CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

SUPERVISOR OF RECORDS

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force

FROM: Kate Kimberlin
Deputy City Attorney

DATE: January 22, 2024

RE: Twenty-Third Annual Report of the Supervisor of Records
January 1 to December 31, 2022

The City Attorney's Office submits this report to the Sunshine Ordinance Task Force under Section 67.21(h) of the San Francisco Sunshine Ordinance (S.F. Admin. Code §67.21(h)). That section requires the Supervisor of Records to prepare an annual tally and report for the Sunshine Ordinance Task Force on each petition brought before the Supervisor of Records for access to records. Section 67.21(h) includes the following requirements:

> The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

Reporting period: This report covers petitions brought before the Supervisor of Records between January 1 – December 31, 2022 (the "reporting period"). We also include petitions submitted in 2020 and 2021 that have been resolved since the previous Annual Report of the Supervisor of Records dated November 8, 2022, including 92 petitions from Anonymous petitioner that were closed in November 2023.

Custodian of Records: For the custodian of records, the report generally gives the name of the employee who responded to the request.

Court actions: There have been no court decisions issued regarding determinations by the Supervisor of Records for the reporting period.

Orders issued: There have been no orders from the Supervisor of Records issued to any City department whose records were the subject of a petition.

Court Decisions Interpreting or Applying the San Francisco Sunshine Ordinance: There have been no court decisions interpreting or applying the Sunshine Ordinance for the reporting period.

MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force
DATE: January 22, 2024
PAGE: 2
RE: Twenty-Third Annual Report of the Supervisor of Records
January 1 to December 31, 2022

DESCRIPTION OF PETITIONS AND THEIR DISPOSITION

1.	Petitioner:	Yuli Huang
	Department:	Department of Public Works
	Records sought:	Documents associated with a public works project.
	Custodian of Records:	David Steinberg
	Determination:	Department did not withhold responsive records.
	Date Petition Received:	February 28, 2022
	Date of Determination:	March 11, 2022

A copy of the decision and petition are included on pages 1-9 of the Appendix.

2.	Petitioner:	Sergei Severinov
	Department:	Police Department
	Records sought:	Records pertaining to four named individuals, including interactions with the SFPD and arrests/detentions of those individuals.
	Custodian of Records:	Lt. Lynn Reilly
	Determination:	The department properly withheld criminal offender record information and did not otherwise improperly withhold records.
	Date Petition Received:	March 9, 2022
	Date of Determination:	April 1, 2022

A copy of the decision and petition are included on pages 10-24 of the Appendix.

3.	Petitioner:	Anonymous
	Department:	Mayor's Office
	Records sought:	Materials pertaining to senior staff and department head meetings in 2020.
	Custodian of Records:	Hank Heckel
	Determination:	No determination needed. Referred to department for response as the department did not receive the original request.

Date Petition Received:	March 9, 2022
Date of Determination:	March 16, 2022

A copy of the decision and petition are included on pages 25-28 of the Appendix.

4.

Petitioner:	Jane Mariani
Department:	The Office of Legal Standards Enforcement
Records sought:	Documents relating to United Airlines violations, investigations, and compliance with the San Francisco Minimum Compensation Ordinance.
Custodian of Records:	Beverly Popek
Determination:	No determination needed; department confirmed it had no responsive records with respect to one request and produced records with regard to the second request.
Date Petition Received:	March 10, 2022
Date of Determination:	March 29, 2022

A copy of the decision and petition are included on pages 29-38 of the Appendix.

5.

Petitioner:	Anonymous
Department:	Redistricting Task Force
Records sought:	Communications between members of the task force.
Custodian of Records:	Members of the task force.
Determination:	Request exceeded the jurisdiction of the Supervisor of Records.
Date Petition Received:	April 14, 2022
Date of Determination:	April 19, 2022

A copy of the decision and petition are included on pages 39-40 of the Appendix.

6.

Petitioner:	Sasha Gala
Department:	City Attorney's Office
Records sought:	Records relating to a development project.
Custodian of Records:	Elizabeth Coolbrith

Determination:	No determination needed. The department responded that it was searching for and would produce any responsive records. No follow-up petition received.
Date Petition Received:	April 16, 2022
Date of Determination:	April 21, 2022

A copy of the decision and petition are included on pages 41-46 of the Appendix.

7.

Petitioner:	Joe Fitzgerald Rodriguez
Department:	Redistricting Task Force
Records sought:	Communications between various members of the task force.
Custodian of Records:	Various members of the task force.
Determination:	Beyond the jurisdiction of the Supervisor of Records due to disbanding of the task force shortly after receiving the petition. Unable to determine if any records were produced.
Date Petition Received:	April 25, 2022
Date of Determination:	January 10, 2024

A copy of the decision and petition are included on pages 47-60 of the Appendix.

8.

Petitioner:	Anonymous
Department:	Municipal Transportation Agency
Records sought:	Communications between department staff.
Custodian of Records:	Caroline Celaya
Determination:	No determination because petition exceeded Supervisor of Records authority.
Date Petition Received:	May 6, 2022
Date of Determination:	May 16, 2022

A copy of the decision and petition are included on pages 61-63 of the Appendix.

9.

Petitioner:	Rosa L.
Department:	Board of Supervisors, Mayor's Office

Records sought:	Communications between board members, Mayor, and SFPD, and DEM from a 6-week period in 2022.
Custodian of Records:	Bryan Dahl
Determination:	No determination required; department responded to petitioner with documents.
Date Petition Received:	June 30, 2022
Date of Determination:	July 5, 2022

A copy of the decision and petition are included on pages 64-68 of the Appendix.

10.

Petitioner:	Yuli Huang
Department:	Department of Public Works
Records sought:	Records related to a public works project.
Custodian of Records:	David Steinberg
Determination:	No documents were impermissibly withheld.
Date Petition Received:	September 8, 2022
Date of Determination:	September 13, 2022

A copy of the decision and petition are included on pages 69-78 of the Appendix.

11.

Petitioner:	Anonymous
Department:	Public Utilities Commission
Records sought:	Communications among various SFPUC employees.
Custodian of Records:	Mayara Ruski Augusto Sa
Determination:	The department did not improperly redact documents based on attorney-client and attorney work product privileges.
Date Petition Received:	September 28, 2022
Date of Determination:	October 25, 2022 and November 1, 2022

A copy of the decision and petition are included on pages 79-93 of the Appendix.

12.

Petitioner:	Yuli Huang
Department:	Department of Public Works

Records sought:	Documents pertaining to a public works project.
Custodian of Records:	David Steinberg
Determination:	Department did not improperly withhold documents.
Date Petition Received:	November 3, 2022
Date of Determination:	December 7, 2022

A copy of the decision and petition are included on pages 94-101 of the Appendix.

13.

Petitioner:	Michael Barba
Department:	Police Department
Records sought:	Copies of future employment restrictions from Chief Bill Scott.
Custodian of Records:	Ofc. Robert Rueca
Determination:	Department did not improperly withhold responsive documents.
Date Petition Received:	November 18, 2022
Date of Determination:	January 10, 2024

A copy of the decision and petition are included on pages 102-110 of the Appendix.

14.

Petitioner:	Matthew Smith
Department:	The Department of Technology
Records sought:	A copy of the entire NextRequest database and index.
Custodian of Records:	Arlene Licudine-Barker
Determination:	The department responded appropriately to the request.
Date Petition Received:	November 21, 2022
Date of Determination:	December 12, 2022

A copy of the decision and petition are included on pages 111-117 of the Appendix.

15.

Petitioner:	Jordan Vyonder
Department:	Mayor's Office on Disability
Records sought:	Emails regarding service dog policy.

MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force
DATE: January 22, 2024
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RE: Twenty-Third Annual Report of the Supervisor of Records
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Custodian of Records:	Hank Heckel
Determination:	No determination needed. Petition exceeded jurisdiction of the supervisor of records.
Date Petition Received:	November 30, 2022
Date of Determination:	December 15, 2022

A copy of the decision and petition are included on pages 118-127 of the Appendix.

Scheduled Closure of "Anonymous" Petitions

On September 29, 2023, the Supervisor of Records sent a letter to Anonymous to schedule the closure of 92 outstanding petitions that were submitted to the Supervisor of Records between the years 2020 to 2022. This letter followed Anonymous' announcement in late 2022 that they had retired from the practice of seeking public records from the City and County of San Francisco, and requesting the Sunshine Ordinance Task Force dismiss 50 pending complaints Anonymous had filed against various City departments and officials. The Task Force dismissed those complaints.

While Anonymous did not request the Supervisor of Records to similarly close the 92 pending Supervisor of Records petitions, the Supervisor of Records determined that closing those petitions would be consistent with closing the Task Force complaints. Additionally, the Supervisor of Records determined that, given the number of outstanding petitions the vast majority either were or would soon become stale.

The Supervisor of Records therefore contacted Anonymous via letter stating that the pending petitions would be closed, but inviting Anonymous to inform the Supervisor of Records if they wished to keep any of the petitions open. The Supervisor of Records provided Anonymous the opportunity to oppose the planned closure, and gave Anonymous until October 31, 2023 to do so. Anonymous did not respond to the Supervisor of Records' communication or otherwise seek to keep any of the 92 petitions open. A copy of our response is included on page 1175 of the Appendix.

The following are the closed petitions the Anonymous petitioner submitted between the years 2020 to 2022.

ANONYMOUS CLOSED PETITIONS

Date	Department	Page Number in Appendix
October 20, 2022	Public Utilities Commission	130-137
October 5, 2022	Animal Care and Control	138-143

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TO: Honorable Members
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DATE: January 22, 2024
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Date	Department	Page Number in Appendix
August 11, 2022	Mayor's Office	144-147
July 5, 2022	Mayor's Office	148-157
June 20, 2022	Mayor's Office	158-160
June 15, 2022	Mayor's Office	161-163
April 19, 2022	Board of Supervisors	164-451
April 14, 2022	Redistricting Task Force	452
April 11, 2022	Department of Public Health	453
April 11, 2022	Controller's Office	454-456
April 11, 2022	Redistricting Task Force	457-493
April 11, 2022	Department of Elections	494
March 28, 2022	District Attorney's Office	495-498
March 28, 2022	Mayor's Office	499-506
Jan. 21, 2022	Department of Technology, and the Mayor's Office	507-708

MEMORANDUM

TO: Honorable Members
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RE: Twenty-Third Annual Report of the Supervisor of Records
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Date	Department	Page Number in Appendix
December 23, 2021	Police Department	509-510
December 22, 2021	Department of Public Works	511
December 21, 2021	Mayor's Office	512-519
December 20, 2021	Mayor's Office	520-521
December 16, 2021	Department of Public Works	522
December 9, 2021	Police Department	523-524
December 6, 2021	Multiple City Departments	525-532
December 1, 2021	Police Department	533-534
September 27, 2021	Mayor's Office	535-538
September 13, 2021	Mayor's Office	539-541
August 27, 2021	The Office of City Attorney	542-550
August 25, 2021	District Attorney's Office	551
August 24, 2021	Board of Supervisors and Police Department	552-556

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Date	Department	Page Number in Appendix
August 24, 2021	Multiple City Departments	557-560
July 19, 2021	District Attorney's Office	561-563
July 19, 2021	District Attorney's Office	564-569
July 6, 2021	Recreation and Park Department	570-788
June 18, 2021	SF Public Library	589-592
June 15, 2021	Mayor's office	593-596
June 14, 2021	Department of Elections	597-607
June 10, 2021	Office of Economic and Workforce Development	608-612
May 26, 2021	Mayor's Office	613-619
May 26, 2021	Department of Police Accountability	620-621
May 24, 2021	Police Department	622
May 12, 2021	BOS – Supervisor Ronen	623-624
May 10, 2021	Public Utilities Commission	625
May 7, 2021	Department of Public Health	626-636

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Date	Department	Page Number in Appendix
May 3, 2021	Public Utilities Commission	637-645
April 30, 2021	District Attorney's Office	646-654
April 23, 2021	Ethics Commission	655-671
April 12, 2021	Multiple City Departments	672-677
March 25, 2021	Board of Supervisors	678-679
March 19, 2021	Mayor's Office	680-682
March 18, 2021	Police Department	683-686
March 18, 2021	Department of Public Works	687
March 15, 2021	Department of Police Accountability	688-698
March 12, 2021	Board of Supervisors	699-714
March 11, 2021	Public Utilities Commission	715-723
March 10, 2021	Public Utilities Commission	724-730
March 10, 2021	Mayor's Office	731-759
March 9, 2021	Multiple City Departments	760-768

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DATE: January 22, 2024
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Date	Department	Page Number in Appendix
March 5, 2021	Police Department	769-773
March 5, 2021	Mayor's Office	774-777
March 4, 2021	Department of Public Works	778-783
March 4, 2021	Department of Police Accountability	784
March 2, 2021	Office of Economic & Workforce Development	785-796
March 2, 2021	Public Utilities Commission	797-799
March 2, 2021	Public Utilities Commission	800-826
March 1, 2021	City Administrator	827-832
March 1, 2021	Police Department	833-841
March 1, 2021	City Hall Building Management	842-851
March 1, 2021	Office of the Treasurer and Tax Collector	852-862
March 1, 2021	City Administrator	863-871
March 1, 2021	Sheriff's Department	872-875
March 1, 2021	Department of Emergency Management	876-883

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Date	Department	Page Number in Appendix
March 1, 2021	Department of Public Health	884-887
March 1, 2021	Department of Public Health	888-891
March 1, 2021	City Administrator	892-895
March 1, 2021	City Administrator	896-898
March 1, 2021	Department of Emergency Management	899-909
March 1, 2021	Municipal Transportation Agency	910-915
March 1, 2021	Office of Economic & Workforce Development	916-922
March 1, 2021	Mayor's Office	923-929
February 26, 2021	Police Department	930-1063
February 26, 2021	Department of Police Accountability	1064
February 25, 2021	City Attorney's Office	1065-1074
February 24, 2021	Public Utilities Commission	1075-1079
February 23, 2021	Police Department	1080-1089
February 18, 2021	Police Department	1090-1092

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TO: Honorable Members
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DATE: January 22, 2024
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RE: Twenty-Third Annual Report of the Supervisor of Records
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Date	**Department**	**Page Number in Appendix**
February 12, 2021	Department of Police Accountability	1093
February 12, 2021	Department of Police Accountability	1094-1119
January 18, 2021	District Attorney's Office	1120-1133
January 18, 2021	Police Department	1134-1138
October 13, 2020	Police Department	1139-1153
October 5, 2020	Sheriff's Department	1154-1160
September 15, 2020	Mayor’s Office	1161-1166
August 25, 2020	Fine Arts Museums of San Francisco	1167-1173

APPENDIX

TWENTY-THIRD ANNUAL REPORT OF THE SUPERVISOR OF RECORDS

Petition Number	Petitioner	Page(s)
1	Yuli Huang	1-9
2	Sergei Severinov	10-24
3	Anonymous	25-28
4	Jane Mariani	29-38
5	Anonymous	39
6	Sasha Gala	40-46
7	Joe Fitzgerald Rodriguez	47-60
8	Anonymous	61-63
9	Rosa L.	64-68
10	Yuli Huang	69-78
11	Anonymous	79-93
12	Yuli Huang	94-101
13	Michael Barba	102-110

14	Matthew Smith	111-117
15	Jordan Vyonder	118-127

Buta, Odaya (CAT)

From: Yuli Huang <[redacted]>
Sent: Monday, February 28, 2022 4:03 PM
To: Supervisor Records (CAT)
Subject: Re: Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702

Hi Bradley,

The San Francisco Department of Public Works did not provide the requested information by Request 22-1088 (https://sanfrancisco.nextrequest.com/requests/22-1088). I am writing to make a sunshine appeal that the response to Public Record Request #22-1088 is non-compliant with the request.

The San Francisco Department of Public Works published a request for proposal on the Sunset and Parkside Sewer and Pavement Renovation Project on November 13, 2019. Amongst other requirements, the Project Manual prescribed the submittal to include design, details, and calculation associated with a suitable sheet piling installation to minimize vibrations and damage to adjacent structures, according to Project Manual § 01 35 45 1.6F, § 01 35 49 1.5C, § 01 35 50 1.04C, § 01 73 29 1.5B, § 31 23 33 1.6A, and § 31 23 33 2.2A. The requested calculation package determining the hammering parameters is essential for a suitable sheet piling installation. Therefore, The Contractor should have submitted for approval.

The project has been proceeded, implying a contract has been awarded. Therefore, the requested calculation package is public information that must be disclosed and available for public inspection pursuant to San Francisco Administration Code § 67.24(e)(1).

Best,
Yuli

On Fri, Feb 18, 2022 at 5:32 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

> Yuli –
>
> I understand that you have now submitted a new public records request to Public Works clarifying what you are seeking along the same lines as what you have stated below. Accordingly, we are not reopening this petition. If you are dissatisfied with Public Works' response to your new request, because you believe the department has unlawfully withheld or redacted a record based on an exemption in the Public Records Act, feel free submit a new petition. Thank you.
>
> **Bradley Russi**
>
> Deputy City Attorney
>
> Office of City Attorney David Chiu
>
> City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Friday, February 18, 2022 8:55 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please acknowledge receipt of my (reopening) petition below?

Best,
Yuli

On Wed, Feb 16, 2022 at 9:29 PM Yuli Huang <Personal Info> wrote:

> Hi Bradley,
>
> I reviewed the document "released" by the San Francisco Department of Public Works, "1000015025-Project Manual 2 of 2.pdf". I confirmed that it is *not* a qualified document responsive to the request, as justified as follows.
>
> The document is a digital file of the Bid Documents associated with the Invitation to Bid, a call to contractors to submit a proposal on the Sunset and Parkside Sewer and Pavement Renovation Project for a specific service. The Invitation to Bid is publically visible at https://proposal-bid-notices.construction.com/bid/5984/city-county-of-san-francisco-san-francisco-public-works-. The digital file was available at http://www.sfpublicworks.org/biddocs. Public Works did not release them in response to Request #21-6702.
>
> After the publication of the Invitation to Bid, the Contractor may submit the bid with the bidding form. The Contractor shall submit drawings to scale indicating materials, details, and calculations for all permits in a format as required by the San Francisco Department of Public Works. Plans and calculations for the shoring system shall be submitted for review and approval by the City prior to trench excavation. The Contractor shall provide all engineering, including design, details and calculations, installation and construction of shoring, sheeting, and bracing necessary to support the sides of the excavation to prevent movement, which may damage adjacent pavements, utilities, or structures, damage or delay the Work, or endanger life and health as required by Cal–OSHA and other applicable governmental regulations and agencies. Details and calculations shall be signed and stamped by a California licensed Civil or Structural Engineer.
>
> The Contractor should have submitted these documents to the City for review and approval. The Contractor used excavator-mounted pile-driving harmers to install sheet piling into the sandy ground, generating soil movement and potentially damaging adjacent structures. Therefore, Request #21-6702 demanded the design and details of the installation of sheet piling to support the sides of the excavation to prevent movement, the calculation package that determined and supported the choice of hammering parameters (the specified rated number of blows per minute, the

specified energy per blow, the specified stroke length, the specified capacity and pressure of the compressor, and the specified vibratory frequency of the pile driver), as well as the design of preventive and control measures to prevent damage to the adjacent structures. All are supposedly included in the submittal and signed and stamped by a California licensed Civil or Structural Engineer.

The Contractor produced submittal after the publication of the Invitation to Bid. The submittal by the Contractor obviously differs from the digital file of the Bid Documents. Therefore, The documents demanded by Request #21-6702 have not been released by the San Francisco Department of Public Works. I would have to request reopening the Sunshine Appeal respectfully.

Best,
Yuli

On Wed, Feb 16, 2022 at 6:34 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

I understand that Public Works has now produced a document in response to your request. I further understand that Public Works has no further responsive documents. Accordingly, because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider and we consider your petition closed. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Wednesday, February 16, 2022 8:36 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please advise on the progress?

Best,

Yuli

On Mon, Feb 7, 2022 at 7:56 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

Yuli –

I apologize for the delay. We have been working with Public Works to determine if there are documents that are not exempt from disclosure. I hope to have more information for you this week. Thank you for your patience.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

Buta, Odaya (CAT)

From: Russi, Brad (CAT)
Sent: Friday, March 11, 2022 11:32 AM
To: Buta, Odaya (CAT)
Subject: FW: Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4645 Direct
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

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Confidential Attorney Work Product - Do Not Disclose

This email may contain privileged or confidential information. If you are not the intended recipient, please reply to this email to inform me of your receipt and then destroy all copies.

From: Russi, Brad (CAT) **On Behalf Of** Supervisor Records (CAT)
Sent: Friday, March 11, 2022 11:32 AM
To: 'Yuli Huang' <Personal Info>
Subject: RE: Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702

Yuli –

We have confirmed that the Department of Public Works is not withholding records responsive to your request. Accordingly, because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider and we consider your petition closed. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
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> The document is a digital file of the Bid Documents associated with the Invitation to Bid, a call to contractors to submit a proposal on the Sunset and Parkside Sewer and Pavement Renovation Project for a specific service. The Invitation to Bid is publically visible at https://proposal-bid-notices.construction.com/bid/5984/city-county-of-san-francisco-san-francisco-public-works-. The digital file was available at http://www.sfpublicworks.org/biddocs. Public Works did not release them in response to Request #21-6702.
>
> After the publication of the Invitation to Bid, the Contractor may submit the bid with the bidding form. The Contractor shall submit drawings to scale indicating materials, details, and calculations for all permits in a format as required by the San Francisco Department of Public Works. Plans and calculations for the shoring system shall be submitted for review and approval by the City prior to trench excavation. The Contractor shall provide all engineering, including design, details and calculations, installation and construction of shoring, sheeting, and bracing necessary to support the sides of the excavation to prevent movement, which may damage adjacent pavements, utilities, or structures, damage or delay the Work, or endanger life and health as required by Cal–OSHA and other applicable governmental regulations and agencies. Details and calculations shall be signed and stamped by a California licensed Civil or Structural Engineer.
>
> The Contractor should have submitted these documents to the City for review and approval. The Contractor used excavator-mounted pile-driving harmers to install sheet piling into the sandy ground, generating soil movement and potentially damaging adjacent structures. Therefore, Request #21-6702 demanded the design and details of the installation of sheet piling to support the sides of the excavation to prevent movement, the calculation package that determined and supported the choice of hammering parameters (the specified rated number of blows per minute, the specified energy per blow, the specified stroke length, the specified capacity and pressure of the compressor, and the specified vibratory frequency of the pile driver), as well as the design of preventive and control measures to prevent damage to the adjacent structures. All are supposedly included in the submittal and signed and stamped by a California licensed Civil or Structural Engineer.
>
> The Contractor produced submittal after the publication of the Invitation to Bid. The submittal by the Contractor obviously differs from the digital file of the Bid Documents. Therefore, The documents demanded by Request #21-6702 have not been released by the San Francisco Department of Public Works. I would have to request reopening the

Sunshine Appeal respectfully.

Best,
Yuli

On Wed, Feb 16, 2022 at 6:34 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

I understand that Public Works has now produced a document in response to your request. I further understand that Public Works has no further responsive documents. Accordingly, because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider and we consider your petition closed. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Wednesday, February 16, 2022 8:36 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please advise on the progress?

Best,

Yuli

On Mon, Feb 7, 2022 at 7:56 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

Yuli –

I apologize for the delay. We have been working with Public Works to determine if there are documents that are not exempt from disclosure. I hope to have more information for you this week. Thank you for your patience.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

Buta, Odaya (CAT)

From: Coolbrith, Elizabeth (CAT) on behalf of CityAttorney (CAT)
Sent: Wednesday, March 9, 2022 12:31 PM
To: Russi, Brad (CAT); Buta, Odaya (CAT)
Cc: Supervisor Records (CAT); Givner, Jon (CAT)
Subject: FW: Petition based on based on section 67.21 part (d) of San Francisco Sunshine Ordinance
Attachments: sfpd_response__records_denial_reilly__1141.pdf; confirmation_sfpd_feb28_2022 _request_section_v_P063740-022822.pdf; petition_city_attorney_sfpd_records_march9_2022.pdf

Hi Brad and Odaya,

Please see below/attached.

Thanks,

Elizabeth

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
Personal Cell (preferred): Personal Info ; (415) 554-4685 Direct
www.sfcityattorney.org

From: Sergei Severinov <Personal Info >
Sent: Wednesday, March 9, 2022 10:02 AM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>
Subject: Petition based on based on section 67.21 part (d) of San Francisco Sunshine Ordinance

City Attorney of San Francisco as Supervisor of Records:

Please find attached my petition based on section **67.21 part (d) of San Francisco Sunshine Ordinance.**
I am also attaching the confirmation of my records request from SFPD and their denial to produce records.

Sergei Severinov

San Francisco Police Public Records Request :: P063740-022822

From: San Francisco Police Records Portal (sanfranciscopd@mycusthelp.net)

To: [redacted]

Date: Monday, February 28, 2022, 02:05 PM PST

Dear Sergei Severinov:

Thank you for your interest in public records of the San Francisco Police Department ("SFPD").

The San Francisco Police Department ("SFPD") received your request, dated February 28, 2022 and given the reference number **P063740-022822** for tracking purposes.

Record(s) Requested: *TO: Custodian of Public Records San Francisco Police Department This is a request based on section 67.21 part (c) of San Francisco Sunshine Ordinance. Based on section 67.21 part (c) San Francisco Sunshine Ordinance, I hereby request that you assist me in identifying the existence, form, and nature of any records or information described below that are maintained by SFPD, available to SFPD, or in your custody, whether or not the contents of those records are exempt from disclosure. Based on section 67.21 part (c) of San Francisco Sunshine Ordinance, I request that you provide in writing within seven days of today, February 28, 2022, a written statement as to the existence, quantity, form and nature of records relating to my request below. The information and records that this request based on section 67.21 part (c) of San Francisco Sunshine Ordinance pertains to, and/or is related to, and/or mentions, and/or is concerned with, and/or dealing with the following: 1. Sergei Severinov, an individual 2. Olga Tikhonova, an individual, 3. Ivan Severinov, an individual 4. Vera Severinova, an individual, 6. any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department 7. any and all investigations related to or involving the said four individuals; 8. any and all complaints related to and or involving the said four individuals 9. detentions of Sergei Severinov 10. arrests of Sergei Severinov 11. detentions of Olga Tikhonova 12. arrests of Olga Tikhonova 13. detentions of Ivan Severinov 14. arrests of Ivan Severinov 15. detentions of Vera Severinova 16. arrests of Vera Severinova 17. phone and other calls involving or related to the said four individuals; 18 CAD files and/or CAD files numbers related to or involving the said four individuals. 19. Incident Reports related to and/or mentioning and/or dealing with Sergei Severinov 20. Chronological of Investigation related to and/or mentioning and/or dealing with Sergei Severinov 21. Computer-Assisted Dispatch records related to and/or mentioning and/or dealng with Sergei Severinov 22. Case summary reports related to and/or mentioning and/or dealing with Sergei Severinov 24. use of force by SDPD members, and/or officers and/or agents against Sergei Severinov 23. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco; 24. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco; 25. SFPD's and/or its agents' and/or its affiliates' surveillance of and/or monitoring of, and/or investigations of: 2149 Grove street, San Francisco, 2151 Grove street, San Francisco 2149-2151 Grove street, San Francisco, and/or residents at these addresses, and/or the owners of the properties with these addresses, and/or any and all individuals visiting, and/or entering and/or exiting the structures and/or homes and/or apartments at these addresses. Sergei Severinov*

Your request is being forwarded to the appropriate department(s) for processing and you will be notified once the request is complete.

You can monitor request progress at the link below. Thank you for using the San Francisco Public Records Center.

San Francisco Police Department

To monitor the progress or update this request please log into the SFPD Public Records Center.

March 9, 2022

Sergei Severinov

San Francisco City Attorney

as a Supervisor of Records for

the City and County of San Francisco

Petition based on section 67.21 part (d) of San Francisco Sunshine Ordinance

On the basis of section 67.21 part (d) of San Francisco Sunshine Ordinance, I hereby petition you, San Francisco City Attorney as a Supervisor of Records, for a determination whether the records that I have requested from San Francisco Police Department are public. Please, send your determination to me in writing within 10 (ten) days of this request by email to Personal Info or by mail to Personal Info, and order San Francisco Police Department to disclose public records to me.

This petition pertains to records that I have requested from San Francisco Police Department on February 15, 2022 and described as follows:

all records about, and/or related to, and/or pertaining to, and/or mentioning, and/or concerning, and/or dealing with the following:
1. Sergei Severinov, an individual
2. Olga Tikhonova, an individual,
3. Ivan Severinov, an individual
4. Vera Severinova, an individual,
6. any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department
7. any and all investigations related to or involving the said four individuals;
8. any and all complaints related to and or involving the said four individuals
9. detentions of Sergei Severinov
10. arrests of Sergei Severinov
11. detentions of Olga Tikhonova
12. arrests of Olga Tikhonova
13. detentions of Ivan Severinov

14. arrests of Ivan Severinov
15. detentions of Vera Severinova
16. arrests of Vera Severinova
17. phone and other calls involving or related to the said four individuals;
18 CAD files and/or CAD files numbers related to or involving the said four individuals.

19. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;

20. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
21. 2149 Grove street, San Francisco
22. 2151 Grove street, San Francisco
23. 2149-2151 Grove street, San Francisco

24. interactions between any or all of the said four individuals and the members of SFPD in San Francisco Golden Gate Park.
25. interactions between any or all of the said four individuals and the members of SFPD in San Francisco International airport.

This petition also pertains to records of San Francisco Police Department in my February 28, 2022 request based on section 67.21 part (c) of San Francisco Sunshine Ordinance. These records are described as follows:

all records and information that pertain to, and/or is related to, and/or mentions, and/or is concerned with, and/or deal with the following:
1. Sergei Severinov, an individual
2. Olga Tikhonova, an individual,
3. Ivan Severinov, an individual
4. Vera Severinova, an individual,
6. any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department
7. any and all investigations related to or involving the said four individuals;
8. any and all complaints related to and or involving the said four individuals
9. detentions of Sergei Severinov
10. arrests of Sergei Severinov
11. detentions of Olga Tikhonova
12. arrests of Olga Tikhonova
13. detentions of Ivan Severinov
14. arrests of Ivan Severinov
15. detentions of Vera Severinova
16. arrests of Vera Severinova
17. phone and other calls involving or related to the said four individuals;

February 16, 2022

Via email Personal Info

RE: Public Records Request, dated February 15, 2022
Reference # P062599-021522

Dear Sergei Severinov:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 15, 2022.

You requested, "*Immediate Disclosure Request*

To: San Francisco Police Department (referred to as ``SFPD'' in the sequel);

This is a request for Information and disclosure under
California Public Records Act
and San Francisco Sunshine Ordinance.
I hereby request that you provide all records about, and/or related to, and/or pertaining to, and/or mentioning, and/or concerning, and/or dealing with the following:
1. Sergei Severinov, an individual
2. Olga Tikhonova, an individual,
3. Ivan Severinov, an individual
4. Vera Severinova, an individual,
6. any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department
7. any and all investigations related to or involving the said four individuals;
8. any and all complaints related to and or involving the said four individuals
9. detentions of Sergei Severinov
10. arrests of Sergei Severinov
11. detentions of Olga Tikhonova
12. arrests of Olga Tikhonova
13. detentions of Ivan Severinov
14. arrests of Ivan Severinov
15. detentions of Vera Severinova
16. arrests of Vera Severinova
17. phone and other calls involving or related to the said four individuals;
18 CAD files and/or CAD files numbers related to or involving the said four individuals.

19. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22,

2021 on Grove street (between Masonic and Shrader streets) in San Francisco;

20. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
21. 2149 Grove street, San Francisco
22. 2151 Grove street, San Francisco
23. 2149-2151 Grove street, San Francisco
24. interactions between any or all of the said four individuals and the members of SFPD in San Francisco Golden Gate Park.
25. interactions between any or all of the said four individuals and the members of SFPD in San Francisco International airport.

For the purposes of this request, records include, but are not limited to all things, papers, files, notes, reports, emails, notes, memoranda, files, electronic files, computer files, phone files, transcripts, materials, items, video and audio recordings, photos, evidence, photographic, audio, and video evidence, transcripts and/or recordings of interviews.

Please provide complete records on all of the above items.

Please, send these records to us by email to Personal Info *or by mail to* Personal Info

Sergei Severinov and Olga Tikhonova."

SFPD interprets your request for criminal history records on the above-referenced individuals. That information is protected from public disclosure pursuant to Penal Code § 11105 et. seq.

Incident Reports
The Crime Information Services Division ("CISD") is responsible for release of incident reports. If there is a specific incident report you are interested in obtaining, please submit your request via the Incident Report Request Portal. The link is below. For further questions regarding the release of incident reports, please contact CISD at (415) 575-7226.

Incident Report Request
https://cisu-sanfranciscopd.mycusthelp.com/WEBAPP/_rs/(S(5djill5uldmu0rt0z2lda543))/SupportHome.aspx?sSessionID=208121645YQNCHDTZWQVXLJFHWDMLXPCFTZTHVQM&lp=3

DEM/911 Records
For responsive information regarding calls for service, including the non-emergency line, 911 calls, and Computer Assisted Dispatch (CAD) records, please contact the Department of Emergency Management (DEM), a separate agency of the City and County of San Francisco. DEM is located at 1011 Turk Street, San Francisco, CA 94102 (415) 558-3826. Please find attached, a DEM Request for Dispatch Records for your convenience, which you may complete and submit to DEM directly, http://sfdem.org/.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141
Risk Management - Legal Division

18 CAD files and/or CAD files numbers related to or involving the said four individuals.
19. Incident Reports related to and/or mentioning and/or dealing with Sergei Severinov
20. Chronological of Investigation related to and/or mentioning and/or dealing with Sergei Severinov
21. Computer-Assisted Dispatch records related to and/or mentioning and/or dealng with Sergei Severinov
22. Case summary reports related to and/or mentioning and/or dealing with Sergei Severinov
24. use of force by SDPD members, and/or officers and/or agents against Sergei Severinov

23. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;

24. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
25. SFPD's and/or its agents' and/or its affiliates' surveillance of and/or monitoring of, and/or investigations of: 2149 Grove street, San Francisco, 2151 Grove street, San Francisco 2149-2151 Grove street, San Francisco, and/or residents at these addresses, and/or the owners of the properties with these addresses, and/or any and all individuals visiting,and/or entering and/or exiting the structures and/or homes and/or apartments at these addresses.

For the purposes of this request, records include, but are not limited to all things, papers, files, notes, reports, emails, notes, memoranda, files, electronic files, computer files, phone files, transcripts, materials, items, video and audio recordings, photos, evidence, photographic, audio, and video evidence, transcripts and/or recordings of interviews.

I am attaching letter from SFPD dated Feb 16 denying my request for records made on Feb 15, 2022.

I have not received any response (for more than severn days) from SFPD to my February 28, 2022 request based on section 67.21 part (c) of San Francisco Sunshine Ordinance. I am attaching the confirmation email of the said request by SFPD.

Lack of response from SFPD to my February 28, 2022 request based on section 67.21 part (c) of San Francisco Sunshine Ordinance is a violation of San Francisco Sunshine Ordinance by SFPD.

To reiterate, I request your determination in writing within 10 days of today, March 9 2022.

Sergei Severinov

April 1, 2022

Sent via email (Personal Info)

Sergei Severinov

Re: Petition to Supervisor of Records

Dear Mr. Severinov:

This letter responds to your petition to the Supervisor of Records sent via email on March 9, 2022, arising from requests for records to the San Francisco Police Department ("Department"). On February 15, 2022, you requested the following records from the Department:

> *I hereby request that you provide all records about, and/or related to, and/or pertaining to, and/or mentioning, and/or concerning, and/or dealing with the following:*
>
> *1. Sergei Severinov, an individual*
> *2. Olga Tikhonova, an individual,*
> *3. Ivan Severinov, an individual*
> *4. Vera Severinova, an individual,*
> *6. [sic] any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department*
> *7. any and all investigations related to or involving the said four individuals;*
> *8. any and all complaints related to and or involving the said four individuals*
> *9. detentions of Sergei Severinov*
> *10. arrests of Sergei Severinov*
> *11. detentions of Olga Tikhonova*
> *12. arrests of Olga Tikhonova*
> *13. detentions of Ivan Severinov*
> *14. arrests of Ivan Severinov*
> *15. detentions of Vera Severinova*
> *16. arrests of Vera Severinova*
> *17. phone and other calls involving or related to the said four individuals;*
> *18. CAD files and/or CAD files numbers related to or involving the said four individuals.*
> *19. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;*
> *20. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;*
> *21. 2149 Grove street, San Francisco*

22. 2151 Grove street, San Francisco
23. 2149-2151 Grove street, San Francisco
24. interactions between any or all of the said four individuals and the members of SFPD in San Francisco Golden Gate Park.
25. interactions between any or all of the said four individuals and the members of SFPD in San Francisco International airport.

You also included in your petition to the Supervisor Records your February 28, 2022 request, which is identical to the February 15, 2022 request in numbers 1-18. Numbers 19-26 are as follows:

19. Incident Reports related to and/or mentioning and/or dealing with Sergei Severino
20. Chronological of Investigation related to and/or mentioning and/or dealing with Sergei Severinov
21. Computer-Assisted Dispatch records related to and/or mentioning and/or dealng with Sergei Severinov
22. Case summary reports related to and/or mentioning and/or dealing with Sergei Severinov
2[3]4. use of force by SDPD [sic] members, and/or officers and/or agents against Sergei Severinov
2[4]3. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
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2[6]5. SFPD's and/or its agents' and/or its affiliates' surveillance of and/or monitoring of, and/or investigations of: 2149 Grove street, San Francisco, 2151 Grove street, San Francisco 2149-2151 Grove street, San Francisco, and/or residents at these addresses, and/or the owners of the properties with these addresses, and/or any and all individuals visiting, and/or entering and/or exiting the structures and/or homes and/or apartments at these addresses.

(Please note we corrected an error in numbering the above requests for purposes of accuracy in the analysis below.)

The Department responded on February 16, 2022, February 24, 2022, and March 17, 2022. On February 16, 2022, the Department stated that it had withheld criminal history records responsive to your request because such records are protected from public disclosure under Sections 11105, et seq. of the Penal Code. The Department further provided you information concerning how to obtain an incident report from the Department, to the extent you were seeking such a report. And the Department referred you to the Department of Emergency Management for records regarding calls for service, CAD, and 911 calls, among other records.

On February 24, 2022, the Department supplemented its response and reaffirmed its position that criminal history records are exempt from disclosure but further informed you that it was unable to locate a responsive incident report related to an incident on September 22, 2021, based on the information that you provided in the request.

In response to further correspondence from you, the Department provided another supplemental response on March 17, 2022. In that response, the Department reiterated its assertion that criminal history records were exempt from disclosure but provided you instructions on how to obtain your own criminal history information from the Department.

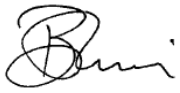
With regard to the February 15, 2022 request numbers 1-18, 24, and 25, and February 28, 2022 request numbers 1-22, 24 -26 such requests potentially call for criminal history information for the named individuals, to the extent such information exists. The Department properly withheld any such records as criminal offender record information and information derived from the California Law Enforcement Telecommunication System. *See* Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq. Additionally, the Department directed you to the Department's process for obtaining such information regarding yourself; this would not be a request under the Public Records Act. And the Supervisor of Records would not have jurisdiction over such a request.

With regard to February 15, 2022 request numbers 19-23 and February 28, 2022 request numbers 19, 22-26 which would potentially call for a police incident report, the Department indicated that it was unable to locate an incident report based on the information you provided. It is not within the jurisdiction of the Supervisor of Records to determine whether a City department has conducted an adequate search for records. *See* Sec. 67.21(d) (jurisdiction of Supervisor of Records is to determine "whether the record requested, or any part of the record requested, is public.") Additionally, these requests could also seek call for service information. The Department properly referred that portion of the request to the Department of Emergency Management. To the extent that the Department is able to access such information directly, such information would be derived from the California Law Enforcement Telecommunication System and exempt from disclosure. *See* Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.

For the reasons stated above, we deny your petition and consider it closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney



Bradley A. Russi
Deputy City Attorney

April 1, 2022

Sent via email (Personal Info)

Sergei Severinov

Re: Petition to Supervisor of Records

Dear Mr. Severinov:

This letter responds to your petition to the Supervisor of Records sent via email on March 9, 2022, arising from requests for records to the San Francisco Police Department ("Department"). On February 15, 2022, you requested the following records from the Department:

> *I hereby request that you provide all records about, and/or related to, and/or pertaining to, and/or mentioning, and/or concerning, and/or dealing with the following:*
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> *1. Sergei Severinov, an individual*
> *2. Olga Tikhonova, an individual,*
> *3. Ivan Severinov, an individual*
> *4. Vera Severinova, an individual,*
> *6. [sic] any interactions between the said four individuals, collectively and/or individually, and current and/or past members of, and/or agents of, and/or officers of, and/or affiliates of, and/or informants of San Francisco Police Department*
> *7. any and all investigations related to or involving the said four individuals;*
> *8. any and all complaints related to and or involving the said four individuals*
> *9. detentions of Sergei Severinov*
> *10. arrests of Sergei Severinov*
> *11. detentions of Olga Tikhonova*
> *12. arrests of Olga Tikhonova*
> *13. detentions of Ivan Severinov*
> *14. arrests of Ivan Severinov*
> *15. detentions of Vera Severinova*
> *16. arrests of Vera Severinova*
> *17. phone and other calls involving or related to the said four individuals;*
> *18. CAD files and/or CAD files numbers related to or involving the said four individuals.*
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24. interactions between any or all of the said four individuals and the members of SFPD in San Francisco Golden Gate Park.
25. interactions between any or all of the said four individuals and the members of SFPD in San Francisco International airport.

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20. Chronological of Investigation related to and/or mentioning and/or dealing with Sergei Severinov
21. Computer-Assisted Dispatch records related to and/or mentioning and/or dealng with Sergei Severinov
22. Case summary reports related to and/or mentioning and/or dealing with Sergei Severinov
2[3]4. use of force by SDPD [sic] members, and/or officers and/or agents against Sergei Severinov
2[4]3. SFPD officers' Tarbox and Mitchell actions, and/or inactions on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
2[5]4. SFPD officers' Tarbox and Mitchell interactions with individuals on or about September 22, 2021 on Grove street (between Masonic and Shrader streets) in San Francisco;
2[6]5. SFPD's and/or its agents' and/or its affiliates' surveillance of and/or monitoring of, and/or investigations of: 2149 Grove street, San Francisco, 2151 Grove street, San Francisco 2149-2151 Grove street, San Francisco, and/or residents at these addresses, and/or the owners of the properties with these addresses, and/or any and all individuals visiting, and/or entering and/or exiting the structures and/or homes and/or apartments at these addresses.

(Please note we corrected an error in numbering the above requests for purposes of accuracy in the analysis below.)

The Department responded on February 16, 2022, February 24, 2022, and March 17, 2022. On February 16, 2022, the Department stated that it had withheld criminal history records responsive to your request because such records are protected from public disclosure under Sections 11105, et seq. of the Penal Code. The Department further provided you information concerning how to obtain an incident report from the Department, to the extent you were seeking such a report. And the Department referred you to the Department of Emergency Management for records regarding calls for service, CAD, and 911 calls, among other records.

On February 24, 2022, the Department supplemented its response and reaffirmed its position that criminal history records are exempt from disclosure but further informed you that it was unable to locate a responsive incident report related to an incident on September 22, 2021, based on the information that you provided in the request.

In response to further correspondence from you, the Department provided another supplemental response on March 17, 2022. In that response, the Department reiterated its assertion that criminal history records were exempt from disclosure but provided you instructions on how to obtain your own criminal history information from the Department.

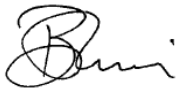
With regard to the February 15, 2022 request numbers 1-18, 24, and 25, and February 28, 2022 request numbers 1-22, 24 -26 such requests potentially call for criminal history information for the named individuals, to the extent such information exists. The Department properly withheld any such records as criminal offender record information and information derived from the California Law Enforcement Telecommunication System. *See* Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq. Additionally, the Department directed you to the Department's process for obtaining such information regarding yourself; this would not be a request under the Public Records Act. And the Supervisor of Records would not have jurisdiction over such a request.

With regard to February 15, 2022 request numbers 19-23 and February 28, 2022 request numbers 19, 22-26 which would potentially call for a police incident report, the Department indicated that it was unable to locate an incident report based on the information you provided. It is not within the jurisdiction of the Supervisor of Records to determine whether a City department has conducted an adequate search for records. *See* Sec. 67.21(d) (jurisdiction of Supervisor of Records is to determine "whether the record requested, or any part of the record requested, is public.") Additionally, these requests could also seek call for service information. The Department properly referred that portion of the request to the Department of Emergency Management. To the extent that the Department is able to access such information directly, such information would be derived from the California Law Enforcement Telecommunication System and exempt from disclosure. *See* Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.

For the reasons stated above, we deny your petition and consider it closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney



Bradley A. Russi
Deputy City Attorney

Buta, Odaya (CAT)

From: TEAM <team@hvsafe.com>
Sent: Wednesday, March 9, 2022 11:13 AM
To: SOTF, (BOS); Supervisor Records (CAT)
Cc: team@hvsafe.com
Subject: New Complaint and 67.21(d) petition against Office of Mayor and Mayor Breed
Attachments: Preserve & Produce - Immediate Disclosure Request - Senior meeting notes.pdf

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

Dear SOTF: We hereby ask that you file a new complaint, provide a file number, and serve notice on the Respondents.

- Complainant: **HVSafe**
- Respondents: **Office of Mayor and Mayor Breed**

Allegations:

- SF Admin Code 67.21 unreasonable delay
- CPRA Gov Code 6253 failure to provide compliant response within 24 days

We made our records request on January 3, 2022. We have have not received a response according to the requirements of the CPRA and Sunshine Ordinance as of the filing of this complaint. Attached is a copy of our original request and all communications with the Respondents.

Thank you.
HVSafe

Preserve & Produce - Immediate Disclosure Request - Senior meeting notes

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

To: MayorLondonBreed@sfgov.org <mayorlondonbreed@sfgov.org>
hank.heckel@sfgov.org <hank.heckel@sfgov.org>
andrea.bruss@sfgov.org <andrea.bruss@sfgov.org>
sean.elsbernd@sfgov.org <sean.elsbernd@sfgov.org>
andres.power@sfgov.org <andres.power@sfgov.org>
andy.lynch@sfgov.org <andy.lynch@sfgov.org>
jeff.cretan@sfgov.org <jeff.cretan@sfgov.org>
selina.sun@sfgov.org <selina.sun@sfgov.org>
susanna.conine nakano@sfgov.org <susanna.conine nakano@sfgov.org>

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

Date: Monday, January 3rd, 2022 at 8:30 AM

Mayor Breed and Office of Mayor:

Please see the addendum at the bottom which applies to each numbered request below. You are required to maintain the *originals* of all responsive records this ensures we can appeal any unlawful withholding/redaction.

Produce meeting notes, prep notes, presentations, slide decks, after meeting reviews, agendas, and transcripts, created of or about each Senior Staff or Department Head meeting in 2020.

Addendum:

Comply with each clause of the Sunshine Ordinance. Ensure each redaction is justified by a key/footnote, and each withholding is justified in writing. Comply with every consent agreement you may be subject to, including but not limited to: https://www.documentcloud.org/documents/20699602 mayors office agreement to produce email metadata letter to anonymous and sotf re sotf file no 20006 plus attachments , https://www.documentcloud.org/documents/20983054 signed mayors office letter amended letter to sotf and anonymous re sotf file no 20052 .

Provide rolling response SFAC 67.25(d) for all requests. If providing records via any form of website or file share, ensure that no restrictions like login, terms of service, or identity, apply.

For email and calendar, exact PDF copies of each and every distinct, individual record (including separately, each email in each thread, and meeting entry in each date) are sufficient with the body, invitees, attendees, attachments, email addresses, To/From/cc/Bcc, urls, formatting, and hyperlinks.

For Microsoft Office or office productivity (word processing, spreadsheets, and presentations) documents, produce an exact copy of the record in its original electronic format; do not convert to PDF preserve all metadata and history and formatting. If Google Drive records are responsive, a view only hyperlink accessible without login is acceptable, or you may download the file as Word, Excel, or PowerPoint file and provide that file *with all interactive features* do not provide a non PDF file as PDF.

For records of any kind with: attachments (must be produced in their original electronic format), images, audio, video, formatting, hyperlinks/URLs, date/time stamps, participant/author names, comments, or history be sure to preserve and produce all of those parts.

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Wednesday, March 16, 2022 1:41 PM
To: 'TEAM'
Cc: Buta, Odaya (CAT)
Subject: RE: New Complaint and 67.21(d) petition against Office of Mayor and Mayor Breed

HVSafe –

We understand that the Mayor's Office did not receive your request potentially due to it being caught in a spam filter, and the Mayor's Office has now acknowledged your request and indicated it will respond. If after the Mayor's Office responds to your request, you continue to seek a determination from the Supervisor of Records, please feel free to follow up with us. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: TEAM <team@hvsafe.com>
Sent: Wednesday, March 9, 2022 11:13 AM
To: SOTF, (BOS) <sotf@sfgov.org>; Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Cc: team@hvsafe.com
Subject: New Complaint and 67.21(d) petition against Office of Mayor and Mayor Breed

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

Dear SOTF: We hereby ask that you file a new complaint, provide a file number, and serve notice on the Respondents.

