@requests.muckrock.com' <94992-15550486@requests.muckrock.com>
Cc: Young, Victor (BOS) <victor.young@sfgov.org>
Subject: SOTF - Complaint Committee hearing, June 21, 2022; 5:30 PM; 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. ***Please confirm your attendance for this hearing.***

Date: July 19, 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.


1. **File No. 22058:** Complaint filed Manush Mirzada and Karl Kramer against General Manager Phil Ginsburg and the Recreation and Parks 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.
2. **File No. 22024:** Complaint filed by Sergei Severinov against the Office of the City Attorney in their capacity as the Supervisor of Records for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21(d), by failing to provide a determination as to whether the record requested is public in a timely manner.
3. **File No. 20080:** Complaint filed by Anonymous (ARE) against Jeff Kositsky for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
4. **File No. 20081:** Complaint filed by Anonymous (ARE) against Ben Rosenfield and the Controller's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
5. **File No. 20083:** Complaint filed by Anonymous (ARE) against Chief William Scott for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
6. **File No. 20084:** Complaint filed by Anonymous (ARE) against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike 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, June 14, 2022**.

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

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Leger, Cheryl (BOS)

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Sent: Thursday, July 14, 2022 2:53 PM
To: SOTF, (BOS)
Subject: RE: UPDATE OF COMMITTEE HEARING DATE - SOTF - Complaint Committee hearing, July 19, 2022; 5:30 PM; remote meeting;
Attachments: 2-22-21 Letter re Harlan Kelly texts_1.pdf; Harlan Kelly Text Messages - Redacted Jan 29 2021.pdf; SOTF Response Letter - MuckRock Complaint.pdf

Dear Ms. Leger,

I am writing to point out that Complaint No. 20127 appears to be identical to Complaint No. 20084. Indeed, Complaint No. 20127 simply attaches Complaint No. 20084. We are unable to identify how these two complaints differ. We request that the SOTF confirm that these two requests are identical, or whether on what basis SOTF considers Complaint No. 20127 to raise new allegations.

Additionally, I am resending our full response to the two complaints – sent to you in March 2021.

Thanks,
Mayara

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Wednesday, July 13, 2022 5:25 PM
To: SOTF, (BOS) <sotf@sfgov.org>; San Francisco Living Wage <sflivingwage@gmail.com>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; Summers, Ashley (REC) <ashley.summers@sfgov.org>; KWART, JEN (CAT) <Jen.Kwart@sfcityatty.org>; Sergei Severinov <serolga@yahoo.com>; McSpadden, Shireen (HOM) <shireen.mcspadden@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; 94375-24579709@requests.muckrock.com; Rydstrom, Todd (CON) <Todd.Rydstrom@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; 88337-02999056@requests.muckrock.com; Scott, William (POL) <william.scott@sfgov.org>; Reilly, Lynn (POL) <Lynn.Reilly@sfgov.org>; 88199-65424898@requests.muckrock.com; Feitelberg, Brittany K <BFeitelberg@sfgwater.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>; Cote, John W <JCote@sfgwater.org>; 94992-15550486@requests.muckrock.com; Lim, Victor (DEM) <victor.lim@sfgov.org>
Cc: Young, Victor (BOS) <victor.young@sfgov.org>
Subject: RE: UPDATE OF COMMITTEE HEARING DATE - SOTF - Complaint Committee hearing, July 19, 2022; 5:30 PM; remote meeting;

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Hello All! Apologies; the cases outlined below **will be heard on July 19 not June 21**. Typo is my fault.

I will be out of the office August 5 through August 8. For questions regarding the Sunshine Ordinance, please contact Victor Young at Victor.Young@sfgov.org.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163



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From: Leger, Cheryl (BOS)

Sent: Wednesday, July 13, 2022 9:46 AM

To: SOTF, (BOS) <sotf@sfgov.org>; San Francisco Living Wage <sflivingwage@gmail.com>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; Summers, Ashley (REC) <ashley.summers@sfgov.org>; KWART, JEN (CAT) <Jen.Kwart@sfcityattty.org>; Sergei Severinov <serolga@yahoo.com>; McSpadden, Shireen (HOM) <shireen.mcspadden@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; 94375-24579709@requests.muckrock.com; Rydstrom, Todd (CON) <todd.rydstrom@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; 88337-02999056@requests.muckrock.com; Scott, William (POL) <william.scott@sfgov.org>; Reilly, Lynn (POL) <lynn.reilly@sfgov.org>; 88199-65424898@requests.muckrock.com; Feitelberg, Brittany (PUC) <BFeitelberg@sfgwater.org>; Ruski Augusto Sa, Mayara (PUC) <MRuskiAugustoSa@sfgwater.org>; Cote, John (PUC) <JCote@sfgwater.org>; 94992-15550486@requests.muckrock.com; Lim, Victor (DEM) <victor.lim@sfgov.org>

Cc: Young, Victor (BOS) <victor.young@sfgov.org>

Subject: RE: SOTF - Complaint Committee hearing, June 21, 2022; 5:30 PM; remote meeting;

From: SOTF, (BOS)