- Complainant: **HVSafe**
- Respondents: **Office of Mayor and Mayor Breed**

Allegations:

- SF Admin Code 67.21 unreasonable delay
- CPRA Gov Code 6253 failure to provide compliant response within 24 days

We made our records request on January 3, 2022. We have have not received a response according to the requirements of the CPRA and Sunshine Ordinance as of the filing of this complaint. Attached is a copy of our original request and all communications with the Respondents.

Thank you.
HVSafe

If communications of any kind are requested, they include every form or type of communication, including but not limited to email, chats, texts, iMessage, direct message, private message, MS Teams, group message, physical letters/memos, and voicemail.

You must search all records deemed in the constructive possession of the City: personal property about the conduct of public business, government property, and City contractors (for records the government has a contractual interest in). You must justify all withholding. You must provide a keyed justification for each and every redaction.

For Microsoft Teams:
I am asking for responsive records in all 4 types of MS Teams systems listed here:
https://docs.microsoft.com/en_us/microsoft_365/compliance/teams_workflow_in_advanced_ediscovery?view=o365_worldwide :

- Teams 1:1 chats. Chat messages, posts, and attachments shared in a Teams conversation between two people. Teams 1:1 chats are also called conversations.
- Teams group chats. Chat messages, posts, and attachments shared in a Teams conversation between three or more people. Also called 1:N chats or group conversations.
- Teams channels. Chat messages, posts, replies, and attachments shared in a Teams channel.
- Private Teams channels. Message posts, replies, and attachments shared in a private Teams channel.

Thank you.
HVSafe

Buta, Odaya (CAT)

From: Jane Mariani [redacted]
Sent: Wednesday, March 9, 2022 5:15 PM
To: Supervisor Records (CAT)
Subject: Public Records Request Appeal - Petition to the Supervisor of Records
Attachments: Public Records Request Made 02.04.2022.pdf; Beverly Popek Email Re Extension of Time to Respond to Public Records Request - 02.07.2022.pdf; Beverly Popek Email Re Response to Public Records Request - 02.17.2022.pdf

On February 4, 2022, I made a records request of the Office of Legal Standards Enforcement ("OLSE"), San Francisco Minimum Compensation Ordinance Compliance, directed and emailed to Bevery Popek at her direction as the compliance officer of the matter of which I sought the aforementioned public records. Despite the extended time to respond to this request, the resultant production is woefully incomplete and non-compliant. Therefore, I am lodging this appeal, otherwise referred to as a Petition to the Supervisor of Records.

Background

On February 4, 2022, via phone as previously agreed to, I conferred with Ms. Popek, who was the OLSE Compliance Officer who was the assigned officer to a previous investigation into United Airlines, Inc. ("United") failures to comply with the San Francisco Minimum Compensation Order complained of by employees of United beginning in 2017.

Over the course of our discussions, on February 4, 2022, Ms. Popek and I discussed in detail the records request I would later file following our conversation. Ms. Popek was acutely aware of exactly what records I sought and was requesting as Ms. Popek and I went over the details of the records request thoroughly.

Having explained my request, Ms. Popek stated unequivocally: (1) Ms. Popek was the correct person to direct my records request to; (2) Ms. Popek would gather the pertinent information; and (3) Ms. Popek presently knew of no records I would not be permitted to obtain. Later the same day, following our call, I reduced the discussed records request to a writing and submitted the same to Ms. Popek. The submitted written records request is attached below for your review.

On February 7, 2022, Ms. Popek responded to my request, exercising an extension right in order to have sufficient time to gather and secure all responsive documents. Specifically, Ms. Popek stated she, "was invoking the extension of time . . . because of the need to search for, compile, and appropriately examine a voluminous amount of documents." Ms. Popek's email response is attached below for your review.

On February 17, 2022,Ms. Popek, via SF Secure Share, produced documents allegedly responsive to the request. I accessed the documents the same day and, over the course of the intervening days, have thoroughly reviewed the production.

On March 7, 2022, having found the production woefully incomplete and non-compliant, I emailed Ms. Popek to set up a time to discuss the production. Following an exchange of emails, we agreed to discuss the matter on March 9, 2022, at 9 a.m. PST. The results of this discussion form resulted in this appeal.

On March 9, 2022, Ms. Popek called and I began our discussion by first asking if Ms. Popek had exempted, excluded, or otherwise withheld anything from the production. Ms. Popek assured me she had not. I then stated the production was not responsive to my request and was missing many known items. Ms. Popek had me elaborate and I did so.

I addressed each item in the production and described the inadequacies to Ms. Popek starting with the case file. For example, the investigation began on or about April 17, 2017 and was officially closed on March 4, 2019. However, there

was over a year long gap in the emails produced - emails from July 2017 through July 2018 were completely missing; there were not any notes whatsoever either typed or handwritten; there was a single notice of violation but no documents whatsoever relating to the investigation, discussions, agreements, communications, etc., even items referenced in the few emails that were provided; and there were no notes of the many phone calls, calls detailed by Ms. Popek in what emails there were, or of any of the in person communications Ms. Popek had with the various parties to this action.

Ms. Popek's explanation was she would need to go and do some research. Ms. Popek stated she had not in fact searched for all of the records responsive to my request. Ms. Popek stated she had "only copied what I had." I do not know the significance of Ms. Popek's access to the items requested; however, the extension of time and the act itself, and as Ms. Popek herself stated in the extension email, requires Ms. Popek to "search for, compile, and appropriately examine a voluminous amount of documents." By Ms. Popeks' own admission, this has not been done.

Additionally, Ms. Popek shifted the repsonsibility to respond to my request to the City Attorney. Ms. Popek stated the City Attorney, in fact, had many of the records I was requesting. I asked Ms. Popek why those records were not made part of the production. I did not receive a direct and satisfactory response to this question. Ms. Popek further stated the alleged City Attorney who worked the case, Josh White, was no longer with the City Attorney's office and it would be very difficult to retrieve records as a result. I was incredibly surprised by this statement - none of the records requested would be or could be characterized as Mr. White's personal files to the extent Mr. White would have taken the files with him upon his departure from the City Attorney's office. I stated the same to Ms. Popek - the records are not and should not be affected by Mr. White's departure.

Ms. Popek then suggested I resubmit my request to her and let her handle making a request to the City Attorney. I went over every item on the list to clarify and ask if each one of those items was under the control of the City Attorney. As Ms. Popek deflected and obfuscated, I became more and more wary of resubmitting my request to Ms. Popek to handle individually. Ms. Popek did state she would look in her Outlook, seemingly a place she did not review previously, to see if she could locate all of the missing records. I again was taken aback because the inference was Ms. Popek had not in fact done the required researching, compiling, or reviewing of my initial request. I declined Ms.Popek's offer to handle my appeal.

I now submit this Petition to the Supervisor of Records to properly and adequately respond to my records request and to provide me with all of the documents relevant to my lawful request. Additionally, I would like Ms. Popek to be directed to search, compile, and examine all pertinent areas known to her to possibly contain the records responsive to my request.

If, upon review of my original records request, you determine i have somehow failed to clearly state what I am requesting or would like me to submit an additional or different request clarifying what I am requesting, I will be more than willing to do so.

Moreover, should you need any additional information or clarification, please do not hesitate to contact me. My contact information is contained in the original records request and provided here as well. By telephone at Personal Info and by emai Personal Info

I look forward to working with you to swiftly resolve this matter.

Sincerely,
Jane C. Mariani, Esq.

-

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the sender by replying to this email and then delete it from your system. We strictly prohibit any unauthorized disclosure, copying, distribution or use of emails or attachments sent by us.

Gmail Jane Mariani <jane@marianiadvocacy.com>

Public Records Request - Immediate Disclosure Request - United Airlines SFMCO Compliance

3 messages

Jane Mariani [redacted] Fri, Feb 4, 2022 at 7:02 PM
To: "Popek, Beverly (ADM)" <beverly.popek@sfgov.org>

Ms. Popek:

Attached please find a Public Records Request for Immediate Disclosure related to United Airlines, Inc.'s previous violations, investigations, and resultant compliance related to San Francisco's Minimum Compensation Ordinance.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,
Jane C. Mariani, Esq.

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Public Records Request - Immediate Disclosure - United Airlines.pdf
266K

Popek, Beverly (ADM) <beverly.popek@sfgov.org> Mon, Feb 7, 2022 at 10:28 AM
To: Jane Mariani [redacted]>
Cc: "olsepublicrecords (ADM)" <olsepublicrecords@sfgov.org>

Dear Ms. Mariani:

I am writing in response to your Immediate Disclosure Request dated February 4, 2022. Based upon our hour long conversation on February 4 in which we discussed the case and your request, I will send the case file and will include documents (i.e. emails, United Airlines MCO Policy) related to the investigation regarding compliance with the Minimum Compensation Ordinance (MCO). Please be advised that this Office is hereby invoking an extension of not more than 14 calendar days to complete our response to your Immediate Disclosure Request. We are invoking the extension of time under Government Code Section 6253(c) and San Francisco Administrative Code Section 67.25 because of the need to search for, compile, and appropriately examine a voluminous amount of documents.

Please do not hesitate to contact me at (925) 445-7946 if you have questions about this matter. Otherwise, we will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business on February 20.

Thank you.

Beverly H. Popek

Supervising Compliance Officer

Office of Labor Standards Enforcement

City Hall, Room 453

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4685

www.sfgov.org/olse

Personal Info – Cell Phone

From: Jane Mariani <Personal Info
Sent: Friday, February 4, 2022 7:03 PM
To: Popek, Beverly (ADM) <beverly.popek@sfgov.org>
Subject: Public Records Request - Immediate Disclosure Request - United Airlines SFMCO Compliance

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

[Quoted text hidden]

Jane Mariani Personal Info Mon, Feb 7, 2022 at 11:30 AM
To: "Popek, Beverly (ADM)" <beverly.popek@sfgov.org>
Cc: "olsepublicrecords (ADM)" <olsepublicrecords@sfgov.org>

Thank you for your prompt response.

There is no objection to the extension you invoke. We did discuss such an extension and agreed to the same iduring our conversation on Friday, February 4, 2022.

Thank you again for all of your assistance! I look forward to working with you on this matter.

Sincerely,
Jane
[Quoted text hidden]
[Quoted text hidden]

Gmail Jane Mariani <jane@marianiadvocacy.com>

Public Records Response to J Mariani

4 messages

Popek, Beverly (ADM) <beverly.popek@sfgov.org> Thu, Feb 17, 2022 at 11:00 AM
To: Jane Mariani [redacted]
Cc: "olsepublicrecords (ADM)" <olsepublicrecords@sfgov.org>

Ms. Mariani,

The documents responsive to your request can be accessed through SF Secure Share with the passcode below. An email has been sent directly from SF Secure Share, so please check your Inbox to access.

Passcode:

[redacted]

If there are any issues, please don't hesitate to contact me.

Beverly

Beverly H. Popek

Supervising Compliance Officer

Office of Labor Standards Enforcement

City Hall, Room 453

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4685

www.sfgov.org/olse

[redacted] – Cell Phone

Jane Mariani [redacted] Thu, Feb 17, 2022 at 3:59 PM
To: "Popek, Beverly (ADM)" <beverly.popek@sfgov.org>
Cc: "olsepublicrecords (ADM)" <olsepublicrecords@sfgov.org>

Thank you Ms. Popek - I will review the production.

[Quoted text hidden]

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Jane Mariani Personal Info Thu, Feb 17, 2022 at 4:05 PM
To: "Popek, Beverly (ADM)" <beverly.popek@sfgov.org>

Hello again - the passcode does not work.
[Quoted text hidden]

Jane MarianiP Thu, Feb 17, 2022 at 4:08 PM
To: "Popek, Beverly (ADM)" <beverly.popek@sfgov.org>

Please disregard the last email - I did not realize I needed to verify the account first - the passcode does work.
[Quoted text hidden]

The Law Office of Jane Catherine Mariani
Jane C. Mariani, Attorney and Counselor at Law
Personal Info

Ms. Beverly Popek
beverly.popek@sfgov.org

Sent Via Email

February 4, 2022

RE: PUBLIC RECORDS REQUEST - IMMEDIATE DISCLOSURE REQUEST

Dear Ms. Popek:

Below please find the information pertinent to my request, in keeping with and to facilitate my efforts to copy and acquire documents pursuant to California Public Records Act, Government Code Section 6250 et seq., and San Francisco Sunshine Ordinance, San Francisco Administrative Code Section 67 et seq.

I am requesting access to records in possession or control of the Office of Labor Standards Enforcement for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 6250 et seq. ("CPRA"), and Article I, § 3(b) of the California Constitution. The specific records I seek to inspect and copy are listed below. As used herein, "Record" includes "Public Records" and "Writings" as those terms are defined at Government Code § 6252(e) & (g). I request access to inspect/copies of

If you contend any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order for the remainder of the records to be released. If you contend any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires you notify me of the reasons for the determination not later than 10-days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require any response to this request that includes a determination the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response. And, Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records." In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions furthering the public's right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help expedite your fulfillment and completion of my request, please contact me using the information provided below, pursuant to Government Code § 6253.1. I would prefer the copies be emailed to the email address above; however, in the event physical copies must be provided using regular mail, please send such copies to the address provided above. If payment is required before releasing copies, please let me know.

Should you need any further information, please do not hesitate to contact me via email or telephone. And, thank you in advance for your attention to this matter.

Very truly yours,

Jane C. Mariani, Esq.

PUBLIC RECORDS REQUEST - IMMEDIATE DISCLOSURE REQUEST

To: Custodian of Records

Date: February 4, 2022

Department: Office of Labor Standards Enforcement

Dep't Address: City Hall, Room 453, 1 Dr. Carlton B. Goodlett Place, S.F., CA 94102-4685

Requester: Jane C. Mariani, Esq.

Requester Address: Personal Info

Telephone: Personal Info

Telephone No. to Call for Questions or Availability Personal Info

Times Available for Telephone Contact: 8 a.m. - 8 p.m.

SUBJECT OR ITEMS REQUESTED FOR FEBRUARY 2017 THROUGH PRESENT

Please provide all permanent, essential, current, and stored public records, writings, and documents, including notes, emails, memorandum, citations, and agreements, related to:

1. Notices of Violation initiated against, filed against, and/or issued to, United Airlines, Inc., including any such notices which United's parent company, United Airlines Holdings, is a party, of any statutes, ordinances, regulations, or contract terms since February 2017;
2. Investigation of United Airlines, Inc. attendance policy compliance with San Francisco's Minimum Compensation Ordinance commenced approximately April 10, 2017;
3. Balance Restoration Audit process, agreement, and results;
4. Attendance Points, paused, assigned, reset, and/or removed during the period;
5. Compliance agreements entered into with United Airlines, Inc., including any agreements which United's parent company, United Airlines Holdings, is a party;
6. Status reports, compliance reports, and/or submissions by United Airlines, Inc. related to compliance, status of compliance, and/or adherence to agreed upon processes;
7. Andrew Baker, attorney for the local International Brotherhood of Teamsters union;
8. Mark Gabriel, Grievance Committee Chairperson, International Brotherhood of Teamsters;
9. Any other International Brotherhood of Teamsters' representative;
10. Shaun Nash, attorney for United Airlines, Inc., particularly emails in February 2019;
11. John Scholz, United Airlines, Inc. employee and member of the International Brotherhood of Teamsters;
12. Investigator notes, including Beverly Popek, related to the investigation of United Airlines, Inc. attendance policy compliance with San Francisco's Minimum Compensation Ordinance commenced approximately April 10, 2017; and
13. United Airlines, Inc. compliance with sick leave and attendance policies during the period.

March 29, 2022

Via Electronic Mail

Jane C. Mariani, Esq.
Personal Info
Personal Info
Personal Info

Re: Petition to Supervisor of Records

Dear Ms. Mariani:

This letter responds to your petition to the Supervisor of Records concerning your public records request to the Office of Labor Standards Enforcement ("OLSE") dated February 4, 2022.

You submitted a petition to the Supervisor of Records on March 9, 2022 contesting OLSE's response to your request as "woefully incomplete and non-compliant." In your petition you asked that your February 4, 2022 request be "properly and adequately" answered and that Ms. Beverly Povek of OLSE be "directed to search, compile, and examine all pertinent areas known to her to possibly contain the records responsive" to your February 4, 2022 request.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine "whether the record requested, or any part of the record requested, is public." Admin. Code § 67.21(d). That is the extent of our jurisdiction. Your petition raises issues concerning a City department's alleged failure to conduct an adequate search in response to a public records request. The concerns outlined in your petition are therefore outside the jurisdiction of the Supervisor of Records under Section 67.21(d). Nonetheless, we have conferred with OLSE concerning your request and confirmed that the department has searched for and produced all records responsive to your request as it is presently formulated.

For the foregoing reasons, we consider your petition closed.

Very truly yours,

DAVID CHIU
City Attorney

/s/ Christina Fletes-Romo
CHRISTINA FLETES-ROMO
Deputy City Attorney

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Tuesday, April 19, 2022 8:01 PM
To: 'sf.texts.research@pm.me'
Cc: Buta, Odaya (CAT)
Subject: RE: IMMEDIATE DISCLOSURE REQUEST

To Whom It May Concern:

We write in response to your petition below to the Supervisor of Records concerning public records requests to members of the Redistricting Task Force. We understand that some of the members have not yet responded to your request. Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department or official has withheld a record, or any part of a record, without a lawful basis for doing so – for determining "whether the record requested, or any part of the record requested, is public." The Supervisor of Records does not have jurisdiction to consider whether a department or official has timely complied with a request or properly invoked an extension of time. If members of the Task Force ultimately withhold or redact records when they respond to your request and you believe that they have acted unlawfully in doing so, please let us know and we will look into the issue. Additionally, we understand that the Clerk of the Board of Supervisors is assisting members of the Task Force with responding to records requests and the City Attorney's Office is also available to provide guidance to Task Force members about the requirements of the Public Records Act and Sunshine Ordinance. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sf.texts.research@pm.me <sf.texts.research@pm.me>
Sent: Thursday, April 14, 2022 10:58 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: IMMEDIATE DISCLOSURE REQUEST

supervisor of records david chiu: please order the taskforce members to disclose their communications.
i sent this on monday to all 9 of the members.

------- Original Message -------
On Monday, April 11th, 2022 at 12:23 AM, <sf.texts.research@pm.me> wrote:

> Good evening,
>
> Produce all text, email, chat messages, or phone history/log entries between 2 or more Redistricting taskforce members going back from the day you were first appointed to present on a rolling basis.

Buta, Odaya (CAT)

From: Sasha Gala <Personal Info>
Sent: Saturday, April 16, 2022 10:38 AM
To: Supervisor Records (CAT)
Cc: Ozzie Rohm; Matt Boden
Subject: Fwd: Record Request for 249 Texas Street & Scott Emblidge

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Supervisor of Records,

We filed a Sunshine Records request that has been ignored for 20 calendar days and 15 business days. Attached are our emails that have been met with no response whatsoever. Further, I also left a voicemail on April 12th.

Thanks,
Sasha Gala
Personal Info

https://www.sfcityattorney.org/good-government/sunshine-appeals/

Begin forwarded message:

From: "info@sfluc.org" <info@sfluc.org>
Subject: Fw: Record Request for 249 Texas Street & Scott Emblidge
Date: April 13, 2022 at 11:59:03 AM PDT
To: "cityattorney@sfcityatty.org" <cityattorney@sfcityatty.org>, "anne.pearson@sfcityatty.org" <anne.pearson@sfcityatty.org>
Cc: Sasha Gala <Personal Info>, Matt Boden <Personal Info>, Oz <Personal Info>

We've filed the following Sunshine Record request from the office of San Francisco City Attorney weeks ago but we've received NO response from your office despite our second attempt in repeating our request by sending an email to Ms. Pearson who we believe is responsible for land use matters in this city.

Is the City Attorney office not required to abide by Sunshine law? This is the 3rd attempt in repeating our Sunshine record request for all records sent or received during the period beginning **January 1st, 2021** and ending today, which are in the possession of the City Attorney's office and/or any Supervisors and their staff that reflect, reference, relate to, or contain communications or discussions concerning the development project at Person **Texas Street and/or Scott Emblidge**. The records requested include, but are not limited to, emails, texts, calendar entries for meetings, electronic messages, and

electronic platform messages (such as Twitter, Slack, Signal), whether sent on personal, business or city-related accounts.

Why has the office of the City Attorney been ignoring our Sunshine request? Is your office above the law and does not have to abide by the Sunshine Ordinance?

Ozzie Rohm
For San Francisco Land Use Coalition

----- Forwarded Message -----
From: info@sfluc.org <info@sfluc.org>
To: Anne.Pearson@sfcityatty.org <Anne.Pearson@sfcityatty.org>
Cc: Sasha Gala <Personal Info >; Matt Boden <Personal Info >; Sfluc Info <info@sfluc.org>
Sent: Tuesday, April 5, 2022, 08:30:52 AM PDT
Subject: Fw: Record Request for 249 Texas Street & Scott Emblidge

Ms. Pearson,

A week ago, I filed the following Sunshine request from the City Attorney's office but I have yet to receive any confirmations from your office regarding this request. Does your office abide by and respond to Sunshine requests?

Ozzie Rohm

----- Forwarded Message -----
From: Ozzie Rohm <Personal Info >
To: cityattorney@sfcityatty.org <cityattorney@sfcityatty.org>
Cc: Sfluc Info <info@sfluc.org>; Sasha Gala <Personal Info >; Matt Boden <Personal Info >; Jerry Dratler <Personal Info >
Sent: Monday, March 28, 2022, 09:39:34 AM PDT
Subject: Record Request for 249 Texas Street & Scott Emblidge

This is an immediate disclosure request under the Sunshine Ordinance and the Public Records Act for all records sent or received during the period beginning January 1st, 2021 and ending today, which are in the possession of the City Attorney's office and/or any Supervisors and their staff that reflect, reference, relate to, or contain communications or discussions concerning the development project at **249 Texas Street and/or Scott Emblidge**. The records requested include, but are not limited to, emails, texts, calendar entries for meetings, electronic messages, and electronic platform messages (such as Twitter, Slack, Signal), whether sent on personal, business or city-related accounts.

I request that all of these records are provided to me in electronic format via email or a CD. Please provide exact copies of each responsive record, including, for emails, texts and the like, all attachments.

Note also that you must tell me whether any responsive records exist and, if so, if any will be withheld. Any withholding must be justified in writing. If you contend that any portion of the records requested is exempt from disclosure, you must segregate and/or redact that material so that the remainder of the records may be released.

I look forward to receiving your responses within 48 hours, as required for an Immediate Disclosure Request.

Sincerely,

Ozzie Rohm
For San Francisco Land Use Coalition

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Thursday, April 21, 2022 9:36 AM
To: 'Sasha Gala'
Cc: Ozzie Rohm; Matt Boden; Buta, Odaya (CAT)
Subject: RE: Record Request for 249 Texas Street & Scott Emblidge

Dear Sasha Gala –

We write in response to your petition below. We understand that the City Attorney's Office has now indicated that it is in the process of searching for records responsive to your request. Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining "whether the record requested, or any part of the record requested, is public." The Supervisor of Records does not have jurisdiction to consider whether a department has timely complied with a request or properly invoked an extension of time. If the City Attorney's Office ultimately withholds or redacts records when it responds to your request and you believe that the department has acted unlawfully in doing so, please let us know and we will look into the issue. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Sasha Gala <Personal Info>
Sent: Saturday, April 16, 2022 10:38 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Cc: Ozzie Rohm <Personal Info>; Matt Boden <Personal Info>
Subject: Fwd: Record Request for 249 Texas Street & Scott Emblidge

Dear Supervisor of Records,

We filed a Sunshine Records request that has been ignored for 20 calendar days and 15 business days. Attached are our emails that have been met with no response whatsoever. Further, I also left a voicemail on April 12th.

Thanks,
Sasha Gala
Personal Info

https://www.sfcityattorney.org/good-government/sunshine-appeals/

Begin forwarded message:

From: "info@sfluc.org" <info@sfluc.org>
Subject: Fw: Record Request for 249 Texas Street & Scott Emblidge
Date: April 13, 2022 at 11:59:03 AM PDT
To: "cityattorney@sfcityatty.org" <cityattorney@sfcityatty.org>, "anne.pearson@sfcityatty.org" <anne.pearson@sfcityatty.org>
Cc: Sasha Gala <Personal Info>, Matt Boden <Personal Info>, Oz <Personal Info>

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Ozzie Rohm
For San Francisco Land Use Coalition

----- Forwarded Message -----
From: info@sfluc.org <info@sfluc.org>
To: Anne.Pearson@sfcityatty.org <Anne.Pearson@sfcityatty.org>
Cc: Sasha Gala <Personal Info>; Matt Boden <Personal Info>; Sfluc Info <info@sfluc.org>
Sent: Tuesday, April 5, 2022, 08:30:52 AM PDT
Subject: Fw: Record Request for 249 Texas Street & Scott Emblidge

Ms. Pearson,

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Ozzie Rohm

----- Forwarded Message -----
From: Ozzie Rohm <Personal Info>
To: cityattorney@sfcityatty.org <cityattorney@sfcityatty.org>
Cc: Sfluc Info <info@sfluc.org>; Sasha Gala <Personal Info>; Matt Boden <Personal Info>; Jerry Dratler <Personal Info>
Sent: Monday, March 28, 2022, 09:39:34 AM PDT
Subject: Record Request for 249 Texas Street & Scott Emblidge

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I request that all of these records are provided to me in electronic format via email or a CD. Please provide exact copies of each responsive record, including, for emails, texts and the like, all attachments.

Note also that you must tell me whether any responsive records exist and, if so, if any will be withheld. Any withholding must be justified in writing. If you contend that any portion of the records requested is exempt from disclosure, you must segregate and/or redact that material so that the remainder of the records may be released.

I look forward to receiving your responses within 48 hours, as required for an Immediate Disclosure Request.

Sincerely,

Ozzie Rohm
For San Francisco Land Use Coalition

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Wednesday, April 27, 2022 5:45 PM
To: 'Joe Fitzgerald Rodriguez'
Cc: Buta, Odaya (CAT)
Subject: RE: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Joe Fitzgerald Rodriguez:

I write to acknowledge receipt of your petition to the Supervisor of Records. We will look into the matter and follow up if we have questions. Additionally, we understand that the Clerk of the Board of Supervisors is assisting members of the Task Force with responding to records requests and the City Attorney's Office is also available to provide guidance to Task Force members about the requirements of the Public Records Act and Sunshine Ordinance. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102 www.sfcityattorney.org

-----Original Message-----
From: Joe Fitzgerald Rodriguez <jrodriguez@KQED.org>
Sent: Monday, April 25, 2022 3:42 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>; SOTF, (BOS) <sotf@sfgov.org>; cityattorney@sfgov.org
Subject: Fw: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez
Importance: High

Dear Supervisor of Records David Chiu:

This is a petition under SF Admin Code 67.21(d) to determine in writing that the records requested below are public and for an order for their disclosure.
The respondent has failed to comply with my request thus under Admin Code 67.21(d) you are required to respond to my petition.

Dear Sunshine Ordinance Task Force,

Please file a complaint for Joe Fitzgerald Rodriguez vs Redistricting Task Force Members: Ditka Reiner, J. Michelle Pierce, Arnold Townsend, Lily Ho, Matthew Castillon, for failure to respond to a records request in a timely and complete manner SFAC 67.21(b); failure to provide a determination of disclosable public records Gov Code 6253(c).

I made a request on April 7.
They have not complied.

Joe Fitzgerald Rodriguez

KQED Producer/Reporter
pronouns: he/him
415.310.9964 | Cell
@FitztheReporter | Twitter/Instagram

We're back in our reimagined headquarters in the Mission District. Come see us at KQED Live.<https://kqed.org/live>

KQED
2601 Mariposa Street
San Francisco, CA 94110-1426

_____

From: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Sent: Thursday, April 7, 2022 6:38 PM
To: Townsend, Arnold (REG); Ho, Lily (REG - Contractor); Reiner, Ditka (REG - Contractor); Castillon, Matthew (REG - Contractor); Lee, Chasel (REG - Contractor); Hernandez Gil, Chema (REG - Contractor); J.Michelle Pierce1; Lee, Jeremy (REG - Contractor); Cooper, Raynell (REG)
Cc: Joe Fitzgerald Rodriguez; Carroll, John (BOS); BOS-IT; BOS-Operations; SHEN, ANDREW (CAT); GUIBERT, GUS (CAT); FLORES, ANA (CAT); Calvillo, Angela (BOS)
Subject: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez

EXTERNAL

Dear RDTF Members,

Please see the immediate disclosure/public records request below from Joe Fitzgerald Rodriguez with KQED (Requestor) and please provide a direct response by April 8, 2022. While there may be some overlap with the other recent immediate disclosure request from Annelise Finney with KQED, note that this request does have differences and should be processed as its own separate request. The requests is for the following:

All text, chat, private, direct, or group messages in any form or application (including but not limited to iMessage, SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams, Telegram, and any application not listed here) and emails sent to or from any of the nine task force members (Matthew Castillon, Lily Ho, Arnold Townsend, José María Hernández Gil, Jeremy Lee, J. Michelle Pierce, Raynell Cooper, Chasel Lee, and Ditka Reiner) from any member of The Mayor's Office or the Board of Supervisors (including legislative aides and supervisors) with timestamps between April 1st, 2022 and April 5th, 2022 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where any parties in addition to the above named persons are on the conversation. While the phone numbers are not needed, at least the following must be preserved: the date/timestamps, the textual content, attachments, images, audio, and video (all in their original electronic content, and not merely screenshots of such media) and also ALL sender and recipient names (including groups).

We also understand that the purpose of an immediate disclosure request is to expedite the City's response to a simple, routine, or otherwise readily answerable request. For more extensive or demanding requests, the maximum deadlines for responding to a request may apply (Admin. Code §67.25(a)). If additional time is needed for production, in accordance with Admin. Code §67.25, please reach out and advise the Requestor accordingly.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Phone: (415) 554-7725

Web: www.sfbos.org<http://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

Disclosures: Personal information that is provided in communications to the Clerk of 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.

[…]

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

From: Joe Fitzgerald Rodriguez <jrodriguez@KQED.org<mailto:jrodriguez@KQED.org>>

Sent: Wednesday, April 6, 2022 2:57 PM

To: REG - Redistricting Taskforce <rdtf@sfgov.org<mailto:rdtf@sfgov.org>>

Subject: Immediate Disclosure Sunshine Request

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

Hello, John! Joe Fitzgerald Rodriguez from KQED, here.

Hope you're well. Please call if you need this refined in any way. 415-310-9964.

My request is as follows.

Redistricting Task Force and John Carroll:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its clerk. Your response is required by Thursday April 7th, 2022. Rolling responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. You must provide exact copies of every responsive record. Do not: print and scan electronic records, provide only the final message in a thread instead of the entire thread, convert native files to PDFs, combine or merge multiple records together, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:

*

All withholding of any information must be justified in writing (SFAC 67.27).

*

All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).

*

You must respond to emailed requests (SFAC 67.21(b)).

*

You must notify us of whether or not responsive records exist and/or were withheld for each request below (Gov Code 6253(c), 6255(b)).

*

You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).

*

Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App<http://Cal.App> 4th 1301); so if you use a website to publish records, please make them completely public without any login, sign-in, or agreement to any type of terms of use or acceptable use policies.

Your agency must 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 each and 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.

1.

All text, chat, private, direct, or group messages in any form or application (including but not limited to iMessage, SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams, Telegram, and any application not listed here) and emails sent to or from any of the nine task force members (Matthew Castillon, Lily Ho, Arnold Townsend, José María Hernández Gil, Jeremy Lee, J. Michelle Pierce, Raynell Cooper, Chasel Lee, and Ditka Reiner) from any member of The Mayor's Office or the Board of Supervisors (including legislative aides and supervisors) with timestamps between April 1st, 2022 and April 5th, 2022 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where any parties in addition to the above named persons are on the conversation. While the phone numbers are not needed, at least the following must be preserved: the date/timestamps, the textual content, attachments, images, audio, and video (all in their original electronic content, and not merely screenshots of such media) and also ALL sender and recipient names (including groups).

PRESERVE AND DO NOT DESTROY ANY ORIGINALS OF RESPONSIVE RECORDS UNTIL THE FINAL ADJUDICATION OF ANY APPEALS - we will appeal all withholdings or Sunshine violations.

Thank you for any time you are able to put towards this request.

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

Thank you kindly!

Joe Fitzgerald Rodriguez

KQED Producer/Reporter

pronouns: he/him

415.310.9964 | Cell

@FitztheReporter | Twitter/Instagram

We’re back in our reimagined headquarters in the Mission District. Come see us at KQED Live.<https://url.avanan.click/v2/___https://kqed.org/live___.YXAzOnNmZHQyOmE6bzoyNmVjZGQzZTJjMGQwMzAwNjkzY2Q4NjNlZDM4OGUzMjo2OjY0NTc6MWJhMTVhMjcyNjIwYjU3OWJlZjYyODgwNDk5YTU3YjMwOGYxOWI4NTAyYTA5MmJlZjdmMzY3OGY2MTkwZDIxYjpwOk4<https://url.avanan.click/v2/___https:/kqed.org/live___.YXAzOnNmZHQyOmE6bzoyNmVjZGQzZTJjMGQwMzAwNjkzY2Q4NjNlZDM4OGUzMjo2OjY0NTc6MWJhMTVhMjcyNjIwYjU3OWJlZjYyODgwNDk5YTU3YjMwOGYxOWI4NTAyYTA5MmJlZjdmMzY3OGY2MTkwZDIxYjpwOk4>>

KQED

2601 Mariposa Street

San Francisco, CA 94110-1426

Supervisor Records (CAT)

From: Supervisor Records (CAT)
Sent: Wednesday, January 10, 2024 10:27 AM
To: 'Joe Fitzgerald Rodriguez'
Cc: Supervisor Records (CAT)
Subject: RE: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez

Dear Mr. Rodriguez,

On April 25, 2022, you simultaneously filed the below complaint with the Sunshine Ordinance Task Force (SOTF) and the Supervisor of Records regarding a request for documents you had made to the San Francisco Redistricting Task Force members. Unfortunately, because that Task Force ceased to exist shortly after we received your petition. The Task Force issued its final report in March 2022 and had its last meeting on April 28, 2022, only three days after you made your petition. Due to the disbanding of the Task Force, we have been unable to make a determination regarding whether there are any responsive records. We therefore must close this petition at this time. If you were unable to resolve your concerns via the SOTF, please let us know so that we can reopen the petition.

Sincerely,

Odaya Buta-Scott (she/her/hers)
Office of City Attorney David Chiu
odaya.buta@sfcityatty.org, www.sfcityattorney.org Find us on: Facebook Twitter Instagram

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify me immediately, and permanently delete this message and any attachments. Thank you.

-----Original Message-----
From: Russi, Brad (CAT) On Behalf Of Supervisor Records (CAT)
Sent: Wednesday, April 27, 2022 5:45 PM
To: 'Joe Fitzgerald Rodriguez' <jrodriguez@KQED.org>
Cc: Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org>
Subject: RE: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez

Dear Joe Fitzgerald Rodriguez:

I write to acknowledge receipt of your petition to the Supervisor of Records. We will look into the matter and follow up if we have questions. Additionally, we understand that the Clerk of the Board of Supervisors is assisting members of the Task Force with responding to records requests and the City Attorney's Office is also available to provide guidance to Task Force members about the requirements of the Public Records Act and Sunshine Ordinance. Thank you.

Bradley Russi

Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102 www.sfcityattorney.org

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Sent: Monday, April 25, 2022 3:42 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>; SOTF, (BOS) <sotf@sfgov.org>; cityattorney@sfgov.org
Subject: Fw: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez
Importance: High

Dear Supervisor of Records David Chiu:

This is a petition under SF Admin Code 67.21(d) to determine in writing that the records requested below are public and for an order for their disclosure.
The respondent has failed to comply with my request thus under Admin Code 67.21(d) you are required to respond to my petition.

Dear Sunshine Ordinance Task Force,

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I made a request on April 7.
They have not complied.

Joe Fitzgerald Rodriguez

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KQED
2601 Mariposa Street
San Francisco, CA 94110-1426

From: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Sent: Thursday, April 7, 2022 6:38 PM
To: Townsend, Arnold (REG); Ho, Lily (REG - Contractor); Reiner, Ditka (REG - Contractor); Castillon, Matthew (REG - Contractor); Lee, Chasel (REG - Contractor); Hernandez Gil, Chema (REG - Contractor); J.Michelle Pierce1; Lee, Jeremy (REG - Contractor); Cooper, Raynell (REG)
Cc: Joe Fitzgerald Rodriguez; Carroll, John (BOS); BOS-IT; BOS-Operations; SHEN, ANDREW (CAT); GUIBERT, GUS (CAT); FLORES, ANA (CAT); Calvillo, Angela (BOS)
Subject: [EXT] RE: Immediate Disclosure Sunshine Request - KQED, Joe Fitzgerald Rodriguez

EXTERNAL

Dear RDTF Members,

Please see the immediate disclosure/public records request below from Joe Fitzgerald Rodriguez with KQED (Requestor) and please provide a direct response by April 8, 2022. While there may be some overlap with the other recent immediate disclosure request from Annelise Finney with KQED, note that this request does have differences and should be processed as its own separate request. The requests is for the following:

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Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Phone: (415) 554-7725

Web: www.sfbos.org<http://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

Disclosures: Personal information that is provided in communications to the Clerk of 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.

[…]

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

From: Joe Fitzgerald Rodriguez <jrodriguez@KQED.org<mailto:jrodriguez@KQED.org>>

Sent: Wednesday, April 6, 2022 2:57 PM

To: REG - Redistricting Taskforce <rdtf@sfgov.org<mailto:rdtf@sfgov.org>>

Subject: Immediate Disclosure Sunshine Request

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

Hello, John! Joe Fitzgerald Rodriguez from KQED, here.

Hope you're well. Please call if you need this refined in any way. 415-310-9964.

My request is as follows.

Redistricting Task Force and John Carroll:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its clerk. Your response is required by Thursday April 7th, 2022. Rolling responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. You must provide exact copies of every responsive record. Do not: print and scan electronic records, provide only the final message in a thread instead of the entire thread, convert native files to PDFs, combine or merge multiple records together, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:

*

All withholding of any information must be justified in writing (SFAC 67.27).

*

All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).

*

You must respond to emailed requests (SFAC 67.21(b)).

*

You must notify us of whether or not responsive records exist and/or were withheld for each request below (Gov Code 6253(c), 6255(b)).

*

You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).

*

Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App<http://Cal.App> 4th 1301); so if you use a website to publish records, please make them completely public without any login, sign-in, or agreement to any type of terms of use or acceptable use policies.

Your agency must 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 each and 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.

1.

All text, chat, private, direct, or group messages in any form or application (including but not limited to iMessage, SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams, Telegram, and any application not listed here) and emails sent to or from any of the nine task force members (Matthew Castillon, Lily Ho, Arnold Townsend, José María Hernández Gil, Jeremy Lee, J. Michelle Pierce, Raynell Cooper, Chasel Lee, and Ditka Reiner) from any member of The Mayor's Office or the Board of Supervisors (including legislative aides and supervisors) with timestamps between April 1st, 2022 and April 5th, 2022 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where any parties in addition to the above named persons are on the conversation. While the phone numbers are not needed, at least the following must be preserved: the date/timestamps, the textual content, attachments, images, audio, and video (all in their original electronic content, and not merely screenshots of such media) and also ALL sender and recipient names (including groups).

PRESERVE AND DO NOT DESTROY ANY ORIGINALS OF RESPONSIVE RECORDS UNTIL THE FINAL ADJUDICATION OF ANY APPEALS - we will appeal all withholdings or Sunshine violations.

Thank you for any time you are able to put towards this request.

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

Thank you kindly!

Joe Fitzgerald Rodriguez

KQED Producer/Reporter

pronouns: he/him

415.310.9964 | Cell

@FitztheReporter | Twitter/Instagram

We're back in our reimagined headquarters in the Mission District. Come see us at KQED Live.<https://url.avanan.click/v2/___https://kqed.org/live___.YXAzOnNmZHQyOmE6bzoyNmVjZGQzZTJjMGQwMzAwNjkzY2Q4NjNlZDM4OGUzMjo2OjY0NTc6MWJhMTVhMjcyNjIwYjU3OWJlZjYyODgwNDk5YTU3YjMwOGYxOWI4NTAyYTA5MmJlZjdmMzY3OGY2MTkwZDIxYjpwOk4<https://url.avanan.click/v2/___https:/kqed.org/live___.YXAzOnNmZHQyOmE6bzoyNmVjZGQzZTJjMGQwMzAwNjkzY2Q4NjNlZDM4OGUzMjo2OjY0NTc6MWJhMTVhMjcyNjIwYjU3OWJlZjYyODgwNDk5YTU3YjMwOGYxOWI4NTAyYTA5MmJlZjdmMzY3OGY2MTkwZDIxYjpwOk4>>

KQED

2601 Mariposa Street

San Francisco, CA 94110-1426

From: First Last <[redacted]>
Sent: Friday, May 6, 2022 10:29 AM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>
Subject: Noncompliance with Public Record Request 22-2450 - SFMTA

Good Morning-

I submitted a public records request 22-2450 to the SFMTA. They responded with a partial list of compliant documents and closed the request. I immediately responded asking to re-open my request and provide all the documents that were requested. That was May 3, 2022 and the request is still closed with no response from SFMTA.

After reading Section 67 - Sunshine Ordinance, it seems like the next step to contact the "Supervisor of Record" - the city attorney. Please investigate with SFMTA staff and let me know if they will be producing all of the requested documents. And if not, please describe why the records are not being made public.

Sincerest regards,
Anonymous

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Monday, May 16, 2022 5:05 PM
To: Supervisor Records (CAT); Personal Info '
Cc: Buta, Odaya (CAT)
Subject: RE: Noncompliance with Public Record Request 22-2450 - SFMTA

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern:

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining "whether the record requested, or any part of the record requested, is public." The Supervisor of Records does not have jurisdiction to consider the extent of a department's search for records or whether a department properly invoked an extension of time. We understand that the Municipal Transportation Agency has produced all records responsive to your request. Accordingly, there is nothing within the jurisdiction of the Supervisor of Records to determine. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Russi, Brad (CAT) <> **On Behalf Of** Supervisor Records (CAT)
Sent: Monday, May 9, 2022 1:14 PM
To: Personal Info ' <Personal Info >
Cc: Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org>
Subject: RE: Noncompliance with Public Record Request 22-2450 - SFMTA

To Whom It May Concern:

I write to acknowledge receipt of your petition below. We will look into the matter and let you know if we have questions. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

Attorney-Client Communication - Do Not Disclose
Confidential Attorney Work Product - Do Not Disclose

From: First Last <Personal Info >
Sent: Friday, May 6, 2022 10:29 AM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>
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Sincerest regards,
Anonymous

From: Rosa L
To: DorseyStaff (BOS)
Cc: SOTF, (BOS); Supervisor Records (CAT)
Subject: Re: Public records request
Date: Thursday, June 30, 2022 10:23:12 AM

CC'ing the Sunshine Ordinance Task Force and City Attorney. Please comply with the records request to avoid a complaint.

On Thu, Jun 30, 2022 at 10:17 AM Rosa L <muckrocksf@gmail.com> wrote:

> Hi, you are now in violation of the SF Sunshine Act which states you must respond within 10 days. See details from the city website below and respond ASAP.
>
> When does the City have to respond to my public records request?
>
> > The City has ten days to respond to a public records request. If you request records that are voluminous, in off-site storage or several different offices have the records, the time to respond to the request can be extended by 14 days. Citizens may also make an "Immediate Disclosure Request." Departments must respond to Immediate Disclosure requests within 24 hours after receipt of the request. However, departments can, in appropriate cases, extend the time to respond by 14 days.
> >
> > https://sfgov.org/sunshine/frequently-asked-questions
>
> On Wed, Jun 15, 2022 at 6:53 PM Rosa L <muckrocksf@gmail.com> wrote:
>
> > This is a public records request.
> >
> > Please provide:
> >
> > 1. all emails sent to or from Matt Dorsey (including group emails and emails in which Dorsey is BCC'd) between May 1, 2022 and June 15, 2022 (inclusive) containing the search terms "encampment", "tent", or "drugs".
> >
> > 2. all emails between Matt Dorsey and London Breed, Sean Elsbernd, Chief Scott, Sam Dodge, or Mary Ellen Carroll between May 1, 2022 and June 15, 2022. Please include group messages and messages in which any party is BCC'd. Please exclude any public press releases or emails with over 30 recipients.
> >
> > 3. all text messages (including both public and private devices) or chats between Matt Dorsey or any of Dorsey's staff and London Breed, Sean Elsbernd, Andrea Bruss, Andres Power, Sam Dodge, Mary Ellen Carroll, Chief Scott, Tom Paulino, Jeff Cretan, Carla Short, Rachel Gordon, or any BoS Supervisor or their staff between May 1, 2022 and June 15, 2022 (inclusive). Please include group messages. This request applies not only

> to business phones but personal cell phones under City of San Jose vs Superior Court (2017).
>
> Please provide results on a rolling basis and in a searchable format.

From:	Dahl, Bryan (BOS)
To:	muckrocksf@gmail.com
Cc:	SOTF, (BOS); Supervisor Records (CAT)
Subject:	RE: Public records request
Date:	Tuesday, July 5, 2022 2:41:22 PM
Attachments:	Unredacted_Re_ [EXTERNAL] Sup. Dorsey proposes 'Right to Recovery' drug enforcement priority zones near treatment facilities.pdf

Hello Rosa,

Attached is the unredacted version of my email correspondence with Claudia Cowan.

Sincerely,
Bryan

Bryan Dahl
Legislative Aide
Office of Supervisor Matt Dorsey, District 6
Bryan.Dahl@sfgov.org |(415) 554-7969

From: Rosa L <muckrocksf@gmail.com>
Sent: Friday, July 1, 2022 6:58 PM
To: DorseyStaff (BOS) <DorseyStaff@sfgov.org>
Cc: SOTF, (BOS) <sotf@sfgov.org>; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Subject: Re: Public records request

Please either provide the unredacted version of the document titled "Bryan Dahl Public Records Request_Containing key word drugs.pdf" or provide justification for the redactions per the law. The redaction appears to be the name and contact information of a reporter who is a public figure, in which case that would not be justified.

On Fri, Jul 1, 2022 at 3:44 PM DorseyStaff (BOS) <DorseyStaff@sfgov.org> wrote:

> Hello Rosa,
>
> Thank you for your request. Attached you will find the responsive records that we have.
>
> Best regards,
> Leo Alfaro
>
> ---
>
> **From:** Rosa L <muckrocksf@gmail.com>
> **Sent:** Thursday, June 30, 2022 10:23 AM
> **To:** DorseyStaff (BOS) <DorseyStaff@sfgov.org>
> **Cc:** SOTF, (BOS) <sotf@sfgov.org>; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
> **Subject:** Re: Public records request

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

CC'ing the Sunshine Ordinance Task Force and City Attorney. Please comply with the records request to avoid a complaint.

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> >
> > 3. all text messages (including both public and private devices) or chats between Matt Dorsey or any of Dorsey's staff and London Breed, Sean Elsbernd, Andrea Bruss, Andres Power, Sam Dodge, Mary Ellen Carroll, Chief Scott, Tom Paulino, Jeff Cretan,

Carla Short, Rachel Gordon, or any BoS Supervisor or their staff between May 1, 2022 and June 15, 2022 (inclusive). Please include group messages. This request applies not only to business phones but personal cell phones under City of San Jose vs Superior Court (2017).

Please provide results on a rolling basis and in a searchable format.

Buta, Odaya (CAT)

From: Yuli Huang <[redacted]>
Sent: Thursday, September 8, 2022 11:58 AM
To: Supervisor Records (CAT)
Subject: Re: Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702

Dear Sir/Madam,

I am writing to reopen the Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702.

Public Works justified its failure to comply with the request on the basis the requested document is not in its procession and that because the record does not exist, it has no obligation to provide it. This reasoning contradictes the statement in the Summary of the California Public Records Act 2004, via the office of the Attorney General, California Department of Justice: "A writing includes all forms of recorded information that currently exist or that may exist in the figure". Because the requested document is a submittal required by the Contract Documents of the project, it may reasonably be expected to exist in the future and hence is a writing and public record pursuant to Government Code §6252 (e) and the Summary of the California Public Records Act 2004.

The Contract Documents specified how the City runs the project. It is the City Representative's responsibility to administer the Contract as described in the Contract Documents and review submittals for conformance with the requirements of the Contract Documents. The requested document is a submittal for the City's review required by the Contract Documents. Therefore, it is public information that shall be available for public inspection.

Public Works claims that the requested document is not in its procession. This excuse does not supersede the right of the people to know how the City conducts the public's business because a) it is a document that should be in Public Works' custody according to the Contract Documents, and b) the Public Works has the authority to acquire the document. The construction proposal is a crucial document that helps protect public safety and welfare. Public Works should have investigated why the document was not in its procession, assessed the damage to the public interest, performed corrective actions, pursued the document, and responded to the requestor, elaborating the reason for the delay and timeline to provide the document. The lack of corrective actions created the potential for, and the appearance of, favoritism or preferential treatment to the Contractor. It has infringed the right of the people to know how the City conducts the public's business.

Best,
Yuli

On Mon, Feb 28, 2022 at 4:03 PM Yuli Huang <[redacted]> wrote:

> Hi Bradley,
>
> The San Francisco Department of Public Works did not provide the requested information by Request 22-1088 (https://sanfrancisco.nextrequest.com/requests/22-1088). I am writing to make a sunshine appeal that the response to Public Record Request #22-1088 is non-compliant with the request.
>
> The San Francisco Department of Public Works published a request for proposal on the Sunset and Parkside Sewer and Pavement Renovation Project on November 13, 2019. Amongst other requirements, the Project Manual prescribed the submittal to include design, details, and calculation associated with a suitable sheet piling installation to minimize vibrations and damage to adjacent structures, according to Project Manual § 01 35 45 1.6F, § 01 35 49 1.5C, § 01 35 50 1.04C, § 01 73 29 1.5B, § 31 23 33 1.6A, and § 31 23 33 2.2A. The requested calculation package determining the

hammering parameters is essential for a suitable sheet piling installation. Therefore, The Contractor should have submitted for approval.

The project has been proceeded, implying a contract has been awarded. Therefore, the requested calculation package is public information that must be disclosed and available for public inspection pursuant to San Francisco Administration Code § 67.24(e)(1).

Best,
Yuli

On Fri, Feb 18, 2022 at 5:32 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

Yuli –

I understand that you have now submitted a new public records request to Public Works clarifying what you are seeking along the same lines as what you have stated below. Accordingly, we are not reopening this petition. If you are dissatisfied with Public Works' response to your new request, because you believe the department has unlawfully withheld or redacted a record based on an exemption in the Public Records Act, feel free submit a new petition. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Friday, February 18, 2022 8:55 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please acknowledge receipt of my (reopening) petition below?

Best,
Yuli

On Wed, Feb 16, 2022 at 9:29 PM Yuli Huang <Personal Info> wrote:

> Hi Bradley,
>
> I reviewed the document "released" by the San Francisco Department of Public Works, "1000015025-Project Manual 2 of 2.pdf". I confirmed that it is *not* a qualified document responsive to the request, as justified as follows.
>
> The document is a digital file of the Bid Documents associated with the Invitation to Bid, a call to contractors to submit a proposal on the Sunset and Parkside Sewer and Pavement Renovation Project for a specific service. The Invitation to Bid is publically visible at https://proposal-bid-notices.construction.com/bid/5984/city-county-of-san-francisco-san-francisco-public-works-. The digital file was available at http://www.sfpublicworks.org/biddocs. Public Works did not release them in response to Request #21-6702.
>
> After the publication of the Invitation to Bid, the Contractor may submit the bid with the bidding form. The Contractor shall submit drawings to scale indicating materials, details, and calculations for all permits in a format as required by the San Francisco Department of Public Works. Plans and calculations for the shoring system shall be submitted for review and approval by the City prior to trench excavation. The Contractor shall provide all engineering, including design, details and calculations, installation and construction of shoring, sheeting, and bracing necessary to support the sides of the excavation to prevent movement, which may damage adjacent pavements, utilities, or structures, damage or delay the Work, or endanger life and health as required by Cal–OSHA and other applicable governmental regulations and agencies. Details and calculations shall be signed and stamped by a California licensed Civil or Structural Engineer.
>
> The Contractor should have submitted these documents to the City for review and approval. The Contractor used excavator-mounted pile-driving harmers to install sheet piling into the sandy ground, generating soil movement and potentially damaging adjacent structures. Therefore, Request #21-6702 demanded the design and details of the installation of sheet piling to support the sides of the excavation to prevent movement, the calculation package that determined and supported the choice of hammering parameters (the specified rated number of blows per minute, the specified energy per blow, the specified stroke length, the specified capacity and pressure of the compressor, and the specified vibratory frequency of the pile driver), as well as the design of preventive and control measures to prevent damage to the adjacent structures. All are supposedly included in the submittal and signed and stamped by a California licensed Civil or Structural Engineer.
>
> The Contractor produced submittal after the publication of the Invitation to Bid. The submittal by the Contractor obviously differs from the digital file of the Bid Documents. Therefore, The documents demanded by Request #21-6702 have not been released by the San Francisco Department of Public Works. I would have to request reopening the Sunshine Appeal respectfully.
>
> Best,
> Yuli

On Wed, Feb 16, 2022 at 6:34 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

I understand that Public Works has now produced a document in response to your request. I further understand that Public Works has no further responsive documents. Accordingly, because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider and we consider your petition closed. Thank you.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Wednesday, February 16, 2022 8:36 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please advise on the progress?

Best,

Yuli

On Mon, Feb 7, 2022 at 7:56 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

> Yuli –

I apologize for the delay. We have been working with Public Works to determine if there are documents that are not exempt from disclosure. I hope to have more information for you this week. Thank you for your patience.

Bradley Russi

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

Buta, Odaya (CAT)

From: Givner, Jon (CAT) on behalf of Supervisor Records (CAT)
Sent: Tuesday, September 13, 2022 2:55 PM
To: 'Yuli Huang'; Supervisor Records (CAT)
Subject: RE: Sunshine Appeal regarding Public Record Request #22-1088 and #21-6702

Yuli –

We confirmed that the Department of Public Works is not withholding any records responsive to your request. Because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider, and we consider your petition closed. Thank you.

Jon Givner (he/him)
Deputy City Attorney
Office of City Attorney David Chiu
1 Dr. Carlton B. Goodlett Place, Suite 234
San Francisco, CA 94102
phone: (415) 554-4694 [Email preferred.]
www.sfcityattorney.org

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: Yuli Huang <Personal Info >
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> > Yuli –
> >
> > I understand that you have now submitted a new public records request to Public Works clarifying what you are seeking along the same lines as what you have stated below. Accordingly, we are not reopening this petition. If you are dissatisfied with Public Works' response to your new request, because you believe the department has unlawfully withheld or redacted a record based on an exemption in the Public Records Act, feel free submit a new petition. Thank you.
> >
> > **Bradley Russi**

Deputy City Attorney

Office of City Attorney David Chiu

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Yuli Huang <Personal Info>
Sent: Friday, February 18, 2022 8:55 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please acknowledge receipt of my (reopening) petition below?

Best,
Yuli

On Wed, Feb 16, 2022 at 9:29 PM Yuli Huang <Personal Info> wrote:

> Hi Bradley,
>
> I reviewed the document "released" by the San Francisco Department of Public Works, "1000015025-Project Manual 2 of 2.pdf". I confirmed that it is *not* a qualified document responsive to the request, as justified as follows.
>
> The document is a digital file of the Bid Documents associated with the Invitation to Bid, a call to contractors to submit a proposal on the Sunset and Parkside Sewer and Pavement Renovation Project for a specific service. The Invitation to Bid is publically visible at https://proposal-bid-notices.construction.com/bid/5984/city-county-of-san-francisco-san-francisco-public-works-. The digital file was available at http://www.sfpublicworks.org/biddocs. Public Works did not release them in response to Request #21-6702.
>
> After the publication of the Invitation to Bid, the Contractor may submit the bid with the bidding form. The Contractor shall submit drawings to scale indicating materials, details, and calculations for all permits in a format as required by the San Francisco Department of Public Works. Plans and calculations for the shoring system shall be submitted for review and approval by the City prior to trench excavation. The Contractor shall provide all engineering, including design, details and calculations, installation and construction of shoring, sheeting, and bracing necessary to support the sides of the excavation to prevent movement, which may damage adjacent pavements, utilities, or structures, damage or delay the Work, or endanger life and health as required by Cal–OSHA and other applicable governmental regulations and agencies. Details and calculations shall be signed and stamped by a

California licensed Civil or Structural Engineer.

The Contractor should have submitted these documents to the City for review and approval. The Contractor used excavator-mounted pile-driving harmers to install sheet piling into the sandy ground, generating soil movement and potentially damaging adjacent structures. Therefore, Request #21-6702 demanded the design and details of the installation of sheet piling to support the sides of the excavation to prevent movement, the calculation package that determined and supported the choice of hammering parameters (the specified rated number of blows per minute, the specified energy per blow, the specified stroke length, the specified capacity and pressure of the compressor, and the specified vibratory frequency of the pile driver), as well as the design of preventive and control measures to prevent damage to the adjacent structures. All are supposedly included in the submittal and signed and stamped by a California licensed Civil or Structural Engineer.

The Contractor produced submittal after the publication of the Invitation to Bid. The submittal by the Contractor obviously differs from the digital file of the Bid Documents. Therefore, The documents demanded by Request #21-6702 have not been released by the San Francisco Department of Public Works. I would have to request reopening the Sunshine Appeal respectfully.

Best,
Yuli

On Wed, Feb 16, 2022 at 6:34 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

> I understand that Public Works has now produced a document in response to your request. I further understand that Public Works has no further responsive documents. Accordingly, because the department has not withheld any records based on an exemption in the Public Records Act, there is nothing for the Supervisor of Records to consider and we consider your petition closed. Thank you.
>
> **Bradley Russi**
>
> Deputy City Attorney
>
> Office of City Attorney David Chiu
>
> City Hall, Room 234
>
> 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
>
> www.sfcityattorney.org
>
> **From:** Yuli Huang <Personal Info>
> **Sent:** Wednesday, February 16, 2022 8:36 AM
> **To:** Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
> **Subject:** Re: Sunshine Appeal regarding Public Record Request #21-6702

Hi Bradley,

Could you please advise on the progress?

Best,

Yuli

On Mon, Feb 7, 2022 at 7:56 PM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

> Yuli –
>
> I apologize for the delay. We have been working with Public Works to determine if there are documents that are not exempt from disclosure. I hope to have more information for you this week. Thank you for your patience.
>
> **Bradley Russi**
>
> Deputy City Attorney
>
> Office of City Attorney David Chiu
>
> City Hall, Room 234
>
> 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
>
> www.sfcityattorney.org

Buta, Odaya (CAT)

From: Personal Info
Sent: Tuesday, September 27, 2022 11:38 PM
To: Supervisor Records (CAT)
Subject: Re: Immediate disclosure request sunshine communications

Dear Supervisor of Records,

I demand a written determination that records are public and that you order PUC to release them and send them to the Attorney General in 15 days.

Throughout all of this response they have stated attorney client privilege of communications where the parties are not attorneys and redacted those words.
And worse, They even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb 2021: https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528

On Tue, Sep 27, 2022 at 7:55 PM Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org> wrote:

> Dear Requester,
>
> The SFPUC has reviewed additional records responsive to your request, which are available at this link. We now consider your request closed.
>
> Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.
>
> Additionally, please be advised that we have redacted and withheld records that contain information that constitutes attorney-client communications or attorney work product. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we have redacted links from records ("RE_ Requests 22-1958 and 22-1989 - Due Today (1)_Redacted for ACP and Link" and "RE_ Requests 22-1958 and 22-1989 - Due Today_Redacted for ACP and Link") as the records available on the link contain exempt information that is not redacted. Please note that we redacted the link because those records contained personal information and links to active meetings. Accordingly, the links have been redacted to remove access to personal phone numbers, personal addresses, and driver's licenses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request. Additionally, the links were redacted to remove access to conference meeting hyperlinks, meeting IDs, and passcodes in order to prevent access to privileged, private, or otherwise confidential communications that are protected from disclosure under the Public Records Act, for example, attorney-client privileged communications (Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq.), personal private information (Cal. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §1; Admin. Code §67.1(g)), trade secrets (Cal. Govt. Code § 6276.44; Cal. Civil Code §§ 3426.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 3:46 PM
To: Personal Info ; Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted and withheld records that contain information that constitutes attorney-client communications or attorney work product. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we have redacted references based on the privacy and personnel provisions in California Constitution, Article I, section 1, and California Government Code Section 6254(c) (protecting "[p]ersonnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"), and § 6254(k) (protecting records which are "exempted or prohibited pursuant to provisions of federal or state law" from disclosure); see also S.F. Admin. Code § 67.1(g).). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 2:15 PM
To: Personal Info ' <Personal Info >
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 27, 2022 11:51 AM
To: Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, Twitter handles, and references to a person's health on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Finally, please note that we are producing a redacted version of attachment to record titled "RE_ Public Records Requests - Westside Observer(1)" because that attachment was shared with staff before redactions were made. Accordingly, we are producing a redacted version of the attachment (see "RE_ Public Records Requests - Westside Observer(1)_Attachment_Redacted City Supplier ID). Specifically, we have redacted the City Supplier Number under Government Code section 6254.33, which exempts from disclosure identification numbers, alphanumeric characters, or other unique identifying codes that a public agency uses to identify a vendor or contractor.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Monday, September 26, 2022 3:43 PM
To: Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal email addresses and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted one record that contains information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Friday, September 23, 2022 3:21 PM
To: Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records residential addresses, personal phone numbers, and personal email addresses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative

Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Tuesday, September 20, 2022 4:55 PM
To: Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has reviewed additional records responsive to your request, which are available at this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and Twitter handles on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Additionally, please be advised that we have redacted records that contain information that constitutes attorney-client communications. (See Cal. Gov't Code § 6254(k) (exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (privilege for communications between attorneys and their clients); Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).)

Best regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Wednesday, September 14, 2022 5:35 PM
To: Personal Info
Subject: RE: Immediate disclosure request sunshine communications

Dear Requester,

The SFPUC has located records responsive to your request. Please see this link. As requested, we will release records on a rolling basis.

Please be advised that we have redacted from the linked records personal phone numbers, personal email addresses, and residential addresses on privacy grounds. Redactions are based on California Constitution, Article I, section 1, California Government Code Section 6254(k), and California Government Code Section 6254(c). These provisions guard against disclosure of information that would invade personal privacy. Further, both the California Public Records Act (California Government Code Section 6250) and the San Francisco Sunshine Ordinance (San Francisco

Administrative Code Section 67.1(g)) acknowledge the importance of protecting personal privacy where disclosing records in response to a public records request.

Best regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Personal Info <Personal Info >
Sent: Tuesday, September 13, 2022 5:27 PM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Subject: Re: Immediate disclosure request sunshine communications

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.

Thanks for the update! Please provide each record no later than the end of the business day you review it, according to the rolling response rule in 67.25(d). Don't wait for all of them.

On Tue, Sep 13, 2022 at 4:48 PM Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org> wrote:

> Dear Requester,

Thank you for your public records request dated September 11, 2022. Please note your request does not qualify as a "simple, routine, or otherwise readily answerable request." Admin. Code 67.25(a). Our initial search has garnered over 380 responsive records that will require careful review to redact information protected from disclosure on privacy grounds, attorney-client privilege, and other applicable exemptions. This will also require consultation with another office. Accordingly, it is not feasible to respond to your request within the immediate disclosure request deadline. Therefore, we are invoking an extension of fourteen (14) days to review these records. (See Admin. Code § 67.25(b); California Government Code § 6253(c)(2)). We will provide the information you requested on or before September 27, 2022 (please note that requests submitted on a Saturday or Sunday, are deemed received on the next business day (here, September 12, 2022)).

Best Regards,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

October 25, 2022

Sent via email to Personal Info

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition sent via email to the Supervisor of Records on September 27, 2022, concerning your September 11, 2022 request to the San Francisco Public Utilities Commission ("SFPUC"). In your September 11 email, you requested the following records:

> communications (emails, texts, chats, etc.) sent or received in the last 6 months between or among: Dennis Herrera, Ron Flynn, John Cote, Michael Carlin, Scarpulla, and/or PUC records-specific staff, discussing or planning response or strategy to or for ANY SUNSHINE REQUESTOR COMPLAINT OR SUNSHINE LAW IN GENERAL.

In response to your request, the SFPUC provided you a number of records on a rolling basis on September 14, September 20, September 23, September 26, and September 27, 2022. The SFPUC redacted portions of those records based on attorney-client privilege (California Government Code Section 6254(k) and California Evidence Code Section 954), attorney work product (California Government Code § 6276.04), personal privacy (California Constitution, Article I, section 1, and California Government Code Section 6254(c)), and confidential vendor or contractor information (Government Code Section 6254.33).

In your petition to the Supervisor of Records, you requested that we review the records, and you specifically questioned whether the SFPUC appropriately redacted portions of the text based on attorney-client privilege. On October 19, 2022, after you submitted the petition, the SFPUC produced one of the previously-disclosed records with modified redactions. In the SFPUC's initial production, the agency had redacted a portion of that record based on attorney-client privilege, but the agency made a correction in the revised production on October 19, stating that it was withholding a portion of the record as a confidential personnel record under Government Code Section 6254(c).

After reviewing the records, including the corrected record that the SFPUC produced on October 19, we conclude that the SFPUC appropriately redacted portions of the documents produced to you. In your petition, you noted that the SFPUC relied on attorney-client privilege to redact portions of emails between SFPUC staff that did not include direct communications with any attorneys. The redacted portions of those emails reflected attorney-client communications and privileged advice provided by the City Attorney's Office to the SFPUC. Disclosure of the redacted portions would have disclosed the attorney-client privileged

content of the SFPUC's requests for legal advice and the City Attorney's Office's confidential responses.

For the reasons stated above, we deny your petition and consider it closed.

Very truly yours,

DAVID CHIU
City Attorney

Jon Givner
Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DAVID CHIU
City Attorney

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

November 1, 2022

Sent via email to Personal Info

Re: Petition to Supervisor of Records

To Whom It May Concern:

On October 25, 2022, we issued a letter responding to the petition you submitted on September 27, 2022 regarding your September 11, 2022 public records request to the San Francisco Public Utilities Commission ("SFPUC"). On October 31, you responded to the Supervisor of Records by email, stating:

> Hi thanks but you only responded to the attorney client privilege part of my petition. You didn't respond to the last part of the. petition:
>
> And worse, They even say Mayara Sa's email to John Scarpulla on April 20, 2022 is attorney work product privilege but Sa is not a valid attorney as of Feb 2021: https://apps.calbar.ca.gov/attorney/Licensee/Detail/331528

Our October 25 letter concluded that the SFPUC appropriately redacted the documents produced to you. Although our letter specifically discussed the redactions based on attorney-client privilege, we reviewed all the records and redactions, including the April 20, 2022 email from Mayara Sa to John Scarpulla. In that email, the SFPUC redacted the name of an attachment and withheld the attachment. The SFPUC's email to you stated that the SFPUC had redacted and withheld records that contain that included attorney-client communications or attorney work product.

Based on our review of the redaction and the withheld document, we conclude that the SFPUC appropriately redacted the document and withheld the attachment based on both attorney

work-product and attorney-client privilege. The withheld document included both attorney work product and attorney-client privileged advice provided by the City Attorney's Office to the SFPUC. Mayara Sa's email forwarded that confidential information to John Scarpulla without waiving confidentiality on behalf of the SFPUC. We hope this addresses your question.

Very truly yours,

DAVID CHIU
City Attorney

Jon Givner
Deputy City Attorney

Buta, Odaya (CAT)

From: Yuli Huang <[redacted]>
Sent: Thursday, November 3, 2022 9:27 AM
To: Supervisor Records (CAT)
Subject: Sunshine Appeal regarding Public Record Request #22-5498
Attachments: Request 22-5498 - NextRequest - Modern FOIA & Public Records Request Software.pdf

The city department to which I made my request: Public Works
The information I requested: Sheet-piling installation method used on the Sunset and Parkside Sewer and Pavement Renovation Project
The date of my request: September 26

The justification is summarized as follows:

Appellate courts have generally concluded records related to public business are subject to disclosure if they are in an agency's actual or constructive possession. (See, e.g., Board of Pilot Comrs. for the Bays of San Francisco, San Pablo and Suisun v. Superior Court (2013) 218 Cal.App.4th 577, 598; Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 710 (Consolidated Irrigation).) "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." (Consolidated Irrigation, at p. 710.) The contractual relationship of a public agency and its private consultant is important in determining the agency's duty of disclosure (Community Youth Athletic Center v. City of National City, 220 Cal App.4th 1385, 164 Cal. Rptr. 3d 644 (Cal. Ct. App. 2013).)

Based on the unambiguous contractual language between the Contractor and the City, the City had an ownership interest in the requested information and had the right to possess and control it, even though it did not enforce its contractual right. Because the City has the right to control the information, it has constructive possession. And because the information is of the constructive possession of the City, it is a public record.

The non-existence statement of the information does not hold. Please be mindful that the requested information is the installation method. It is evident that the Contractor completed the installation and must have used one method to get it done. The way the Contractor installed the piling is the method. The procedure the Contractor has used is the method. In other words, the fact that the Contractor completed the installation proves the existence of an installation method. The on-site workers are human beings. They consciously do their work following processes. Because the work is done, it is a logical fallacy to claim that the method associated with the work does not exist. The information may not be documented, it can be communicated via images, text messages, and voices, all of which are subject to CPRA disclosure.

In summary, here are two undeniable facts
1. the requested installation method existed because the Contractor used it to complete the installation;
2. the information is of the constructive procession of the City because it has a contractual right to control it.

These facts justify a Sunshine Appeal regarding Public Record Request #21-6702.

References

Contract Documents — Project Manual

DIVISION 31 - EARTHWORK

SECTION 31 23 33 TRENCHING AND BACKFILLING

§ 31 23 33 2.2 A steel sheet piling, if employed, shall be of rolled steel shapes of the continuous interlocking type forming a continuous wall when individual sheets are installed side by side. Steel sheet piling shall be installed in a manner that interlocking is kept continuous without separation at the joints. Sheet pilings, if used, shall not be installed by hard driving. **The Contractor shall propose and submit for approval, a suitable installation method, which will minimize noise and vibrations.** Other equivalent methods that will effectively prevent water leakage through the joint such as insitu−soil cement mixing will be acceptable. The interlocking sheet piling and all accessories shall conform to the requirements of ASTM A328.

Request Visibility: Published

Request 22-5498 Closed

1 of 9 with filters active

Dates

Received
September 26, 2022 via web

Requester

[redacted]

Staff Assigned

Departments
Public Works

Point of contact
David A. Steinberg

Request

IMMEDIATE DISCLOSURE REQUESTS

PUBLIC RECORDS REQUEST

Pursuant to the California Public Records Act, California Government Code Section 6250, and the SF Sunshine Ordinance (Chapter 67 of the SF Admin. Code), this is to request that the San Francisco Department of Public Works produce the following public records, as defined in Gov. Code Section 6252 (c) and (e), in DPW's constructive possession or control, even if they might have a different caption.

1. The suitable installation method for steel sheet piling proposed and submitted by the Contractor, in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.
2. The approval document by the San Francisco Department of Public Works in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.

Despite Public Works' possible claim of no actual possession of the requested public records, they are submittal and approval required by the Contract Documents; Public Works' constructive possession exists because it has knowledge of the documents and the ability to control them. Therefore, the requested public records must be disclosed unless a statutory exception is shown.

Show less

Timeline Documents

Request Closed

Public

We have finished conducting a diligent search and found no documents responsive to your request.

Our engineering staff said that this request seems to be for the same document as your previous requests and that these documents do not exist.

The Public Records Act requires an agency to make available to any person a copy of an "identifiable record or records" in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) The City's obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in its custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that a department or officer construct a document to meet the specifications of the request.

We now consider your request closed.

Regards,

David A. Steinberg

Custodian of Records

San Francisco Public Works

External Message

Public

We received your Immediate Disclosure Request, dated Sept. 26. You have requested the following records:

1. The suitable installation method for steel sheet piling proposed and submitted by the Contractor, in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.
2. The approval document by the San Francisco Department of Public Works in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.

Although you labeled your request as an Immediate Disclosure Request, it is not "simple, routine, or otherwise readily answerable," as is required by San Francisco Administrative Code Section 67.25(a). For this reason, we are treating your Immediate Disclosure Request as a standard public records request, subject to the normally applicable 10-day response time, with a possible extension. Accordingly, we will be in touch with you regarding the request by no later than Oct. 6.

Please see Pages 4-5 of the City Attorney's Opinion at https://sanfrancisco.nextrequest.com/documents/9556982/download for an explanation of the requirements for an Immediate Disclosure Request.

It is not necessary to create a NextRequest account to view responsive records. Once they have been released, a link, valid for 30 days, will be provided to view the records. Additionally, unless privacy concerns prevent it, Public Works makes all records requests visible to the public. You may search for requests at https://sanfrancisco.nextrequest.com/.

Regards,

David A. Steinberg

Custodian of Records

San Francisco Public Works

September 27, 2022, 9:07am by David A. Steinberg , Custodian of Records (Staff)

Department Assignment

Public

Public Works

Request Opened

Public

Request received via web

Buta, Odaya (CAT)

From: Yuli Huang <[redacted]>
Sent: Thursday, November 3, 2022 9:29 AM
To: Supervisor Records (CAT)
Subject: Sunshine Appeal regarding Public Record Request #22-5498
Attachments: Request 22-5498 - NextRequest - Modern FOIA & Public Records Request Software.pdf

The city department to which I made my request: Public Works
The information I requested: Sheet-piling installation method used on the Sunset and Parkside Sewer and Pavement Renovation Project
The date of my request: September 26

The justification is summarized as follows:

Appellate courts have generally concluded records related to public business are subject to disclosure if they are in an agency's actual or constructive possession. (See, e.g., Board of Pilot Comrs. for the Bays of San Francisco, San Pablo and Suisun v. Superior Court (2013) 218 Cal.App.4th 577, 598; Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 710 (Consolidated Irrigation).) "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." (Consolidated Irrigation, at p. 710.) The contractual relationship of a public agency and its private consultant is important in determining the agency's duty of disclosure (Community Youth Athletic Center v. City of National City, 220 Cal App.4th 1385, 164 Cal. Rptr. 3d 644 (Cal. Ct. App. 2013).)

Based on the unambiguous contractual language between the Contractor and the City, the City had an ownership interest in the requested information and had the right to possess and control it, even though it did not enforce its contractual right. Because the City has the right to control the information, it has constructive possession. And because the information is of the constructive possession of the City, it is a public record.

The non-existence statement of the information does not hold. Please be mindful that the requested information is the installation method. It is evident that the Contractor completed the installation and must have used one method to get it done. The way the Contractor installed the piling is the method. The procedure the Contractor has used is the method. In other words, the fact that the Contractor completed the installation proves the existence of an installation method. The on-site workers are human beings. They consciously do their work following processes. Because the work is done, it is a logical fallacy to claim that the method associated with the work does not exist. The information may not be documented, it can be communicated via images, text messages, and voices, all of which are subject to CPRA disclosure.

In summary, here are two undeniable facts
1. the requested installation method existed because the Contractor used it to complete the installation;
2. the information is of the constructive procession of the City because it has a contractual right to control it.

These facts justify a Sunshine Appeal regarding Public Record Request #22-5498.

References

Contract Documents — Project Manual

DIVISION 31 - EARTHWORK

SECTION 31 23 33 TRENCHING AND BACKFILLING

§ 31 23 33 2.2 A steel sheet piling, if employed, shall be of rolled steel shapes of the continuous interlocking type forming a continuous wall when individual sheets are installed side by side. Steel sheet piling shall be installed in a manner that interlocking is kept continuous without separation at the joints. Sheet pilings, if used, shall not be installed by hard driving. **The Contractor shall propose and submit for approval, a suitable installation method, which will minimize noise and vibrations.** Other equivalent methods that will effectively prevent water leakage through the joint such as insitu−soil cement mixing will be acceptable. The interlocking sheet piling and all accessories shall conform to the requirements of ASTM A328.

Request Visibility: Published

Request 22-5498 Closed

1 of 9 with filters active

Dates

Received
September 26, 2022 via web

Requester

[redacted]

Staff Assigned

Departments
Public Works

Point of contact
David A. Steinberg

Request

IMMEDIATE DISCLOSURE REQUESTS

PUBLIC RECORDS REQUEST

Pursuant to the California Public Records Act, California Government Code Section 6250, and the SF Sunshine Ordinance (Chapter 67 of the SF Admin. Code), this is to request that the San Francisco Department of Public Works produce the following public records, as defined in Gov. Code Section 6252 (c) and (e), in DPW's constructive possession or control, even if they might have a different caption.

1. The suitable installation method for steel sheet piling proposed and submitted by the Contractor, in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.
2. The approval document by the San Francisco Department of Public Works in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.

Despite Public Works' possible claim of no actual possession of the requested public records, they are submittal and approval required by the Contract Documents; Public Works' constructive possession exists because it has knowledge of the documents and the ability to control them. Therefore, the requested public records must be disclosed unless a statutory exception is shown.

Show less

Timeline Documents

Request Closed

Public

We have finished conducting a diligent search and found no documents responsive to your request.

Our engineering staff said that this request seems to be for the same document as your previous requests and that these documents do not exist.

The Public Records Act requires an agency to make available to any person a copy of an "identifiable record or records" in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) The City's obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in its custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that a department or officer construct a document to meet the specifications of the request.

We now consider your request closed.

Regards,

David A. Steinberg

Custodian of Records

San Francisco Public Works

External Message

Public

We received your Immediate Disclosure Request, dated Sept. 26. You have requested the following records:

1. The suitable installation method for steel sheet piling proposed and submitted by the Contractor, in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.
2. The approval document by the San Francisco Department of Public Works in accordance with Contract Documents -- Project Manual § 31 23 33 "Trenching and Backfilling" Part 2, Section 2.2, Subdivision A.

Although you labeled your request as an Immediate Disclosure Request, it is not "simple, routine, or otherwise readily answerable," as is required by San Francisco Administrative Code Section 67.25(a). For this reason, we are treating your Immediate Disclosure Request as a standard public records request, subject to the normally applicable 10-day response time, with a possible extension. Accordingly, we will be in touch with you regarding the request by no later than Oct. 6.

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Regards,

David A. Steinberg

Custodian of Records

San Francisco Public Works

September 27, 2022, 9:07am by David A. Steinberg , Custodian of Records (Staff)

Department Assignment

Public

Public Works

Request Opened

Public

Request received via web

Buta, Odaya (CAT)

From: Kimberlin, Kate (CAT) on behalf of Supervisor Records (CAT)
Sent: Wednesday, December 7, 2022 6:58 AM
To: 'Yuli Huang'; Buta, Odaya (CAT)
Cc: Supervisor Records (CAT)
Subject: RE: FW: Sunshine Appeal regarding Public Record Request #22-5498

Dear Yuli,

We have completed our review of your petition to the Supervisor of Records and have confirmed that the Department of Public Works is not withholding any records responsive to your request. Because the responding department has not withheld any records based on an exemption in the Public Records Act, there is nothing further for the Supervisor of Records to consider, and we consider your petition closed.

Very truly,

Kate G. Kimberlin
Deputy City Attorney
Office of San Francisco City Attorney David Chiu
Tel: 415.554.4780

*Please note my new office phone number, effective Nov. 7, 2022. Email continues to be the best way to reach me.

From: Yuli Huang <Personal Info >
Sent: Monday, December 5, 2022 8:44 AM
To: Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org>
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: FW: Sunshine Appeal regarding Public Record Request #22-5498

Hi Odaya,

Could you please advise the progress pursuant to S.F. Administrative Code §§ 67.21(d) and 67.21(i)?

Best,
Yuli

On Thu, Nov 10, 2022 at 12:48 PM Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org> wrote:

> Thank you for confirming. We write to acknowledge receipt of your petition to the Supervisor of Records. We will look into the matter and follow up if we have questions.
>
> Sincerely,

Odaya Buta-Scott *(she/her/hers)*

Office of City Attorney David Chiu

odaya.buta@sfcityatty.org, www.sfcityattorney.org

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This message and any attachments are solely for the intended recipient and may include privileged or confidential information.

If you have received this communication in error, please notify the sender immediately, and permanently delete this message and any attachments.

From: Yuli Huang <Personal Info>
Sent: Thursday, November 10, 2022 12:17 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: FW: Sunshine Appeal regarding Public Record Request #22-5498

Hi Odaya,

I intended to submit one for 22-5498 (in this thread). The other is also titled 22-5498 but with a typo of 21-6702 in the text.

Best,

Yuli

On Thu, Nov 10, 2022 at 11:41 AM Supervisor Records (CAT) <supervisor.records@sfcityatty.org> wrote:

> Hello,
>
> Thank you for your email. Could you kindly confirm whether you intended to submit one or two Supervisor of Records requests? We received two emails from you with two different PRA numbers: 21-6702, 22-5498.
>
> Sincerely,

Odaya Buta-Scott *(she/her/hers)*

Office of City Attorney David Chiu

odaya.buta@sfcityatty.org, www.sfcityattorney.org

Find us on: Facebook Twitter Instagram

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If you have received this communication in error, please notify the sender immediately, and permanently delete this message and any attachments.

From: Yuli Huang <Personal Info>
Sent: Thursday, November 10, 2022 9:42 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: Sunshine Appeal regarding Public Record Request #22-5498

Could you please acknowledge receipt of the petition below?

On Thu, Nov 3, 2022 at 9:29 AM Yuli Huang <Personal Info> wrote:

> The city department to which I made my request: Public Works
> The information I requested: Sheet-piling installation method used on the Sunset and Parkside Sewer and Pavement Renovation Project
> The date of my request: September 26
>
> The justification is summarized as follows:
>
> Appellate courts have generally concluded records related to public business are subject to disclosure if they are in an agency's actual or constructive possession. (See, e.g., Board of Pilot Comrs. for the Bays of San Francisco, San Pablo and Suisun v. Superior Court (2013) 218 Cal.App.4th 577, 598; Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 710 (Consolidated Irrigation).) "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." (Consolidated Irrigation, at p. 710.) The contractual relationship of a public agency and its private consultant is important in determining the agency's duty of disclosure (Community Youth Athletic Center v. City of National City, 220 Cal.App.4th 1385, 164 Cal. Rptr. 3d 644 (Cal. Ct. App. 2013).)
>
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>
> In summary, here are two undeniable facts
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References

Contract Documents — Project Manual

DIVISION 31 - EARTHWORK

SECTION 31 23 33 TRENCHING AND BACKFILLING

§ 31 23 33 2.2 A steel sheet piling, if employed, shall be of rolled steel shapes of the continuous interlocking type forming a continuous wall when individual sheets are installed side by side. Steel sheet piling shall be installed in a manner that interlocking is kept continuous without separation at the joints. Sheet pilings, if used, shall not be installed by hard driving. **The Contractor shall propose and submit for approval, a suitable installation method, which will minimize noise and vibrations.** Other equivalent methods that will effectively prevent water leakage through the joint such as insitu−soil cement mixing will be acceptable. The interlocking sheet piling and all accessories shall conform to the requirements of ASTM A328.

Buta, Odaya (CAT)

From: Michael Barba <michael@sfstandard.com>
Sent: Friday, November 18, 2022 1:18 PM
To: CityAttorney (CAT)
Cc: SFPDMediaRelations, (POL)
Subject: Fwd: Public Records Request :: P092016-111822

This is a petition to the Supervisor of Records for a determination on whether the below requested records are public.

I filed an Immediate Disclosure Request seeking "a copy of all Notice(s) of Future Employment Restrictions filed by Police Chief Bill Scott."

SFPD denied my request stating: "SFPD is unable to disclose this information pursuant to Cal. Govt. Code § 6254(c), which exempts from disclosure of records of supervisor's performance evaluation of an employee a private matter that is not subject to disclosure. Even if the evaluation is favorable, it is not generally for public consumption."

SFPD has failed to sufficiently justify how these records are exempt from disclosure under the Sunshine Ordinance.

SFPD's blanket denial of my request does not cite "express provisions" of the Ordinance that justify withholding these records.

Furthermore, SFPD appears to be referencing an irrelevant example from the City Attorney's Good Government Guide as reason to not disclose the records. These notices are not "performance evaluation(s)."

These records are of great public interest and should be produced immediately.

Thank you,

---------- Forwarded message ---------
From: **Rueca, Robert (POL)** <Robert.M.Rueca@sfgov.org>
Date: Fri, Nov 18, 2022 at 12:42 PM
Subject: Re: Public Records Request :: P092016-111822
To: michael@sfstandard.com <michael@sfstandard.com>
Cc: Maxie, Allison (POL) <allison.maxie@sfgov.org>, SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>, Lobsinger, Adam (POL) <Adam.Lobsinger@sfgov.org>, Pacchetti, Niccole (POL) <niccole.pacchetti@sfgov.org>, Laokwansathitaya, Kwanjai (POL) <kwanjai.laokwansathi@sfgov.org>, CABRERA, ALICIA (CAT) <Alicia.Cabrera@sfcityatty.org>

Michael,

We have been advised by our Deputy City Attorney that these records are not releasable based on personnel records.

Officer Robert Rueca #2267
Public Information Officer
San Francisco Police Department

Office of the Chief of Police
Media Relations Unit
POLICE HEADQUARTERS
1245 3rd Street, 6th Floor
San Francisco, CA 94158
415.837.7395 Main
415.837.7199 Desk
415.837.7249 Fax
http://sanfranciscopolice.org/

Follow me on Twitter:
https://twitter.com/OfficerRueca
This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you have received this communication in error please notify me by email (robert.m.rueca@sfgov.org) and then delete the email and any copies of it.

From: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>
Sent: Friday, November 18, 2022 12:37 PM
To: Lobsinger, Adam (POL) <Adam.Lobsinger@sfgov.org>; Rueca, Robert (POL) <Robert.M.Rueca@sfgov.org>; Pacchetti, Niccole (POL) <niccole.pacchetti@sfgov.org>; Laokwansathitaya, Kwanjai (POL) <kwanjai.laokwansathi@sfgov.org>; Maxie, Allison (POL) <allison.maxie@sfgov.org>
Cc: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>
Subject: Re: Public Records Request :: P092016-111822

From: Michael Barba <michael@sfstandard.com>
Sent: Friday, November 18, 2022 12:33 PM
To: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>; San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net>
Subject: Re: Public Records Request :: P092016-111822

Hi, thanks for your quick response to my Immediate Disclosure Request.

However, we disagree that these records are exempt from disclosure.

I think you're citing an example from the Good Government Guide that says performance evaluations are not public. However, these notices I'm seeing aren't performance evaluations.

These records are of great public interest and The Standard respectfully requests again that you disclose them immediately.

Thank you,

---------- Forwarded message ---------
From: **San Francisco Police Records Portal** <sanfranciscopd@mycusthelp.net>
Date: Fri, Nov 18, 2022 at 9:32 AM
Subject: Public Records Request :: P092016-111822
To: michael@sfstandard.com <michael@sfstandard.com>

--- Please respond above this line ---

November 18, 2022

Via email michael@sfstandard.com

Michael Barba
2505 Mariposa Street
San Francisco, CA 94110

RE: Public Records Request, dated November 18, 2022, Reference # P092016-111822

Dear Michael Barba:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated November 18, 2022, on November 18, 2022.

You requested, "*From: Michael Barba <michael@sfstandard.com>*
Sent: Thursday, November 17, 2022 10:21 AM
To: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>
Subject: Immediate Disclosure Request: SFPD Work Restrictions Notices

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

This is an Immediate Disclosure Request.

Per the Sunshine Ordinance and all applicable laws, I am seeking a copy of all Notice(s) of Future Employment Restrictions filed by Police Chief Bill Scott.

Thank you,

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba</sfpdmediarelations@sfgov.org></michael@sfstandard.com>"

SFPD is unable to disclose this information pursuant to Cal. Govt. Code § 6254(c), which exempts from disclosure of records of supervisor's performance evaluation of an employee a private matter that is not subject to disclosure. Even if the evaluation is favorable, it is not generally for public consumption.

If you have any questions, please contact Adam Lobsinger at .

Thank you for your attention.

Sincerely,

Officer in Charge
Media Relations

To monitor the progress or update this request please log into the SFPD Public Records Center.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba

Supervisor Records (CAT)

From: Buta, Odaya (CAT)
Sent: Wednesday, January 10, 2024 10:58 AM
To: Michael Barba
Cc: Supervisor Records (CAT)
Subject: RE: Public Records Request :: P092016-111822

Dear Mr. Barba,

Thank you for your patience as we investigated your petition. The Supervisor of Records has determined that the SFPD properly withheld the documents requested, "a copy of all Notice(s) of Future Employment Restrictions filed by Police Chief Bill Scott." Such records are exempt from disclosure under the California Public Records Act, section 6254(c). Although not cited by the department, such records are also not subject to disclosure under the Sunshine Ordinance, *see* Administrative Code section 67.24(c) because they are private personnel records that do not otherwise fall within one of the enumerated categories of publicly available information. Additionally, most peace officer personnel records, including any notices of future employment restrictions, are exempt from disclosure under California Penal Code section 832.7 and 832.8. Because the requested documents were appropriately withheld, the Supervisor of Records considers this petition closed.

Sincerely,

Odaya Buta-Scott *(she/her/hers)*
Office of City Attorney David Chiu
odaya.buta@sfcityatty.org, www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

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From: Buta, Odaya (CAT) <Odaya.Buta@sfcityatty.org> **On Behalf Of** CityAttorney (CAT)
Sent: Tuesday, December 6, 2022 10:14 AM
To: Michael Barba <michael@sfstandard.com>
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: RE: Public Records Request :: P092016-111822

Dear petitioner:

We would like to update that we are still reviewing the matter and follow up if we have questions. Thank you.

Odaya Buta-Scott *(she/her/hers)*
Office of City Attorney David Chiu
odaya.buta@sfcityatty.org, www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

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From: Michael Barba <michael@sfstandard.com>
Sent: Friday, November 18, 2022 1:18 PM
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Cc: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>
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Furthermore, SFPD appears to be referencing an irrelevant example from the City Attorney's Good Government Guide as reason to not disclose the records. These notices are not "performance evaluation(s)."

These records are of great public interest and should be produced immediately.

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To: michael@sfstandard.com <michael@sfstandard.com>
Cc: Maxie, Allison (POL) <allison.maxie@sfgov.org>, SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>, Lobsinger, Adam (POL) <Adam.Lobsinger@sfgov.org>, Pacchetti, Niccole (POL) <niccole.pacchetti@sfgov.org>, Laokwansathitaya, Kwanjai (POL) <kwanjai.laokwansathi@sfgov.org>, CABRERA, ALICIA (CAT) <Alicia.Cabrera@sfcityatty.org>

Michael,

We have been advised by our Deputy City Attorney that these records are not releasable based on personnel records.

Officer Robert Rueca #2267
Public Information Officer
San Francisco Police Department
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POLICE HEADQUARTERS
1245 3rd Street, 6th Floor

San Francisco, CA 94158
415.837.7395 Main
415.837.7199 Desk
415.837.7249 Fax
http://sanfranciscopolice.org/

Follow me on Twitter:
https://twitter.com/OfficerRueca
This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you have received this communication in error please notify me by email (robert.m.rueca@sfgov.org) and then delete the email and any copies of it.

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Cc: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>
Subject: Re: Public Records Request :: P092016-111822

From: Michael Barba <michael@sfstandard.com>
Sent: Friday, November 18, 2022 12:33 PM
To: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>; San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net>
Subject: Re: Public Records Request :: P092016-111822

Hi, thanks for your quick response to my Immediate Disclosure Request.

However, we disagree that these records are exempt from disclosure.

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Thank you,

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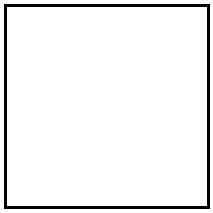
Date: Fri, Nov 18, 2022 at 9:32 AM
Subject: Public Records Request :: P092016-111822
To: michael@sfstandard.com <michael@sfstandard.com>

--- Please respond above this line ---



November 18, 2022

Via email michael@sfstandard.com

Michael Barba
Personal Info
San Francisco, CA 94110

RE: Public Records Request, dated November 18, 2022, Reference # P092016-111822

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

This is an Immediate Disclosure Request.

Per the Sunshine Ordinance and all applicable laws, I am seeking a copy of all Notice(s) of Future Employment Restrictions filed by Police Chief Bill Scott.

Thank you,

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba</sfpdmediarelations@sfgov.org></michael@sfstandard.com>"

SFPD is unable to disclose this information pursuant to Cal. Govt. Code § 6254(c), which exempts from disclosure of records of supervisor's performance evaluation of an employee a private matter that is not subject to disclosure. Even if the evaluation is favorable, it is not generally for public consumption.

If you have any questions, please contact Adam Lobsinger at .

Thank you for your attention.

Sincerely,

Officer in Charge
Media Relations

To monitor the progress or update this request please log into the SFPD Public Records Center.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba

--
Michael Barba
Senior Reporter, SF Standard
@mdbarba

Buta, Odaya (CAT)

From: Matthew Smith <matt@sfstandard.com>
Sent: Friday, November 18, 2022 10:51 AM
To: CityAttorney (CAT); Michael Barba; Aaron R. Field
Subject: Re: TO: SUPERVISOR OF RECORDS (SEC. 67.20.(c))

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,
I am writing to advise that the City Attorney's Office is in violation of San Francisco Administrative Code, Chapter 67, the Sunshine Ordinance.
On October 26 I sent an administrative appeal to the Supervisor of Records under Section 67.21.
I have yet to receive a response.
Section 67.21 requires your agency to provide a response within 10 days.
The Ordinance states that *"the supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public."*
It is now 24 days since I made my administrative appeal.
Please provide a response today.
Kindly,
Matt
encl.
Below is my appeal of Oct. 24.

On Wed, Oct 26, 2022 at 2:23 PM Matthew Smith <matt@sfstandard.com> wrote:

> Hello from Matt Smith, director of investigations at The San Francisco Standard.
>
> Please consider this a petition to the Supervisor of Records, which according to San Francisco's Sunshine Ordinance Sec. 67.20.(c) is the office of City Attorney.
>
> I am writing to request a review of records request 22-5487 of September 25, 2022.
>
> My request was for *"a copy of the entire database of NexRequest "Documents," as well as the accompanying index."*
>
> I received a notice Oct 15 , 11:30a.m. from the Dept. of Technology advising me that my request had been closed.
>
> That notice said: *Given the practical burdens imposed on public entities by public records requests, the Public Records Act now provides that a requester may be directed to obtain responsive records that are available online through a departmental website by accessing the website. See California Government Code Section 6253(f).*
>
> In response I wrote a message to the Dept of Technology Oct. 15, 12:22 p.m.
>
> I detailed why I believed that the Dept of Technology's refusal to comply with my records request *does not* comply with California Government Code Section 6253(f).
>
> The Dept. of Technology has not responded to my Oct. 15 message.
>
> For purposes of this petition to the Supervisor of Records/SF City Attorney my explanation follows:

The reason I requested a copy of the entire database of NexRequest "documents," as well as the accompanying index, is that we wish to conduct our own optical character recognition scan of those records.

This request is in the public interest because we are a news organization, and wish to conduct this scan in order to be able to search the content of these records for the purpose of producing news reports about the activities of San Francisco's government.

We are a news organization focused purely on informing San Franciscans about our own city's public life. This mission can be furthered by enhancing for our own use what is currently the limited utility of the Department of Technology's document search function available on the sanfrancisc.nextrequest.com website. For this reason, I am writing to request that the Supervisor of Records reconsider the Dept. of Technology's determination that directing me to the a departmental website constitutes the fulfillment of my request.

I am providing this explanation in the context of the California Code section the Dept. of Technology cited in its message to me.

Section 6253(f) states: *"However, if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision C."*

If the Dept. of Technology does not provide us with the entire database and index as requested, we cannot access the content of these papers by conducting our own optical character recognition scan, which would allow us to search for terms describing newsworthy people, events, and facts. The current website format, whereby one can search only the text of a request, but not the content of the papers posted in response to the request, is not useful for this purpose.

For purposes of a news organization such as ours, this purportedly public database is closed to thorough examination, contravening the spirit of the California Public Records Act as well as of the San Francisco Sunshine Ordinance.

California Government Code 6253.9 states that an "agency shall make the information available in any electronic format in which it holds the information."

That code section also states that an "agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies."

If this petition is unclear, or if it can somehow be made easier to evaluate by narrowing it, being more specific or explicit, or otherwise improving it in the name of assisting the Office of City Attorney in responding to my petition, please telephone me at Personal Info .

Kindly,

Matt

Buta, Odaya (CAT)

From: Matthew Smith <matt@sfstandard.com>
Sent: Wednesday, October 26, 2022 2:23 PM
To: CityAttorney (CAT)
Cc: Aaron R. Field
Subject: TO: SUPERVISOR OF RECORDS (SEC. 67.20.(c))

Hello from Matt Smith, director of investigations at The San Francisco Standard.

Please consider this a petition to the Supervisor of Records, which according to San Francisco's Sunshine Ordinance Sec. 67.20.(c) is the office of City Attorney.

I am writing to request a review of records request 22-5487 of September 25, 2022.

My request was for *"a copy of the entire database of NexRequest "Documents," as well as the accompanying index."*

I received a notice Oct 15 , 11:30a.m. from the Dept. of Technology advising me that my request had been closed.