Sent: Wednesday, July 13, 2022 9:44 AM

To: San Francisco Living Wage <sflivingwage@gmail.com>; Ginsburg, Phil (REC) <phil.ginsburg@sfgov.org>; Summers, Ashley (REC) <ashley.summers@sfgov.org>; KWART, JEN (CAT) <Jen.Kwart@sfcityattty.org>; Sergei Severinov <serolga@yahoo.com>; McSpadden, Shireen (HOM) <shireen.mcspadden@sfgov.org>; Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>; Hamilton, Jeffrey (HOM) <jeff.hamilton@sfgov.org>; '94375-24579709@requests.muckrock.com' <94375-24579709@requests.muckrock.com>; Rydstrom, Todd (CON) <todd.rydstrom@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; '88337-02999056@requests.muckrock.com' <88337-02999056@requests.muckrock.com>; Scott, William (POL) <william.scott@sfgov.org>; Reilly, Lynn (POL) <lynn.reilly@sfgov.org>; '88199-65424898@requests.muckrock.com' <88199-65424898@requests.muckrock.com>; Feitelberg, Brittany (PUC) <BFeitelberg@sfgwater.org>; Ruski Augusto Sa, Mayara (PUC) <MRuskiAugustoSa@sfgwater.org>; Cote, John (PUC) <JCote@sfgwater.org>; '94992-15550486@requests.muckrock.com' <94992-15550486@requests.muckrock.com>

Cc: Young, Victor (BOS) <victor.young@sfgov.org>

Subject: SOTF - Complaint Committee hearing, June 21, 2022; 5:30 PM; remote meeting;

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Date: July 19, 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.


1. **File No. 22058:** Complaint filed Manush Mirzada and Karl Kramer against General Manager Phil Ginsburg and the Recreation and Parks 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.
2. **File No. 22024:** Complaint filed by Sergei Severinov against the Office of the City Attorney in their capacity as the Supervisor of Records for allegedly violating Administrator Code (Sunshine Ordinance), Section(s) 67.21(d), by failing to provide a determination as to whether the record requested is public in a timely manner.
3. **File No. 20080:** Complaint filed by Anonymous (ARE) against Jeff Kositsky for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
4. **File No. 20081:** Complaint filed by Anonymous (ARE) against Ben Rosenfield and the Controller's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
5. **File No. 20083:** Complaint filed by Anonymous (ARE) against Chief William Scott for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents.
6. **File No. 20084:** Complaint filed by Anonymous (ARE) against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

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

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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. 22013: Hearing Regarding Request for Reconsideration of Complaint

22013. Complaint filed by Yuli Huang against David Steinberg and Public Works for finding no violation of 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. 22104: Hearing Regarding Request for Reconsideration of Complaint No. 22036:


Complaint filed by Anonymous (ARE) against Charles Jung (Elections Commission) 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. 22030: Complaint filed by Gizelle Rabi and Karl Kramer against Karen Fletcher and the Adult Probation Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a request for public records in a timely and/or complete manner.

File No. 21148: Complaint filed by Jordan Santagata and Karl Kramer against the San Francisco Employees' Retirement System for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, 67.24, and 67.25 and California Public Records Act, Section(s) 6254.26, by failing to respond to a request for public records in a timely and/or complete manner.

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 PM, September 29, 2022.**

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

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Leger, Cheryl (BOS)

From: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Sent: Friday, September 23, 2022 4:27 PM
To: SOTF, (BOS)
Subject: RE: SOTF - Notice of Appearance, October 5, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

I'll be there. Thanks!

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Friday, September 23, 2022 4:15 PM
To: 94992-15550486@requests.muckrock.com; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfgwater.org>
Cc: Young, Victor (BOS) <victor.young@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; mark.price.wolf@sfcityatty.org; RIES, DAVID (CAT) <David.Ries@sfcityatty.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SOTF - Notice of Appearance, October 5, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

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. ***Please confirm your attendance.***

Date: October 5, 2022

Location: Remote Meeting

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. 20084: Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 PM, September 29, 2022.**


Cheryl Leger
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Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Anonymoose (@journno_anon)  <arecordsrequestor@protonmail.com>
Sent: Friday, September 23, 2022 5:49 PM
To: SOTF, (BOS); Ruski Augusto Sa, Mayara (PUC)
Cc: Herrera, Dennis (PUC); Carlin, Michael (PUC)
Subject: October 5, 2022 Anonymous v Harlan Kelly and PUC - sotf 20084
Attachments: signature.asc

I am frankly uncertain why the current PUC leadership is defending Harlan Kelly's actions as the previous department head in this case regarding his texts with Walter Wong.

Neither Carlin nor Herrera are currently named as respondents in this complaint as they were not the dept head in summer 2020 when this complaint and request were filed.

Regardless, because the PUC at least partially unredacted the records at issue in early 2021 almost half a year after I filed this complaint, the violation of at least Admin Code 67.26 for non-minimal withholding is self-evident.

Regards,

Anonymous
twitter.com/journno_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

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

On Sep 23, 2022, 4:59 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Morning:

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. ***Please confirm your attendance and please take notice of the start time of the meeting – 7:00 PM.***

Date: October 5, 2022

Location: Remote Meeting

Time: 7:00 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. 20084: Complaint filed by Anonymous against Harlan Kelly and the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents; 67.29-7(a) failing to maintain correspondence and records in a professional and businesslike manner.

For inclusion in the agenda packet, supplemental/supporting documents must be received by **5:00 PM, September 29, 2022.**


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

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Leger, Cheryl (BOS)

From: Anonymoose (@journno_anon)  <arecordsrequestor@proton.me>
Sent: Sunday, September 18, 2022 5:15 PM
To: SOTF, (BOS); Matt Yankee
Subject: List of complaints / 20084
Attachments: signature.asc

dear SOTF Clerk and Chair,

I am unsure in what order my complaints are heard by the Task Force. It seems quite random.

If you are looking for a complaint of mine to be heard in October by full SOTF, I would suggest 20084 v. Harlan Kelly et al. It has been outstanding for a very long time and is almost certainly one of my most important complaints.

I'd reiterate my interest in a list of complaints and where they are in your process so I can decide which to close or handle otherwise.

Regards,

Anonymoose


a 2022 SPJ NorCal James Madison Freedom of Information Award Winner

I'm not a lawyer; nothing herein is legal advice. If you are a public official, I may publish any of your communications regardless of any notice you send to me.

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