That notice said: *Given the practical burdens imposed on public entities by public records requests, the Public Records Act now provides that a requester may be directed to obtain responsive records that are available online through a departmental website by accessing the website. See California Government Code Section 6253(f).*

In response I wrote a message to the Dept of Technology Oct. 15, 12:22 p.m.

I detailed why I believed that the Dept of Technology's refusal to comply with my records request *does not* comply with California Government Code Section 6253(f).

The Dept. of Technology has not responded to my Oct. 15 message.

For purposes of this petition to the Supervisor of Records/SF City Attorney my explanation follows:

The reason I requested a copy of the entire database of NexRequest "documents," as well as the accompanying index, is that we wish to conduct our own optical character recognition scan of those records.

This request is in the public interest because we are a news organization, and wish to conduct this scan in order to be able to search the content of these records for the purpose of producing news reports about the activities of San Francisco's government.

We are a news organization focused purely on informing San Franciscans about our own city's public life. This mission can be furthered by enhancing for our own use what is currently the limited utility of the Department of Technology's document search function available on the sanfrancisc.nextrequest.com website. For this reason, I am writing to request that the Supervisor of Records reconsider the Dept. of Technology's determination that directing me to the a departmental website constitutes the fulfillment of my request.

I am providing this explanation in the context of the California Code section the Dept. of Technology cited in its message to me.

Section 6253(f) states: *"However, if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or*

reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision C."

If the Dept. of Technology does not provide us with the entire database and index as requested, we cannot access the content of these papers by conducting our own optical character recognition scan, which would allow us to search for terms describing newsworthy people, events, and facts. The current website format, whereby one can search only the text of a request, but not the content of the papers posted in response to the request, is not useful for this purpose.

For purposes of a news organization such as ours, this purportedly public database is closed to thorough examination, contravening the spirit of the California Public Records Act as well as of the San Francisco Sunshine Ordinance.

California Government Code 6253.9 states that an "agency shall make the information available in any electronic format in which it holds the information."

That code section also states that an "agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies."

If this petition is unclear, or if it can somehow be made easier to evaluate by narrowing it, being more specific or explicit, or otherwise improving it in the name of assisting the Office of City Attorney in responding to my petition, please telephone me at Personal Info .

Kindly,

Matt

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DAVID CHIU
City Attorney

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

December 12, 2022

Sent via Email to matt@sfstandard.com

Re: Petition to Supervisor of Records Regarding Public Records Request 22-5487

Dear Mr. Smith:

This letter responds to your petition sent via email to the Supervisor of Records on November 18, 2022, concerning your September 25, 2022 request for records to the Department of Technology ("DT" or "Department"). Your request sought the following records: "a copy of the entire database of NextRequest 'Documents,' as well as the accompanying index."

On October 15, 2022, DT responded to your request as follows:

> Given the practical burdens imposed on public entities by public records requests, the Public Records Act now provides that a requestor may be directed to obtain responsive records that are available online through a departmental website by accessing the website. *See* California Government Code Section 6253(f).

DT's October 15 response further directed you to the NextRequest website (https://sanfrancisco.nextrequest.com/requests) and provided instructions for searching and downloading documents. DT also responded that, with respect to your request for an "index" of documents, "the Department does not have responsive records."

In your petition to the Supervisor of Records, you assert that DT's response does not comply with California Government Code Section 6253(f) because you "wish to conduct your own optical character recognition scan" of the documents contained within NextRequest. You also claim that "[i]f the Dept. of Technology does not provide us with the entire database and

index as requested, we cannot access the content of these papers by conducting our own optical character recognition scan," and that, therefore, you have satisfied the requirement of Section 6253(f), which states, in part:

> if after the public agency directs a member of the public to the internet website, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the internet website, the public agency shall promptly provide a copy of the public record pursuant to subdivision C.

You also claim that, under California Government Code Section 6253.9, DT is obligated to "provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies."

After a review of your petition and DT's October 15, 2022 response, we conclude that DT appropriately responded to your request for records. Although you assert that, absent a production of the documents, you will be unable to conduct an "optical character recognition scan," you have not indicated why you cannot download the documents from the NextRequest database. The NextRequest website contains a section entitled "Documents" which contains all 680,070 public records (as of December 12, 2022) within the database. Those records can be downloaded in their original electronic formats. You have not stated an "inability to access or reproduce" these 680,070 public records.

Regarding your request for the "accompanying index," you do not state in your petition whether or why you believe DT's response is unsatisfactory. We have nevertheless confirmed that DT

responded appropriately to your request for an index because the Department does not have responsive records. For the reasons stated above, we deny your petition and consider it closed.

Very truly yours,

DAVID CHIU
City Attorney

Kate Kimberlin

Kate G. Kimberlin
Deputy City Attorney

Buta, Odaya (CAT)

From: Jordan Vyonder <[redacted]>
Sent: Wednesday, November 30, 2022 5:26 PM
To: Supervisor Records (CAT)
Subject: Non responsive records request fulfilment from MOD (Mayor's office on Disability)

Follow Up Flag: Follow up
Flag Status: Flagged

I requested Email records from an to MOD regarding service animals between 11/1/22 and 11/24/22.

I received exactly three Emails in response.

I know for a fact that this is unresponsive because I had several Email correspondence with them during this time frame regarding that topic (and only one was included).

I will forward their response.

I can provide Emails I sent to them as proof.

Buta, Odaya (CAT)

From: Jordan Vyonder <[redacted]>
Sent: Wednesday, November 30, 2022 5:27 PM
To: Supervisor Records (CAT)
Subject: Fwd: New FOIA request
Attachments: RE_ Service Dog in Training, SF_Redacted.pdf; Re_ Service Animal Denied Access to Public Building_Redacted.pdf; FW_ Your policy still says that service dogs have to be leashed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

(This is all they provided me). I know for a fact that it is not responsive and can provide it.

Begin forwarded message:

From: "MOD, (ADM)" <mod@sfgov.org>
Subject: FW: New FOIA request
Date: 30 November 2022 at 17:01:08 GMT-8
To: Jordan Vyonder <[redacted]>
Cc: John Koste [redacted]

Dear Jordan,

The attached files are being sent to you in response to your request for "Any emails regarding service dog policy to and from this office and interoffice between November 1 and November 24th." There are some redactions in order to comply with privacy requirements that we cannot disclose personal information about individuals who are not City and County employees.

Sincerely,

MOD

From: MOD, (ADM) <mod@sfgov.org>
Sent: Tuesday, November 29, 2022 2:11 PM
To: Jordan Vyonder <[redacted]>
Subject: Re: New FOIA request

Hi Jordan,

With this email, MOD would like to acknowledge the receipt of your record request. We will respond within 10 working days with a response.

Best,

Mayor's Office on Disability

1155 Market Street, 1st Floor

Office: (415) 554-6789

Fax : (415) 554-6159

www.sfgov.org/mod

Sign up to receive MOD announcements!

From: Jordan Vyonder <Personal Info>
Sent: Thursday, November 24, 2022 11:23 PM
To: MOD, (ADM) <mod@sfgov.org>
Subject: New FOIA request

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

Any emails regarding service dog policy to and from this office and interoffice between November 1 and November 24th.

Thanks.

From: Lambert, Michael (LIB)
To: Kaplan, Deborah (ADM)
Cc: Bohn, Nicole (ADM)
Subject: FW: Your policy still says that service dogs have to be leashed
Date: Thursday, November 17, 2022 8:46:16 AM

Michael Lambert (He, Him)
City Librarian
San Francisco Public Library
100 Larkin Street | San Francisco, CA 94102-4733
415.557.4232 | michael.lambert@sfpl.org

-----Original Message-----
From: City Librarian, City Librarian (LIB) <citylibrarian@sfpl.org>
Sent: Thursday, November 17, 2022 8:11 AM
To: Lambert, Michael (LIB) <michael.lambert@sfpl.org>
Subject: FW: Your policy still says that service dogs have to be leashed

-----Original Message-----
From: Jordan Vyonder <[redacted] >
Sent: Wednesday, November 16, 2022 8:57 PM
To: City Librarian, City Librarian (LIB) <citylibrarian@sfpl.org>
Subject: Your policy still says that service dogs have to be leashed

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

What is with this?

https://url.avanan.click/v2/___https://sfpl.org/services/accessibility-services/information-people-service-and-support-animals___.YXAzOnNmZHQyOmE6bzplNDRhMWU3NjEzZDZmZmVhMWJmMDdiNWVkNWFlMmE3Mjo2Ojk0MWQ6ODQ5NWUzYTliMGJmYjA3MTg2ZmY0M2NiZWY4ZTM1Mzc4ZWQ1NDY0YTljYzEzZTdkMmY0MWU0MGFmODY1ZDZjMDpwOlQ

From: [redacted]
To: Kaplan, Deborah (ADM)
Subject: Re: Service Animal Denied Access to Public Building
Date: Monday, November 14, 2022 10:47:28 AM
Attachments: PastedGraphic-8.png

I concur. I will surely follow up. Thank you so much for sharing.

[redacted]
San Francisco Unified School District

3045 Santiago Street
San Francisco, CA 94116
(415) 759-2222

SAN FRANCISCO UNIFIED SCHOOL DISTRICT
SPECIAL EDUCATION
SERVICES

Wholly committed in the relentless pursuit of whatever works in the life of a child.

Confidentiality Notice: This e-mail message is for the sole use of the designated SFUSD recipient(s) with a legitimate educational interest and may contain legally confidential information protected by the Family Education Rights Privacy Act (FERPA) 20 USC 1232g Any unauthorized review, use, distribution or disclosure is strictly prohibited If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

On Nov 14, 2022, at 10:36 AM, Kaplan, Deborah (ADM) <deborah.kaplan@sfgov.org> wrote:

Hi [redacted],

This is a complaint MOD just received. Since the City has no jurisdiction over SFUSD property and employees, we're going to forward this to the SFUSD ADA Coordinator. I thought you might also want to be aware of it, as this person's account of the incident is disturbing. It sounds as though some basic ADA training might be in order, and it might be helpful for you to weigh in.

Hope you're doing well.

Best,

Debby

From: MOD, (ADM) <mod@sfgov.org>

Sent: Monday, November 14, 2022 10:15 AM
To: Kaplan, Deborah (ADM) <deborah.kaplan@sfgov.org>
Subject: Fw: Service Animal Denied Access to Public Building

From: [redacted]
Sent: Sunday, November 13, 2022 1:21 PM
To: MOD, (ADM) <mod@sfgov.org>
Subject: Service Animal Denied Access to Public Building

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

Hello,

I have a have a service animal (dog) who's task is to monitor and alert for swings in my blood pressure. I had an active pheocromocytoma that drastically impacted my endocrine system and resulted in the loss of an adrenal gland, all of which drove severe subsequent swings to my blood pressure. At times, my blood pressure gets so low that I faint, or so high that I have a panic attack. Since my doctor advised me two years ago that training my dog as a service animal for this condition would be beneficial (medically advised), I have done extensive training with my animal, and he has alerted me in time to prevent fainting and panic attacks on several occasions. My service animal's presence is most critically necessary when I'm alone (vs. when I have people around to help if I lose consciousness, for example) and for overall long term monitoring for recurrence of the pheocromocytoma. That said, I am currently going through an egg-freezing fertility cycle (and the related hormone injections) that is impacting my endocrine system, so I am bringing my animal with me as much as possible so that I can prevent myself from hazard.

I am providing all of this information to emphasize how important it is for my service animal to be by my side and performing his task in general, and especially at this time.

Today, I was watching my partner and our friends play a soccer game at the field in Galileo Highschool (a public school). The soccer league plays weekly on this field, and spectators are common — I myself have watched the game several times. I don't typically bring my animal, as people are around at all times, and as my partner is there and aware of my condition. However, today I brought my animal given the heightened need to have him near me. My animal was within 4 feet of me at all times, he did not bother any players or spectators, and he did not go to the bathroom on the field at any point.

At half time, in front of two team's worth of players and surrounding spectators, I was approached by the Athletic Director of Galileo Highschool and told to leave. My response was "he is a service animal currently performing his task, and while not legally required, I can happily show you written proof of his designation."

The Athletic Director's response was unaccomodating and included:

"I would hate to ban the entire league from playing because of this incident"

"My wife has a dog and I don't allow her to bring the dog here"

"Only service animals to guide the blind are allowed"

"Spectators aren't allowed here anyway, we can enforce this given the incident"

"If you were a student or a player or blind, your dog could be allowed"

I tried to explain the regulation, but he kept making threats of negative repercussions for others if I didn't leave. So I left, while at least 20 people watched the incident, and while other spectators remained. It was deeply upsetting and embarrassing, and clearly not in line with local laws. To make matters worse, I'm now afraid that any adverse impact to the league or to spectators will be "blamed" on me and my service animal — the Athletic Director threatened this several times.

I was told afterwards that the other dogs on the field were not told to leave (there was a golden retriever on the other side of the field, and another dog that entered after I left).

I do not care to pursue legal action at this time (though I may consider it upon further reflection and discussion with my attorney), but I would appreciate it if the Athletic Director of Galileo Highschool could be educated on why his response conflicts with local legal requirements, and on why his handling of the situation was inappropriate and cruel.

Please let me know next steps taken.

Thank you,
[redacted]

Sent from my iPhone

From: MOD, (ADM)
To: [redacted]; MOD, (ADM)
Subject: RE: Service Dog in Training, SF
Date: Thursday, November 10, 2022 11:42:00 AM

Hello [redacted],

California law provides that people with disabilities and people who are licensed to train service dogs may bring them into business premises and public facilities while they are being trained. They are responsible for any damage caused by the dogs, and "shall ensure the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk, animal control department, or other agency… "

I'm not sure that San Francisco Animal Care and Control issues tags for service animals in training. You should ask them if they do. If they don't, you might want to request documentation from the person who is training the dog.

Sincerely,

Deborah Kaplan
Deputy Director for Programmatic Access
Mayor's Office on Disability
City and County of San Francisco
415-554-6750

From: [redacted]
Sent: Thursday, November 10, 2022 8:18 AM
To: MOD, (ADM) <mod@sfgov.org>
Subject: RE: Service Dog in Training, SF
Importance: High

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

Hello,

I wanted to follow up with below? Please advise.

Thank you,

[redacted]
[redacted]
Academy *of* Art University
79 New Montgomery Street **|** San Francisco CA 94105
p: 415.618.8028 |
Website: www.academyart.edu

From: [redacted]
Sent: Wednesday, November 2, 2022 1:37 PM
To: mod@sfgov.org
Subject: Service Dog in Training, SF
Importance: High

Hello,

I hope this email finds you well. I wanted to inquire more information about "service dogs in training" in SF. Are tags required for a dog that indicates they are a "service animal in training"? For example, an employee is bringing a service dog in training onsite in the workplace, are tags/certification needed? (as this is different than and service dog or emotional support dog).

Any information on this would be greatly appreciated.

Thank you,

[redacted]
[redacted]
Academy *of* Art University
79 New Montgomery Street **|** San Francisco CA 94105
p: 415.618.8028 |
Website: www.academyart.edun

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DAVID CHIU
City Attorney

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

December 15, 2022

Sent via Email to Personal Info

Re: Petition to Supervisor of Records

Dear Mr. Vyonder:

This letter responds to your petition sent via email to the Supervisor of Records on November 30, 2022, regarding the Mayor's Office of Disability's ("MOD") November 30, 2022 response to your request for "Any emails regarding service dog policy to and from this office and interoffice between November 1 and November 24th." In your email to the Supervisor of Records, you state: "(This is all they provided me). I know for a fact that it is not responsive and can provide it." You also stated that you believe MOD's response is "unresponsive because [you] had several Email correspondence with them during this time frame regarding that topic (and only one was included)." You attached three documents MOD produced to you on November 30.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine "whether the record requested, or any part of the record requested, is public." Admin. Code Section 67.21(d). That is the extent of our jurisdiction. Your petition raises issues concerning a City department's alleged failure to conduct an adequate search in response to a public records request. The concerns outlined in your petition are therefore outside the jurisdiction of the Supervisor of Records under Section 67.21(d).

Nevertheless, we have conferred with MOD concerning your request and have learned that, on November 30, MOD did not reproduce correspondence to you that it believed you already had in your possession. In response to further correspondence from you and a second request for production, MOD produced additional documents to you on December 14, 2022. For these reasons, we consider your petition closed.

Very truly yours,

DAVID CHIU
City Attorney

Kate Kimberlin

Kate G. Kimberlin
Deputy City Attorney

PETITIONS SUBMITTED BY ANONYMOUS PETITIONER

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DENNIS J. HERRERA
City Attorney

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

March 10, 2021

Sent via email (arecordsrequestor@protonmail.com)

Re: Further Invocation of the Rule of Reason

To Whom It May Concern:

We write concerning your petitions to the Supervisor of Records. You have filed approximately 135 petitions with the Supervisor of Records since May 2019. In the past three months alone you have filed 64 petitions. This is an unprecedented quantity of petitions from any single person and far outpaces the number of petitions we typically receive from all sources combined on an annual basis. Indeed, in the ten-year period between October 2008 and December 2018, we received a total of 161 petitions for an average of 16 petitions per year. At your current rate of submission, you will have submitted more petitions in two years than we received from all sources over a ten-year period.

The burden you have placed on this office is unreasonable, and undermines the City Attorney's ability to devote time and resources to its other duties under the Charter, Municipal Codes, and State law. Responding to each petition typically involves communications with departments, review of records and redactions, and legal analysis, and it requires attorneys in our office to defer their other obligations providing advice and representation to City departments. While approximately 70 of your petitions are resolved, there are still many outstanding. Addressing your outstanding petitions in a timely manner will be so burdensome and time consuming that it will unreasonably impinge on our other duties.

On September 16, 2019, we wrote to you to invoke the rule of reason due to the complexity and volume of your petitions, and we informed you our goal was to address your petitions within 30 days. In light of your excessive submission of petitions over the past year and a half and the burden it has imposed, we now further specify how we will handle your petitions going forward. We have already responded to 25 of your petitions since January 1, and we plan to review and respond to six more of your petitions this year. Beginning in 2022, we will respond to six of your petitions per calendar year, which will allow our office capacity to dedicate time to petitions submitted by other petitioners while also carrying out our many other duties for the people of the City and County of San Francisco. You may provide us a list identifying your preferred prioritization of outstanding petitions. If you prefer to withdraw any of your petitions, please let us know that as well. Thank you.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Wednesday, October 19, 2022 6:55 PM
To: Ruski Augusto Sa, Mayara (PUC); Herrera, Dennis (PUC); Supervisor Records (CAT)
Subject: Re: File SOTF complaint - RE: Refer Herrera & Kelly to Attorney General for defying SOTF order 20084 Anonymous v Kelly and PUC - Re: SOTF - Revised action of item 9, File No. 20084: and immediate disclosure request
Attachments: signature.asc

Supervisor of Records Chiu: This is a petition for written determination that the original PDF described below and/or its filename is public, at least in part, and an order for disclosure. Failure to respond to my petition in 10 days and/or failure to order disclosure will result in a complaint for violation of 67.21(d) against Chiu.

See explanation below.

Regards,

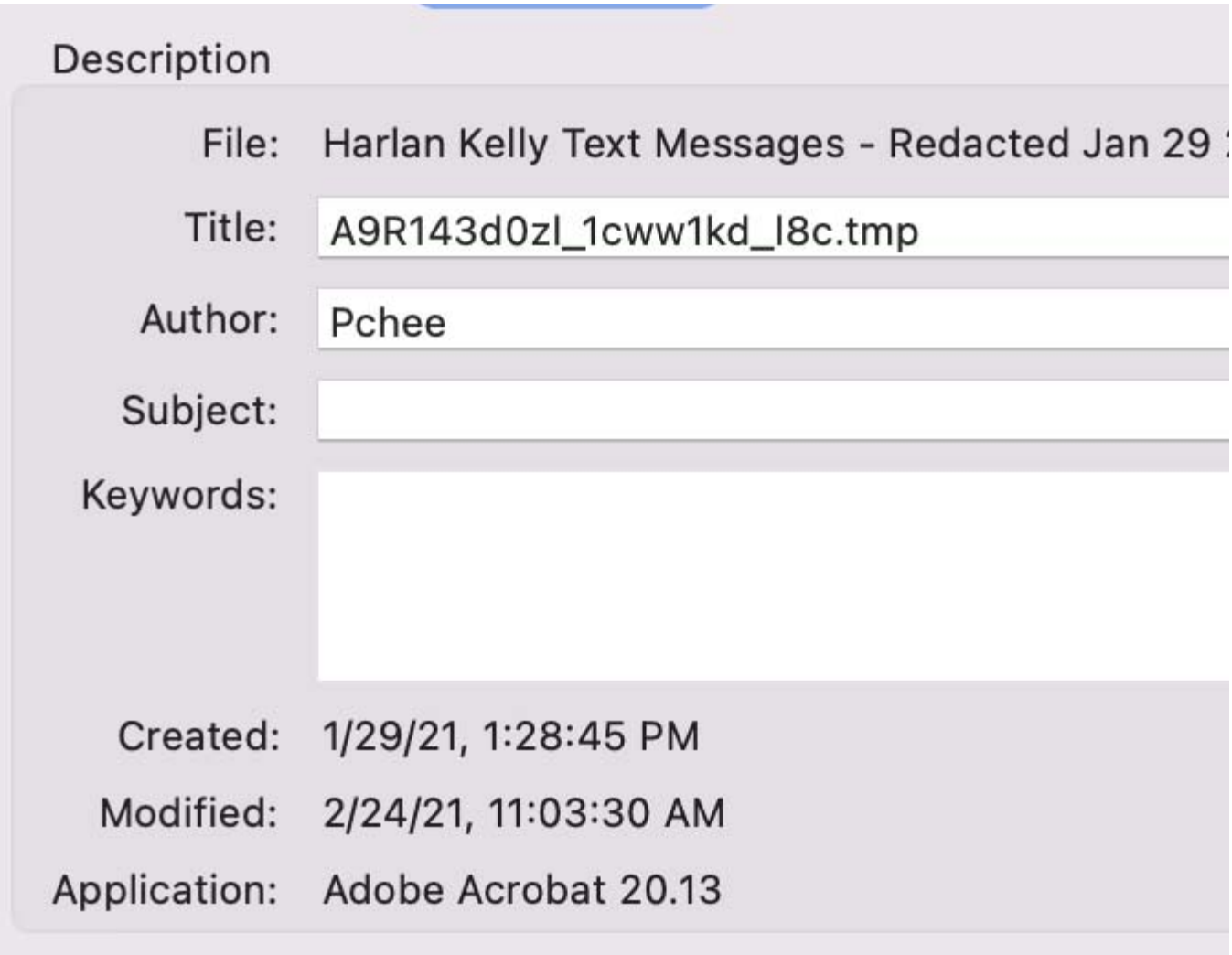
Anonymoose

twitter.com/journo_anon
2022 Society of Professional Journalists James Madison Freedom of Information Award Winner, Northern California

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 Wednesday, October 19th, 2022 at 6:50 PM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> **SOTF**: Please file a complaint for violations of Admin Code 67.26 and 67.34, Anonymous vs. GM Dennis Herrera and SFPUC, re the request on October 15 below.
>
> **Herrera and PUC:**
> In response to this request you produced a certain version of PDF of the text message archive but I know for certain that that is not the original PDF from Kelly with only minimal redactions.
> Instead, in addition to redaction you have stripped out the PDF's metadata and/or created new metadata, presumably by printing and scanning the document. Since this file was created in January 2021 it cannot possibly be the archive created by Kelly. It is also authored by someone named "Pchee."



Somewhere is the original text archive on PUC's computer system. That original unredacted PDF - which I know PUC possess - will possess metadata showing what tool created it, how, and when. I know you have at least access to the unredacted PDFs. You have unlawfully non-minimally withheld or altered the metadata of this file, in violation of Admin Code 67.26. Admin Code 67.26 allows you to mask (redact) the minimal exempt information. It does not allow any other alteration to a public record.

I also need the original filename, as I specifically requested. The file name is a "writing" and public record like anything else.

I will get to the bottom of these Kelly-Wong records one way or the other.

Regards,

Anonymoose

twitter.com/journo_anon
2022 Society of Professional Journalists James Madison Freedom of Information Award Winner, Northern California

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 Wednesday, October 19th, 2022 at 4:54 PM, Ruski Augusto Sa, Mayara

<MRuskiAugustoSa@sfwater.org> wrote:

Dear Requester,

We conducted additional searches and we have no records responsive to your request. We now consider your request closed.

Thanks,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Ruski Augusto Sa, Mayara
Sent: Tuesday, October 18, 2022 7:37 PM
To: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Subject: RE: Refer Herrera & Kelly to Attorney General for defying SOTF order 20084 Anonymous v Kelly and PUC - Re: SOTF - Revised action of item 9, File No. 20084: and immediate disclosure request

Dear Requester,

We write in response to your October 17, 2022 request for ". . . all records, in whole or in part, of archives, databases, or backups of Harlan Kelly Jr's mobile phones or text messages on them . . . and . . . the full names of such files, in whole or in part, in the constructive possession of PUC." The SFPUC has conducted a diligent search and the

records responsive to your June 11, 2020 request have been provided to you and are available at this link. Please note that Mr. Harlan Kelly Jr. did not have an SFPUC-issued mobile phone and SFPUC does not have actual or constructive possession of other records that may or may or may not be on this personal device. Additionally, SFPUC reviewed his network drive and it does not contain "archives, databases, or backups of Harlan Kelly Jr's mobile phones or text messages." We are conducting additional searches. Please give us a few more days to continue our search.

Thanks,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, October 15, 2022 9:11 AM
To: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>; SOTF, (BOS) <sotf@sfgov.org>; Herrera, Dennis J <DJHerrera@sfwater.org>; Feitelberg, Brittany K <BFeitelberg@sfwater.org>; Pelham, Leeann (ETH) <leeann.pelham@sfgov.org>; Ethics Commission, (ETH) <ethics.commission@sfgov.org>; City Attorney's Office (City Attorney, SF) <cityattorney@sfcityatty.org>; Commission <commission@sfwater.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Matt Yankee <Personal Info>
Subject: Refer Herrera & Kelly to Attorney General for defying SOTF order 20084 Anonymous v Kelly and PUC - Re: SOTF - Revised action of item 9, File No. 20084: and immediate disclosure request

Dear SOTF,

as a public communication, also to SFPUC commissioners

Please schedule this complaint and order in *20084 Anonymous v. Harlan Kelly and SFPUC* for a compliance review. The response of the PUC does not comply with the broad scope of the Order made by SOTF.

The mover Member Schmidt very carefully stated that *any and all* attachments (in PUC's possession, responsive to my request) must be provided. It is on the tape and in the written communication from the Administrator. **Please schedule the hearing(s) and refer Dennis Herrera (current PUC dept head and ultimately responsible for their current production), Harlan Kelly Jr., and SFPUC to enforcement authorities. Given that the request and records concern local corruption and that the Ethics Commission remains incapable or unwilling to confront City officials for violating the Sunshine Ordinance, in this case, a notification to the Attorney General under Admin Code 67.21(e) is <u>required</u> by law of SOTF ("If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force <u>shall</u> <u>notify</u> the district attorney or <u>the attorney general</u> who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance.").** Unlike the Ethics Commission, there is less reason to believe the Attorney General will simply bury your referral. And having the AG be aware of what happened in this request is important.

1. PUC states: *"In response to this last part of the Order, the SFPUC produced to the Complainant all **<u>non-exempt</u>** attachments – these records are available at this link. However, regarding the text exchange that is the subject of this Complaint, the SFPUC does not possess, and has never possessed, the "attachments," including the images, videos or audio files, mentioned in the text exchange between Mr. Harlan Kelly Jr. and Mr. Walter Wong." (emphasis mine)*

The PUC argues it has provided *all **<u>non-exempt</u** attachments* - i.e. attachments that PUC believes in their own judgement are non-exempt. But the PUC's chance to argue attachments were exempt has already occurred - and they have lost. The SOTF's order is very clear - "any and all" is expansive language almost never heard in SOTF motions, but it is was specifically chosen in the order in my favor. If PUC now refuses to provide any and all attachments to the emails and texts responsive to my request, claiming their own exemption judgement takes priority over SOTF's, PUC is defying SOTF's order.

2. PUC further states: "*The SFPUC has never possessed a copy of this record that makes the images, videos, and audio files attached to text messages exchanged between Mr.Kelly and Mr. Wong accessible, and SFPUC has no means of now gaining possession of these records to review or produce them.*"

This is also false. As the City Attorney's office has stated to SOTF in response to the SOTF's recent orders in my favor regarding the former Redistricting Task Force members, former public officials remain obligated to comply with sunshine requests remaining outstanding at the time of their leaving public office. As you know, I filed the request and the complaint long before Kelly resigned. Therefore, PUC can

simply go to Kelly and demand the records from him, and then provide those to me - in order to complete my request. Why hasn't PUC reached out to Kelly demanding the records?

Furthermore - this is an **Immediate Disclosure Request to Dennis Herrera (current dept head of PUC) and the PUC for (1) all records, in whole or in part, of archives, databases, or backups of Harlan Kelly Jr's mobile phones or text messages on them - and (2) the full names of such files, in whole or in part, in the constructive possession of PUC.** Be certain to check iTunes and anywhere else on Kelly's former workstations or network drives. Such archives would contain the attachments at issue in the Order. You must minimally withhold. Further complaints will be filed at 12:01am Oct 19 if Herrera does not comply.

3. PUC finally cites a supervisor of records petition response denying my petition in their response. But this response to your order is not a chance for PUC to get another shot at arguing their case. They lost.

Most importantly, this means Herrera is citing *himself* (he was the Supervisor of Records at the time, and the SoR letter is signed under his name) to defy your order. His own arguments about why he is correct have no relevance.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Oct 14, 2022, 5:10 PM, Ruski Augusto Sa, Mayara < MRuskiAugustoSa@sfwater.org> wrote:

> Dear Ms. Leger and Complainant,
>
> Please find attached SFPUC's response and supporting document.
>
> Thanks,

Mayara Ruski Augusto Sa

SFPUC Public Records Senior Analyst, External Affairs

Personal Info

Pronouns: she, her, hers

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, October 6, 2022 2:58 PM
To: Anonymous <arecordsrequestor@protonmail.com>
Cc: Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Subject: SOTF - Revised action of item 9, File No. 20084

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

Dear Parties: Below is a revised version of the action taken at the Sunshine Task Force hearing of October 5, 2022.

Item 9, File No. 20084: Moved by Member Schmidt, seconded by Member Stein, to find that Harlen Kelly and the Public Utilities Commission violated Administrative Code, Sunshine Ordinance, Section(s) 67.21(b) by failing to respond to the records request in a timely and/or complete manner; 67.26 by failing to keep withholding to a minimum; 67.27 by failing to provide a specific justification for withholdings and California Public Records Act (CPRA), Section(s) 6253(b), by failing to provide responsive records in a timely and complete manner, 6253(d)(3) by failing to identify the name and title of all persons responsible for denying access to the records. In addition, the SOTF orders the Public Unities Commission to produce any and all attachments to the emails and text records that were sought in the Petitioner's (Anonymous') request.

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

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.

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.*

Buta, Odaya (CAT)

From: Personal Info on behalf of SF Sunshine <sf.sunshine.requests@gmail.com>
Sent: Sunday, November 13, 2022 9:21 PM
To: SOTF, (BOS)
Cc: Calvillo, Angela (BOS); Young, Victor (BOS); Leger, Cheryl (BOS); Supervisor Records (CAT)
Subject: Re: New Complaint and 67.21(d) petition against Animal Care and Control and Virginia Donohue

Dear Ms. Leger,

On October 5th, I sent the the original Records Request to you and requested that you file a new complaint and issue me a file number.

You failed to do this.

On October 7th, you asked me for the case number to this complaint. But you had failed to provide me with a case number.

I wrote back on October 7th, and again on October 17th, reiterating my original request for the complaint to be filed and for a case number to be assigned.

On October 18th, Assistant Clerk Victor Young responded, confirming that the complaint had been filed and a case number had been issued.

Yet, on November 1st, you again requested the case number for a pre-existing complaint, which I know nothing about.

This is the only complaint I have filed. I am discouraged to find the process so Kafkaesqe.

Please respond and confirm that this complaint has been filed, and also confirm the file number, which Mr. Young designated as 22113.

I asked for this complaint to be filed over a month ago.

Sincerely,

Anonymous

On Tue, Nov 1, 2022 at 2:30 PM SOTF, (BOS) <sotf@sfgov.org> wrote:

> Dear Anonymous: This complaint is familiar and may be related to a previous complaint you submitted. If this is true, can you please tell me the complaint number? Thank you.
>
> 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.

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

-----Original Message-----
From: SF Sunshine <sf.sunshine.requests@gmail.com>
Sent: Thursday, October 6, 2022 8:24 PM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: New Complaint and 67.21(d) petition against Animal Care and Control and Virginia Donohue

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

Dear SOTF:

I wish to add another allegation to my complaint:
SFAC 67.26-27 Improper justification of withholding.

Sincerely,
Anonymous

On Wed, Oct 5, 2022 at 8:00 AM SF Sunshine <sf.sunshine.requests@gmail.com> wrote:
>
> Dear Supervisor of Records: Please determine in writing that these
> records are public and order them disclosed.
>
> Dear SOTF:
>
> Please file a new complaint, provide me a file number, and serve
> notice on the Respondents.
>
> Complainant: Anonymous
> Respondents: Animal Care and Control and Virginia Donohue
>
> Allegations:
>

> SF Admin Code 67.21 unreasonable delay SF Admin Code 67.25 failure to
> provide immediate response SF Admin Code 67.29-5 failure to provide
> the calendar of a Department Head
>
> I made my Immediate Disclosure Records Request on September 25th. I
> have not received all the requested records according to the
> requirements of the Sunshine Ordinance as of the filing of this
> complaint.
>
> Specifically, the Respondent has not provided ACC Director Donohue's
> calendar from July 1-September 25th, 2022 (inclusive).
>
> Below, you will find my original request and all communications with
> the Respondents.
>
> Sincerely,
>
> Anonymous
>
> ---------- Forwarded message ---------
> From: SFACCRecordsRequest (ADM) <SFACCRecordsRequest@sfgov.org>
> Date: Tue, Sep 27, 2022 at 5:06 PM
> Subject: RE: Immediate Disclosure Records Request
> To: sf.sunshine.requests@gmail.com <sf.sunshine.requests@gmail.com>
>
>
> Hello,
>
> Please see attached documents responsive to your immediate disclosure
> request, dated 9/25/22, received on 9/26/22. The request asks for “an
> electronic copy, in the original electronic format, with all calendar
> item headers, email addresses, metadata, timestamps, attachments,
> appendices, exhibits, and inline images, except those explicitly
> exempted by the Ordinance, of ACC Director Donohue's calendar, with
> all items, from May 20th to September 25th, 2022, inclusive (SFAC
> 67.29-5 (a-d)).”
>
> Government Code Section 6254 (k) and Evidence Code 1040 permit the
> redaction of official information privilege. This applies to the
> following records:
>
> V. Donohue_Prop G calendar_060122-063022_Redacted (pages 8, 10-14, 18,
> 21, 24, 27-28, 31-33, 38, 41, 50, 54, 57, 59, 63, 72-73, 76-81, 83)
>
> The records listed below have been redacted on the basis of personal
> privacy (Cal. Govt. Code Secs. 6254(c), 6254(k); California
> Constitution, Art. I, Sec. I).
>
> V. Donohue_Prop G calendar_060122-063022_Redacted (pages 78, 82)
>
> Also attached are metadata files which have the reasons for redaction
> cited inline.

> We are invoking an extension based on the need to consult with another
> department (San Francisco Administrative Code Section 67.25(b) and Cal
> Govt Code § 6253(c)) and will provide you the remaining records by
> Friday, 9/30/22.
>
> San Francisco Animal Care and Control
>
> 1419 Bryant Street | San Francisco CA 94103
>
> Main: (415) 554-6364 | Emergencies: (415) 554-9400
>
> Connect with SF ACC
>
> From: SF Sunshine <sf.sunshine.requests@gmail.com>
> Sent: Sunday, September 25, 2022 9:46 AM
> To: ACC (ADM) <acc@sfgov.org>; Donohue, Virginia (ADM)
> <virginia.donohue@sfgov.org>; Alberto, Justine Eileen (ADM)
> <justine.alberto@sfgov.org>
> Subject: Immediate Disclosure Records Request
>
> This message is from outside the City email system. Do not open links
> or attachments from untrusted sources.
>

> Below is an Immediate Disclosure Request (SF Admin Code 67.25(a))
> directed to your agency and its department head. Your response is
> required by September 27th, 2022. Rolling responses are requested
> (SFAC 67.25(d)) if you are unable to immediately produce records. You
> must provide exact copies of every responsive record. Do not: print
> and scan electronic records, provide only the final message in a
> thread instead of the entire thread, convert native files to PDFs,
> combine or merge multiple records together, or provide black and white
> versions of any color record. Provide only copies of records not
> requiring fees and in-person inspection of all other records (GC
> 6253).
>
>
>
> Your non-exhaustive obligations:
>
> · All withholding of any information must be justified in
> writing (SFAC 67.27).
>
> · All withholdings by masking or deletion (aka redactions)
> must be keyed by footnote or other clear reference to the specific
> justification for that redaction, and only the minimal exempt portion
> of any record may be withheld (SFAC 67.26).
>
> · You must respond to emailed requests (SFAC 67.21(b)).
>
> · You must notify us of whether or not responsive records
> exist and/or were withheld for each request below (Gov Code 6253(c),
> 6255(b)).
>
> · You must state the name and title of each person responsible
> for withholding any information (Gov Code 6253(d)).
>
> · Do not impose any end-user restrictions upon me (Santa Clara
> Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a website to
> publish records, please make them completely public without any login,
> sign-in, or agreement to any type of terms of use or acceptable use
> policies.
>
> ·
>
> Your agency must 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 each and 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.
>

>
>
> Please immediately disclose: an electronic copy, in the original
> electronic format, with all calendar item headers, email addresses,
> metadata, timestamps, attachments, appendices, exhibits, and inline
> images, except those explicitly exempted by the Ordinance, of ACC
> Director Donohue's calendar, with all items, from May 20th to
> September 25th, 2022, inclusive (SFAC 67.29-5 (a-d)).
>
>
>
> PRESERVE AND DO NOT DESTROY ANY ORIGINALS OF RESPONSIVE RECORDS UNTIL
> THE FINAL ADJUDICATION OF ANY APPEALS - we will appeal all
> withholdings or Sunshine violations.
>
>
>
> Thank you for your anticipated cooperation in this matter.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🐂🔍 <arecordsrequestor@protonmail.com>
Sent: Wednesday, August 10, 2022 11:12 PM
To: MayorSunshineRequests, MYR (MYR); Supervisor Records (CAT)
Subject: 67.21(d) petition - Fw: RE: Sensitive meetings - immediate disclosure request
Attachments: signature.asc

Dear Supervisor of Records Chiu,

Please determine that some or all of the following withheld information is a public part of the records responsive to this request and order it disclosed:

- all the categories of the meetings, currently withheld under GC 6254.19/6253.9(f) as an information security record. That is nonsense. The Mayor previously attempted to label certain meetings with Matt Dorsey regarding his then-future appointment to Supervisor as a "Sensitive" category which is how I discovered this scheme; so I know what one of those category labels is, and that it cannot be an information security record. The political sensitivity of a meeting has no relevance to disclosure under CPRA/Sunshine.

- all redactions marked as personnel file redactions. A meeting entry between the Mayor and a random person is not a personnel file as defined in GC 6254(c). Moreover, the Mayor's citation to "the integrity of the City's hiring practices" gives this fact away - note that that argument is not backed by any specific citation to a CPRA exemption as required by Admin Code 67.27, and is not a protection of personal privacy. It is attempting to prevent the public from knowing who Mayor Breed is considering for a political post - which is not protected by any law. I discovered the Dorsey appointment meeting in a similar way - which Prop G required her to disclose within 3 days of the meeting, regardless of political sensitivity - and now she is attempting to shield discovery of her political maneuverings through a bogus citation to the personnel file exemption.

Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Wednesday, August 10th, 2022 at 12:52 AM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

Anonymous,

Please see the additional records responsive to your request below. The bases for the redactions are explained below and indicated on the face of the records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Heckel, Hank (MYR) <>
Sent: Wednesday, August 10, 2022 12:15 AM
To: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: Sensitive meetings - immediate disclosure request

Anonymous,

Please see the attached records responsive to your request below, in an ICS metadata format. Please note that certain information has been redacted because the disclosure may pose a cyber-security risk to the City's computer systems and networks. See Cal. Gov. Code 6254.19; 6253.9(f). We used the metadata redaction tool developed by the Department of Technology to apply these redactions.

Please note that meetings relating to personnel decisions have been redacted to protect the personal privacy of applicants and the integrity of the City's hiring practices. See Cal. Gov. Code § 6254(c), S.F. Admin. Code § 67.24(c), California Constitution, Art. I, Sec. 1. Further, personal contact information has been redacted to protect personal privacy.

See Cal. Govt. Code Secs. 6254(c); California Constitution, Art. I, Sec. 1. The bases for the various redactions are indicated on the face of the records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Wednesday, June 15, 2022 10:51 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Personal Info; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Power, Andres (MYR) <andres.power@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>
Subject: Sensitive meetings - immediate disclosure request

Produce all meetings labeled with a category that contains the word "Sensitive" in the category title on the prop g and all other calendars of the Mayor and all individuals receiving this email for the past 6 months and the next 6 months. See attached example.

Complaints will be filed if you do not produce records timely and on a rolling basis.

Separately, also produce the ICS metadata of all such meetings. Do not wait on the metadata to produce pdf copies.

Regards,

Anonymoose

twitter.com/journo_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

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@proton.me>
Sent: Saturday, July 2, 2022 7:21 AM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition
Attachments: Final Behested Payments Legislation.pdf; Memo re New-Behested-Payment-Legislation.pdf; Copy of email_003.pdf; Copy of 001_Email.pdf; Copy of HEIDI_COMM_1.png; Copy of 001_Mail - Caminong, Dori (CHF) - Outlook.pdf; Copy of 002_email.pdf; Copy of 002_Mail - Caminong, Dori (CHF) - Outlook.pdf; Copy of DCYF meeting 5 20 22 (cancel notice).docx; Copy of RE_ Behested Payment Meeting.pdf; Copy of Heidi_COMM.png; Copy of RE_ Behested Payments.pdf; Copy of Behested Payments.pdf; email.pdf

Dear Supervisor of Records Chiu,

This is a new petition under 67.21(d) for a written determination that records are public pursuant to my May 24, 2022 requests to the Mayor's Office and an order for their disclosure.
While DCYF produced to me the attached records, the Mayor did not.

Regards,

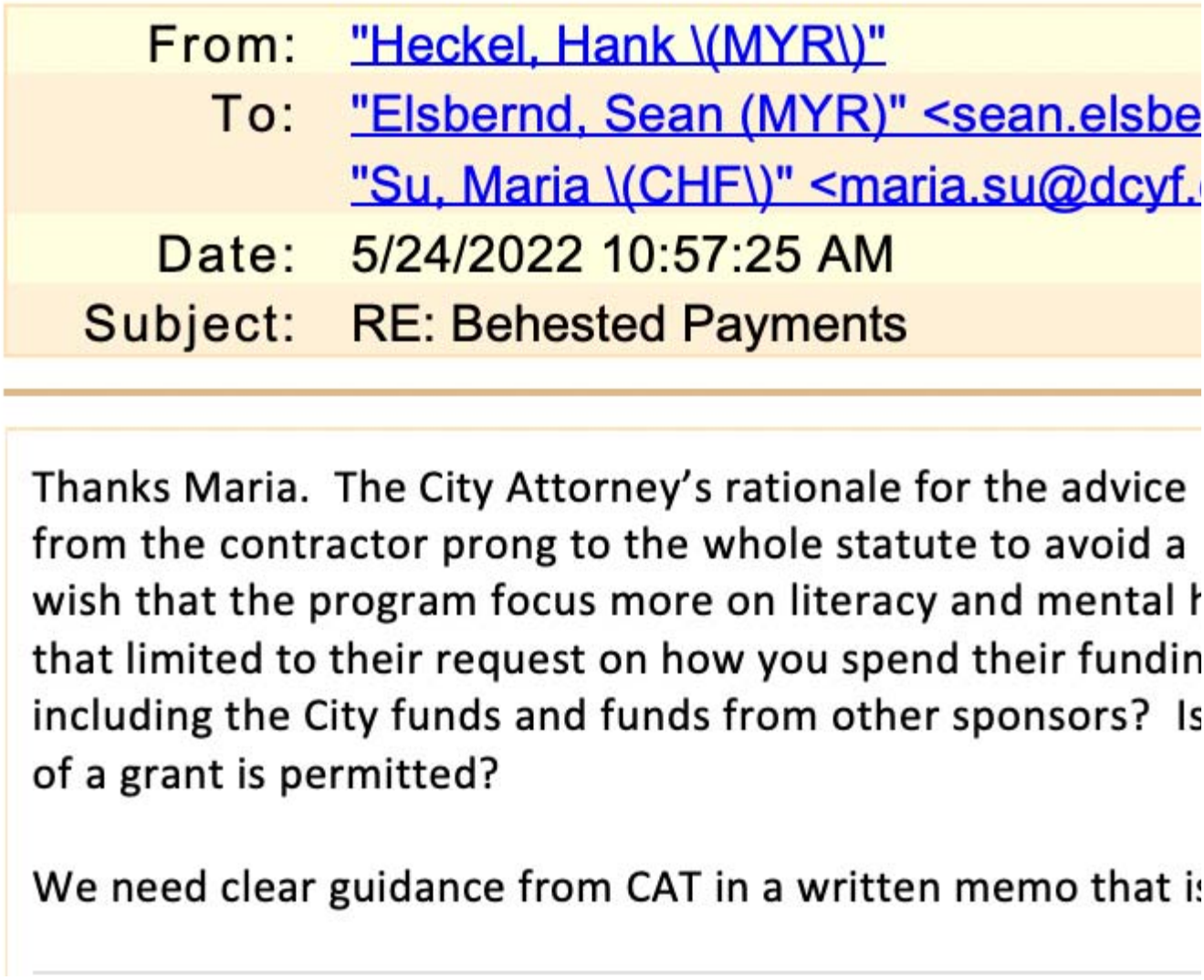
Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Friday, July 1st, 2022 at 8:49 PM, Anonymoose (@journo_anon) <arecordsrequestor@proton.me> wrote:

> Dear SOTF,
>
> The Mayor's Office is holding out on this request.
>
> 1. Inline below is a screenshot of a record I have obtained. Did everyone in the Mayor's Office delete this email between 10:57am and receiving my request at 3:51pm? Heckel is not an attorney for DCYF. Either the Mayor's Office deleted this email or Breed lied about it being attorney-client privileged in their response to my request.



From:	"Heckel, Hank \(MYR\)"
To:	"Elsbernd, Sean (MYR)" <sean.elsbe
	"Su, Maria \(CHF\)" <maria.su@dcyf.
Date:	5/24/2022 10:57:25 AM
Subject:	RE: Behested Payments

Thanks Maria. The City Attorney's rationale for the advice from the contractor prong to the whole statute to avoid a wish that the program focus more on literacy and mental h that limited to their request on how you spend their fundin including the City funds and funds from other sponsors? Is of a grant is permitted?

We need clear guidance from CAT in a written memo that is

2. Inline below is a screenshot of records I have obtained showing that Heckel himself emailed the rest of the City on May 16 which he did not produce.
One of my two May 24 requests was for "all communications of all forms between DCYF and the Mayor's Office regarding Summer Together and/or the behest payments ordinance 232-21." The other request was for "all communications or documents of any form including meeting plans or notes within the Mayor's Office discussing the above named behest payments ordinance, or the Office's strategy or response with regards to the ordinance."

Heckel sent this to all dept heads, which includes DCYF.

From: Heckel, Hank (MYR

Sent on: Monday, May 16, 20

To: Undisclosed recipien

Subject: Letter from Mayor L

Attachments: Letter from Mayor L (165.11 KB), Final B Behested-Payment-L

Dear Department Heads and Chief F

Please see the attached letter from M

Regards,

Hank Heckel
Legal Compliance Officer
Office of the Mayor

Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Friday, July 1st, 2022 at 7:54 PM, Anonymoose (@journo_anon) <arecordsrequestor@proton.me> wrote:

> Actually that applies to all of it. If you have word files I want the word files. Let's see what these dept heads are up to.
>
> Regards,
>
> Anonymoose
>
> twitter.com/journo_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.
>
> ------- Original Message -------
> On Friday, July 1st, 2022 at 7:52 PM, Anonymoose (@journo_anon) <arecordsrequestor@proton.me> wrote:
>
> > Also, if Mayor's Office has the xlsx for the spreadsheet you gave me, you need to turn it over. you can't convert to PDF and destroy the rest of the file unless you cite an exemption for each and every piece of info lost.
> >
> > Regards,
> >
> > Anonymoose
> >
> > twitter.com/journo_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.
> >
> > ------- Original Message -------
> > On Tuesday, June 28th, 2022 at 8:21 PM, Anonymoose (@journo_anon) <arecordsrequestor@proton.me> wrote:
> >
> > > liar liar Hank. not turning over records until I find them elsewhere eh?

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Jun 28, 2022, 8:15 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> Please see the production of additional records responsive to your request below, including the May 16 letter from Mayor Breed. Any additional responsive records will be provided on a rolling basis.
>
> Regards,
>
> Hank Heckel
> Legal Compliance Officer
> Office of the Mayor
> City and County of San Francisco

From: Anonymoose (@journo_anon) 🐪🔍 <arecordsrequestor@proton.me>
Sent: Saturday, June 18, 2022 7:13 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; MDBarba (PRESS, SF Standard) <michael@sfstandard.com>
Subject: RE: Summer Together and behest payments - immediate disclosure request

SOTF: (supervisor of records Chiu this is also a 67.21d petition for a written determination and order for disclosure)

Please file a complaint Anonymous v. Mayor Breed and the Office of the Mayor for 67.21 incomplete and untimely response, 67.26 and 67.27 unjustified and non minimum withholding.

On May 24, I made the below two requests to the Mayors Office. Records were produced June 17. They exclude what is referenced by Mayor Breed in a letter she sent June 2 to the Ethics Commission published on June 17 in the SF Standard: https://sfstandard.com/wp-content/uploads/2022/06/Letter-from-Mayor-Breed-to-City-Attorney-Chiu-and-Ethics-Commission-Director-Pelham-Re-Behested-Payments-Legislation-2.pdf , https://sfstandard.com/politics/how-sfs-anti-corruption-law-is-causing-fundraising-headaches-in-all-the-wrong-places-and-spurring-backlash-from-mayor-breed/

"Accordingly, on May 16, 2022, I sent a letter to all Department Heads and Chief Financial Officers directing them to pause all programs that rely on philanthropic support and to seek advice from the City Attorney's Office and the Ethics Commission to ensure compliance with the ordinance. In order to expedite this process, my staff has compiled some of the most significant questions presented by the departments."

This May 16 letter and any communications regarding it were not produced to me, and such direction from the Mayor to her dept heads and replies to her are not confidential communications with an attorney for the purpose of seeking legal advice.

Regards,

Anonymoose

twitter.com/journo_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

On Fri, Jun 17, 2022 at 3:42 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> Please see the attached records responsive to your request below. Please note that certain communications have been redacted pursuant to the attorney/client privilege. See Gov Code § 6254(k); 6276.04; Cal. Evid. Code § 950 et seq**.** Further, certain communications have been withheld entirely pursuant to the attorney/client privilege. See Gov Code § 6254(k); 6276.04; Cal. Evid. Code § 950 et seq.
>
> Regards,
>
> Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@proton.me>
Sent: Tuesday, May 24, 2022 3:51 PM
To: Su, Maria (CHF) <maria.su@dcyf.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.

org>; Chan, Connie (BOS) <connie.chan@sfgov.org>
Cc: BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Summer Together and behest payments - immediate disclosure request

Hank Heckel, Mayor's Office, Maria Su, DCYF,

Produce on a rolling basis all communications of all forms between DCYF and the Mayor's Office regarding Summer Together and/or the behest payments ordinance 232-21. Communications with Heckel are not attorney client privileged as Heckel does not serve as a lawyer for the DCYF. Produce also all calendar entries reflecting such discussions - which Su is required to record under Prop G. Both Prop G and non-Prop G calendar entries must be produced if they exist.

Mayor's Office:

Then, also Produce on a rolling basis all communications or documents of any form including meeting plans or notes within the Mayor's Office

discussing the above named behest payments ordinance, or the Office's strategy or response with regards to the ordinance.

All Supervisors:

Produce on a rolling basis all communications of any form between your office and the Mayor's Office or DCYF about Summer Together or the behest payments ordinance named above.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🦌🔍 <arecordsrequestor@proton.me>
Sent: Saturday, June 18, 2022 7:13 AM
To: Heckel, Hank (MYR); SOTF, (BOS); Supervisor Records (CAT)
Cc: MayorSunshineRequests, MYR (MYR); MDBarba (PRESS, SF Standard)
Subject: RE: Summer Together and behest payments - immediate disclosure request

SOTF: (supervisor of records Chiu this is also a 67.21d petition for a written determination and order for disclosure)

Please file a complaint Anonymous v. Mayor Breed and the Office of the Mayor for 67.21 incomplete and untimely response, 67.26 and 67.27 unjustified and non minimum withholding.

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"Accordingly, on May 16, 2022, I sent a letter to all Department Heads and Chief Financial Officers directing them to pause all programs that rely on philanthropic support and to seek advice from the City Attorney's Office and the Ethics Commission to ensure compliance with the ordinance. In order to expedite this process, my staff has compiled some of the most significant questions presented by the departments."

This May 16 letter and any communications regarding it were not produced to me, and such direction from the Mayor to her dept heads and replies to her are not confidential communications with an attorney for the purpose of seeking legal advice.

Regards,

Anonymoose

twitter.com/journo_anon
a 2022 SPJ NorCal James Madison Freedom of Information Award Winner

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Sent from Proton Mail for iOS

On Fri, Jun 17, 2022 at 3:42 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> Please see the attached records responsive to your request below. Please note that certain communications have been redacted pursuant to the attorney/client privilege. See Gov Code § 6254(k);

6276.04; Cal. Evid. Code § 950 et seq**.** Further, certain communications have been withheld entirely pursuant to the attorney/client privilege. See Gov Code § 6254(k); 6276.04; Cal. Evid. Code § 950 et seq.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@proton.me>
Sent: Tuesday, May 24, 2022 3:51 PM
To: Su, Maria (CHF) <maria.su@dcyf.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>
Cc: BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Summer Together and behest payments - immediate disclosure request

Hank Heckel, Mayor's Office, Maria Su, DCYF,

Produce on a rolling basis all communications of all forms between DCYF and the Mayor's Office regarding Summer Together and/or the behest payments ordinance 232-21. Communications with Heckel are not attorney client privileged as Heckel does not serve as a lawyer for the DCYF. Produce also all calendar entries reflecting such discussions - which Su is required to record under Prop G. Both Prop G and non-Prop G calendar entries must be produced if they exist.

Mayor's Office:

Then, also Produce on a rolling basis all communications or documents of any form including meeting plans or notes within the Mayor's Office discussing the above named behest payments ordinance, or the Office's strategy or response with regards to the ordinance.

All Supervisors:

Produce on a rolling basis all communications of any form between your office and the Mayor's Office or

DCYF about Summer Together or the behest payments ordinance named above.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Wednesday, June 15, 2022 9:39 AM
To: Supervisor Records (CAT)
Subject: Fw: Complaint - Re: MYR<->ETH immediate disclosure request
Attachments: Screenshot_20220615-090751.png

Sup of Records Chiu, Part B below is also a petition under 67.21d to you for a written determination and order to disclose records or parts thereof. Failure to respond in 10 days with a written determination will result in an additional complaint against you.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Jun 15, 2022, 9:37 AM, Anonymoose (@journo_anon) < arecordsrequestor@protonmail.com> wrote:

> SOTF,
>
> Please file a complaint, Anonymous v Mayor London Breed and the Office of the Mayor for Gov Code 6253, SF Admin Code 67.21, 67.25 for untimeliness, 67.26, 67.27 for unjustified and non minimal withholding, 67.34 willful violation.
>
> A. on the timeliness portion, which I allege is willful:
>
> I made this request December 10, 2021. I received records June 14, 2022. The thread is below. The Mayor has specified in an earlier letter that she simply invokes the rule of reason to all of my requests. She cannot show that it would be impossible to conduct the non Sunshine duties of the Mayor's Office but for delaying responses to my requests for 6 months and longer, and has shown no evidence of it.
>
> Instead, the Mayor's invocation of the rule of reason - which she presumably implies, without stating so in a response, to all of my requests without limitations, as she has said in a prior letter - is based on impermissible grounds:
>
> 1. to hide and delay evidence of her potential violations of other laws. In response to this records request, the Mayor provided months late evidence from the Ethics Commission that she violated the law requiring appointing authorities to notify the Ethics Commission of changes in office , one screenshot of which is attached from the provided records.
>
> 2. to retaliate against me for the filing of numerous SOTF complaints against the Mayor, which is specified by her as a reason in her letter and attachments invoking the rule of reason. Note that every single complaint finally resolved by the SOTF filed by me against the Mayor has concluded that the Mayor violated the Sunshine Ordinance. She has not won a single complaint. The Mayor cannot restrict my rights under the Sunshine Ordinance because *she* violated the law and I ensure she must be held accountable each time. Consider if an agency took away a person's rights based on the fact that the person sued the agency numerous times and the courts rules in favor of the person every time - this situation is analogous.

I have proven that Breed violates the Sunshine Ordinance over and over again in a variety of ways. She does not change her behavior to comply. Furthermore, the above reasons are evidence the Mayor acts willfully in hiding her records under the guise of the rule of reason.

B. on the unjustified and non minimum withholding portion:

The response indicates Breed withheld communications with the Ethics Commission that include the Office of the City Attorney as privileged. However, all communications with the OCA are not automatically privileged. Since in this case the Ethics Commission investigates Breed, it would not make sense that Breed and Ethics are jointly requesting confidential legal advice from the OCA, instead Breed and ETH would be adversaries. Communications that merely include an attorney are not automatically privileged.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Jun 14, 2022, 7:19 PM, Heckel, Hank (MYR) < hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> Please see the attached records responsive to your request below. Please note that certain communications that included the Office of the City Attorney have been withheld as privileged. See Gov Code § 6254(k); 6276.04; Cal. Evid. Code § 950 et seq.
>
> Regards,
>
> Hank Heckel
> Legal Compliance Officer
> Office of the Mayor
> City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Friday, December 10, 2021 1:53 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; MayorSunshineRequests, MYR (MYR)

<mayorsunshinerequests@sfgov.org>
Subject: MYR<->ETH immediate disclosure request

Dear Mayor Breed , Hank Heckel, Office of Mayor:

Produce all communications between anyone in the Mayor's office and the Ethics Commission in the last 2 months.
Don't forget the Teams chats where you and Ethics staff chat during the custodians working group.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Monday, April 18, 2022 9:08 PM
To: Reiner, Ditka (REG - Contractor); Supervisor Records (CAT); CityAttorney (CAT)
Cc: Ng, Wilson (BOS); Carroll, John (BOS); ditka@reinerassociates.com
Subject: Re: Sixth request - Re: Preserve and produce records - immediate disclosure request

Supervisor of Records Chiu,

Determine in writing that the records requested are public and order Ditka Reiner to produce them pursuant to Admin Code 67.21(d).

Reiner's claim that no records exist is impossible unless she has deleted essentially all of her public records.

It would even mean she's deleting the communications about my own other pending public records requests *which are responsive to this request,* while the requests are open and pending!

Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Monday, April 18th, 2022 at 8:25 PM, Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org> wrote:

> I have no responsive records.
>
> ---
>
> **From:** Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
> **Sent:** Wednesday, April 13, 2022 3:08 PM
> **To:** Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>; Carroll, John (BOS) <john.carroll@sfgov.org>
> **Cc:** Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>; BOS-Operations <bos-operations@sfgov.org>; ditka@reinerassociates.com <ditka@reinerassociates.com>
> **Subject:** RE: Sixth request - Re: Preserve and produce records - immediate disclosure request
>
> To Whom It May Concern (arecordsrequestor@protonmail.com),

On behalf of the Office of the Clerk of the Board, I am confirming receipt of your request.

On behalf of Clerk John Carroll, our office was not able to identify any records responsive to this request beyond the records already produced to you in response to your last request titled, “Fifth request - Re: Preserve and produce records - immediate disclosure request”.

For the remainder of your request, by copy of this email, our office defers to the Members of the task force for direct response to you.

Sincerely,

—
Wilson L. Ng
Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Web: www.sfbos.org

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

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

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Tuesday, April 12, 2022 7:34 PM
To: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>; BOS-Operations <bos-operations@sfgov.org>; ditka@reinerassociates.com
Subject: Sixth request - Re: Preserve and produce records - immediate disclosure request

Produce all text, email, chat messages, phone history or log entries; or voicemails, or other recording of a meeting (other than public Brown Act meetings); or calendar entries reflecting a meeting:

- between or among RDTF members or Carroll,

- or between an RDTF member and the Mayor or a member of the Mayor's Office or any Supervisor or any staff member of a Supervisor, or any of the following persons:
Dwayne Jones
Chris Gruwell
David Noyola
Maggie Muir
Kanishka Cheng
David Ho
Shakira Simley
Jay Cheng

, For the last 30 days.

Include any group messages that include other parties as well as at least two RDTF members or a member and Carroll. Records must be searched on all devices, accounts, or property. I have been informed that the Vice Chair may conduct public business using the email address ditka@reinerassociates.com , it too is included in this request.

Produce records on a rolling basis.

The term member above is defined for the purpose of this request to include not only the 9 members of RDTF but also the clerk of the RDTF John Carroll. So his messages and messages with him are responsive.

This request is directed to RDTF as a public body, the Clerks Office, and also separately to each member. Each member must produce their own version of these messages. We will cross check to see who has altered or destroyed records.

It is illegal to destroy or fail to preserve any records after you receive a request - see the Good Government Guide, p. 130 ("Even if a document does not meet the definition of “record” for retention purposes, if the department receives a public records request for the document, it may not destroy it or otherwise dispose of it. For example, if a third party submits a document to a department that later receives a records request for it, the department may not return the document to the third party and then tell the requester it does not possess the document. The legal obligation to respond to public records requests and provide responsive records unless there is a legal basis for withholding them precludes the department from destroying or disposing of a document after receiving a public records request for which the document is a responsive record. The same principles apply if a document meets the definition of “record” for retention purposes but due to the passage of time could have been destroyed under the applicable records retention schedule. If the document is in the department’s possession at the time of the public records request, then the legal obligation to respond to the request trumps the discretion the department otherwise would have to destroy the document")

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Apr 12, 2022, 4:55 PM, Anonymoose (@journo_anon) <
arecordsrequestor@protonmail.com> wrote:

Each RDTF member and Carroll:

Produce all text, email, chat messages, phone history or log entries; or voicemails, or other recording of a meeting (other than public Brown Act meetings); or calendar entries reflecting a meeting:

- between or among RDTF members or Carroll,

- or between an RDTF member and the Mayor or a member of the Mayor's Office or any Supervisor or any staff member of a Supervisor, or any of the following persons: Marjan Philhour, Jose Cisneros, Tyra Fennel, Sean Elsbernd, Byron Philhour, Mary Jung, Forrest Liu, Derek Lee, Madison Tam, Kelvin Wu, Selina Sun, Frances Tang, Jessica Ho

, For the last 30 days.

Include any group messages that include other parties as well as at least two RDTF members or a member and Carroll. Records must be searched on all devices, accounts, or property. I have been informed that the Vice Chair may conduct public business using the email address ditka@reinerassociates.com , it too is included in this request.

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Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Monday, April 11th, 2022 at 12:09 AM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> To each RDTF member:
>
> Produce records of all phone calls, voicemails, or phone history/logs with for calls regarding the conduct of public business with a timestamp during the April 9-10, 2022 RDTF meeting including all recesses.
> I will present as evidence of your willful violation of the Sunshine Ordinance if you destroy or refuse to turnover any record I have prior corroboration for.
>
> Note that the CPRA does in fact include phone logs, as they are a form of record keeping just like any other. *San Gabriel Tribune v. Superior Court,* 143 Cal.App.3d 762, 774 (Cal. Ct. App. 1983) ("This definition is intended to cover *every conceivable kind of record* that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed. Only purely personal information unrelated to "the conduct of the public's business" could be considered exempt from this definition, i.e., the shopping list phoned from home, the letter to a public officer from a friend which is totally void of reference to governmental activities.'")
>
> Produce all records on a rolling basis.
>
> This request is separate and distinct from my prior requests - do not delay your response to earlier requests for this one.
> You don't need to produce the same records twice.
>
> You are however required to provide a notice of determination of the existence of responsive records for each of my requests (see Gov

Code 6253(c)) - you need to confirm or deny records for each request on its own.

Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Sunday, April 10th, 2022 at 6:58 AM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> To each RDTF member:
>
> Preserve and produce a copy of every communication about the conduct of public business sent or received during the RDTF meeting that continued this morning INCLUDING during all recesses or walk outs. The requested period starts when the meeting was called to order yesterday and continues to the conclusion of the meeting today.
>
> To the Clerks Office and to DT:
>
> Preserve and produce a complete log of all activity in any electronic or remote meeting software, including chats or reactions , used for the RDTF meeting.
>
> Do not destroy any records or allow them to be auto deleted after receiving this email.
>
> Regards,
>
> Anonymous
> twitter.com/journo_anon
> a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Apr 9, 2022, 7:10 PM, Anonymoose (@journo_anon) < arecordsrequestor@protonmail.com> wrote:

Supervisor of Records David Chiu,

Pursuant to Admin Code 67.21(d), this is a petition to determine in writing that the records requested in the below two IDRs of RDTF Members Townsend, Ho, Reiner, and Castillon are public and order the Members to immediately disclose the records.

Regards,

Anonymoose

twitter.com/journo_anon
a 2022 SPJ NorCal James Madison Freedom of Information Award Winner

------- Original Message -------
On Saturday, April 9th, 2022 at 7:05 PM, Anonymoose (@journo_anon)
<arecordsrequestor@protonmail.com> wrote:

> SOTF,
>
> Please close out the complaint against Chasel Lee, as they have now provided the requested records. The remaining 4 complaints stand.
>
> Regards,
>
> Anonymoose
>
> twitter.com/journo_anon
> *a 2022 SPJ NorCal James Madison Freedom of Information Award Winner*
>
> ------- Original Message -------
> On Saturday, April 9th, 2022 at 5:11 PM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> > wrote:

Cc: @SOTF, (BOS)

—
Wilson L. Ng
Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Web: www.sfbos.org

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

Disclosures: *Personal information that is provided*

in communications to the Clerk of 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 legislatio

n or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Anonymoose (@journo_anon) 🦨🔍 <arecordsrequestor@protonmail.com>
Sent: Saturday, April 9, 2022 5:04 PM
To: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov

.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sf

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Dear SOTF,

Please file the following 5 complaints:

Anonymous v Arnold Townsend
Anonymous v Lily Ho
Anonymous v Ditka Reiner
Anonymous v Chasel Lee - CLOSED
Anonymous v Matthew Castillon

Allegation: SFAC 67.25 failure to respond to an

immediate disclosure request

The allegations are identical, but the files need to be separate as the public officials may have separate defenses and may respond differently and you might rule on each differently. Note the RDTF members have already taken different paths to reply to my request. Please consider scheduling them at a

single meeting for convenience.

These members of the RDTF have each separately failed to respond to the two IDRs from April 7 around 3pm below, both of which had initial responses due no later than close of business April 8.

If Respondents fail to reply to the complaint within 5 days please

schedule their hearings immediately based on your pilot procedures and find them in violation.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

Sent from Proton Mail for iOS

On Sat, Apr 9, 2022 at 10:43 AM, Anonymoose (@jour

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Regards,

Anonymoustwitter.com/journo_ano

na2022SPJNorCalFreedomofInformationAwardWinner

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-----Original Message-----On Apr 8, 2022, 7:24 PM, Anon

ymoose(@journo_anon)

<arecordsrequestor@protonmail.

com>wrote:

Dear RDTF members,

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1 Dr. Carlton B. Goodlett Place, Room 244 San Franc

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Disclosure

s *: Personal information that is provided in communications to the Clerk of t*

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F r o m : H e r n a n d e z G i l , C h e m a (R E G - C o n t r a c

tor) <chema.hernandez@sfgov.org>
Sent: Friday, April 8

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Sent: Thursday, April 7, 2022 3:37 PM
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ontractor) <ditka.reiner@sfgov.org>; Castillon, Matthew

(REG-Contractor) <matthew.castillon@sfgov.org>; Lee, Ch

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Gil, Chema (REG-Contractor) <chema.hernandezgil@sfgov.org

rg>;J.MichelliePiercee1<j.michellie.piercce1@sfgov.org>;

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Calvillo, Angela (BOS)
<

angela.calvillo@sfgov.org>
Subject: FW: Subsequent requ

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Wilson L. Ng

Deputy Director of Operations

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Fr

o m: Anonymoose (@journo_anon)

< arecordsrequestor@protot

onmail.com>
Sent: Thursday, April 7, 2022 2:59 PM
To: Ng, Wils

on (BOS) <wilson.ing@sfgov.org>; Townsend, Arnold (REG) <

arnold.townsend@sfgov.org>; Ho, Lily (REG-Contractor) <l

ilv.ho@sfgov.org>; Reiner, Ditka (REG-Contractor) <ditka

.reiner@sfgov.org>; Castillon, Matthew (REG-Contractor)

< matthew.castillon@sfgov.org>; Lee, Chasel (REG-Contrac

tor) <chasel.lee@sfgov.org>; Hernandez Gil, Chema (REG-Co

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) < raynell.cooper.reg@sfgov.org > **Cc:** Carroll, John (BOS) <

john.carroll@sfgov.org>; BOS-IT <BOS-IT@sfgov.org>; BOS

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Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@s

fcityattty.org>;Calvillo, Angela (BOS) <angela.calvillo@

sfgov.org>
Subject: Subsequent request - Re: Preserve and pr

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mission-or another member of RDTF, that were sent or received

in the last 10 days on any topic related to the conduct of public

business. All forms of communication are relevant including

but not limited to texts, chats, and emails. Do not destroy any

records.

I will file appeals against teachmember who fails to

respondlawfully,pursuanttotheSunshineOrdinanceandCPR

A.

Sent from Proton Mail mobile https://twitter.com/jour

no_anon

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

On Apr 7, 2022,

2:49PM, Anonymoose (@journo_anon)

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Original Message
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On Apr 7, 2022, 2:37 PM, Ng,

Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:

To Whom It M

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By cop

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in a timely manner with the Request or accordingly.

Sincerely,

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Wilson L. Ng

Deputy Director of Operations

San Francisco

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 2

44

San Francisco, CA 94102

Phone: (415) 554-7725

Web: ww

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Fr om : Ng, Wi ls on (BO S) **Se nt :** Th ur sd ay , Ap ri l 7 ,

2022 21:10PM **To:** Anonymoose (@journo_anon) <arecordsrequ

estor@protonmail.com>
Cc: REG-RedistrictingTaskforce<r

dtf@sfgov.org>**Subject:** RE: Task force communications with

the Mayor-immediate disclosure request

To Whom It May Con

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Thankyouforyourinquiry.

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San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett

Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.o

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. The Clerk's Office does not redact any information from these submissions

. This means that personal information — including names, phone numbers, ad

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to the Board and its committees — may appear on the Board of Supervisors website

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From: Anonymoose (@journo_anon)

or@protonmail.com>
Sent: Wednesday, April 6, 2022 4:56 PM
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To every member of the Redistricting Task Force

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Produce all communications of every form including emails s

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Sent from Proton Mail mobile

Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Tuesday, April 19, 2022 8:01 PM
To: 'sf.texts.research@pm.me'
Cc: Buta, Odaya (CAT)
Subject: RE: IMMEDIATE DISCLOSURE REQUEST

To Whom It May Concern:

We write in response to your petition below to the Supervisor of Records concerning public records requests to members of the Redistricting Task Force. We understand that some of the members have not yet responded to your request. Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department or official has withheld a record, or any part of a record, without a lawful basis for doing so – for determining "whether the record requested, or any part of the record requested, is public." The Supervisor of Records does not have jurisdiction to consider whether a department or official has timely complied with a request or properly invoked an extension of time. If members of the Task Force ultimately withhold or redact records when they respond to your request and you believe that they have acted unlawfully in doing so, please let us know and we will look into the issue. Additionally, we understand that the Clerk of the Board of Supervisors is assisting members of the Task Force with responding to records requests and the City Attorney's Office is also available to provide guidance to Task Force members about the requirements of the Public Records Act and Sunshine Ordinance. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney David Chiu
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sf.texts.research@pm.me <sf.texts.research@pm.me>
Sent: Thursday, April 14, 2022 10:58 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Re: IMMEDIATE DISCLOSURE REQUEST

supervisor of records david chiu: please order the taskforce members to disclose their communications.
i sent this on monday to all 9 of the members.

------- Original Message -------
On Monday, April 11th, 2022 at 12:23 AM, <sf.texts.research@pm.me> wrote:

> Good evening,
>
> Produce all text, email, chat messages, or phone history/log entries between 2 or more Redistricting taskforce members going back from the day you were first appointed to present on a rolling basis.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🦌🔍 <arecordsrequestor@proton.me>
Sent: Sunday, April 10, 2022 6:10 PM
To: Supervisor Records (CAT); Colfax, Grant (DPH)
Subject: Colfax/Aragon Text redactions - 67.21(d) petition

Supervisor of Records Chiu:
Determine in writing that one or more redacted portions of https://www.documentcloud.org/documents/21581515-me_tom_s_arag_n_redacted which have been unlawfully withheld are public and order Colfax to disclose them.

Regards,

Anonymoose

twitter.com/journo_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.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Sunday, April 10, 2022 10:44 AM
To: SOTF, (BOS); Supervisor Records (CAT); Rosenfield, Ben (CON)
Subject: Fw: Preserve and Produce Records on Lisa + Douglas Goldman Tennis Center - immediate disclosure request

Dear SOTF:

Please file a Complaint: Anonymous v Ben Rosenfield and the Controller's Office.

Allegations:

- 67.21 failure to respond in a timely and complete manner
- 67.25(d) failure to provide rolling response
- 67.26 nonminimal withholding
- 67.27 failure to provide written justification

The below Dec 23, 2021 request has had no production of records nor any justification for their complete withholding as of April 10, 2022. It is also available at: https://sanfrancisco.nextrequest.com/requests/21-7210 (their copy, not my original)

If Rosenfield fails to respond to the complaint within 5 days, please find him in violation immediately.

Dear Supervisor of Records Chiu: Within 10 days, determine in writing the records are public and order them disclosed per SFAC 67.21(d).

Regards,

Anonymoose

twitter.com/journo_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.

------- Original Message -------
On Thursday, December 23rd, 2021 at 11:43 AM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> Phil Ginsburg, Ben Rosenfield, David Chiu, Mark Buell, Rec & Park Dept, Rec & Park Commission, City Attorney's Office, and Controller's Office:
>
> **PRESERVE** and Produce on a rolling basis records in the constructive possession of each of your agencies (which includes any records accessible to your agency through Tennis Coalition SF and/or SF Parks Alliance, and records on personal property of employees/officials). Pursuant to Gov Code 6253(c), you must provide a determination for EACH distinct request below. You may prioritize this over any other request of mine. **You MUST preserve records immediately. Remember if the City's contractors (or you/your**

agencies) currently possess responsive records considered to be in the City's constructive possession and they are later destroyed the City will have violated the Public Records Act (Community Youth Athletic Center v. City of National City). If your agency doesn't have constructive possession of these records, you must assist, SFAC 67.21(c). Provide within 7 days a 67.21(c) statement for each of the below. I will track your communications with contractors to retrieve records in their possession as well.

The relevant dates for all searches is January 1, 2016 to present unless otherwise specified. Provide records on a rolling basis from most recent to oldest, and in the priority listed below.

0. Calendar entries or Communications of any form (text, email, chat, Teams, etc.) of Phil Ginsburg or Mark Buell reflecting meetings/communications with Lois Salisbury or Tennis Coalition SF from Jan 1, 2019 to present regarding the "**Topic**" which is defined as: **Lisa & Douglas Goldman Tennis Center and/or Golden Gate Park Tennis Center, including <u>but not limited to</u> funding (including donation campaigns), planning, renovation, construction, and/or any potential or alleged unaccounted or missing funds**.

1. Communications of any form (text, email, chat, Teams, etc.) or calendar entries between any City employee or commissioner of your agencies and Lois Salisbury of Tennis Coalition SF since Jan 1, 2019 to present.

2. Any contracts (including agreements, agreements to agree, MoUs, addendums, appendices, exhibits, attachments, amendments, letters of intent, and any prior or unexecuted versions) regarding the Topic, regardless of who the parties are.

3a. Records reflecting any City money paid or earmarked/budgeted for the Topic, to whom it was paid, how it was used, when it was paid.

3b. All other financial transactions, budgets, or accounting records (budgets, line items, spreadsheets, bills, checks, POs, Invoices, actual payments, donations, financial system audit histories, etc.) associated with the Topic.

4. Any allegations submitted to your agencies regarding unaccounted for money or donations associated with the Topic or incorrect accounting regarding the Topic.

5. Any discussion of any form anywhere about money or donations associated with the Topic allegedly/potentially being missing or unaccounted for or alleged/potential incorrect accounting regarding the Topic.

6. Communications of any form (text, email, chat, Teams, etc.) or calendar entries between any City employee or commissioner (incl Ginsburg/Buell) of your agencies and Lois Salisbury of Tennis Coalition SF since Jan 1, 2016 to Jan 1, 2019.

Do not make any records on NextRequest or similar sites accessible only by logging in - make them fully public.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, April 9, 2022 7:10 PM
To: Ng, Wilson (BOS); david.chiu@sfcityatty.org; Supervisor Records (CAT)
Cc: Hernandez Gil, Chema (REG - Contractor); Townsend, Arnold (REG); Ho, Lily (REG - Contractor); Reiner, Ditka (REG - Contractor); Castillon, Matthew (REG - Contractor); Lee, Chasel (REG - Contractor); J.Michelle Pierce1; Lee, Jeremy (REG - Contractor); Cooper, Raynell (REG); SOTF, (BOS); Carroll, John (BOS); Shen, Andrew (CAT); Guibert, Gus (CAT); Flores, Ana (CAT); BOS-Operations
Subject: RE: File Complaints Anonymous v. Townsend, Ho, Reiner, Lee, Castillon- Re: Subsequent request - Re: Preserve and produce records - immediate disclosure request

Follow Up Flag: Follow up
Flag Status: Completed

Supervisor of Records David Chiu,

Pursuant to Admin Code 67.21(d), this is a petition to determine in writing that the records requested in the below two IDRs of RDTF Members Townsend, Ho, Reiner, and Castillon are public and order the Members to immediately disclose the records.

Regards,

Anonymoose

twitter.com/journo_anon
a 2022 SPJ NorCal James Madison Freedom of Information Award Winner

------- Original Message -------
On Saturday, April 9th, 2022 at 7:05 PM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> SOTF,
>
> Please close out the complaint against Chasel Lee, as they have now provided the requested records.
> The remaining 4 complaints stand.
>
> Regards,
>
> Anonymoose
>
> twitter.com/journo_anon
> *a 2022 SPJ NorCal James Madison Freedom of Information Award Winner*
>
> ------- Original Message -------
> On Saturday, April 9th, 2022 at 5:11 PM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:
>
> Cc: @SOTF, (BOS)

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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

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

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, April 9, 2022 5:04 PM
To: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sfgov.org>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>

Subject: File Complaints Anonymous v. Townsend, Ho, Reiner, Lee, Castillon- Re: Subsequent request - Re: Preserve and produce records - immediate disclosure request

Dear SOTF,

Please file the following 5 complaints:

Anonymous v Arnold Townsend

Anonymous v Lily Ho

Anonymous v Ditka Reiner

Anonymous v Chasel Lee - CLOSED

Anonymous v Matthew Castillon

Allegation: SFAC 67.25 failure to respond to an immediate disclosure request

The allegations are identical, but the files need to be separate as the public officials may have separate defenses and may respond differently and you might rule on each differently. Note the RDTF members have already taken different paths to reply to my request. Please consider scheduling them at a single meeting for convenience.

These members of the RDTF have each separately failed to respond to the two IDRs from April 7 around 3pm below, both of which had initial responses due no later than close of business April 8.

If Respondents fail to reply to the complaint within 5 days please schedule their hearings immediately based on your pilot procedures and find them in violation.

Regards,

Anonymous

twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

Sent from ProtonMail for iOS

On Sat, Apr 9, 2022 at 10:43 AM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> Hello,
>
> Since there is some confusion...
>
> The words rolling basis in my request mean that you are required by law to produce records the day they are available and not wait until all are available.
> See Admin Code 67.25d.
>
> That's why you should not wait until 10 days, and produce what you have as soon as you have it.
>
> Regards,
>
> Anonymous
> twitter.com/journo_anon
> a 2022 SPJ NorCal Freedom of Information Award Winner
>
> -------- Original Message --------
> On Apr 8, 2022, 7:24 PM, Anonymoose (@journo_anon) < arecordsrequestor@protonmail.com> wrote:
>
> > Dear RDTF members,
> >
> > I disagree that you are unable to provide
> > any communications with certain parties over a 10 day
> > period in the time frame for an immediate disclosure
> > request, or at least to start doing so.
> >
> > Member Cooper has agreed to start providing such

records tomorrow.

The rest of you have either refused to respond at all or state you will take 10 days , which is after your redistricting decision.

The law does not allow your day job to somehow invalidate the IDR portion of the Sunshine Ordinance. You have voluntarily chosen to take on positions having incredible power over SF democracy and thus are responsible like every other public official for each and every clause of the Sunshine Ordinance.

All task force members , except member Cooper , will thus have complaints filed against them tomorrow morning before the SOTF, Supervisor of Records, and/or the Ethics Commission.

Sincerely,

Anonymous
twitter.com/journo_anon
2022 SPJ NorCal Freedom of Information Award Winner

Sent from ProtonMail mobile

-------- Original Message --------
On Apr 8, 2022, 3:48 PM, Ng, Wilson (BOS) <
wilson.l.ng@sfgov.org> wrote:

> Dear Member Hernandez Gil,
>
> By copy of this email, I am forwarding your communication below to the attention of the Requestor (arecordsrequestor@protonmail.com) for direct response and follow up.
>
> Sincerely,
>
> —
>
> **Wilson L. Ng**

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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

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

From: Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>
Sent: Friday, April 8, 2022 3:42 PM
To: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Cc: Carroll, John (BOS)

<john.carroll@sfgov.org>; BOS-IT <BOS-IT@sfgov.org>; BOS-Operations <bos-operations@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Re: Subsequent request - Re: Preserve and produce records - immediate disclosure request

Dear Member of the Public,

The purpose of an immediate disclosure request is to expedite the City's response to a simple, routine, or otherwise readily answerable request. For more extensive or demanding requests, the maximum deadlines for responding to a request may apply (Admin. Code §67.25(a)), which is an initial 10-day period for response, plus a possible extension of up to 14 additional days. See City Attorney's Good Government Guide, page 101-102 for additional information.

I am the custodian of the records you are requesting. Given the wide range of topics you are requesting and the lack of a specified time range, this is not a simple, routine, or otherwise readily answerable request. I have task force meetings to attend while also balancing my full time day job. The Sunshine Ordinance does not bestow on requesters the right to transform any or every public records request

into an immediate disclosure request simply by so designating it.

Therefore, I will be submitting my records to you within the 10-day time frame, as a standard request.

Regards,

Chema Hernández Gil

From: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Sent: Thursday, April 7, 2022 3:37 PM
To: Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sfgov.org>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; BOS-IT <BOS-IT@sfgov.org>; BOS-Operations <bos-operations@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: FW: Subsequent request - Re:

Preserve and produce records - immediate disclosure request

Please be advised of the additional request from this Requestor (arecordsrequestor@protonmail.com) below, which was sent as an attachment, and provide a direct response.

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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

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pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Anonymoose (@journo_anon)
<arecordsrequestor@protonmail.com>
Sent: Thursday, April 7, 2022 2:59 PM
To: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Townsend, Arnold (REG) <arnold.townsend@sfgov.org>; Ho, Lily (REG - Contractor) <lily.ho@sfgov.org>; Reiner, Ditka (REG - Contractor) <ditka.reiner@sfgov.org>; Castillon, Matthew (REG - Contractor) <matthew.castillon@sfgov.org>; Lee, Chasel (REG - Contractor) <chasel.lee@sfgov.org>; Hernandez Gil, Chema (REG - Contractor) <chema.hernandezgil@sfgov.org>; J.Michelle Pierce1 <j.michelle.pierce1@sfgov.org>; Lee, Jeremy (REG - Contractor) <jeremy.lee1@sfgov.org>; Cooper, Raynell (REG) <raynell.cooper.reg@sfgov.org>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; BOS-IT <BOS-IT@sfgov.org>; BOS-Operations <bos-operations@sfgov.org>; SHEN, ANDREW (CAT) <Andrew.Shen@sfcityatty.org>; GUIBERT, GUS (CAT) <Gus.Guibert@sfcityatty.org>; FLORES, ANA (CAT) <Ana.Flores@sfcityatty.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Subsequent request - Re: Preserve and produce records - immediate disclosure request

Members of RDTF:

This is an additional, distinct immediate disclosure request directed to each of you.

Immediately produce on a rolling basis all communications of every form on government or personal property
- with the Board of Supervisors, any individual Supervisor or their staff,
- or a member of the Elections Commission
- or another member of RDTF,
that were sent or received in the last 10 days on any topic related to the conduct of public business. All forms of communication are relevant including but not limited to texts, chats, and emails. Do not destroy any records.

I will file appeals against each member who fails to respond lawfully, pursuant to the Sunshine Ordinance and CPRA.

Sent from ProtonMail mobile
https://twitter.com/journo_anon

-------- Original Message --------
On Apr 7, 2022, 2:49 PM, Anonymoose (@journo_anon) 🦩🔍 <arecordsrequestor@protonmail.com> wrote:

> Members of RDTF:
> This is an immediate disclosure request directed to each of you.
> Immediately produce on a rolling basis all communications of every form on government or personal property with the Mayor's Office or any of it's employees or the Mayor that were sent or received in the last 10 days on any

topic related to the conduct of public business. All forms of communication are relevant including but not limited to texts, chats, and emails. Do not destroy any records.

I will file appeals against each member who fails to respond lawfully, pursuant to the Sunshine Ordinance and CPRA.

Mr. Ng:

Your interpretation is incorrect. All communications with the mayor's office are responsive. Do not make any subjective decisions about whether they are related to Redistricting. You may limit the search to the last 10 days.

On personal property you must produce records related to conduct of public business. See City of San Jose v Superior Court. Note that this is not limited only to Redistricting. If the member is speaking to the Mayor's Office about other public business it is also a public record. For example the Mayor may be discussing other city politics with them.

On government property you may

exclude only records that are purely personal. See San Gabriel Tribune v. Superior Court, 143 Cal. App. 3d 762, 774 (1983).

These are not the same definitions. Different bars apply to personal and government property.

Sent from ProtonMail mobile

-------- Original Message --------
On Apr 7, 2022, 2:37 PM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:

> To Whom It May Concern (arecordsrequestor@protonmail.com),
>
> By copy of this email, I am referring your request to the

attention of the respective task force members for direct response, as they are the respective custodians of the requested records. The request is quoted in part below.

> *[…] all communications office*

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Unless informed otherwise, we

interpret your request to mean a request for responsive communications as they pertain to official City business, as subject to disclosure pursuant to the Sunshine Ordinance/SF Administrative Code Chapter 67. More specifically, City business as it pertains to the subject of redistricting.

RDTF Membe

rs – Please see the entirety of the communication and public records request below, and provide a response within 10 calendar days, per the Requestor. If additional clarification or time is needed for production, in accordance with Admin. Code §67.25, please advise and coordinate with the Requestor accordingly.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Phone: (415) 554-7725

Web: www.sfbos.org

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

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information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member

of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Ng, Wilson (BOS)
Sent: Thursday, April 7, 2022 1:10 PM
To: Anonymoose (@journo_anon) 🐕 🔍 <arecordsrequestor@protonmail.com>
Cc: REG - Redistricting

Taskforce <rdtf@sfgov.org>
Subject: RE: Task force communications with the Mayor - immediate disclosure request

To Whom It May Concern,

Thank you for your inquiry. On behalf of the Office of the Clerk of the Board, I am confirming receipt of your request and will be glad to relay your

request to the members of the Redistricting Task Force for direct response.

Just to clarify, we interpret your request to mean a request for responsive communications as they pertain to official City business, as subject to disclosure pursuant to the Sunshine Ordinance/SF Administrative Code

Chapter 67. More specifically, City business as it pertains to the subject of redistricting. **Please kindly advise if you intended otherwise or if you have additional criteria (i.e. timeframe) that you would like us to communicate that may help expedite member's production.**

Also, you may

already be aware of this – but just to cover all bases and for your reference, communications received and transmitted by the Office of the Clerk of the Board to the full Redistricting Task Force as a body are publicly available on the website here: https://sf.gov/resource/2021/communications, which may or not contain

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**Wilson
L. Ng**

Deputy
Directo
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Operati
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San
Francis
co
Board
of
Supervi
sors

1 Dr.
Carlton
B.
Goodle
tt
Place,
Room
244

San Francisco, CA 94102

Web: www.sfbos.org

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

Disclosures: *Personal information that is provided in communications to the Clerk of the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine*

Ordinanc e. Personal informati on provided will not be redacted. Member s of the public are not required to provide personal identifyin g informati on when they communi cate with the Board of Superviso rs and its committe es. All written or oral communi cations that members of the public submit to the Clerk's Office regarding pending legislatio n or hearings will be made available to all members of the public for inspectio n and copying. The Clerk's Office does not redact any informati

on from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Anonymoose (@journo_anon) 🦨🔍 <arecordsrequestor@protonmail.com>

Sent: Wednesday, April 6, 2022 4:56 PM
To: REG - Redistricting Taskforce <rdtf@sfgov.org>
Subject: Task force communications with the Mayor - immediate disclosure request

To every member of the Redistricting Task Force:

Produce all communications of every form including emails, text, or

any form of chat whatsoever, between any member and any other member, or between any member and the Mayor or any employee of the Mayor's Office. You must include every form of communication, on personal or government property. Use a rolling basis. Include group chats or texts as well. Include the identity of all particip

ants. Complaints against each member of the Task Force will be filed if records are not produced within 10 days.

Sent from Proton Mail mobile

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, April 9, 2022 11:26 AM
To: SOTF, (BOS); Supervisor Records (CAT); Jung, Charles (REG)
Subject: Fw: Preserve and produce your communications - immediate disclosure request
Attachments: signature.asc

Dear SOTF,

Please File a complaint, Anonymous v. Elections Commissioner Charles Jung for 67.25 failure to respond to an immediate disclosure request. See below. Response was due April 8 by end of business day. No response was received.

Dear Supervisor of Records Chiu,

Please Determine in writing that the records requested are public and order Jung to disclose them under 67.21d.

Regards,

Anonymous
twitter.com/journo_anon
a 2022 SPJ NorCal Freedom of Information Award Winner

-------- Original Message --------
On Apr 6, 2022, 9:44 PM, Anonymoose (@journo_anon) < arecordsrequestor@protonmail.com> wrote:

> Commissioner Jung: produce exact copies of all communications, including email, text, chat of any kind, with the Mayor or any employee of the Mayor's Office , or with any other Election Commissioner, or with any Redistricting Task Force member, sent or received in the last week.
>
> Do not delete any records or fail to preserve them if they will automatically delete.
>
> Sent from ProtonMail mobile

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Sunday, March 27, 2022 11:34 AM
To: Supervisor Records (CAT); Kwart, Jen (CAT)
Subject: 67.21(d) petition - Fwd: File Sunshine Complaint - Anonymous v. Boudin and DA's Office - Fwd: Your March 17, 2022 Public Record Act Request - immediate disclosure request
Attachments: _PRA_Anonymoose_Boudin.Campos_Emails_Redacted.pdf; 2022.3.26_Anonymoose_RESPONSE (CB&DC Communications).pdf; 6DC835D8-4812-4561-B56E-0AB2F66622E7.jpg

Supervisor of Records Chiu,

Determine in writing that the records requested are, in whole or in part, public and order their disclosure from Boudin and the DA's Office. The SOTF complaint agaisnt Boudin below is incorporated into this SFAC 67.21(d) petition.

If after 11 days after March 28 no determination in writing is received, another SOTF complaint for violating SF Admin Code 67.21(d) will be filed against you (Chiu).

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

---------- Forwarded message ----------
From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Date: On Sun, Mar 27, 2022 at 10:48 AM
Subject: Fwd: File Sunshine Complaint - Anonymous v. Boudin and DA's Office - Fwd: Your March 17, 2022 Public Record Act Request - immediate disclosure request
To: cecily.brewster@sfgov.org <cecily.brewster@sfgov.org>,erica.brooks@sfgov.org <erica.brooks@sfgov.org>,Boudin, Chesa (DAT) <chesa@sfgov.org>,SFDA Public Records <SFDA.PublicRecords@sfgov.org>,SOTF (SF) <sotf@sfgov.org>
Cc:
Boudin: At the bottom is a further Immediate Disclosure Request for you and a compromise offer.

SOTF,

Please file a complaint *Anonymous v. DA Chesa Boudin, ADA Cecily Brewster, and the Office of District Attorney.*
Alleged violations:
67.26 - failure to withhold minimum exempt portion of a record (attachments, email addresses, hyperlinks), and also failure to key every redaction to a written justification
67.27 - failure to provide specific written justification for all withholdings by citing inapplicable exemptions, and also for not citing a specific exemption under Evid Code 1040
67.24(a) - citation to a prohibited CPRA exemption Gov Code 6254(a) for all draft material instead of the narrower local draft exemption
67.21(b) - failure to provide a response within 10 days
67.34 - official misconduct due to willful failure by department head Boudin to implement the Sunshine Ordinance

Request from March 11 sent to Boudin and his office attached. At worst, this may be deemed received March 14, with at worst response due March 24. The March 26 response from Brewster on behalf of Boudin attached. They claim it is a March 21 and/or March 17 request - that must be a typo.

Numerous portions of the attached records have been redacted or otherwise removed from the record - most importantly the hyperlinks, the email addresses in the To/From/Cc/Bcc, and many of the attachments (all of which would usually be available by hovering/clicking the relevant portions of the PDF). That information has been unlawfully stripped from the record, and without justification. Each of those deletions must be individually keyed to a specific legal justification per SFAC 67.26. See rulings in SOTF 19097 Anonymous v. Nuru, 19091 Anonymous v. Breed.

Moreover, Respondents have cited in their response letter a litany of *potential* justifications for withholding public information that appears to be a form response (for example, they use the word "may" when discussing whether a justification applies). Instead, Respondents are required to cite the specific justifications that require withholding in ***my*** request's records.

They also make the following unlawful citations:
"Finally, preliminary drafts, notes, or interagency or intra-agency memoranda may be exempt from disclosure under Cal. Govt. Code § 6254(a). In addition, “official information,” which is acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, is privileged against disclosure per Cal. Evid. Code 1040 and Cal. Govt. Code § 6254(k)."

Citation to 6254(a) is prohibited in San Francisco unless more specific requirements apply - see SFAC 67.24(a).

Finally, Boudin misstates the law in citing Evid Code 1040 as an exemption - it is not the case that that all "official information" as defined above is privileged against disclosure as he claims. That is false. Instead only two specific *subsets* of "official information" are exempt in California - as defined in Evid Code 1040(b)(1) and (b)(2). Respondents must state the law properly to SOTF (failing to do so is a violation of both Boudin's and ADA Brewster's Rules of Professional Conduct and punishable by the State Bar). Respondents must also according to 67.27 cite "<u>specific</u> statutory authority" - Evidence Code 1040 as a whole is not "specific" and Respondents must cite 1040(b)(1), 1040(b)(2) or both, explicitly. Citing Evid COde 1040 without a subsection would be like citing Gov Code 6254 without a subsection.

This case is very similar to prior cases of the Sheriff's office violating the law similarly, including SOTF 19143 Anonymous v Sheriff's Office, where you found violations for essentially all of the same wrongdoing above.

I also allege that Boudin as department head has now willfully failed to implement the Sunshine Ordinance in his department, as this is the *n*-th complaint against the DA's office for failing to follow basic Sunshine Ordinance requirements. I will be Sunshining his other responses to other requests to show a pattern of misconduct.

SOTF: If the Respondents are unwilling to settle the complaint as specified below, I encourage you to make a decision based solely on the written record using your new process. I don't see a need to make any oral presentation as the issues are very clear and been ruled on multiple times by SOTF regarding other agencies' similar violations.

As always, the Respondents are offered the following compromise, open until 11:59pm March 28, 2022:
I agree to withdraw this complaint, if DA Boudin corrects all deficiencies in this response to my satisfaction AND provides a letter signed by him, on official letterhead, addressed to both myself and to the SOTF, stating that in fact each of the above alleged violations except 67.34 occurred in their response to this request, and also making exactly the following representation:

"District Attorney Chesa Boudin and the Office of the District Attorney agree, for all responses sent on or after March 28, 2022 to any requests for public records or information from any person, to:
(a) key every deletion or masking of information in a record to a specific written justification pursuant to SF Admin Code 67.26,
(b) withhold only the minimum exempt portion of every record, including but not limited to disclosing all hyperlink URLs, email addresses in the To/From/Cc/Bcc, attachment names and contents, unless a specific such instnace is partially or wholly exempt, pursuant to SF Admin Code 67.26,
(c) cite in writing the justifications that apply to the specific request and not other potential justifications pursuant to SF Admin Code 67.27,
(d) cite only the local narrower draft exemption in SF Admin Code 67.24(a) and not the broader state draft exemption in Gov Code 6254(a),
(e) cite only the specific exemptions in Evid Code 1040(b)(1), (b)(2), or both in withholding official information instead of Evid Code 1040 as a whole, pursuant to SF Admin Code 67.27,
(f) respond to all records request within 10 days pursuant to SF Admin Code 67.21(b)."

DA Boudin: Further Immediate Disclosure Request: Produce all letters issued in the last 45 days by you or your office used to respond to any request for public records or information. This should be immediately available as you have already produced them to others, and information produced to others generally cannot be withheld from me.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

---------- Forwarded message ----------
From: Brewster, Cecily (DAT)<cecily.brewster@sfgov.org>
Date: On Sat, Mar 26, 2022 at 10:25 AM
Subject: Fwd: Your March 17, 2022 Public Record Act Request
To: arecordsrequestor@protonmail.com <arecordsrequestor@protonmail.com>
Cc: SFDA Public Records <SFDA.PublicRecords@sfgov.org>,Brooks, Erica (DAT) <erica.brooks@sfgov.org>

Please find correspondence and records included here. Please do not hesitate to reach out if you have any difficulty opening any of the attachments.

Kind regards,

Cecily R. Brewster *She/Her*

Assistant District Attorney

Office of the District Attorney

350 Rhode Island Street

North Building, Suite 400N

San Francisco, CA 94103

Main: 628.652.4000

Direct: 628.652.4220

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Sunday, March 27, 2022 12:01 PM
To: Supervisor Records (CAT); Kwart, Jen (CAT)
Subject: 67.21(d) petition - Fwd: File SOTF complaint Anonymous v. numerous Breed officials - Fwd: RE: Preserve all deleted items - Email, chat, and file deletion monitoring - Immediate disclosure request
Attachments: signature.asc

Supervisor of Records Chiu,

Determine in writing that the records requested are, in whole or in part, public and order their disclosure from Breed and the Mayor's Office. The SOTF complaint agaisnt Breed, et al. below is incorporated into this SFAC 67.21(d) petition.

If after 11 days after March 28 no determination in writing is received, another SOTF complaint for violating SF Admin Code 67.21(d) will be filed against you (Chiu).

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

---------- Forwarded message ----------
From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Date: On Sun, Mar 27, 2022 at 11:58 AM
Subject: Fwd: File SOTF complaint Anonymous v. numerous Breed officials - Fwd: RE: Preserve all deleted items - Email, chat, and file deletion monitoring - Immediate disclosure request
To: Hank Heckel (Compliance Officer, Mayor Office, SF) <hank.heckel@sfgov.org>,SOTF (SF) <sotf@sfgov.org>
Cc: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>,Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>,Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>,Power, Andres (MYR)

<andres.power@sfgov.org>,andy.lynch@sfgov.org <andy.lynch@sfgov.org>,Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>
SOTF,

Please file a complaint *Anonymous v. Mayor Breed, Sean Elsbernd, Andrea Bruss, Hank Heckel, Andres Power, Andy Lynch, Jeff Cretan, and the Office of the Mayor.* Preserve the names of *all* respondents.

Alleged violations:
SFAC 67.21(b) - incomplete and untimely response
SFAC 67.26 - non-minimal withholding
SFAC 67.27 - failure to provide written justification for all withholding
CPRA 6253(c) - failure to provide a determination of existence of disclosable public records for each of my requests within 10 days
SFAC 67.25(d) - failure to provide rolling response
SFAC 67.34 - official misconduct for willful violation of the Sunshine Ordinance by a department head (Breed) and management employee (Elsbernd)

Below are the request and response, where I asked from various named officials their attempted-to-be-deleted-but-not-yet-fully-deleted records.

Respondents claim that I must sub-select from the approximately 200 responsive records ("As to your production request, if you are seeking particular categories of records from this information, please make a specific request and we will evaluate it and get back to you.").

Wrong - they must simply provide all 200 responsive records and I have no obligation to make a subsequent request. By not providing any of the records, they have effectively withheld them all (Community Youth Athletic Center v City of National City), and they have withheld them without citation to specific statue for each and every withholding, in violation of SFAC 67.27. This is also not a minimum withholding, in violation of 67.26. (They also appear to copy-paste some template response presumably from the City Attorney discussing 10s of thousands of records - if there are 200 of them, there cannot be 10s of thousands of them. One of those claims is a lie).

There is no requirement that I identify records under the PRA or Sunshine Ordinance by a *topic or subject matter*, I simply need to *identify* them.
I identified the records by where they are located (in the recycle bin folder or similar) - this is similar to asking for records say *in the personnel file of a police officer* (some of which are disclosable under SB 1421).
Clearly they believe they've figured out which records I wanted, and so I have in fact successfully identified the records.

Furthermore, I clearly stated that requests were directed separately to each named person:

> **You must provide a separate response to EACH request below for EACH person I have designated above.** Combining the requests without specifying whether records exist for each person will result in a complaint for failure to provide a determination of the existence of requested records for each of my requests.

Respondents have failed to provide the determination required by CPRA Gov Code 6253(c) for *each* of my requests, opting only to tell me that 200 records exist across all the named persons collectively.

Furthermore, as no records have been produced, Respondents have also failed to provide a rolling response. Every record must be produced no later than the end of business day that that specific record is reviewed.

The Mayor's Office has violated the Sunshine Ordinance now numerous times, proven by my multiple successful complaints. Breed refuses to implement the Sunshine Ordinance in totality, and her refusal is a willful violation of the law.

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent from ProtonMail for iOS

---------- Forwarded message ----------
From: Heckel, Hank (MYR)<hank.heckel@sfgov.org>
Date: On Fri, Mar 25, 2022 at 6:15 PM
Subject: Fwd: RE: Preserve all deleted items - Email, chat, and file deletion monitoring - Immediate disclosure request
To: Anonymoose <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Anonymous,

You have requested information under Administrative Code Section 67.21(c) regarding the form, existence, and quantity of four categories of records ("description request"), and you have also asked us to produce all the documents we have in each category ("production request"). The four categories are:

(1) emails and calendar items in the department head's (Mayor Breed) (and other named custodians) recycle bin, deleted items folder, or similar repository.

(2) files in the department head's recycle bin (and other named custodians), deleted items folder, or similar repository.

(3) emails in the department head's (and other named custodians) email account(s) with a subject line starting with "Not read:" between January 1, 2022 and March 7, 2022.

(4) all texts or chats of any kind or app in the department head's (and other named custodians) recycle bin, deleted items folder, or similar repository.

Response to requests 1, 2, and 4: Your description request does not satisfy the requirements of section 67.21(c) as to categories (1), (2), and (4). That section of the Sunshine Ordinance provides:

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

Your description request for all emails, calendar entries, texts, or chats in a deleted items folder does not seek "records relating to a particular subject or questions." Rather, it seeks information about *all* records based on the location where the department head and other custodians have placed those records. Although you are requesting electronic files, your request is analogous to a request for all records that the custodian keeps in a filing cabinet or all records the custodian has placed in a physical trash bin. Section 67.21(c) does not require a response to such an inquiry. Nor does the Sunshine Ordinance require departments to produce records in response to such open-ended production requests, especially where, as here, providing the records would require the departments to search tens of thousands of records.

Nonetheless, in the interest of transparency and because the information is readily obtainable by our staff, we are providing the following responses to your description

request under Section 67.21(c): Based on our inquiry to date, the named custodians have approximately 200 emails and calendar items described in request (1); zero files described in request (2); and zero texts or chats described in request (4). As to your production request, if you are seeking particular categories of records from this information, please make a specific request and we will evaluate it and get back to you.

Response to request 3: Your request for emails with a subject line starting with "Not read:" is permissible under section 67.21. After a reasonable and diligent search, however, we have not located any responsive records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Monday, March 7, 2022 9:54 AM
Subject: Preserve all deleted items - Email, chat, and file deletion monitoring - Immediate disclosure request

As you know, some of you destroy public records. Some of you claim the City Attorney endorses your practices. Let's see what you like to delete.

This request is to each department head.

However, for the Mayor's Office, the phrase "department head" refers to Mayor Breed, and ALSO, separately, each of Sean Elsbernd, Andrea Bruss, Hank Heckel, Andres Power, Andy Lynch, and Jeff Cretan.

For the City Attorney's Office, "department head" refers to David Chiu and ALSO, separately, each of Jon Givner, Manu Pradhan, and each assistant who sends or receives emails on behalf of Chiu.

For the SFPD, "department head" refers to William Scott and ALSO, separately, each of Matt Dorsey and each assistant who sends or received email on behalf of Scott.

For the DA's Office, "department head" refers to Chesa Boudin and ALSO, separately, each of Kate Chatfield and David Campos.

For the PUC, "department head" refers to Dennis Herrera and ALSO, separately, each of John Cote, Ron Flynn, B Feitelberg, and J Scarpulla.

For the Board of Supervisors, "department head" refers to EACH Supervisor and to Clerk Calvillo, all separately.

Preserve, and do not permanently delete or allow to be deleted, at the time you receive this request, all records anywhere in your local deleted items, recycle bin, or similar folder on your local devices, and on your servers. Once you receive a request for records, it is illegal to allow them to be destroyed. Check your good government guide. A "device" includes all forms of computing - desktop, laptop, tablet, phone, server, etc., whether government or personal-owned. Each device and each app may have its own temporary space for deleted items. All must be searched.

You must provide a separate response to EACH request below for EACH person I have designated above. Combining the requests without specifying whether records exist for each person will result in a complaint for failure to provide a determination of the existence of requested records for each of my requests.

The request applies to government and personal accounts/devices - the latter to the extent that the records regard public business. Let's see what the City likes deleting, or at least trying to delete.

REQUEST A: Under SFAC 67.21(c), produce within 7 days the required statement of **form, existence, and quantity** of:

(A.1) all emails **or** calendar items in your department head's recycle bin or deleted items folder or similar repository of attempted-to-be-deleted-but-not-permanently-deleted, whether on their local device OR on an IT server, with any timestamp

(A.2) all files in your department head's recycle bin or deleted items folder or similar repository of attempted-to-be-deleted-but-not-permanently-deleted, whether on their local device OR on an IT server, with any timestamp

(A.3) all emails in your department head's email account(s) with a subject line starting with "Not read:" with a timestamp from Jan 1, 2022 to present

(A.4) all texts or chats of any kind or app in your department head's recycle bin or deleted items folder or similar repository of attempted-to-be-deleted-but-not-permanently-deleted, whether on their local device OR on an IT server, with any timestamp

Each numbered item requires its own statement under 67.21(c). On the eighth day, a complaint will be filed. There are no extensions available under the law.

====

For each of the email records below, you must produce (a) the record as an exact PDF copy preserving each email address and date/time stamp and attachments (in its own original electronic format as embedded in the email record), and also (b) with electronic metadata, namely the email headers. I am asking for rolling response - that means it is illegal for you to delay your response to (a) in order to produce the records in (b). For all non-email records, produce an exact copy in the original

REQUEST B: Produce for your department head:

(B.1) All records described in A.1 on a rolling basis from most recent to least recent.

(B.2) All records described in A.2 on a rolling basis from most recent to least recent.

(B.3) All records described in A.3 on a rolling basis from most recent to least recent.

(B.4) All records described in A.4 on a rolling basis from most recent to least recent.

If any of B.1 through B.4 would, on its own, produce more than 100 records for any one person, you may - **while preserving all of the records -** produce at first a listing of the subject lines or file names of all of the responsive records (screenshot, directory listing, however you would like) so I may downselect which I wish to receive a full copy of.

Do not refuse to respond because there are in your opinion too many records. Do not fail to start searching and producing records immediately because you may desire that I narrow the request later on. Complaints will be filed on the 11th day if no records have been started to be produced.

Regards,

Anonymous

Twitter @journo_anon

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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 a lawyer. 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.

Sent from ProtonMail for iOS

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Thursday, January 20, 2022 11:19 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition - Fw: Re: Contents of MYR-All.DepartmentHeads@sfgov.org - Immediate disclosure request

Supervisor of Records Chiu,

Neither DT nor the Mayor's Office have provided this information. Determine in writing that the records requested are at least in part public and order them disclosed.
Under the test in *San Gabriel Tribune v. Superior Court,* the contents of a mailing list are a public record because they are a form of record-keeping and not purely personal. One of these agencies must possess the contents of this list.

Regards,

Anonymous
Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Monday, January 3rd, 2022 at 8:40 PM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> To be clear, I am asking for the list of account contained within the mailing list.
>
> Regards,
>
> Anonymous
> Twitter @journo_anon
>
> ***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.

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Monday, January 3rd, 2022 at 8:39 PM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> Produce the contents of MYR-All.DepartmentHeads@sfgov.org - email addresses and names.
> Not sure whether MYR or DT manages this mailing list, given its name.
>
> Regards,
>
> Anonymous
> Twitter @journo_anon
>
> ***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 a lawyer. 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.
>
> Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Thursday, December 23, 2021 3:18 PM
To: Supervisor Records (CAT)
Subject: False Attorney-Client Privilege, 67.21(d) petition - Fw: Public Records Request :: P057134-121521
Attachments: P57134__-_responsive_document.pdf; P57134_-_sfpd_response_12-23.pdf; signature.asc

Supervisor of Records Chiu:

This is a 67.21(d) petition for written determination that the redactions attached on page 3 are public and order them disclosed (unredacted).

Neither Fountain nor Caravelli appear to be attorneys, at least in the State of California.
https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch?FreeText=christine+fountain&SoundsLike=false
https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch?FreeText=Linda%20Caravelli

There is no attorney-client privilege here.
Caravelli may be a paralegal. However, under Business and Professions Code § 6450(b) Caravelli cannot provide legal advice (and thus cannot be providing confidential legal advice).
While the privilege may apply if she was doing this work under a supervising attorney, no attorney was asked for advice here - no attorney is even on the thread.

Regards,

Anonymous
Twitter @journo_anon

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Sent with ProtonMail Secure Email.

------- Original Message -------
On Thursday, December 23rd, 2021 at 2:38 PM, San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net> wrote:

Attachments:
P57134__-_responsive_document.pdf

P57134 - sfpd response 12-23.pdf

--- Please respond above this line ---

December 23, 2021

Via email arecordsrequestor@protonmail.com

Anonymous

,

RE: Public Records Request, dated December 15, 2021, Reference # P057134-121521

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant Arran Pera #531
Officer in Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🦌🔍 <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 21, 2021 11:57 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition - DPW-Kositsky communications
Attachments: Canceled MLB Street Conditions Meeting (Staff Sean Elsbernd REDACTED FOR PR=.pdf; 25FC4CE6-B55C-4B79-B172-FA2DF5198471.jpg; Canceled MLB Street Conditions Meeting (Staff Sean Elsbernd Personal Info)-r=; signature.asc

Supervisor of Records Chiu,

As part of request NextRequest 21-6975, DPW produced to me certain communications with Jeff Kositsky after his employment termination. Some of the records disclose a phone number Personal Info, while others redact the phone numbers in a similar location.
It is unclear if the redacted numbers are government or personal numbers.

This is a 67.21(d) petition to determine in writing some or all of the redacted numbers in 21-6975 are public and order them disclosed.
If the other redacted numbers are the -7435 number, they should be unredacted based on waiver. (It is released many times in that request).
If the other redacted numbers are a City-owned number, they should be unredacted based on the fact they are not personal at all.

Examples attached (there are a ton of similar records in 21-6975).

Regards,

Anonymous
Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent from ProtonMail for iOS

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Monday, December 20, 2021 8:20 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition for a Nuru/Breed text
Attachments: RE_ Personal Info - Immediate disclosure request 2021-12-20T19_15_16-08_00.pdf; Anonymous July 2020 Request Various Communications.pdf; signature.asc

Supervisor of Records Chiu,

I am petitioning for a written determination that the text message between London Breed and Mohammed Nuru on page 3 of the attached production is public and an order for its production.

Regards,

Anonymous
Twitter @journo_anon

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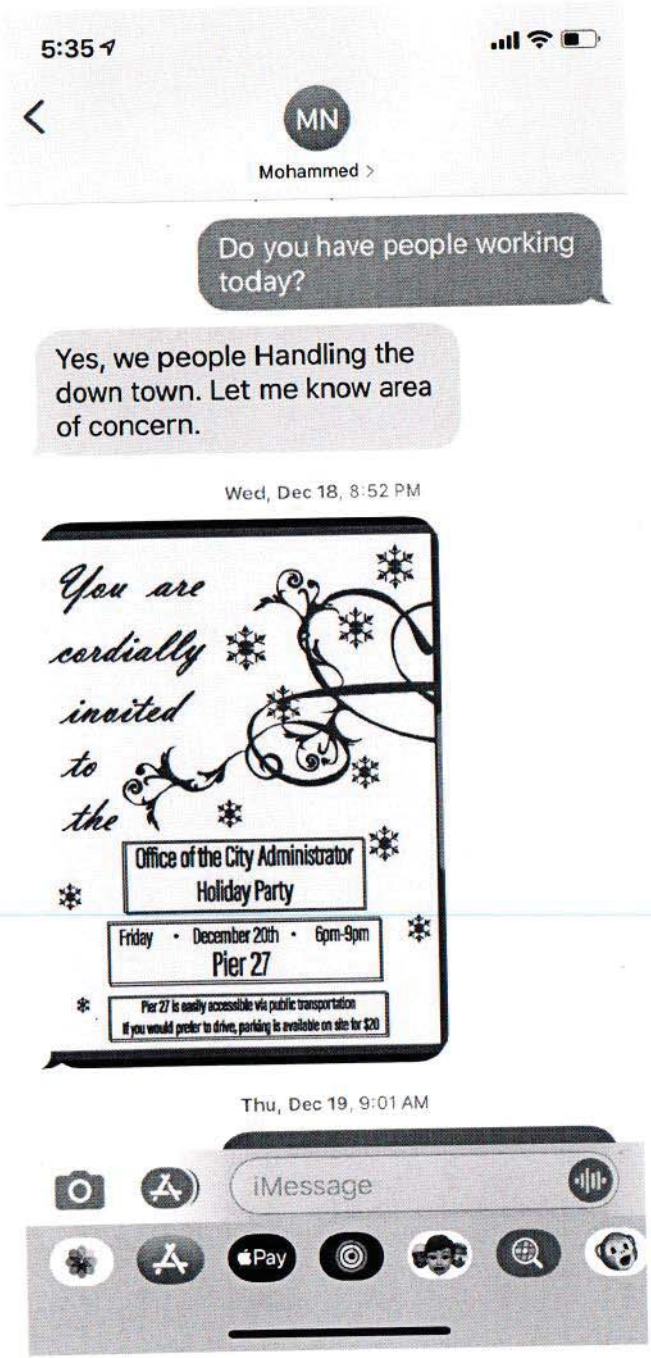
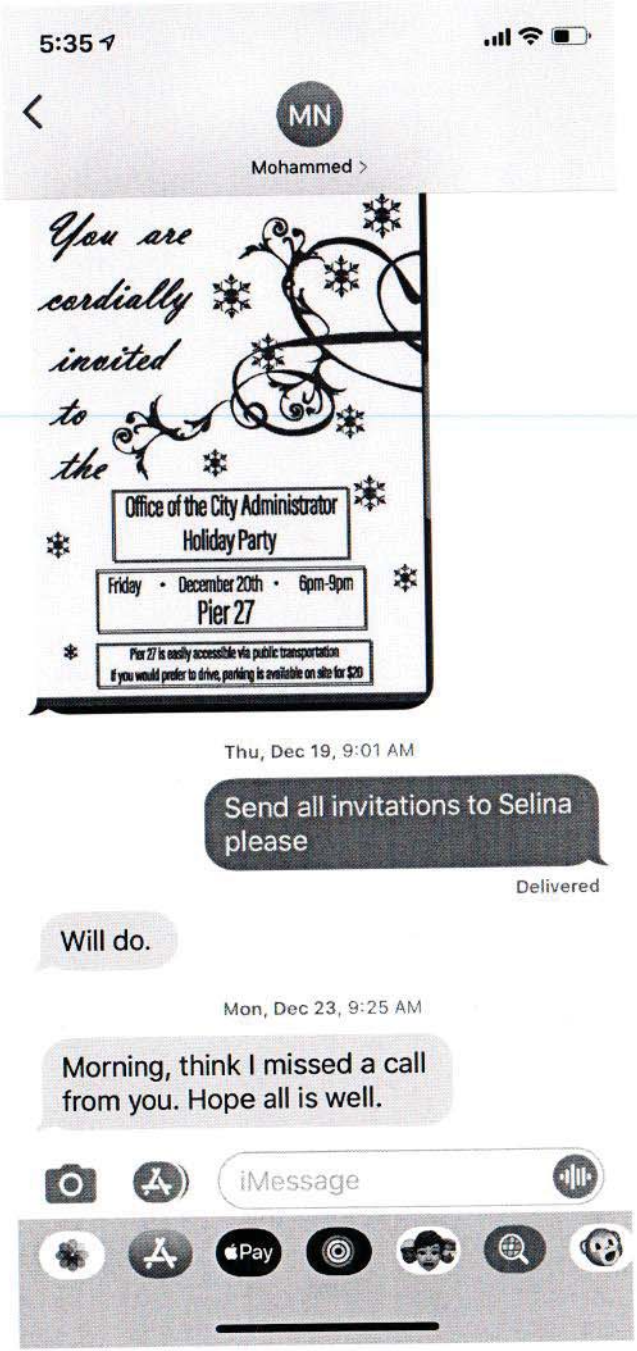
3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, 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.

Sent with ProtonMail Secure Email.


5:35
MN
Mohammed >
Do you have people working today?
Yes, we people Handling the down town. Let me know area of concern.
Wed, Dec 18, 8:52 PM
You are cordially invited to the
Office of the City Administrator
Holiday Party
Friday • December 20th • 6pm-9pm
Pier 27
Pier 27 is easily accessible via public transportation
If you would prefer to drive, parking is available on site for $20
Thu, Dec 19, 9:01 AM
iMessage
Pay


5:35
MN
Mohammed
You are cordially invited to the
Office of the City Administrator
Holiday Party
Friday • December 20th • 6pm-9pm
Pier 27
Pier 27 is easily accessible via public transportation
If you would prefer to drive, parking is available on site for $20
Thu, Dec 19, 9:01 AM
Send all invitations to Selina please
Delivered
Will do.
Mon, Dec 23, 9:25 AM
Morning, think I missed a call from you. Hope all is well.
iMessage
Pay

From: Heckel Hank (MYR)
To: arecordsrequestor@protonmail.com?=
CC: MayorSunshineRequests MYR (MYR)
Date: Tue, 21 Dec 2021 03:15:16 +0000
Subject: RE: +Personal Info - Immediate disclosure request

The material withheld is unrelated to City business and redacted for privacy per See Gov Code § 6254(c), California Constitution, Art. I, Sec. 1.

Sorry, I meant to include that cite as I had the last two times I produced it to you.

From: Anonymoose (@journo_anon) 🦌🔍 <arecordsrequestor@protonmail.com>
Sent: Monday, December 20, 2021 7:12 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: +1Personal Info - Immediate disclosure request

What's the redaction cited as?

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Monday, December 20th, 2021 at 6:53 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

Anonymous,

Please see the attached records responsive to your request below. We have not located any other responsive records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) 🦌🔍
<arecordsrequestor@protonmail.com>
Sent: Thursday, November 25, 2021 10:28 AM
To: Anonymous <arecordsrequestor@protonmail.com>
Subject: Personal Info - Immediate disclosure request

Read carefully, and when you respond, be sure to specify who you are responding on behalf of.

Produce on rolling basis complete and exact copies of any texts, iMessages, Google Chat/Hangouts, Messenger, WhatsApps, Signals, WeChats, Telegrams, SMS, MMS, or any other form of chats (including groups), on government or personal property, that:

(1) you (**each person receiving this email**);

(2) your department head (or elected official); or

(3) anyone who reports directly to your department head;

have ever had with the phone number [redacted], including but not limited to the complete text, all the identities of the persons in the chat (sender and recipients), date and time stamps, attachments (each an exact copy, in their own original electronic format, not converted to PDF, and not just a screenshot of them), hyperlinks, formatting, images, urls, audio, and video. If you fail to disclose any of these parts of the record, because it doesn't fit on a screen, or doesn't get captured by a screenshot, you have incompletely complied and withheld otherwise disclosable information. You must produce the ORIGINAL image files - not just cropped/low res screenshots of images in chats. If you cannot capture this information by screenshot, you must use message extraction tools - your fellow agencies know how to do this, consult with your custodian working group. Some of your agencies have signed agreements to comply -- you must comply with those agreements.

Prior SOTF orders:

You must disclose the sender and recipients of each message - see SOTF Order 19098.

You must disclose images, hyperlink, urls, and email addresses - see SOTF Order 19097.

Don't forget to make any NextRequest/GovQA/file share you use for this completely accessible to me without any login or agreements.

Regards,

Anonymous

Twitter @journo_anon

IMPORTANT:

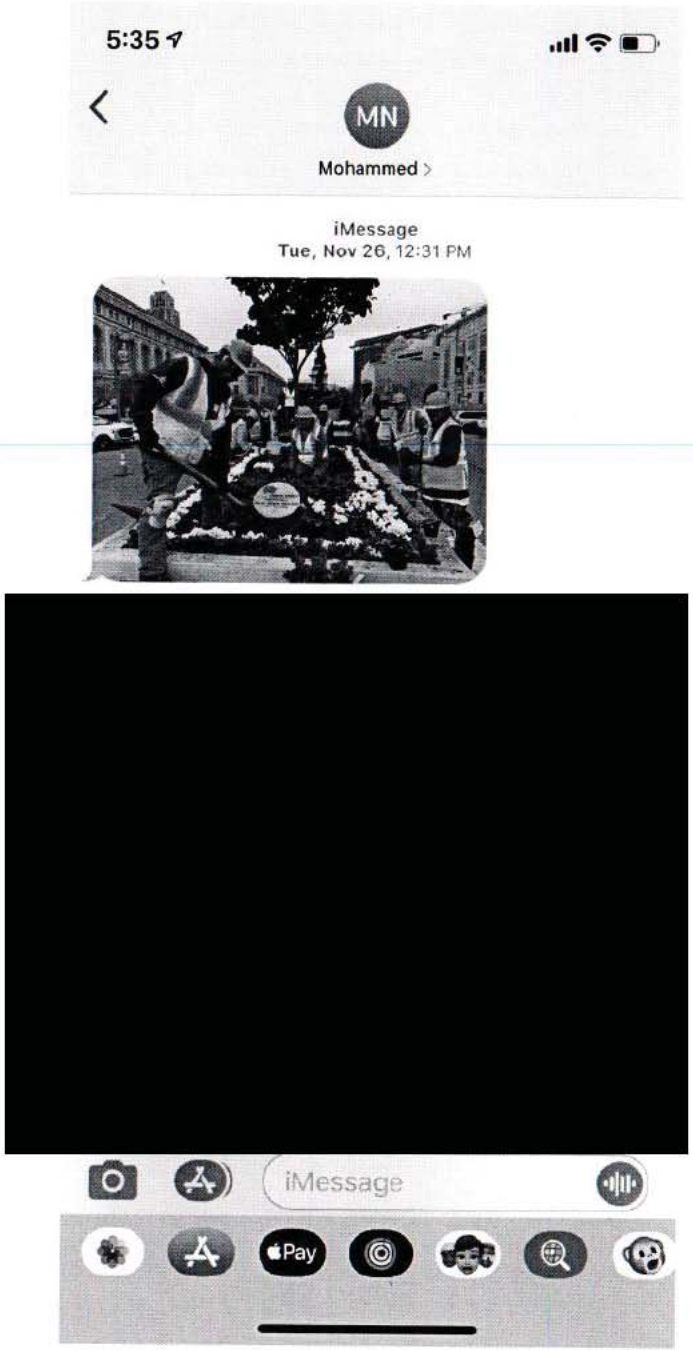
1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.

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 a lawyer. 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.

Sent with ProtonMail Secure Email.


5:35
MN
Mohammed
iMessage
Tue, Nov 26, 12:31 PM
iMessage
Pay

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🦌🔍 <arecordsrequestor@protonmail.com>
Sent: Saturday, December 18, 2021 8:01 AM
To: Supervisor Records (CAT)
Subject: 2 redactions
Attachments: Redactions__-_Immediate_Disclosure_Request_1_(002)_Redacted.pdf; signature.asc

Follow Up Flag: Follow up
Flag Status: Flagged

Please determine in writing the two redactions in that Mayor's Office record are public and order them disclosed.

Sent from ProtonMail mobile

F m
To
Subject RE: Clarification - Item 25 - Letter to Mayor London Breed and Supervisor Matt Haney re: Item 25 - Appeal of Determination of Exemption from Environmental Review re: 1 Polk Street
Date Wednesday, December 16, 2020 8:56:00 AM

I know I just wasn't there to collect the petition and I'm not sure if Commissioner Tanner collected it. Regardless, even if I had the petition, I would not have been able to enter it into the record because it was received after the deadline for submission of materials to the Board. Thank you for your understanding.

Jon Lau
Sent Friday, December 18, 2020 9:54 AM
To Hester Hinshaw (MYR); Hank Heckel
Subject RE: Call of the Question - Appeal of Determination of Exemption from Environmental Review re: 1 Polk Street

Received. Thank you.

Jon Lau
Sent Friday, December 18, 2020 3:40 AM
To Hester Hinshaw (MYR); Corey Teague (CPC)
Subject RE: Call of the Question - Appeal of Determination of Exemption from Environmental Review re: 1 Polk Street

Thanks. We have not had a chance to collect any petitions or personally verify any of the signatures that have been submitted to us by others. Please see the attached petition submitted by Commissioner Tanner.

Admin BF 2.4(a)(1)

I didn't know if you were expecting hard copies of the petitions. I'll drop them off at the Board's 11 Dr. Carlton B. Goodlett Place location for you.

Admin BF 2.4(a)(1)

Jon Lau
Sent Friday, December 18, 2020 3:25 AM
To Hester Hinshaw (MYR); Corey Teague (CPC)
Subject RE: Call of the Question - Appeal of Determination of Exemption from Environmental Review re: 1 Polk Street

Received. Thank you.

Jon Lau
Sent Friday, December 18, 2020 3:21 AM
To Hester Hinshaw (MYR); Corey Teague (CPC)
Subject RE: Call of the Question - Appeal of Determination of Exemption from Environmental Review re: 1 Polk Street

Thanks. We have not had a chance to collect any petitions or personally verify any of the signatures that have been submitted to us by others. Please see the attached petition submitted by Commissioner Tanner.

I didn't know if you were expecting hard copies of the petitions. I'll drop them off at the Board's 11 Dr. Carlton B. Goodlett Place location for you.

Jon Lau
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7712 | Fax No. (415) 554-5163
jon.lau@sfgov.org | www.sfbos.org

Thanks for your comments. Please be advised that the Board of Supervisors has received your letter and it will be included in the official file.

Angela Calvillo
Clerk of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
angela.calvillo@sfgov.org | www.sfbos.org

December 15, 2020
Subject: RE: Call of the Public - Recommendations and Requests - Text Messages - Wednesday, December 16, 2020 - Planning Department Request
Anonymous

We are continuing our response to the request below for Planning Department's text messages for Wednesday, December 16, 2020 due to the need to consult with another department, specifically the San Francisco Police Department. See Cal. Gov. Code § 6253(c) and San Francisco Administrative Code § 67.25(b)
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On Dec 15, 2020
Subject: RE: Call of the Public - Recommendations and Request

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Wednesday, December 15, 2021 9:07 PM
To: Supervisor Records (CAT)
Subject: 4 redactions re hidden budget items - 67.21(d) petition
Attachments: carla-short-messages-darlene-frohmpdf-redacted.pdf; Screen Shot 2021-12-15 at 8.00.54 PM.png; signature.asc

Supervisor of Records Chiu:

This is a petition under 67.21(d) to order Carla Short, Darlene Frohm and the DPW to disclose four pieces of info (or the maximum non-exempt portions) withheld as personnel records (and determine in writing they are at least in part public) on page 74 of the attached record.

In the text Carla Short appears to tell Darlene Frohm she "hid" funding for something called "Coach Q" in the budget.
(DPW claims "hid" is supposedly a typo for "had" in the context of some other records request.)

Frohm states: "Speaking of Coach Q, Julia has pushed back on funding, can you bring this up with Alaric. We were told it was a go then no go??"
Short replies: "I hid it in the budget- I think we have it. I'll check"

Immediately around those items are fully redacted messages. Presumably they refer to Coach Q, because the text says "speaking of" Coach Q.

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) 🐂🔍 <arecordsrequestor@protonmail.com>
Sent: Thursday, December 9, 2021 2:15 AM
To: Supervisor Records (CAT); Youngblood, Stacy (POL); SFPD, Commission (POL)
Subject: 67.21(d) - CORI/CLETS exemptions and other SB1421 issues
Attachments: signature.asc

Supervisor of Records Chiu:

This is a petition under 67.21(d) to determine in writing various parts of records public and order them disclosed. I have a request for all SB 1421 records against the Police Commission from `88550-29784388@requests.muckrock.com` ; such requests for all SB 1421 records in existence have been upheld by various courts and I cannot be required to narrow it.

(This is also a 40-day notice to cure to the Police Commission; otherwise an Ethics complaint will be filed).

Issues:

1. In the following record:
https://cdn.muckrock.com/foia_files/2021/12/08/Police_Commission_copy_of_Commission_notification_letter_to_Erb_Redacted.pdf , what Police Commission refers to as redaction type 1 Penal Code 832.7(b)(5)(A) is being used to withhold oddly enough Sgt. Erb's name, even though (b)(5)(A) specifically cannot exempt the names of peace officers.

I challenge all uses of redaction type 1 to withhold the names of peace officers in all of the records provided to me on this request.

2. The Police Commission has stated the following written justification and redaction key for various withholdings for SB 1421 records:
Redaction type 7 - "California Penal Code § 11105 et. seq. - CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems)."

Admin COde 67.26 requires that each redaction be keyed to a justification under 67.27. But this is not a lawful 67.27 justification because it is neither citing a "specific permissive exemption" nor a "specific statuory authority."

"California Penal Code § 11105 et. seq" refers to dozens of different clauses. The Police Commission must take a specific position on which of these various distinct statutory authories apply. Which clause specifically purportedly exempts this information?

Moreover, this redaction justification seems to be abused: For example, photographs of cars in the Erb incident cannot possibly be derived from CLETS or CORI. They are from the incident at hand. https://cdn.muckrock.com/foia_files/2021/12/08/Police_Commission_copy_of_PowerPoint_for_Erb_hearing_Redacted.pdf

The Hotsheet is also withheld - under what specific statutory authority is it withheld?

I challenge all redactions of type 7 in all of the records provided to me on this request.

Regards,

Anonymous
Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent from ProtonMail for iOS

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Friday, December 3, 2021 10:32 PM
To: Supervisor Records (CAT); Cretan, Jeff (MYR)
Subject: 67.21(d) - Jeff Cretan - Fwd: RE: Union Square - Immediate disclosure request
Attachments: signature.asc

Supervisor of Records,

On Nov 20 3:51pm I made the request below, including specifically by emailing Jeff Cretan.
At Nov 20 7:18am, 9:01am, 10:56am, and 1:07pm - less than 3 hours beforehand, Jeff Cretan and SFPD spokesperson Matt Dorsey texted each other about the Nov 19, 2021 Union Square/Louis Vuitton alleged crimes and the PR response to it.
Those records are responsive to my request.
They have not been produced by Cretan and the Mayor's Office.

Please determine the records to be public and order them disclosed, pursuant to 67.21(d).

Regards,

Anonymous
Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent from ProtonMail for iOS

---------- Forwarded message ----------
From: Heckel, Hank (MYR)<hank.heckel@sfgov.org>
Date: On Fri, Dec 3, 2021 at 6:36 PM
Subject: Fwd: RE: Union Square - Immediate disclosure request
To: Anonymoose <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Anonymous,

The Office of the Mayor has conducted an inquiry regarding your request. We have no responsive records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Heckel, Hank (MYR)
Sent: Tuesday, November 23, 2021 3:51 PM
To: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: Union Square - Immediate disclosure request

Anonymous,

This request is neither simple nor routine nor readily answerable. Accordingly the request warrants the full statutory time period of 10 days in which to respond. See Cal. Gov. Code 6253(c); Admin. Code 67.25(b).

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, November 20, 2021 3:51 PM
To: Scott, William (POL) <william.scott@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Boudin, Chesa (DAT) <chesa@sfgov.org>
Cc: District Attorney, (DAT) <districtattorney@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Pera, Arran (POL) <arran.pera@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>
Subject: Union Square - Immediate disclosure request

SFPD, Mayor's Office, and DA's Office:

Please preserve and produce any communication, discussion, or record within each of your offices or between 2 or more of your 3 offices, of all forms or kinds, on any type of property, regarding the Nov 19, 2021 Union Square/Louis Vuitton alleged crimes, including any responses, strategies, policy options, coordination, talking points, press releases, memos, meeting entries, or meeting invites. Let's see how the sausage is made from alleged crime -> instant policy making / PR response.

If you ignore the below instructions, you know I will file a complaint. If I already have a ruling against you on any of the below, I will file a complaint directly with the Ethics Commission for now willful violation:

> For email and calendar, exact PDF copies of each and every distinct record (including separate emails in one thread) are sufficient with the body, invitees, attendees, attachments, email addresses, To/From/cc/Bcc, urls, formatting, and hyperlinks.
>
> For Microsoft Office or office productivity (word processing, spreadsheets, and presentations) documents, produce an exact copy of the record in its original electronic format; do not convert to PDF.
>
> For records of any kind with: attachments (must be produced in their original electronic format), images, audio, video, formatting, hyperlinks/URLs, date/time stamps, participant/author names, comments, or history -- be sure to preserve and produce all of those parts.

Regards,

Anonymous

Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, December 4, 2021 8:13 AM
To: Supervisor Records (CAT); Cretan, Jeff (MYR)
Subject: Re: 67.21(d) - Jeff Cretan - Fwd: RE: Union Square - Immediate disclosure request
Attachments: signature.asc

Supervisor of Records:
To avoid any doubt re: the below petition, please determine them to be public *in writing* and order them disclosed.

On Fri, Dec 3, 2021 at 10:31 PM, Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com> wrote:

> Supervisor of Records,
>
> On Nov 20 3:51pm I made the request below, including specifically by emailing Jeff Cretan.
> At Nov 20 7:18am, 9:01am, 10:56am, and 1:07pm - less than 3 hours beforehand, Jeff Cretan and SFPD spokesperson Matt Dorsey texted each other about the Nov 19, 2021 Union Square/Louis Vuitton alleged crimes and the PR response to it.
> Those records are responsive to my request.
> They have not been produced by Cretan and the Mayor's Office.
>
> Please determine the records to be public and order them disclosed, pursuant to 67.21(d).
>
> Regards,
>
> Anonymous
> Twitter @journo_anon
>
> ***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.
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> 3. I am not a lawyer. 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.
>
> Sent from ProtonMail for iOS
>
> ---------- Forwarded message ----------
> From: Heckel, Hank (MYR)<hank.heckel@sfgov.org>

Date: On Fri, Dec 3, 2021 at 6:36 PM
Subject: Fwd: RE: Union Square - Immediate disclosure request
To: Anonymoose <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Anonymous,

The Office of the Mayor has conducted an inquiry regarding your request. We have no responsive records.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Heckel, Hank (MYR)
Sent: Tuesday, November 23, 2021 3:51 PM
To: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: Union Square - Immediate disclosure request

Anonymous,

This request is neither simple nor routine nor readily answerable. Accordingly the request warrants the full statutory time period of 10 days in which to respond. See Cal. Gov. Code 6253(c); Admin. Code 67.25(b).

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Saturday, November 20, 2021 3:51 PM
To: Scott, William (POL) <william.scott@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Boudin, Chesa (DAT) <chesa@sfgov.org>
Cc: District Attorney, (DAT) <districtattorney@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Pera, Arran (POL) <arran.pera@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>
Subject: Union Square - Immediate disclosure request

SFPD, Mayor's Office, and DA's Office:

Please preserve and produce any communication, discussion, or record within each of your offices or between 2 or more of your 3 offices, of all forms or kinds, on any type of property, regarding the Nov 19, 2021 Union Square/Louis Vuitton alleged crimes, including any responses, strategies, policy options, coordination, talking points, press releases, memos, meeting entries, or meeting invites. Let's see how the sausage is made from alleged crime -> instant policy making / PR response.

If you ignore the below instructions, you know I will file a complaint. If I already have a ruling against you on any of the below, I will file a complaint directly with the Ethics Commission for now willful violation:

> For email and calendar, exact PDF copies of each and every distinct record (including separate emails in one thread) are sufficient with the body, invitees, attendees, attachments, email addresses, To/From/cc/Bcc, urls, formatting, and hyperlinks.

For Microsoft Office or office productivity (word processing, spreadsheets, and presentations) documents, produce an exact copy of the record in its original electronic format; do not convert to PDF.

For records of any kind with: attachments (must be produced in their original electronic format), images, audio, video, formatting, hyperlinks/URLs, date/time stamps, participant/author names, comments, or history -- be sure to preserve and produce all of those parts.

Regards,

Anonymous

Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose (@journo_anon) <arecordsrequestor@protonmail.com>
Sent: Wednesday, December 1, 2021 2:11 PM
To: Supervisor Records (CAT); Scott, William (POL)
Subject: Fw: Public Records Request :: P044805-081621
Attachments: P44805_-_SFPD_response_letter_12-1.pdf; P43647_-_SFPD_response_letter-_12-1.pdf; signature.asc

Supervisor of Records Chiu:

Under Admin Code 67.21(d), determine in writing that the records or parts thereof are public and order them disclosed, for both of the attached requests from August 2021.
No substantive response complying with either the CPRA or the Sunshine Ordinance has ever been received.
While incremental response was requested, not a single part of any of the requests have ever been responded to.

SFPD Chief Scott: this is a 40-day notice. On the 40th day an Ethics Commission complaint for willful violation will be filed against you.

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, December 1st, 2021 at 12:32 PM, San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net> wrote:

Attachments:
P44805_-_SFPD_response_letter_12-1.pdf

--- Please respond above this line ---

December 01, 2021

Via email arecordsrequestor@protonmail.com

Anonymous

,

RE: Public Records Request, dated August 16, 2021, Reference # P044805-081621

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant Arran Pera #531

Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Saturday, September 25, 2021 5:37 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition vs Mayor Breed for willful Sunshine violation re: her emails, my ref M116629SR
Attachments: Exhibit A - Request thread.pdf; Exhibit B.pdf; Exhibit C - Prior representation to SOTF.pdf; signature.asc

Supervisor of Records Herrera:
THis is a 67.21(d) petition to determine the below records are in whole or in part public, and an order for their disclosure.

------- Original Message -------
On Saturday, September 25th, 2021 at 5:35 PM, Anonymoose <arecordsrequestor@protonmail.com> wrote:

Dear SOTF:

Please file this complaint and provide a file number, *Anonymous v Mayor London Breed, Hank Heckel, and the Office of the Mayor.*
The allegations are below as headings. Please preserve them all as written.

Background:
I asked via an emailed IDR with requested rolling response on July 24, 2021 (see thread in Exhibit A) 1.5 years of written evidence of the Mayor's own work, specifically:
- "an electronic scanned copy of any physical public record written at least in part personally by the Mayor since January 2020 EXCEPT where the sole contribution of the Mayor is her signature or initials"
- "an electronic exact copy of any electronic public record of any form entered at least in part personally by the Mayor since January 2020 (including but not limited to texts, chats, DMs, PMs, group messages, Word, Excel, all forms of messaging, email, etc.)"

(Note that I did not ask for merely the parts of the record entered in by Breed, but every public record which was authored *at least in part* by the Mayor.)

I warned: "Even if the Mayor has deleted her own copy of these records, ALL such records in the constructive possession of the Office of Mayor must be searched and provided (say Elsbernd has a copy of a Breed written memo, even if Breed deleted her original, Elsbernd must provide his copy). You must also search all personal property. PRESERVE ALL ORIGINALS OF RECORDS." (Note that this warning isn't specifically required, and everything I stated is always an obligation of the Respondents).

There were apparently only 8 responsive records, as produced on Sept. 22. They sole written justification for withholding is redactions for Gov Code § 6254(c), California Constitution, Art. I, Sec. 1 (personal privacy). All 8 are available at: https://www.muckrock.com/foi/san-francisco-141/mayors-own-work-immediate-disclosure-request-116629/#comm-1167186
In the responsive email records, respondents without justification unlawfully withheld all hyperlink URLs (such as the Google Document at issue) and attachments, violating not only the law but also their own signed representations to the SOTF.

Detailed allegations:
1. SF Admin Code 67.34, willful failure by Breed to comply with the Sunshine Ordinance:

In exchange for withdrawing/closing certain prior SOTF complaints, the Mayor's Office voluntarily entered into multiple signed agreements representing to both the SOTF and to myself that they would, going forward, disclose various specific parts of public records, including explicitly requiring the disclosure of email attachments and hyperlinks in the agreement in Exhibit C. The Mayor's Office violated this agreement, which they apparently entered into as a ruse to avoid responsibility before SOTF in prior complaint 20006. The Mayor's Office signed letter to the Task Force dated May 5, 2021 states:

> **Dear Task Force** and Anonymous:
> Regarding Anonymous' offer to withdraw SOTF Complaint File No. 20006, **the Office of the Mayor agrees generally (a) to produce exact PDF copies of public record emails for requesters** (**preserving any available non-exempt attachments**, available non-exempt email addresses in the To/From/Cc/Bcc, and **available non-exempt hyperlinks**, images, formatting, and the body of the email), and (b) when specifically requested, to disclose full email headers of public record emails, subject to information security redactions of particular header values, and other lawfully applicable exemptions. We understand that following receipt of this letter and our production of non-exempt email header data for a July 2, 2019 email from Sophia Kittler to Andres Power, Anonymous will consider the issues in SOTF File No. 20006 resolved and withdraw the complaint.
> ...

Note this was not merely a written representation and promise to me, but also to the Sunshine Ordinance Task Force. Since the Mayor's Office entered voluntarily into these agreements, Breed was clearly aware of her and her office's Sunshine obligations (for which she is legally responsible), and Breed willfully violated the law. It is Breed's legal responsibility (under SFAC 67.29-7(a)) to ensure all of her office's documents and correspondence are disclosed in accordance with the Sunshine Ordinance.

(The agreement is signed on behalf of the Office of the Mayor by Breed's Legal Compliance Officer, Hank Heckel. Thus, Hank Heckel also appears to have lied (again, see below) to the Task Force in a signed writing. As the Task Force was the administrative tribunal processing prior SOTF complaint 20006, and had the authority to issue binding orders, Heckel's lies to the Task Force in that letter about complaint 20006 appear to be a violation of his duty of candor to a tribunal under California Rules of Professional Conduct 3.3, which is now repeated, and I intend to pursue separately.)

2. SF Admin Code 67.27, failure to provide written justification of withholding, and 67.26 non-minimum withholding of email attachments and hyperlink URLs:
The attachments and hyperlink URLs were withheld without any written justification.

3. SF Admin Code 67.26 and CPRA Gov Code 6254.3(b)(1) non-minimum withholding of email addresses used by public employees to conduct public business:
It appears from the disclosure that the Mayor solely communicates using email with her staffers about public business using her and their personal email addresses.
Under 6254.3(b)(1), these email addresses cannot be redacted: "(b) (1) **Unless used by the employee to conduct public business**, or necessary to identify a person in an otherwise disclosable communication, the personal email addresses of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as specified in paragraphs (1) to (4), inclusive, of subdivision (a)."
The Mayor and her employees use personal email to conduct public business away from the automatic search and retention capabilities of City sfgov.org accounts, and, if Respondents are to be believed, this is moreover the exclusive email mechanism the Mayor uses to conduct public business, as no sfgov.org emails were produced for over 1.5 years of requests.

4. SF Admin Code 67.25(d), failure to provide rolling/incremental response:
Exhibit B, one of the responsive records, was clearly converted to PDF on July 30, almost immediately after my request. Note the top right heading which preserves the date of conversion.
Respondents waited until Sept. 22 to provide it to me, even though the law requires "when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by **the end of the same business day that they are reviewed and collected**."

5. CPRA Gov Code 6253(c), failure to notify requester of disclosable public records within 10 days:
Respondents clearly knew within 10 days that responsive disclosable public records did exist no later than July 30 (per the header in Exhibit B). They refused to tell me. There was no acknowledgement or response whatsoever until Sept 22.

6. SF Admin Code 67.21(b), failure to provide a copy of a record; SFAC 67.26/67.27 non-minimum and unjustified withholding of Word document metadata:
As SOTF has held previously, failure to provide an exact copy of an electronic record means a copy simply has not been provided. I had in fact asked for exact copies.
Respondents appear to have failed to provide the original Word documents of the executive directives signed by the Mayor - and the fact that they are Word documents is disclosed by the PDF's metadata. Mayor's Office was previously informed by the city IT experts that Word documents do not carry any security-sensitive metadata.

7. SF Admin Code 67.29-7(a), failure of Breed to maintain all documents and correspondence in a professional and businesslike manner and to disclose them lawfully
It is Breed's personal obligation as department head to maintain all documents and correspondence in a professional and businesslike manner and to disclose them according to law.

(1) Breed did not disclose all the responsive documents and correspondence lawfully, per the above allegations.

(2) Breed apparently solely conducts public business using her personal email address, which is neither professional nor businesslike. And/or her office has destroyed all written evidence of her work using her sfgov.org account.

(3) Breed claims that 8 public records are apparently the entirety of the written evidence of Breed's own work as Mayor in over 1.5 years. Which means either she does essentially no work, she is lying about what records exists, or she has deleted all of the rest. Note even the records produced are printed out from the *recipients*' (staffers') personal email accounts. Which means Breed has at least refused to disclose or already deleted her own "Sent" versions of the provided emails - which if they exist are responsive records that must be provided. The law requires *all* documents and correspondence to be maintained professionally and in a businesslike manner - this stricter requirement overrides any lesser requirement in any other local or state law. Even records existing less than a year have apparently been deleted.

Breed (via Heckel) has made such false claims before, stating falsely in writing to the SOTF (as their complaint response) and refusing to correct themselves at the initial committee hearing of the SOTF that available non-metadata calendar information had been provided to me in SOTF 19047 - she was of course lying, having neither produced the additional internal non-Prop G calendar at all, nor identified it as withheld and justifying it - merely keeping the existence of such records a *secret*. I alleged correctly that such claims of having no other calendar records were simply *unbelievable*, SOTF in fact questioned Heckel about this, he refused to come clean, but Breed eventually later produced the record and SOTF found Breed in violation.

The claim is of course ridiculous; my requests have produced various texts throughout the City of Breed directing City employees to do various work, showing that either Breed lies or deletes essentially all of her writings immediately.

Neither the Mayor nor Hank Heckel have any credibility, and SOTF should simply not believe them.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Monday, September 13, 2021 9:56 AM
To: SOTF, (BOS); Supervisor Records (CAT)
Cc: Heckel, Hank (MYR); MayorSunshineRequests, MYR (MYR); Elsbernd, Sean (MYR); Lee, Ivy (MYR)
Subject: New SOTF complaint/67.21(d) petition against Mayor - Police reform/BLM info - My Ref R108092B1
Attachments: Memo.Reinvestment_of_Police_Dollars.Announcement.07.24.2020_Redacted.pdf; 08.19.2020 _MegaBlack_SF_Redacted.pdf; HRC_Reparations_and_Reinvestment_Roundtable_07.24.20 _Redacted.pdf; Appendix.pdf; signature.asc

Follow Up Flag: Follow up
Flag Status: Completed

Respondents: Ethics Commission complaints will be filed 40 days after this email.
Supervisor of Records: Determine in writing the redacted portions of records attached are public and order them disclosed, SFAC 67.21(d).
SOTF:

Please file a new complaint *Anonymous v Mayor London Breed, Hank Heckel, Ivy Lee, and the Office of Mayor.* Allegations: SFAC 67.26 non-minimum and non-keyed withholding, 67.27 improper written citation, 67.24(a)(1) improper draft citation and withholding, 67.24(h) withholding information under deliberative process exemption

On June 21st, 2021 I requested among other things:

> A. Please provide any meeting prep notes, minutes, agendas, for any 2020 or 2021 Breed meeting about or mentioning any of the following topics:
> ...
> 3) Black Lives Matter, George Floyd protests, and police response thereto; police defunding/refunding
> ...

This complaint is solely about production of a specific attached set of records apparently in response to request 3 as Respondents provided on Sept 10, 2021, where they stated, emphasis mine:

> Please see the attached records responsive to Items 2 and 3 of your request below. **Please note that redactions appear in the staff contact sections of the documents to protect personal privacy. Gov Code § 6254(c), California Constitution, Art. I, Sec. 1. Please also note that certain information has been redacted because it constitutes the draft recommendation of the author and the balance of the public interests weighs against disclosing such non-final recommendations of staff. See Admin Code 67.24(a)(1); Cal. Gov. Code § 6254(a); 6255(a).**

Other issues are not tackled here, but may still be subject of other complaints.

Of course, the subset of the draft exemption allowed by the Sunshine Ordinance in 67.24(a)(1) doesn't actually apply to these documents and redactions because that law has multiple clauses that *all* have to be met to be exempt - moreover Breed must prove to SOTF specific facts that show ALL of those clauses are met by every single redaction in this file. 67.24(a)(1) says: "Except as provided in subparagraph (2), no **preliminary draft or department memorandum**, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) **or any other provision**. If such a document is not normally kept on file and would otherwise be disposed

of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt."

Thus in order to be withheld, the information redacted must meet ALL three conditions:

1. part of a "preliminary draft or department memorandum"
2. a document that is "not normally kept on file and would otherwise be disposed of" - as the Mayor's Office told you in a prior complaint against Elsbernd for deleting his (*Petrelis v Elsbernd*), if the Mayor's office were to keep records for their convenience, they would have been retained. That applies in the reverse as well: these notes are not discarded - this is proven by the fact that they exist and were produced to me. Moreover, these meeting notes are produced to me consistently - they are not "not normally kept on file" and they are not generally disposed of.
3. "only the recommendation of the author"

Instead, Respondents plead merely that these are "non-final recommendations." That alone does not meet the letter of the law. And the City cannot broaden the exemption beyond the letter of the law, Art 1 Sec 3, CA Const. Moreover, pages and pages of the MegaBlack event document have been redacted. Also, the identity and timestamp of various commenters on the HRC document have been redacted in the right hand side column - that info itself is factual and not the *recommendation* of the author. Note that the identity of the author is not exempt under SFAC 67.24(a)(1) even ***if*** their recommendations are actually exempt.

In fact, I filed complaints about this exact improper draft tactic used by the Mayor earlier this year, so now the Mayor has just slapped on an additional GC 6255 balancing test as essentially CYA. But that makes their violations even worse: the City cannot use Gov Code 6255 simply to cover their failure to meet the full requirements of SFAC 67.24(a)(1) because the first sentence says (emphasis mine): "Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) ***or any other provision***." Admin Code 67.24(a) is NOT suspended during COVID. Thus no "other provision" (such as Gov Code 6255) can be used even though SFAC 67.24(g) and (i) are purportedly suspended. Citing an "other provision" to exempt an alleged preliminary draft or department memorandum is illegal.

The Mayor is not permitted to use Gov Code 6255 due to the wording of Admin Code 67.24(a)(1), but even if she was, the balancing test does not fall in favor of non-disclosure.
Because of the way the Mayor wrote her COVID orders, she bears the burden to prove to SOTF that the public interest in non-disclosure clearly outweighs the public interest in disclosure in a way that does *not use the deliberative process privilege, which is a part of Gov Code 6255, but still prohibited in SF,* for each and every redacted portion of the attached document.
If Respondents cannot give sufficient evidence to SOTF to bear their burden, you must rule in favor of disclosure. At this time, the Mayor has given no explanation of why the public interest in non-disclosure would *clearly* outweigh interest in disclosure. I am not required to prove the public interest in disclosure outweighs public interest in non-disclosure - only the Mayor bears the burden.

In reality, the Mayor is attempting to protect her deliberative process - but the privilege for protecting such deliberative process in San Francisco is prohibited even during COVID. It is also not keyed which of these various exemptions would apply to each redaction. Do all citations apply to every redaction?

What is happening here is that the Mayor's Office's genuine positions on racial issues and police reform are being hidden for political purposes, or to avoid alienating the organizations and Supervisor Walton she apparently speaks to - and this is the deliberative process privilege. It is likely those internal, genuine positions do not reflect her claimed, public, progressive positions on BLM, racial equity, and police reform that she enjoys giving speeches about. There is substantial interest in knowing what the Mayor's Office actual positions on matters of public policy are. Hiding the

discussion of that internal position to promote frank discussion would in fact be protected as a deliberative process under *Times Mirror Co. v Superior Court* but only outside of San Francisco. Within San Francisco, the public has the right to know the full deliberative process their officials engage in. And the 67.24(h) prohibition of deliberative process exemptions protect against their withholding under *any* law. "Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process" exemption, either as provided by California Public Records Act Section 6255 ***or any other provision of law that does not prohibit disclosure***."

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Thursday, August 26, 2021 10:44 PM
To: SOTF, (BOS); Dennis Herrera (City Attorney, SF); Feitelberg, Brittany (CAT); Supervisor Records (CAT); CityAttorney (CAT)
Subject: File SOTF complaint v Herrera / 67.21(d) petition - my ref S109011C
Attachments: Exhibit.pdf; signature.asc

Follow Up Flag: To update SOR chart on monday
Due By: Monday, August 30, 2021 8:00 AM
Flag Status: Flagged

Dear Supervisor of Records Herrera: Determine in writing these records or parts thereof are public and order them disclosed, SFAC 67.21(d).

Dear Herrera and Office of City Attorney: In 40 days an Ethics complaint will also be filed.

Dear SOTF:
File a new complaint and provide a file number: ***Anonymous v City Attorney Dennis Herrera and the Office of City Attorney***

On February 27/28, I made four IDRs for communications with opposing legal counsel, etc. in 4 pieces of litigation/claims against the City.
Note that communications with the opposing party cannot be privileged since it has already been disclosed to outside-the-City parties, and the common interest doctrine cannot apply to adversarial parties.
On March 11, Respondents declared what must be understood to be a 14-day extension.
As of this complaint, 6 months have passed with not a single record produced or any further responses, and rolling responses were in fact demanded correctly.

It is possible that these records are voluminous (however, I have no idea, since they never responded substantively). However, the proper lawful response is to timely indicate whether records were disclosable and the reasons, and then give rolling responses as required by law, incrementally producing records every week, until all records had been produced. Instead, this wall of silence is part of Dennis Herrera's well-documented-in-writing retaliation (i.e. their own letter signed under Herrera's name) against me for filing Sunshine complaints, which is my right under the Sunshine Ordinance, and his irrelevant opinions about the motivations of my work, which he legally cannot consider at all. Herrera cannot block me out of their controversial records or *purposefully* slow them down so as to coerce me to not file complaints. His actions instead result in more complaints as he willfully violates the law against me, specifically. Herrera must produce records as fast as physically possible; as long as the agency can perform its other duties, it cannot artificially slow down my requests as it is doing. Finally, any past work in responding to my records could not possible affect, at this moment, their ability to currently respond to these requests.

Violations:

1. CPRA Gov Code 6253(c) - failure to provide a notice of determination of disclosable public records and reasons thereof after the extension for 14 days after the initial 10 day deadline
2. SFAC 67.21 - untimely and incomplete response
3. SFAC 67.25(d) - failure to provide rolling responses
4. SFAC 67.29-7(a) - failure of department head to disclose all documents and correspondence according to the Sunshine Ordinance

5. SFAC 67.26 and 67.27 - non-minimum and unjustified withholding (the failure to locate and provide records is equivalent to withholding the records in whole [1])
6. SFAC 67.34 - willful failure by department head to comply with Sunshine Ordinance (as these violations are retaliation for my prior filing of complaints)

[1] - "The effect of the City's inability or unwillingness to locate the records had the same effect as with-holding requested information from the public." *Community Youth Athletic Center v. City of National City,* 220 Cal.App.4th 1385, 1425 (Cal. Ct. App. 2013)

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

From: twitter.com/journo_anon 02/27/2021

Subject: California Public Records Act Request: San Francisco Litigation Negotiation Communications -... Email

The below are immediate disclosure requests to your agency:

Please provide EACH record SEPARATELY as an exact PDF copy using PDFMaker , preserving all To/From/Cc/Bcc email, addresses, attachments, images, hyperlink URLs, formatting.
Please DO NOT combine different emails into one PDF file - it is a lot harder to send to SOTF when each file is huge, and by sending records individually there is no problem using email attachments instead of FTP.
For emails sent BY your agency you must provide records with BCCs, if any, which can only be produced using the employee's sent folders.

Because the PDFMaker individual PDF file is available or easily generated, you must provide it (SFAC 67.21(L)).

Please provide in a rolling fashion all records below (you must provide each record within one day of reviewing that record - SFAC 67.25(d)).

Ensure all records are minimally withheld with each redaction KEYED to a written justification. I will not guess which redaction is which. The other agencies have figured out how to do this, you should too. Ensure all records withheld are justified in writing.

1. All communications of every form between your Office and opposing counsel or parties (in either direction) in: PEOPLE OF THE STATE OF CALIFORNIA, v. UBER TECHNOLOGIES, INC. et al., A160701, A160706 (City & County of San Francisco Super. Ct. No. CGC-20-584402) and all appeals thereof.

From: twitter.com/journo_anon 02/27/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

The below are distinct immediate disclosure requests to your agency:

Please provide EACH record SEPARATELY as an exact PDF copy using PDFMaker , preserving all To/From/Cc/Bcc email, addresses, attachments, images, hyperlink URLs, formatting.
Please DO NOT combine different emails into one PDF file - it is a lot harder to send to SOTF when each file is huge, and by sending records individually there is no problem using email attachments instead of FTP.
For emails sent BY your agency you must provide records with BCCs, if any, which can only be produced using the employee's sent folders.

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Ensure all records are minimally withheld with each redaction KEYED to a written justification. I will not guess which redaction is which. The other agencies have figured out how to do this, you should too. Ensure all records withheld are justified in writing.

2. All communications of every form between your Office and opposing counsel or parties (in

either direction) in: San Francisco Superior Court, Case No. CGC-19-575669; Anthony Economus v. Flint Paul

From: twitter.com/journo_anon 02/27/2021

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For emails sent BY your agency you must provide records with BCCs, if any, which can only be produced using the employee's sent folders.

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Please provide in a rolling fashion all records below (you must provide each record within one day of reviewing that record - SFAC 67.25(d)).

Ensure all records are minimally withheld with each redaction KEYED to a written justification. I will not guess which redaction is which. The other agencies have figured out how to do this, you should too. Ensure all records withheld are justified in writing.

3. All communications of every form between your Office and opposing counsel or parties (in either direction) in: HASTINGS COLLEGE OF THE
LAW, et al. vs CITY AND COUNTY OF SAN FRANCISCO, 4:20-cv-03033-JST.

From: twitter.com/journo_anon 02/28/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

NOTE: All prior requests from this email address are amended to INCLUDE all communications with the opponent prior to filing of the suit with regards to any pre-litigation settlement or claim discussion, and any post-adjudication/dismissal discussion (such as discussion of whether or not both parties are continuing to comply with terms of settlement/ruling).

The below are distinct immediate disclosure requests to your agency:

Please provide EACH record SEPARATELY as an exact PDF copy using PDFMaker , preserving all To/From/Cc/Bcc email, addresses, attachments, images, hyperlink URLs, formatting.
Please DO NOT combine different emails into one PDF file - it is a lot harder to send to SOTF when each file is huge, and by sending records individually there is no problem using email attachments instead of FTP.
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Please provide in a rolling fashion all records below (you must provide each record within one day of reviewing that record - SFAC 67.25(d)).

Ensure all records are minimally withheld with each redaction KEYED to a written justification. I will not guess which redaction is which. The other agencies have figured out how to do this, you should too. Ensure all records withheld are justified in writing.

4. All communications of every form between your Office and opposing counsel or parties (in either direction) in: CHOI NGOR LI VS. CITY AND COUNTY OF SAN FRANCISCO ET AL, CGC19576285. This includes all communications with opposing counsel or parties (in either direction) prior to filing of the suit with regards to any pre-litigation settlement or claim discussion, and any post-adjudication/dismissal discussion (such as discussion of whether or not both parties are continuing to comply with terms of settlement/ruling).

From: Muckrock Staff 03/10/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: San Francisco City Attorney 03/11/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

Dear requester,

I am responding on behalf of the City Attorney's Office to your below request. We are working on your request, and currently estimate being able to respond within two weeks.
Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>
Best,

[image010]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

image001
Download

~WRD039
Download

From: San Francisco City Attorney 03/11/2021

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Best,

[image010]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

image001
Download

~WRD215
Download

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Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>
Best,
[image010]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

image001
Download

~WRD261
Download

From: San Francisco City Attorney 03/11/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

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Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>
Best,

[image010]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

image001
Download

~WRD203
Download

From: Muckrock Staff 03/26/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 04/12/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 04/27/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 05/12/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

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

From: Muckrock Staff 05/27/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 06/11/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 06/28/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 07/13/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 07/28/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 08/12/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 08/27/2021

Subject: RE: California Public Records Act Request: San Francisco Litigation Negotiation Communicatio... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 27, 2021. Please let me know when I can expect to receive a response.

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

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Wednesday, August 25, 2021 10:59 PM
To: SOTF, (BOS); Supervisor Records (CAT)
Cc: Boudin, Chesa (DAT); chesaboudin.da@sfgov.org; District Attorney, (DAT); Campos, David (DAT); Chatfield, Kate (DAT)
Subject: File SOTF complaint /67.21(d) petition against DA - my ref S09340B
Attachments: 20210825_Boudin-Complaint.pdf; signature.asc

Follow Up Flag: Follow up
Flag Status: Completed

SOTF: Please file a complaint: ***Anonymous v DA Chesa Boudin, Kate Chatfield, and the District Attorney's Office***
In an effort to reduce the number of complaints, I'm putting all of these 3 requests in a single complaint, and if SOTF wants to split it up at committee that is its prerogative.
Alleged violations: CPRA Gov Code 6253(c), 6253(d); SFAC 67.21, 67.25(d), 67.26, 67.27

Supervisor of Records Herrera: This is also a 67.21(d) petition to determine in writing that the Twitter block list of Kate Chatfield at the time I requested it on July 6 2021 was a public record (because Chatfield used that account to conduct public business), and order it disclosed. This is also a 67.21(d) petition to determine the other records not produced in the requests discussed in the attachment are public in whole or in part, and order them disclosed. The attached complaint is incorporated into this petition.

DA Boudin: In 40 days, an Ethics Complaint will be filed as well.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Tuesday, August 24, 2021 9:38 AM
To: SOTF, (BOS); Supervisor Records (CAT)
Cc: Ethics Commission, (ETH); PrestonStaff (BOS); Preston, Dean (BOS)
Subject: File new SOTF complaint & 67.21(d) petition against Preston - re: Christin Evans - my ref S116767A
Attachments: Request - No Response.pdf; signature.asc

Dear Sup. Preston: 40 days after this email, an additional ethics complaint will also be filed against you per Ethics complaint form instructions.

Dear Supervisor of Records Herrera: You must determine in writing pursuant to SFAC 67.21(d) that the records requested or parts thereof are public and order them disclosed.

Dear SOTF:

Please file complaint:
Anonymous v Supervisor Dean Preston and the Office of Supervisor Preston

Allegations: CPRA Gov Code 6253(c) failure to provide determination of disclosable public records and reasons or 14-day extension within 10 days, SFAC 67.21 untimely and incomplete response, SFAC 67.26 non-minimal withholding, SFAC 67.27 withholding without written justification

On July 27 and July 28 I emailed the attached request to prestonstaff@sfgov.org and dean.preston@sfgov.org , respectively (the attachment on MuckRock is in UTC not Pacific time). No response was ever received as of this August 24, 2021 complaint.
The failure to locate and provide responsive records is equivalent to withholding them in entirety from the public ("The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public. " *Community Youth Athletic Center v. City of National City*, 220 Cal.App.4th 1385, 1425 (Cal. Ct. App. 2013)).
Therefore this response is a withholding is both non-minimal and unjustified in writing.

Please find one or more of these violations and order the Respondents to comply and disclose.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

From: twitter.com/journo_anon 07/28/2021

Subject: California Public Records Act Request: Preston/SFPD re: Christin Evans - Immediate disclosure... Email

Sup. Preston and Preston's Office:

Pursuant to the California Public Records Act and Sunshine Ordinance, I hereby request the following records:

1. every communication of every form or app (including but not limited to email, text, iMessage, and any direct, private, chat, Twitter, or group messages, or any messaging app), electronic or physical, on personal or government property, between any member of your office including yourself and all legislative aides/staff/interns on one hand and SFPD on the other hand re: the arrest or detention of Christin Evans by SFPD and all followup re: her release or your involvement therein. Provide exact copies of every record preserving all date/timestamps, email addresses, participant names, audio, images, video, To/From/Cc/Bcc

2. every communication of every form or app (including but not limited to email, text, iMessage, and any direct, private, chat, Twitter, or group messages, or any messaging app), electronic or physical, on personal or government property, in the constructive possession of any member of your office including yourself and all legislative aides/staff/interns ABOUT the arrest or detention of Christin Evans by SFPD and all followup re: her release or your involvement therein. Provide exact copies of every record preserving all date/timestamps, email addresses, participant names, audio, images, video, To/From/Cc/Bcc

PRESERVE ALL ORIGINALS OF RESPONSIVE RECORDS - we will appeal all violations of Sunshine/CPRAs.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

anonymous

From: twitter.com/journo_anon 07/28/2021

Subject: RE: California Public Records Act Request: Preston/SFPD re: Christin Evans - Immediate disclo... Email

Don't forget this request from yesterday...

Sup. Preston and Preston's Office:

Pursuant to the California Public Records Act and Sunshine Ordinance, I hereby request the following records:

1. every communication of every form or app (including but not limited to email, text, iMessage, and any direct, private, chat, Twitter, or group messages, or any messaging app), electronic or physical, on personal or government property, between any member of your office including yourself and all legislative aides/staff/interns on one hand and SFPD on the other hand re: the arrest or detention of Christin Evans by SFPD and all followup re: her release or your involvement

therein. Provide exact copies of every record preserving all date/timestamps, email addresses, participant names, audio, images, video, To/From/Cc/Bcc

2. every communication of every form or app (including but not limited to email, text, iMessage, and any direct, private, chat, Twitter, or group messages, or any messaging app), electronic or physical, on personal or government property, in the constructive possession of any member of your office including yourself and all legislative aides/staff/interns ABOUT the arrest or detention of Christin Evans by SFPD and all followup re: her release or your involvement therein. Provide exact copies of every record preserving all date/timestamps, email addresses, participant names, audio, images, video, To/From/Cc/Bcc

PRESERVE ALL ORIGINALS OF RESPONSIVE RECORDS - we will appeal all violations of Sunshine/CPRAs.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

anonymous

twitter.com/journo_anon July 28, 2021

Notes are visible to you and other editors of this request.

Contact information overridden:

email

dean.preston@sfgov.org

From: Muckrock Staff 08/09/2021

Subject: RE: California Public Records Act Request: Preston/SFPD re: Christin Evans - Immediate disclo... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 28, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 08/24/2021

Subject: RE: California Public Records Act Request: Preston/SFPD re: Christin Evans - Immediate disclo... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 28, 2021. Please let me know when I can expect to receive a response.

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

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Tuesday, August 24, 2021 2:41 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition re: passive meeting info
Attachments: signature.asc

See below:

------- Original Message -------
On Tuesday, August 24th, 2021 at 2:16 PM, Anonymoose <arecordsrequestor@protonmail.com> wrote:

Mayor Breed, DPW Head Short, DEM Head Carroll and SFPD Chief Scott:

This is notice that I am alleging that each of the agencies and officials on the To line here are violating not only CPRA/Sunshine by not timely producing these records, but also by denying my attendance as required by SFAC 67.4 to gatherings of passive meeting bodies by refusing to provide any information at all, or for the agencies that did respond, by unlawfully redacting the conference call/Zoom/URL information. Note this goes beyond a CPRA timeliness/completeness issue: by refusing to provide me the information before the meetings occurred, you have violated SFAC 67.4 because I have "inquired" about these meetings by way of this August 11 request and I have been denied the required information and opportunity to attend where physically practical as required by law. The public can practically attend all virtual/conference call meetings. It's also arguable I can attend physical meetings that have enough space to accommodate me. Note that the only times passive meetings can be closed to the public is under the regular Brown Act-defined closed session options.

In 40 days: an Ethics Complaint will be filed against each of you. Note that it will not be possible for you to cure your failure to produce the required info from now until whenever you do respond, and complaints regarding your refusal to allow me to attend those meetings will be made no matter what.

SOTF complaints are also being filed immediately via separate emails.

Supervisor of Records: This is a 67.21(d) petition against all of the 4 above agencies to determine in writing the below information to be public and order it to be disclosed.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, August 11th, 2021 at 12:40 PM, Anonymoose <arecordsrequestor@protonmail.com> wrote:

> This request is amended as follows. I had some typos.
>
> "Dear Mayor Breed, City Attorney Herrera, DEM Head Carroll, DPW Head Degrafinried, and SFPD Head Scott:
>
> Disclose FOR EACH OF YOU each meeting on your calendars or on your aides' calendars in the following **3 months (from today)** where Breed, Herrera, Carroll, Degrafinried, or Scott is about homeless/HSOC/street conditions **or** COVID. All of those fall under 67.3(d) & 67.4. Please read SFAC 67.3(d) and 67.4 very carefully. This is an amazing rule that I don't see it being used often! Please ALSO follow the rules in SOTF 19112 and SOTF 19103 creating baseline requirements for Scott and Breed to disclose their own future calendars generally. I will file complaints for every violation. Remember, if you argue these topics are not public health, safety, or welfare or relating to services for the homeless, I will prove that from your own prior public statements, that they are.
>
> If someone who is NOT a City employee is meeting with the mayor to "discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues" OR even employees alone are "reviewing, developing, modifying, or creating City policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless" **you MUST disclose the time, place, and nature of the meeting, and you must allow the public to attend passively so don't censor the Zoom/conference call/etc!**
> "
>
> Regards,
>
> Anonymous
> Twitter @journo_anon
>
> ***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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, August 11th, 2021 at 12:39 PM, Anonymoose <arecordsrequestor@protonmail.com> wrote:

> Dear Mayor Breed, City Attorney Herrera, DEM Head Carroll, DPW Head Degrafinried, and SFPD Head Scott:
>
> Disclose FOR EACH OF YOU each meeting on your calendars or on your aides' calendars in the follow **3 months (from today)** per the rules above where Breed, Herrera, Carroll, Degrafinried, or Scott is about homeless/HSOC/street conditions **or** COVID. All of those fall under 67.3(d) & 67.4. Please read SFAC 67.3(d) and 67.4 very carefully. This is an amazing rule that I don't see it being used often! Please ALSO follow the rules in SOTF 19112 and SOTF 19103 creating baseline requirements for Scott and Breed to disclose their own future calendars generally. I will file complaints for every violation. Remember, if you argue these topics are not public health, safety, or welfare or relating to services for the homeless, I will prove that from your own prior public statements, that they are.
>
> If someone who is NOT a City employee is meeting with the mayor to "discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues" OR even employees alone are "reviewing, developing, modifying, or creating City policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless" **you MUST disclose the time, place, and nature of the meeting, and you must allow the public to attend passively so don't censor the Zoom/conference call/etc!**
>
> ---
> (a) All gatherings of passive meeting bodies shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.
> (1) Such gatherings need not be formally noticed, except on the City's website whenever possible, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record.
> (2) Such gatherings need not be conducted in any particular space for the accommodation of members of the public, although members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.
> ----
> (c) "Passive meeting body" shall mean:

(1) Advisory committees created by the initiative of a member of a policy body, the Mayor, or a department head;

(2) Any group that meets to discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues;

(3) Social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited.

(4) "Passive meeting body" shall not include a committee that consists solely of employees of the City and County of San Francisco created by the initiative of a member of a policy body, the Mayor, or a department head;

(5) Notwithstanding the provisions of paragraph (4) above, "Passive meeting body" **shall include a committee that consists solely of employees** of the City and County of San Francisco when such committee is reviewing, developing, modifying, or creating City policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless;

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Friday, July 16, 2021 7:24 PM
To: Supervisor Records (CAT); SOTF, (BOS)
Subject: 67.21(d) petition & new SOTF Complaint vs Chesa Boudin and DA's Office 01
Attachments: 1 - Boudin-Judge communications - Immediate disclosure request =E2=80=A2 Mu=.pdf; Anon_PRA_7.16_Lim_Balko.pdf; responsive-records-lim-balko-correspondence.pdf; signature.asc

Supervisor of Records: This is a 67.21(d) to petition to determine in writing some or all records or parts thereof in the 2 attached requests are public and order them disclosed. In request #2 they have actively withheld certain records under apparently **all** of the cited exemptions and they are not more specific than that. There are also parts of records withheld in the second request in the numbered items.

SOTF: Please file a new complaint *Anonymous v Chesa Boudin and District Attorney's Office*.
Allegations: SFAC 67.21, 67.26, 67.27, 67.25, 67.24, Gov Code 6253(c), Gov Code 6254.5

This complaint regards two requests both attached.

On the second request (comms with Dion Lim and Radley Balko):
For context Lim and Balko are both journalists who wrote about Boudin's actions in a particular alleged crime. What Boudin, Lim, or Balko did or did not do is not relevant to the Sunshine issues, except that any release of info from Boudin/his office to Lim or Balko (who are not City employees) would waive all purported exemptions in that information. ***Namely, the Respondents appear to have discussed information apparently about witnesses or victims in this case with at least Balko on at least pages 61-62 of the public records released.***

This had an untimely response, but also had numerous additional problems. Remember the Respondents bear the burden to prove with specificity that an exemption applies.

1. **Gov Code 6254.5** - For all information that was provided to some other member of the public who has *no* special position in the investigation (namely these two reporters and their employers), all privileges in that information were waived.
2. **SF Admin Code 67.26** - the participant names of the texts/chats have been withheld. You have ruled that the From and To of text messages must be disclosed. SOTF 19098 Anonymous v SFPD. It is unclear who is speaking to Lim/Balko - is it Boudin or his subordinate?
3. **SF Admin Code 67.21** - a copy of a word document attachment communicated outside of the City was not provided. Instead screenshots of this document, which clearly contains hyperlinks impossible to provide via screenshot were provided. More importantly, because this Word file was itself communicated outside of the City, all privileges in the entirety of the file as previously transmitted are waived and I must receive the entirety of the original file, including all history and metadata in that Word file, whose name starts "Dion Lim Misrepresentatio..." on page 69.
4. **SF Admin Code 67.26** - the DA's office also transmitted various hyperlinks in their chat messages that were not provided to me (ex. page 63, 65)
5. **SF Admin Code 67.27** - Respondents withheld records on subrequest 3 based on 8 different justifications: "We are withholding records under the exemptions stated above that would otherwise be responsive to your third request." I do not believe all of these justifications apply and they appear to be just scattershot.
6. **SF Admin Code 67.24(a) and 67.26** - The Respondents withheld records to subrequest 3 based on: "*Also, preliminary drafts, notes, or interagency or intra-agency memoranda may be exempt from disclosure under Cal. Govt. Code § 6254(a).*" This is not allowed. Only a very small subset of such info is exempt under local draft

exemption Admin Code 67.24(a). Namely in order to be exempt they must be "preliminary draft or department memorandum" AND "not normally kept on file and would otherwise be disposed of" AND then, only "the recommendation of the author" of such a document may be withheld within that document.

7. **SF Admin Code 67.27 -** The Respondents also withheld records to subrequest 3 based on: "*In addition, "official information," which is acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, is privileged against disclosure per Cal. Evid. Code 1040*". This statement neither specifies which exemption is being used, and also over-states that is exempt. The Official Information privilege does not in fact exempt all "official information." Instead, there are two specific exemptions for subsets of official information: and they must choose which (or both) they are using: Evidence Code 1040(b)(1) and Evidence Code 1040(b)(2). Admin Code 67.27 requires you to choose *specific* exemptions. In (b)(1) they must prove what state or federal law prohibits disclosure. In (b)(2) they must prove that a balancing test *in the interest of justice* prevails for non-disclosure. But neither (b)(1) nor (b)(2) nor both combined simply exempt ALL information acquired in confidence by a public employee, as the City incorrectly believes. (Note that I am not disputing the *applicability* of the balancing test in (b)(2) due to the Mayor's COVID orders in this instance; though I reserve the right to elsewhere challenge the validity of. What I am saying is if that is what they want to use, they need to cite that test and prove with specificity that it applies to all information so exempted.)
8. **SF Admin Code 67.21 and 67.26 -** Each, individual, email needs to be provided as an exact copy. The To, From, Cc, Bcc need to be provided with non-private email addresses.
9. **SF Admin Code 67.21 and 67.26** - At the end of the records appears to be some sort of formal letter transmitted to ABC7. I am owed an exact copy of that original file transmitted to ABC7 (and whatever mechanism was used to transmit that file). Any exemption for metadata (for example, any purported history that may otherwise by attorney work-product privileged if it was NOT in a file transmitted outside of the City) in the specific copy of the file sent to ABC7 is waived by transmission to ABC7.

<u>On the first request (comms with judges and Mayor's Office):</u>
The District Attorney's office has decided to go radio silent on my request and simply refuses to respond. At this moment there is no substantive response other than a lie that they would respond in 10 days (they did not).

Violations of Gov Code 6253(c), Admin Code 67.21(b), Admin Code 67.25(b) and/or Admin Code 67.25(d): In each case, Chesa Boudin and his Office violated Gov Code 6253(c) for failing to provide a determination of disclosable public records and reasons within 10 days and for unreasonably delaying provision of records to my requests. (The prior argument is based on a presumption that the Mayor's emergency COVID orders suspending certain timeliness requirements of the Ordinance are valid, but is not a concession that they are in fact valid, or continue to be in effect at any given time. In the alternative, Respondents violated Admin Code 67.21(b) and/or 67.25(b) for failing to provide records within 10 days.).

Violations of Admin Code 67.26 and 67.27: The failure or refusal of the Respondents to search and produce the records is equivalent to withholding all records in their entirety (Community Youth Athletic Center v. City of National City, ``The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public.''). This complete withholding is non-minimal and unjustified in writing. If and when the City eventually responds, these violations may continue as well.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

From:	Anonymoose
To:	SFDA Public Records; Marshall, Rachel (DAT); Boudin, Chesa (DAT); chesaboudin.da@sfgov.org; District Attorney, (DAT); Burke, Robyn (DAT); Supervisor Records (CAT); Feitelberg, Brittany (CAT); dennis.herrera@sfcityatty.org; SOTF, (BOS)
Subject:	Fw: 67.21(d) petition & new SOTF Complaint vs Chesa Boudin and DA"s Office 01
Date:	Wednesday, July 21, 2021 4:53:21 PM
Attachments:	Exhibit 5 - Boudin_Radley Balko article records - Immediate disclosure request • MuckRock (1).pdf Exhibit 4 - Apparent Retractions-f.pdf signature.asc

---

SOTF & Supervisor of Records Herrera:

This is a first amendment to, but not replacement of, the petition/complaint with all exhibits filed last Friday below, and an addition of the attached exhibits #4 and 5.

"*When public employees break the law, my administration will hold them accountable. No one in San Francisco is above the law.*" - Respondent Boudin, July 8, 2021

Respondents now purport to retract from public disclosure certain information, including names, phone numbers, and email addresses of what are apparently witnesses, victims, or their associates in a case with at least one juvenile subject, that were previously disclosed to me in this request (and within the original unredacted exhibits). (If Respondents desire and have the authority to censor the official complaint file with the prior unredacted exhibits, that is a matter they will have to take up with SOTF and Supervisor of Records themselves.) Respondents added the following written justification when purporting to retract the info:
"*In my previous disclosure I inadvertently attached an unredacted version of the responsive records that contained confidential contact information and names which should have been redacted. The California Constitution includes an individual right to privacy. Both state and local law recognize as a general principle that the right to personal privacy sometimes precludes disclosure of public records or information contained in those records. Cal. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §§ 1, 3(b); Admin. Code §67.1(g); Admin. Code Chapter 12M.*"

As context: the purported retractions appear to be part of a text message communication by **Kasie Lee**, Interim Chief of Victim Services Division and Assistant District Attorney, to journalist and non-City-employee **Radley Balko**. Balko appears to have then used this information to write an opinion column in the Washington Post defending Respondents and criticizing another reporter, Dion Lim, https://www.washingtonpost.com/opinions/2021/06/14/bogus-backlash-against-progressive-prosecutors/ -- after communicating with the witnesses and/or victims apparently through the contact information provided by Respondents.

Therefore, in addition to the original allegations, I also allege the following violations:

- Additional violation of Gov Code 6254.5: This is now additional information selectively disclosed to one journalist and not the public. In fact, Respondents' Director of Communications Rachel Marshall states to Lim in these same records "**Pursuant to the California Welfare and Institutions Code, we are legally prohibited from discussing anything related to a juvenile case...**" (emphasis mine) What is especially troubling is that this selective disclosure was done by Respondents in favor of one supportive journalist, with whom they also shared their own critiques of Lim, even

while arguing *to* Lim their inability to discuss the case with *her* due to juvenile casefile related exemptions. Lim asks for the "status" of the case and is rebuffed on the above citation, but then some info is indeed provided by Respondents to Balko.

- Additional violation of Admin Code 67.26: By disclosing the information to Balko, they must disclose it to the general public. Also, it is unclear how the *names* (as opposed to the private contact info) can be considered an unwarranted invasion of personal privacy. Of the names, at least one is known publicly -- in fact it is stated in the column written by Balko after Respondents' disclosure to him. Generally the Gov Code 6254(c) exemption is applied to the personal contact info, not the name of a person. Even if SOTF decides not to order disclosed some of the information previously disclosed to Balko but now purportedly retracted in order to protect third-party privacy rights in spite of the Respondents' violations, it should nevertheless find Respondents violated the law due to the selective disclosure.
- Violation of Gov Code 6253(d): Respondents are required to identify the name and title of every person *responsible* for withholding the information, but did not do so. Who do we hold responsible here?

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

> ------- Original Message -------
> On Friday, July 16th, 2021 at 7:23 PM, Anonymoose <arecordsrequestor@protonmail.com> wrote:
>
> > **Supervisor of Records:** This is a 67.21(d) to petition to determine in writing some or all records or parts thereof in the 2 attached requests are public and order them disclosed. In request #2 they have actively withheld

certain records under apparently **all** of the cited exemptions and they are not more specific than that. There are also parts of records withheld in the second request in the numbered items.

SOTF: Please file a new complaint *Anonymous v Chesa Boudin and District Attorney's Office*.
Allegations: SFAC 67.21, 67.26, 67.27, 67.25, 67.24, Gov Code 6253(c), Gov Code 6254.5

This complaint regards two requests both attached.

On the second request (comms with Dion Lim and Radley Balko):
For context Lim and Balko are both journalists who wrote about Boudin's actions in a particular alleged crime. What Boudin, Lim, or Balko did or did not do is not relevant to the Sunshine issues, except that any release of info from Boudin/his office to Lim or Balko (who are not City employees) would waive all purported exemptions in that information. ***Namely, the Respondents appear to have discussed information apparently about witnesses or victims in this case with at least Balko on at least pages 61-62 of the public records released.***

This had an untimely response, but also had numerous additional problems. Remember the Respondents bear the burden to prove with specificity that an exemption applies.

1. **Gov Code 6254.5** - For all information that was provided to some other member of the public who has *no* special position in the investigation (namely these two reporters and their employers), all privileges in that information were waived.
2. **SF Admin Code 67.26** - the participant names of the texts/chats have been withheld. You have ruled that the From and To of text messages must be disclosed. SOTF 19098 Anonymous v SFPD. It is unclear who is speaking to Lim/Balko - is it Boudin or his subordinate?
3. **SF Admin Code 67.21** - a copy of a word document attachment communicated outside of the City was not provided. Instead screenshots of this document, which clearly contains hyperlinks impossible to provide via screenshot were provided. More importantly, because this Word file was itself communicated outside of the City,

all privileges in the entirety of the file as previously transmitted are waived and I must receive the entirety of the original file, including all history and metadata in that Word file, whose name starts "Dion Lim Misrepresentatio..." on page 69.

4. **SF Admin Code 67.26** - the DA's office also transmitted various hyperlinks in their chat messages that were not provided to me (ex. page 63, 65)
5. **SF Admin Code 67.27** - Respondents withheld records on subrequest 3 based on 8 different justifications: "We are withholding records under the exemptions stated above that would otherwise be responsive to your third request." I do not believe all of these justifications apply and they appear to be just scattershot.
6. **SF Admin Code 67.24(a) and 67.26** - The Respondents withheld records to subrequest 3 based on: "*Also, preliminary drafts, notes, or interagency or intra-agency memoranda may be exempt from disclosure under Cal. Govt. Code § 6254(a).*" This is not allowed. Only a very small subset of such info is exempt under local draft exemption Admin Code 67.24(a). Namely in order to be exempt they must be "preliminary draft or department memorandum" AND "not normally kept on file and would otherwise be disposed of" AND then, only "the recommendation of the author" of such a document may be withheld within that document.
7. **SF Admin Code 67.27 -** The Respondents also withheld records to subrequest 3 based on: "*In addition, "official information," which is acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, is privileged against disclosure per Cal. Evid. Code 1040*". This statement neither specifies which exemption is being used, and also over-states that is exempt. The Official Information privilege does not in fact exempt all "official information." Instead, there are two specific exemptions for subsets of official information: and they must choose which (or both) they are using: Evidence Code 1040(b)(1) and Evidence Code 1040(b)(2). Admin Code 67.27 requires you to choose *specific* exemptions. In (b)(1) they must prove what state or federal law prohibits disclosure. In (b)(2) they must prove that a balancing test *in the interest of justice* prevails for

non-disclosure. But neither (b)(1) nor (b)(2) nor both combined simply exempt ALL information acquired in confidence by a public employee, as the City incorrectly believes. (Note that I am not disputing the *applicability* of the balancing test in (b)(2) due to the Mayor's COVID orders in this instance; though I reserve the right to elsewhere challenge the validity of. What I am saying is if that is what they want to use, they need to cite that test and prove with specificity that it applies to all information so exempted.)

8. **SF Admin Code 67.21 and 67.26 -** Each, individual, email needs to be provided as an exact copy. The To, From, Cc, Bcc need to be provided with non-private email addresses.
9. **SF Admin Code 67.21 and 67.26** - At the end of the records appears to be some sort of formal letter transmitted to ABC7. I am owed an exact copy of that original file transmitted to ABC7 (and whatever mechanism was used to transmit that file). Any exemption for metadata (for example, any purported history that may otherwise by attorney work-product privileged if it was NOT in a file transmitted outside of the City) in the specific copy of the file sent to ABC7 is waived by transmission to ABC7.

On the first request (comms with judges and Mayor's Office):

The District Attorney's office has decided to go radio silent on my request and simply refuses to respond. At this moment there is no substantive response other than a lie that they would respond in 10 days (they did not).

Violations of Gov Code 6253(c), Admin Code 67.21(b), Admin Code 67.25(b) and/or Admin Code 67.25(d): In each case, Chesa Boudin and his Office violated Gov Code 6253(c) for failing to provide a determination of disclosable public records and reasons within 10 days and for unreasonably delaying provision of records to my requests. (The prior argument is based on a presumption that the Mayor's emergency COVID orders suspending certain timeliness requirements of the Ordinance are valid, but is not a concession that they are in fact valid, or continue to be in effect at any given time. In the alternative, Respondents violated Admin Code 67.21(b) and/or 67.25(b) for failing to provide records within 10 days.).

Violations of Admin Code 67.26 and 67.27: The failure or refusal of the Respondents to search and produce the records is equivalent to withholding all records in their entirety (Community Youth Athletic Center v. City of National City, ``The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public."). This complete withholding is non-minimal and unjustified in writing. If and when the City eventually responds, these violations may continue as well.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymoose <arecordsrequestor@protonmail.com>
Sent: Tuesday, July 6, 2021 8:33 AM
To: SOTF, (BOS); Supervisor Records (CAT)
Subject: 67.21(d) / Two new SOTF Complaints - vs Parks & Rec Dept and Commission
Attachments: 20210706_Ginsburg_ParksAndRec - Final Complaint.pdf; signature.asc

Follow Up Flag: Follow up
Flag Status: Completed

SOTF: please file TWO complaints, attached:
- *Anonymous v GM Phil Ginsburg and Recreation & Park Department*
- *Anonymous v President Mark Buell and Recreation & Park Commission*

Allegations (list all): CPRA Gov Code 6253(c) failure to respond within 10 days under CPRA, SFAC 67.21(b) incomplete and untimely response, SFAC 67.25 incomplete and untimely response to an immediate disclosure request, SFAC 67.25(d) failure to provide rolling response, SFAC 67.26 non-minimal withholding, SFAC 67.27 unjustified withholding, SFAC 67.21(k) (*County of Santa Clara v. California First Amendment Coalition*, 170 Cal. App. 4th 1301 (2009)) and CPRA Gov Code 6253.3 requiring NextRequest account and agreement to terms of use and privacy policy, SFAC 67.29-7(a) failure to maintain and disclose correspondence, SFAC 67.29-5 failure to keep and disclose a compliant Prop G calendar, SFAC 67.34 willful violation and official misconduct

Since June 8, 2021, Rec and Park completely refuses to turn over or even respond to requests for Ginsburg and Commissioners' communications and meetings with Parks Alliance. This violates numerous provisions of the Ordinance. And because Ginsburg read my email and isn't responding (which we know because he sent an email read receipt to me) - he's acting willfully and committing official misconduct.

Supervisor of Records: Three requests regarding communications between Ginsburg/Commissioners and SF Park Alliance have gone ignored since June 8, 2021, see attached. Please determine in writing these records to be public and order them disclosed. See attached complaint to SOTF which is incorporated into this 67.21(d) petition.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Anonymoose
https://twitter.com/journo_anon
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Sunshine Ordinance Task Force
sotf@sfgov.org
via email
Final

July 6, 2021

Re: Parks and Rec / Parks Alliance Complaints

Dear SOTF:

Please file two complaints *Anonymous v General Manager Phil Ginsburg and Recreation and Park Department*; and *Anonymous v President Mark Buell and Recreation and Park Commission*:

Allegations: CPRA Gov Code 6253(c) failure to respond within 10 days under CPRA, SFAC 67.21(b) incomplete and untimely response, SFAC 67.25 incomplete and untimely response to an immediate disclosure request, SFAC 67.25(d) failure to provide rolling response, SFAC 67.26 non-minimal withholding, SFAC 67.27 unjustified withholding, SFAC 67.21(k) and CPRA Gov Code 6253.3 requiring NextRequest account and agreement to terms of use and privacy policy, SFAC 67.29-7(a) failure to maintain and disclose correspondence, SFAC 67.29-5 failure to keep and disclose a compliant Prop G calendar, SFAC 67.34 willful violation and official misconduct

On June 8, 2021, during the Board of Supervisors meeting, Supervisors Chan and Peskin asked pointed questions of Mr. Ginsburg regarding his alleged knowledge of SF Parks Alliance's letter to Supervisor Chan re: Richmond District playground, alleged inequity in park resource allocation, and more.

That same day before close-of-business, I filed an "immediate disclosure request" (SF Admin Code 67.25) by email to phil.ginsburg@sfgov.org and tiffany.lin-wilson@sfgov.org , attached as Exhibit A, regarding Mr. Ginsburg's communications, meetings, and telephone calls with SF Parks Alliance. Mr. Ginsburg (or someone using his account) read my request approximately 20 minutes later, which I know because his email account sent me an auto-reply email read receipt (Exhibit B).

As of this letter to you, no response was ever provided by the Department or Mr. Ginsburg to the emailed request. Under the Mayor's COVID orders[1] and the CPRA,

[1]As always, I do not concede that the Mayor's COVID orders suspending Sunshine are valid, and *(cont.)*

the Department and Mr. Ginsburg had a maximum deadline of 10 days to respond (or to declare an additional 14 day extension). The Department and Mr. Ginsburg thus violated Govt Code 6253(c).

To ensure that the email was not lost, I also filed similar requests on the same day using NextRequest (numbers 21-2834 and 21-2835, which the Department has restricted access to and cannot be viewed publicly: `https://sanfrancisco.nextrequest.com/requests/21-2834` and `https://sanfrancisco.nextrequest.com/requests/21-2835`). The NextRequest requests received replies on June 9 stating that they would substantively respond on or before June 18. No further response on the NextRequest requests was ever received as of July 5. These requests covered *both* Ginsburg's and the Commissioners' communications with Parks Alliance.

Violations: *Please take as proven every allegation not specifically denied by Respondents*

1. SFAC 67.21(b), SFAC 67.25, SFAC 67.25(d), CPRA Gov Code 6253(c) (all respondents) – All timeliness/rolling response requirements were violated. Requests made June 8, 2021 had no responses indicating disclosable public records and reasons and no incremental response as of July 5, 2021. Furthermore, in order to conduct a proper search, Respondents must properly instruct their contractor (SF Parks Alliance) to search and produce to the City (and the City must then produce to me) any records to which the City has an interest in or right to possess according to any contract with Parks Alliance, which are in the constructive, if not actual, possession of the City. It is unclear whether these contracts are managed by the Department or Commission, or both.

2. SFAC 67.26, 67.27 (all respondents) – The failure or refusal of the Respondents to search and produce the records is equivalent to withholding all records in their entirety (*Community Youth Athletic Center v. City of National City*, "The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public."). This complete withholding is non-minimal and unjustified in writing. If and when the City eventually responds, these violations may continue as well.

3. SFAC 67.21(k) and CPRA Gov Code 6253.3 (all respondents) – The Respondents have made my requests inaccessible even to myself unless I create a NextRequest account and login, which I cannot be required to do. Extra-statutory end user agreements (namely NextRequest's terms of use and privacy policy) cannot be a precondition to records access (*COUNTY OF SANTA CLARA v. California First Amendment Coalition* (2009), "As a matter of first impression in California, we conclude that end user restrictions are incompatible with the purposes and operation of the CPRA."). My requests and

(cont.)
reserve the right to dispute them elsewhere.

responsive records must be made accessible (at least to me) on NextRequest without any restrictions whatsoever. Alternatively, one can also come to this conclusion via Gov Code 6253.3 which prohibits the City from allowing "another party [NextRequest] to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter." Due to the configuration this Department has chosen, NextRequest prevents me from accessing the information without agreeing to private agreements. The easiest solution would be, like Public Works for example, to make public records requests and responsive records on their NextRequest portal to be by default publicly accessible.

4. SFAC 67.29-7(a) (against Ginsburg only) – "The Mayor and all Department Heads shall 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 shall disclose all such records in accordance with this ordinance." Ginsburg is a Department Head. He testified before the Board of Supervisors that he was aware of SF Parks Alliance's feelings regarding Sup. Chan's investigation of Parks Alliance. I have sought such communications and either he failed to preserve them or failed to disclose them, or both. It is also possible he has destroyed records or failed to retain them after receiving my request.

5. SFAC 67.29-5 (against Ginsburg only) – Ginsburg is required to record and keep a daily calendar of all meetings, including phone calls. Now long after 3 business days after whatever meeting or call could have occurred between Ginsburg and SFPA, Ginsburg has not disclosed the meeting, its attendees, its general statement of issues discussed, date, time, location, etc. It is also possible he has not even recorded it. Regardless he has certainly not disclosed it as also required by 67.29-5.

6. SFAC 67.34 (willful violation and official misconduct against Ginsburg only) – We know that Ginsburg read my request due to his transmission of an email read receipt to my email account. Yet he has refused to respond at all to a request that he knows exists and targets specifically the alleged communications between himself and a major City contractor of what Supervisors allege are threats against a fellow Supervisor.

Sincerely,

Anonymous

Exhibits A and B enclosed

EXHIBIT A

All 2021 Parks Alliance communications - immediate disclosure request

From: Anonymous <arecordsrequestor@protonmail.com>

To: phil.ginsburg@sfgov.org <phil.ginsburg@sfgov.org>
Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Date: Tuesday, June 8th, 2021 at 2:41 PM

GM Ginsburg and Parks & Rec:

The following are 3 distinct records requests. **PRESERVE ALL RESPONSIVE RECORDS. We will appeal all withholdings.**

1. Provide any communications of any form (email, letters, chats, texts, etc.) between **Ginsburg** and any of SF Parks Alliance, its employees, its officers, its attorneys, or its board members (together "SFPA") dated January 1, 2021 to present. Any communications between SFPA and OTHER department employees that were then forwarded to Ginsburg are also responsive. Respond in rolling fashion (SFAC 67.25(D)) - you are required by law to provide records the end of business day those records are reviewed without waiting until the end. Provide EXACT copies of all emails, email addresses, To, From, Cc, Bcc, attachments, formatting, hyperlinks, and content.

2. Provide any meetings between Ginsburg and any SFPA person(s) in 2021. You are required by law to have already recorded all meetings **(including telephone calls!)** that you had (Admin Code 67.29-5). Respond in rolling fashion (SFAC 67.25(D)) - you are required by law to provide records the end of business day those records are reviewed without waiting until the end. Provide EXACT copies of all emails, email addresses, To, From, Cc, Bcc, attachments, formatting, hyperlinks, and content.

3. Provide any prep materials your department produced for your hearing before the Supervisors today.

Your testimony today claims you were aware of the Parks Alliance's feelings re: the letter. Let's find that evidence.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Fw: All 2021 Parks Alliance communications - immediate disclosure request

From: Anonymous <arecordsrequestor@protonmail.com>

To: phil.ginsburg@sfgov.org <phil.ginsburg@sfgov.org>
Lin-Wilson, Tiffany (REC) <tiffany.lin-wilson@sfgov.org>

Date: Tuesday, June 8th, 2021 at 2:49 PM

Ginsburg and your Department:

Please be sure you provide (and preserve) all records not only on government property but also on personal property (per City of San Jose v Superior Court).

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

> ------ Original Message ------
> On Tuesday, June 8th, 2021 at 2:41 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:
>
> > GM Ginsburg and Parks & Rec:
> >
> > The following are 3 distinct records requests. **PRESERVE ALL RESPONSIVE RECORDS. We will appeal all withholdings.**
> >
> > 1. Provide any communications of any form (email, letters, chats, texts, etc.) between **Ginsburg** and any of SF Parks Alliance, its employees, its officers, its attorneys, or its board members (together "SFPA") dated January 1, 2021 to present. Any communications between SFPA and OTHER department employees that were then forwarded to Ginsburg are also responsive. Respond in rolling fashion (SFAC 67.25(D)) - you are required by law to provide records the end of business day those

records are reviewed without waiting until the end. Provide EXACT copies of all emails, email addresses, To, From, Cc, Bcc, attachments, formatting, hyperlinks, and content.

2. Provide any meetings between Ginsburg and any SFPA person(s) in 2021. You are required by law to have already recorded all meetings **(including telephone calls!)** that you had (Admin Code 67.29-5). Respond in rolling fashion (SFAC 67.25(D)) - you are required by law to provide records the end of business day those records are reviewed without waiting until the end. Provide EXACT copies of all emails, email addresses, To, From, Cc, Bcc, attachments, formatting, hyperlinks, and content.

3. Provide any prep materials your department produced for your hearing before the Supervisors today.

Your testimony today claims you were aware of the Parks Alliance's feelings re: the letter. Let's find that evidence.

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

EXHIBIT B

Read: All 2021 Parks Alliance communications - immediate disclosure request

From: phil.ginsburg@sfgov.org <phil.ginsburg@sfgov.org>

To: Anonymous Records Requester <arecordsrequestor+readreceipt@protonmail.com>

Date: Tuesday, June 8th, 2021 at 3:06 PM

```
_____________________________________________
multipart/alternative
_____________________________________________
--_002_5de44befd6d2481c907ab8a8cb110cacsfgovorg_
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable

Your message

   To: Ginsburg, Phil (REC)
   Subject: All 2021 Parks Alliance communications - immediate disclosure r=
equest
   Sent: Tuesday, June 8, 2021 2:41:15 PM (UTC-08:00) Pacific Time (US & Ca=
nada)

 was read on Tuesday, June 8, 2021 3:06:14 PM (UTC-08:00) Pacific Time (US =
& Canada).

--_002_5de44befd6d2481c907ab8a8cb110cacsfgovorg_
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Content-Transfer-Encoding: quoted-printable

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<!-- converted from text --><style><!-- .EmailQuote { margin-left: 1pt; pad=
ding-left: 4pt; border-left: #800000 2px solid; } --></style>
</head>
<body>

<font size=3D"2"><span style=3D"font-size:11pt;">
<div class=3D"PlainText">Your message <br>
<br>
   To: Ginsburg, Phil (REC)<br>
   Subject: All 2021 Parks Alliance communications - immediate di=
sclosure request<br>
   Sent: Tuesday, June 8, 2021 2:41:15 PM (UTC-08:00) Pacific Tim=
e (US &amp;amp; Canada)<br>
<br>
 was read on Tuesday, June 8, 2021 3:06:14 PM (UTC-08:00) Pacific Time=
 (US &amp;amp; Canada).</div>
</span></font>
</body>
</html>
```

```
--_002_5de44befd6d2481c907ab8a8cb110cacsfgovorg_--

----------------------------------------------
message/disposition-notification
----------------------------------------------
Final-recipient: RFC822; phil.ginsburg@sfgov.org
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSExch-Correlation-Key: 9oAEGMAEyUyw8sD3tE7fhQ==
Original-Message-ID:
<6YZVJcvn7Ot_81zvTdA0VSOkCcvcF_Z4rvC5nG_Jsb51bgPPmbVp7OZxGPXOCbV9tQPrG7VdcsIf93yNQrUr
GAfFLnb30K9e9JpdRyKWDQ=@protonmail.com>
X-Display-Name: Ginsburg, Phil (REC)
```

Exhibit C – NextRequest

[External Message Added] City and County of San Francisco public records request #21-2835

From: sanfrancisco@public-records-requests.com <sanfrancisco@public-records-requests.com>

To: arecordsrequestor+sfpaletter2@pm.me <arecordsrequestor+sfpaletter2@pm.me>

Date: Wednesday, June 9th, 2021 at 9:35 PM

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

A message was sent to you regarding record request #21-2835:

Our department will identify and compile the requested information. The Sunshine Ordinance requires departments to respond as soon as possible or within 10 calendar days from receipt of any records requests. Therefore, we will contact you on or before 6/18/2021, as permitted by San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c). Please note that during the current public health emergency, the department is not required to provide copies of records by this deadline but must notify the requester whether the records exist.

View Request 21-2835

http://sanfrancisco.nextrequest.com/requests/21-2835

POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.

Technical support: See our help page

[External Message Added] City and County of San Francisco public records request #21-2834

From: sanfrancisco@public-records-requests.com <sanfrancisco@public-records-requests.com>

To: arecordsrequestor+sfpaletter@pm.me <arecordsrequestor+sfpaletter@pm.me>

Date: Wednesday, June 9th, 2021 at 9:35 PM

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

A message was sent to you regarding record request #21-2834:

Our department will identify and compile the requested information. The Sunshine Ordinance requires departments to respond as soon as possible or within 10 calendar days from receipt of any records requests. Therefore, we will contact you on or before 6/18/2021, as permitted by San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c). Please note that during the current public health emergency, the department is not required to provide copies of records by this deadline but must notify the requester whether the records exist.

View Request 21-2834

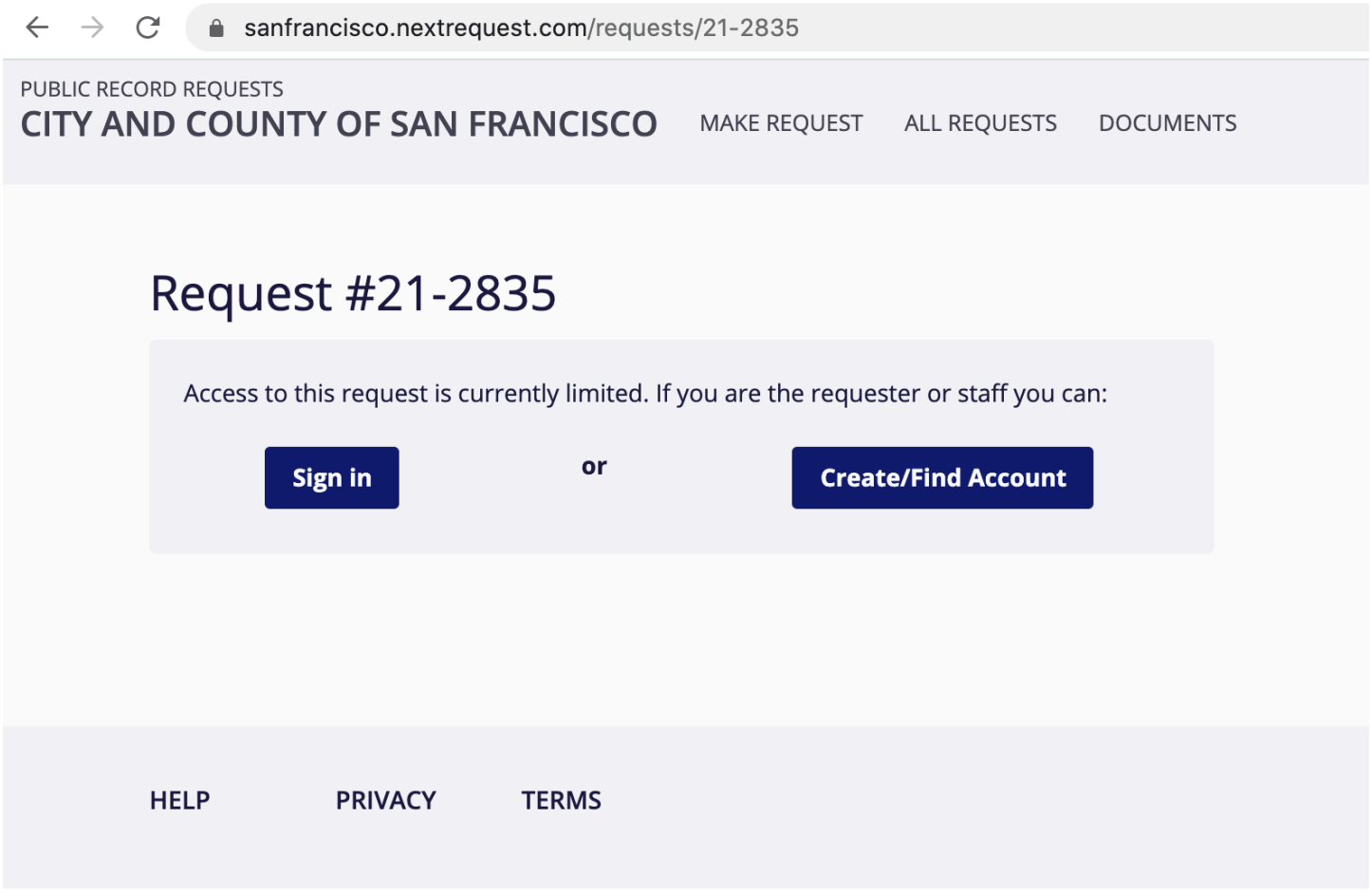
http://sanfrancisco.nextrequest.com/requests/21-2834

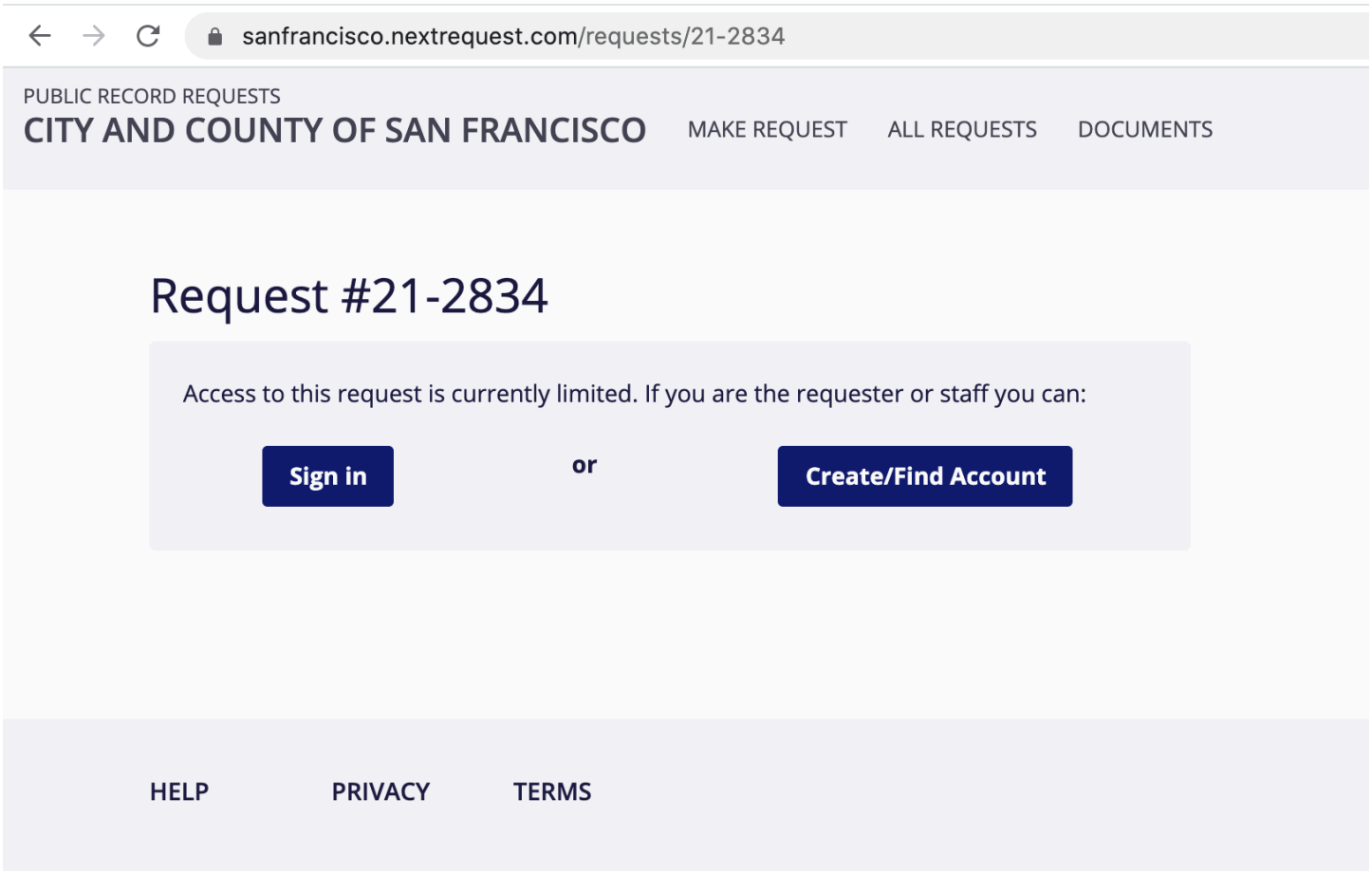
POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.

Technical support: See our help page


sanfrancisco.nextrequest.com/requests/21-2835
PUBLIC RECORD REQUESTS
CITY AND COUNTY OF SAN FRANCISCO
MAKE REQUEST
ALL REQUESTS
DOCUMENTS
Request #21-2835
Access to this request is currently limited. If you are the requester or staff you can:
Sign in
or
Create/Find Account
HELP
PRIVACY
TERMS


sanfrancisco.nextrequest.com/requests/21-2834
PUBLIC RECORD REQUESTS
CITY AND COUNTY OF SAN FRANCISCO
MAKE REQUEST
ALL REQUESTS
DOCUMENTS
Request #21-2834
Access to this request is currently limited. If you are the requester or staff you can:
Sign in
or
Create/Find Account
HELP
PRIVACY
TERMS

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, June 18, 2021 3:48 PM
To: sanfrancisco_21-2848-requester-notes@inbound.nextrequest.com; Shaub, Margot (LIB); Lambert, Michael (LIB); Carskaddon, Ashley (LIB); Supervisor Records (CAT); SOTF, (BOS)
Subject: Complaint / 67.21(d) petition Re: [Document Released] City and County of San Francisco public records request #21-2848
Attachments: EXAMPLE - Re.Secure 3.31 Daily Allocation 10.03AM-redacted.pdf; signature.asc

Dept Head Lambert: Please be certain to preserve the original unredacted records. I am appealing these redactions and you may be ordered later on to unredact the information. If you destroy or fail to retain the original unredacted records during the pendency of my appeals, I will allege violation of 67.29-7(a) and/or willful violation and official misconduct. I will also rerequest the originals after the COVID emergency orders terminate and/or a court finds them invalid.

Supervisor of Records: Please determine in writing that some or all of the 6255 redactions in the documents and the unjustified withholdings of the rightmost columns in the records for this request are public and order them disclosed.

SOTF: Please file a new complaint *Anonymous v SF Public Library, Michael Lambert, Margot Shaub, Ashley Carskaddon*. Violation: 67.26 non-minimum withholding, 67.27 failure to provide written justification for withholding, 67.24(g and i) impermissible balancing test.

The SFPL has withheld a full column of information of Site Names and Addresses under the catch-all Gov Code 6255(a). Respondents will have to prove to SOTF with specificity why the public interest in non-disclosure clearly outweighs public interest in disclosure. These are apparently govt (taxpayer) -paid services and locations that the public isn't allowed to know exist. These are not being kept hidden to protect the public interest, but instead to protect the Mayor's political interests. To make this obvious, the redactions literally say "Enter a reason..." (none is provided) -- and there is in fact no legitimate reason to redact the information.

The SFPL has also withheld the rightmost columns of the spreadsheet. Those withholdings by the Public Library have no justification whatsoever and must be disclosed.

I am aware of some of the withheld content by examining a different requester's public records responses. That content is also permanently archived in various web archiving platforms if the City attempts to retract that information from the other requester or pressure them into somehow destroying the information online.

Finally, I am preserving my rights to argue that the use of Gov Code 6255 is itself unlawful under Admin Code 67.24(g and i), based on pending challenges to the validity and/or currency of the Mayor's emergency orders purporting to allow the City to contravene the voter's explicit intent in prohibiting Gov Code 6255 as an exemption in the City. The City has opened up, as the Mayor likes to brag - thus as a corollary, COVID is no longer a reason (if it ever was) to arbitrarily withhold public information without a specific exemption. This is simply an abuse of the Mayor's emergency authority to get rid of a voter-enacted govt transparency law for her own benefit.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

On Fri, Jun 18, 2021 at 12:16 PM, City and County of San Francisco Public Records <sanfrancisco@public-records-requests.com> wrote:

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

Documents have been released for record request #21-2848 along with the following message:

Dear Anonymous,

We have conducted a diligent search for records responsive to your **June 5, 2021** request. We have located responsive records, which are available to you through NextRequest, Record #21-2848.

We redacted certain portions of these records that contain information which is exempt from disclosure per (Cal. Gov.

Code § 6255(a).)

This concludes your public records request.

Sincerely,

Margot Shaub

Library Commission Affairs Analyst

San Francisco Public Library

REQUEST:

Hi

Ms. Carskaddon and SFPL:

Can

you please produce the email you received on March 31, 2021 with the subject

line containing "Daily Allocation"?

No special metadata/headers is needed; thank you.

- Re.Secure 3.31 Daily Allocation 09.45AM-redacted.pdf
- Re.Secure 3.31 Daily Allocation 09.52AM-redacted.pdf
- Re.Secure 3.31 Daily Allocation 10.03AM-redacted.pdf

- Re.Secure 3.31 Daily Allocation 10.20AM-redacted.pdf

View Request 21-2848

https://sanfrancisco.nextrequest.com/requests/21-2848

Document links are valid for one month. After July 18, you will need to sign in to view the document(s).

POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.

Technical support: See our help page

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, June 15, 2021 10:32 PM
To: Heckel, Hank (MYR); Supervisor Records (CAT)
Cc: MayorSunshineRequests, MYR (MYR)
Subject: 67.21(d) petition - RE: Jesse Mainardi and my twitter
Attachments: signature.asc

Supervisor of Records Herrera:

Please determine in writing that the records below are public records, and order Mayor Breed and her office to comply with my request.

It would appear they do have records that they consider not to be *public* records- which is precisely where you come in under 67.21(d).

However, my issuance of public records requests to (and complaints against) Breed (namely using these emails which contain my Twitter handle) are most certainly only about the conduct of public business. There is no *non-City-business* relationship I have with Breed or her attorneys. To my knowledge, I have never had *any* interaction with Breed or her attorneys that is not about the conduct of public business, so whatever forwarding of my Twitter handle they have sent to Breed's ethics lawyers is certainly related to City business.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

On Tue, Jun 15, 2021 at 10:18 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,

We do not have any records that relate to City business and accordingly have no public records to provide.

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Thursday, June 3, 2021 5:07 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: Jesse Mainardi and my twitter

As you know under CPRA Gov Code 6253(c) the "reasons therefor" must be provided.

Do you have records but you claim them not to be public records? Or you don't have any records at all?

If the former, we will be appealing this for a determination that the records are in fact public records under 67.21(d) and 67.21(e).

Regards,

Anonymous

Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Thursday, June 3rd, 2021 at 3:24 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> We have no responsive public records to provide in response to your request below.
>
> Regards,
>
> Hank Heckel
>
> Compliance Officer
>
> Office of the Mayor
>
> City and County of San Francisco

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, May 14, 2021 12:57 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Cc: Joe Fitz (PRESS, KQED) <jrodriguez@kqed.org>
Subject: Jesse Mainardi and my twitter

Hi: Please provide all mentions of my twitter handle "journo_anon" between anyone in your office (incl. Breed) and one-time (perhaps current?) Breed attorney Jesse Mainardi. Some of those records may not be privileged.

Regards,

Anonymous

Twitter @journo_anon

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Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, June 14, 2021 7:26 PM
To: SOTF, (BOS); Arntz, John (REG); Supervisor Records (CAT)
Subject: SOTF/67.21(d) Ballot custody / election materials complaint
Attachments: Exhibit-A-Req-Resp.pdf; Screen Shot 2021-06-14 at 7.14.00 PM.png; signature.asc

Dear SOTF,

Please file a complaint *Anonymous v Dept of Elections and John Arntz.* (Supervisor of Records - this is also a 67.21(d) petition to determine in writing the withheld info below to be public and order it disclosed).

Violations: *67.29-7(b) failure to keep and preserve mandatory ballot custody records, 67.26 non-minimum withholding and unkeyed redactions, 67.27 failure to justify withholding in writing*

The Sunshine Ordinance imposes a specific requirement on the Dept of Elections to keep certain minimum election records - this positive requirement to *create* a record is similar to the requirement in Prop G to create a daily calendar or in CPRA to create a list of enterprise systems, and there is further an additional requirement to "preserve" such records. These requirements are imposed by Admin Code 67.29-7(b). I requested the Admin Code 67.29-7(b) material for the Nov 2020 election on June 1 2021, and records were timely produced on June 1 and June 11 by DoE. Request and response are Exhibit A.

The requirement states: "The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections."

Violation of Admin Code 67.29-7(b):
- In the attached Exhibit B, for at least 4 ballot boxes from District 6 and 2 boxes from District 2, only the departure is signed for, and the receipt/verification at City Hall is not signed for. This differs from all other ballot boxes listed on similar forms where both sides are verified at least once.
- Various custody transfer forms are missing various form elements, including from original record "CTF_Canvass_Transfer_of_Ballots_20_docs.pdf"
- The inspector from precinct 7842 is not identified.
- This is a repeated pattern - many forms identify the custodian of the ballots only on one side of the transfer in the chain of custody.
- Like other Sunshine Ordinance requirements, this rule is not satisfied by tracking *most* ballots - the custody of *every* ballot is equally important.

Violation of Admin Code 67.27: There are numerous redactions throughout the responsive records. This withholding of information was not justified in writing by a legal exemption. Thus, all withholding is challenged and should be ordered disclosed.

Violation of Admin Code 67.26: Redactions are not keyed to justifications required by 67.27 (as no justification or keys at all were provided). Moreover, *sometimes* but not always who had custody of the ballots and/or their official signature has been redacted. It is unclear why such signatures are sometimes provided (Exhibit C), and sometimes redacted (Exhibit D). Regardless, there is no reason why officials' signatures or identities in a chain of custody should be redacted. Since no redactions are justified, all are challenged and should be ordered disclosed.

Regards,

Anonymous
Twitter @journo_anon

IMPORTANT:

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, June 14, 2021 7:29 PM
To: SOTF, (BOS); Arntz, John (REG); Supervisor Records (CAT)
Subject: Re: SOTF/67.21(d) Ballot custody / election materials complaint
Attachments: signature.asc

Please include the following exhibits in the complaint, which are too large file size to email:
https://assets.documentcloud.org/documents/20889842/exhibit-b.pdf
https://assets.documentcloud.org/documents/20889843/exhibit-c-no_redactions.pdf
https://assets.documentcloud.org/documents/20889841/exhibit-d.pdf

Regards,

Anonymous
Twitter @journo_anon

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3. I am not a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Monday, June 14th, 2021 at 7:26 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> Dear SOTF,
>
> Please file a complaint *Anonymous v Dept of Elections and John Arntz.* (Supervisor of Records - this is also a 67.21(d) petition to determine in writing the withheld info below to be public and order it disclosed).
>
> Violations: *67.29-7(b) failure to keep and preserve mandatory ballot custody records, 67.26 non-minimum withholding and unkeyed redactions, 67.27 failure to justify withholding in writing*
>
> The Sunshine Ordinance imposes a specific requirement on the Dept of Elections to keep certain minimum election records - this positive requirement to *create* a record is similar to the requirement in Prop G to create a daily calendar or in CPRA to create a list of enterprise systems, and there is further an additional requirement to "preserve" such records. These requirements are imposed by Admin Code

67.29-7(b). I requested the Admin Code 67.29-7(b) material for the Nov 2020 election on June 1 2021, and records were timely produced on June 1 and June 11 by DoE. Request and response are Exhibit A.

The requirement states: "The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections."

Violation of Admin Code 67.29-7(b):
- In the attached Exhibit B, for at least 4 ballot boxes from District 6 and 2 boxes from District 2, only the departure is signed for, and the receipt/verification at City Hall is not signed for. This differs from all other ballot boxes listed on similar forms where both sides are verified at least once.
- Various custody transfer forms are missing various form elements, including from original record "CTF_Canvass_Transfer_of_Ballots_20_docs.pdf"
- The inspector from precinct 7842 is not identified.
- This is a repeated pattern - many forms identify the custodian of the ballots only on one side of the transfer in the chain of custody.
- Like other Sunshine Ordinance requirements, this rule is not satisfied by tracking *most* ballots - the custody of *every* ballot is equally important.

Violation of Admin Code 67.27: There are numerous redactions throughout the responsive records. This withholding of information was not justified in writing by a legal exemption. Thus, all withholding is challenged and should be ordered disclosed.

Violation of Admin Code 67.26: Redactions are not keyed to justifications required by 67.27 (as no justification or keys at all were provided). Moreover, *sometimes* but not always who had custody of the ballots and/or their official signature has been redacted. It is unclear why such signatures are sometimes provided (Exhibit C), and sometimes redacted (Exhibit D). Regardless, there is no reason why officials' signatures or identities in a chain of custody should be redacted. Since no redactions are justified, all are challenged and should be ordered disclosed.

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

From: twitter.com/journo_anon 06/01/2021

Subject: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immediate... Email

To Whom It May Concern:

Pursuant to the CPRA and Sunshine Ordinance, I hereby make the following 2 distinct records requests. Respond to each with its own lawful response.

(1) all "records and invoices relating to the design and printing of ballots and other election materials" for the Nov 2020 elections

(2) all "records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections" for the Nov 2020 elections

As you may know you are required to "keep and preserve" such records pursuant to Admin Code 67.29-7(b).

Provide rolling responses (each record must be provided no later than end of business day it is reviewed - Admin Code 67.25(d)).

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

twitter.com/journo_anon

From: Department of Elections 06/01/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

Greetings,

Thank you for contacting the San Francisco Department of Elections. Please see attached the response to item #1. The Department must take more time to respond to item #2 and intends to respond within a reasonable timeframe.

Thank you,

Matthew Selby
Campaign Services and Records Custodian Division Manager
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
O: (415) 554-4376
M: (415) 553-0601
sfelections.org

[Title: Facebook - Description: Click on this link to visit our Facebook page.]
<https://na01.safelinks.protection.outlook.com/?url=http://www.facebook.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=JAr/YP3PfBWImiRUkD1ptQO2WCnGF%2BhcbMHKlA6

Wo/A%3D&reserved=0> [Title: Twitter - Description: Click on this link to visit our Twitter page.] <https://na01.safelinks.protection.outlook.com/?url=http://www.twitter.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=2U5/NBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>
Follow the San Francisco Department of Elections on Facebook<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c8986593433d564de%7C1%7C0%7C636535360055507640&sdata=JAr%2FYP3PfBWImiRUkD1ptQOZwCnGE%2BhcbMHKlA6Wo%2FA%3D&reserved=0> and Twitter<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.twitter.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c8986593433d564de%7C1%7C0%7C636535360055507640&sdata=2U5%2FNBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>!

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From: Department of Elections 06/11/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

Good Morning,

Thank you for contacting the San Francisco Department of Elections.
I have sent a separate link to acces quested data to the email requests@muckrock.com.
The passcode to access the file is [redacted] and the link sent is set to expire on 6/18/2021.
Please let me know if you have any questions.

Best,

Shirley Yu
Campaign Services Division
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415) 554-4375
sfelections.org

[Title: Facebook - Description: Click on this link to visit our Facebook page.] <https://na01.safelinks.protection.outlook.com/?url=http://www.facebook.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=JAr/YP3PfBWImiRUkD1ptQOZwCnGE%2BhcbMHKlA6Wo/A%3D&reserved=0> [Title: Twitter - Description: Click on this link to visit our Twitter page.] <https://na01.safelinks.protection.outlook.com/?url=http://www.twitter.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=2U5/NBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>
Follow the San Francisco Department of Elections on Facebook<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c8986593433d564de%7C1%7C0%7C636535360055507640&sdata=JAr%2FYP3PfBWImiRUkD1ptQOZwCnGE%2BhcbMHKlA6Wo%2FA%3D&reserved=0> and Twitter<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.twitter.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c8986593433d564de%7C1%7C0%7C636535360055507640&sdata=2U5%2FNBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>!

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From: Department of Elections 06/11/2021

Subject: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election Email

This message is being sent to you by the City Cybersecurity Team.

One or more files have been sent to you:

Please visit the Workspace<https://SFSecureShare.sfgov.org:443/anonymous/d0f03730-2278-407b-b68b-4c1a1c5609c6/> to retrieve files on our SFSecureShare.sfgov.org site.

You may be prompted to register an account if authentication is required.

These links will expire on 6/18/2021 3:27:23 PM

For help or assistance for this service, please contact the City HelpDesk at (628)652-5000 or dtis.helpdesk@sfgov.org

From: twitter.com/journo_anon 06/11/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

Hi Ms. Yu,

Your link requires agreement to a Terms of Service. I won't agree to any extra-statutory terms such as your "Acceptable Use Policy" in order to get public records, and I cannot be required to do so (Santa Clara Co. v. First Amendment Coalition, 170 Cal. App. 4th 1301 (2009)).

Please provide the records without any registration, login, or acceptance of terms.
You could simply post them on your own website, or email them in chunks, or upload them directly to MuckRock using the link below.

Thanks,
twitter.com/journo_anon

From: Department of Elections 06/11/2021

Subject: None Web

Good Morning,

Please see the attachment for item #1 and #2.

Best,
Shirley Yu
Campaign Services Division
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415)554-4375

1.zip
Download

2.zip
Download

From: twitter.com/journo_anon 06/11/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

Thank you.

From: twitter.com/journo_anon 06/11/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

The file "2.zip" that you uploaded of over 8GB appears to be corrupted. When downloaded and attempted to be opened it does not work.

> unzip 2.zip
Archive: 2.zip

warning [2.zip]: 4558784799 extra bytes at beginning or within zipfile
(attempting to process anyway)
error [2.zip]: start of central directory not found;
zipfile corrupt.
(please check that you have transferred or created the zipfile in the
appropriate BINARY mode and that you have compiled UnZip properly)

From: Department of Elections 06/11/2021

Subject: None Web

Attachment response to item 2.

VDABD_Log_Part_2_Redacted.pdf

View Embed Download

UPS_Authorization__Redacted.pdf

View Embed Download

Inspector_Custody_Transfer_Form_Part_5_Redacted.pdf

View Embed Download

Inspector_Custody_Transfer_Form_Part_4_Redacted.pdf

View Embed Download

WH_Pink_Transfer_Log_Part_2_Redacted.pdf

View Embed Download

WH_Pink_Transfer_Log_Part_3_Redacted.pdf

View Embed Download

BDVDA_Log_Redacted.pdf

View Embed Download

CTF_SH_to_WH_Ballots_110_docs_Batch_1_of_6_Redacted.pdf

View Embed Download

CTF_SH_to_WH_Ballots_131_docs_Batch_4_of_6_Redacted.pdf

View Embed Download

KH_Forms_Redacted.pdf

View Embed Download

There are too many files to display on this communication. See all files

From: Department of Elections 06/11/2021

Subject: RE: California Public Records Act Request: 67.29-7(b) materials for Nov 2020 election - Immed... Email

Hello,

I have uploaded each individual document that was in the 2.zip folder.
Please let me know if there's anything I need to follow up on.

Thanks,

Shirley Yu
Campaign Services Division
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415) 554-4375
sfelections.org
[Title: Facebook - Description: Click on this link to visit our Facebook page.] <https://na01.safelinks.protection.outlook.com/?url=http://www.facebook.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=JAr/YP3PfBWImiRUkD1ptQOZwCnGE%2BhcbMHKlA6Wo/A%3D&reserved=0> [Title: Twitter - Description: Click on this link to visit our Twitter page.] <https://na01.safelinks.protection.outlook.com/?url=http://www.twitter.com/sfelections&data=02|01|candidate-filings@sos.ca.gov|51fb71b8c6a646e12eb608d56d8995c2|0da7a3ac19f5470c8986593433d564de|1|0|636535360055507640&sdata=2U5/NBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>
Follow the San Francisco Department of Elections on Facebook<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c898659343 3d564de%7C1%7C0%7C636535360055507640&sdata=JAr%2FYP3PfBWImiRUkD1ptQOZwCnGE%2BhcbMHKlA6Wo%2FA%3D&reserved=0> and Twitter<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.twitter.com%2Fsfelections&data=02%7C01%7Ccandidate-filings%40sos.ca.gov%7C51fb71b8c6a646e12eb608d56d8995c2%7C0da7a3ac19f5470c898659343 3d564de%7C1%7C0%7C636535360055507640&sdata=2U5%2FNBvWBF9otZrn%2BHIpoimqVqu8BDpHk7ZFrQsCIDA%3D&reserved=0>!

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Buta, Odaya (CAT)

From: 105580-37750790@requests.muckrock.com
Sent: Thursday, June 10, 2021 2:01 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)

Office of Economic and Workforce Development
PRA Office
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

June 10, 2021

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 5, 2020. Please let me know when I can expect to receive a response.

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

View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-economic-and-workforce-development-14659%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-oewd-105580%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABAqrZ1rRoN-mRCL2ZUwPh3k7c%3A1lrGYG%3A08im7chLNMOsSpg5UsolTukbLwY

Filed via MuckRock.com
E-mail (Preferred): 105580-37750790@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 105580
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 10, 2021:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
See attached 67.21(d) petition against OEWD.

On March 10, 2021:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
Anonymous,

On behalf of OEWD please see the attached responsive to your request below.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On March 10, 2021:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
Anonymous,

On behalf of OEWD, please see the attached texts responsive to the Universal Search request below. Please note that certain material has been redacted to protect personal privacy as indicated. See Cal. Gov. Code § 6254(c), California Constitution, Art. I.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On Feb. 28, 2021:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
OEWD: Please provide as an immediate disclosure request all copies within your office of the emails attached, and all replies and forwards thereto, as exact PDF copies using PDFMaker with all email addresses, to , from, cc, bcc, attachments, date/time stamps.

City employees' attacks on the First Amendment to protect their actions from scrutiny will itself be scrutinized. It is also sad that you tried to use Trump's attacks on the First Amendment to invite the SOTF to suppress free speech. Fortunately you failed. There's no difference when your agency attacks transparency versus when the former President did. Fortunately at least one City employee, Ms. Boomer, seemed to understand.

Sincerely,

Anonymous

On Feb. 27, 2021:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
OEWD (not Mayor's Office): Your office recently received a request "All City comms with Mr. Kelly's yahoo accounts - immediate disclosure request".
Please provide all further responses on this email address.

All of your responses will be available to the public on MuckRock.com

Thank you,
Anonymous

On Dec. 5, 2020:
Subject: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (OEWD)
To Office of Economic and Workforce Development and its Department Head or Elected Official:

** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. ** Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public

business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by 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 above 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 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. ******

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-economic-and-workforce-development-14659%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-oewd-105580%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABAqrZ1rRoN-mRCL2ZUwPh3k7c%3A1lrGYG%3A08im7chLNMOsSpg5UsolTukbLwY

Filed via MuckRock.com
E-mail (Preferred): 105580-37750790@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 105580
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.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, May 26, 2021 7:05 PM
To: Heckel, Hank (MYR); Kittler, Sophia (MYR); Bruss, Andrea (MYR); Elsbernd, Sean (MYR); Breed, Mayor London (MYR); Fennell, Tyra (MYR); Supervisor Records (CAT)
Subject: RE: 67.21(d) petition - Re: Brown-Breed messages - immediate disclosure request
Attachments: Screen Shot 2021-05-26 at 6.50.48 PM.png; signature.asc

Those timestamps are the same - they are different timezones. Headers use UTC (Universal time zone), while the print out uses Pacific, since my computer is in California.
Sunday, February 21st, 2021 at 11:21 PM in the printout in California is identical to "Mon, 22 Feb 2021 07:21:07 **+0000**" in UTC in the email headers. You should check a timezone calculator. Attached is further a screenshot. These emails were also digitally-signed, and thus contain a cryptographic proof when I sent the email (signature.asc). That digital signature will also contain a timestamp.

Please check your fellow Mayoral office email
boxes: mayorlondonbreed@sfgov.org sophia.kittler@sfgov.org hank.heckel@sfgov.org andrea.bruss@sfgov.org sean.elsbernd@sfgov.org tyra.fennell@sfgov.org
and confirm if any of them have the email. I sent it to each of them.
My records request was sent on Feb 21st (Sunday late night) and thus deemed received Feb 22 (Monday).

If you are not willing to confirm that the Mayor's Office received and is responsible for this request since Feb 22, I will be making a records request to find those copies of my email (it's why we have metadata).

I make these requests **specifically** to force your office to preserve records about interesting events that many of you enjoy rapidly destroying otherwise. Even if you delay production of records based on rule of reason or COVID or whatever, you still can't destroy records after receiving a records request. Moreover, even if you (Heckel) truly did not receive the request on Feb 22, you certainly received the March 9 copy and apparently did not preserve records at that time.

This is also why, when a person having custody of a record personally receives a records request, *that person* is responsible under Admin Code 67.21. So even if Hank Heckel did not get the request, the others should have and must have preserved the records.

If your office, most importantly Breed, Kittler, Bruss, Elsbernd, Fennell, and yourself who were specifically emailed, have failed to retain records responsive to this request since Feb 22, I will file further complaints.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 26th, 2021 at 6:27 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> There was an original and an amended request. The amended request replaced the original one and is all that matters. The amended request has the following email headers.
> The PDF is also attached. (note the date below is in UTC)
>
> In-Reply-To: <cL92ptQaeBwktq-M4-z997nxY2tGcU2NfnUB04HMca8hCwRKgQETSO4pQuAv8izT_rg5WLK3rLUTGdnFQepirFpvVMjsAox2QroqmxgemLQ=@protonmail.com>
> References: <cL92ptQaeBwktq-M4-z997nxY2tGcU2NfnUB04HMca8hCwRKgQETSO4pQuAv8izT_rg5WLK3rLUTGdnFQepirFpvVMjsAox2QroqmxgemLQ=@protonmail.com>
> X-Pm-Origin: internal
> X-Pm-Content-Encryption: on-compose
> Subject: Re: Brown-Breed messages - immediate disclosure request
> **To: "Vallie Brown (Supervisor, BoS, SF)" <Vallie.Brown@sfgov.org>, Breed, Mayor London**
> **(MYR) <mayorlondonbreed@sfgov.org>, Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>,**
> **"Hank Heckel (Compliance Officer, Mayor Office, SF)" <hank.heckel@sfgov.org>, Bruss,**
> **Andrea (MYR) <andrea.bruss@sfgov.org>, Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>,**
> gfta@sfgov.org <gfta@sfgov.org>, jason.blackwell@sfgov.org <jason.blackwell@sfgov.org>,
> Tyra.fennell@sfgov.org <Tyra.fennell@sfgov.org>
> From: Anonymous <arecordsrequestor@protonmail.com>
> **Date: Mon, 22 Feb 2021 07:21:07 +0000**
> Mime-Version: 1.0
> Content-Type: multipart/mixed;boundary=----------1c616e877e26c1b1d24421a1a0141702
> Disposition-Notification-To: Anonymous <arecordsrequestor+readreceipt@protonmail.com>
> **Message-Id: <NydiyQojv6oLnKlc-eKgy-zlJlGno-Vneaggils2foGIhzV1CPFVrndkiTsNdKGuGqWWB7KnFcDID0VZLVVfTPtUw2KiumgVWBt3rYr8gP0=@protonmail.com>**
> X-Pm-Recipient-Authentication: Vallie.Brown%40sfgov.org=pgp-mime; mayorlondonbreed%40sfgov.org=pgp-mime; sophia.kittler%40sfgov.org=pgp-mime; hank.heckel%40sfgov.org=pgp-mime; andrea.bruss%40sfgov.org=pgp-mime; sean.elsbernd%40sfgov.org=pgp-mime; gfta%40sfgov.org=pgp-mime; jason.blackwell%40sfgov.org=pgp-mime; Tyra.fennell%40sfgov.org=pgp-mime
> X-Pm-Recipient-Encryption: Vallie.Brown%40sfgov.org=none;

mayorlondonbreed%40sfgov.org=none; sophia.kittler%40sfgov.org=none;
hank.heckel%40sfgov.org=none; andrea.bruss%40sfgov.org=none;
sean.elsbernd%40sfgov.org=none; gfta%40sfgov.org=none;
jason.blackwell%40sfgov.org=none;
Tyra.fennell%40sfgov.org=none

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 26th, 2021 at 6:12 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> I have not been able to locate any record of receiving the February 21, 2021 request you reference below in the context of this Supervisor of Records petition. Can you provide a record of when and to where this was sent?
>
> Regards,
>
> Hank Heckel
>
> Legal Compliance Officer
>
> Office of the Mayor

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, March 9, 2021 7:04 PM
To: Brown, Vallie (ADM) <vallie.brown@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>; Heckel, Hank (MYR) <Hank.Heckel@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; GFTA (ADM) <gfta@sfgov.org>; Blackwell, Jason (ADM) <jason.blackwell@sfgov.org>; Fennell, Tyra (MYR) <tyra.fennell@sfgov.org>
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Subject: 67.21(d) petition - Re: Brown-Breed messages - immediate disclosure request

Supervisor of Records Dennis Herrera:

This is a petition to determine in writing that the records requested below are public and to order Vallie Brown, Grant for the Arts, Office of the City Administrator, Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell, and Office of the Mayor to disclose them.

Respondents have failed to respond in any way to a request from Feb 21, 2020 - violating Admin Code 67.21 and Gov Code 6253(c).

SOTF complaints will be filed momentarily as well.

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

------- Original Message -------
On Sunday, February 21st, 2021 at 11:21 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

AMENDED:

Vallie Brown and Grant for The Arts/Office of the City Administrator: This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, **Tyra Fennell**, or any member of the Office of the Mayor, on all accounts government or personal.

Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell: This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.

All parties: provide rolling responses and exact copies of all electronic records.

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

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

On Sunday, February 21st, 2021 at 10:44 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> **Vallie Brown and Grant for The Arts/Office of the City Administrator:** This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, or any member of the Office of the Mayor, on all accounts government or personal.
>
> **Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee:** This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.

All parties: provide rolling responses and exact copies of all electronic records.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, May 26, 2021 1:39 PM
To: DPA-Legal; Maunder, Sara (DPA); Henderson, Paul (DPA); Supervisor Records (CAT)
Subject: 67.21(d) petition / Re: Public Records Request
Attachments: signature.asc

Thank you. There are multiple issues:

1) The cited Penal Code 832.7(a) has no relevance to any of these redactions - and this is a recurring abuse by DPA of this exemption. It appears that DPA just slaps the Police Personnel File citation on anything that it cannot find a correct reason to withhold. This is a weekly general meeting of 3 DPA employees, none of whom appear to be police officers. The phone number/url of Microsoft Teams (of which at least one redaction is not even a meeting-specific number) is not a "complaint[] by members of the public against the personnel of [DPA]" or a "personnel record[] of peace officers and custodial officers" which is defined as a "file maintained under that [i.e. a peace or custodial officer] individual's name by his or her employing agency". Words matter. Definitions matter. The narrow interpretation of these definitions as they prohibit public access, as required by Art 1 Sec 3 of the Constitution, matters. The scope of police personnel records exempted by this section are defined in Penal Code 832.8 and 832.5 and generally interpreted by the Supreme Court in *Long Beach Police Officers Association v City of Long Beach.* It is in fact possible that some *other* exemption applies - But this is **not** a police personnel file and its absurd to claim it is. Therefore, **Supervisor of Records Herrera: please determine in writing the redactions under PC 832.7(a) are public and order them disclosed pursuant to SF Admin Code 67.21(d).** The DPA is full of lawyers who are supposed to be experts on police personnel file law - I should not have to keep fixing, as Herrera dismisses them, the City's lawyers' so-called "minor errors." If DPA misuses the exemption here, why should anyone believe their arguments that all other uses were appropriate?

Herrera is not petitioned for the issues below.

2) Please note that this response, even ignoring metadata, is not compliant with SOTF decision 19121 against the Police Commission. In it, the SOTF determined that producing a copy of a *forward* of a record - as you have done for both records here - does not constitute a copy of the *original* record that existed as of the time of receipt of my request, and thus violated the law. Please produce an exact PDF copy of the original record for (d) - you can do that by simply entering Mr. Henderson's Outlook and exporting a PDF.

3) Your (e) is not the ICS/iCalendar metadata requested. The DT metadata tool you mentioned will produce the ICS/iCalendar metadata. It has a lot more in it.

4) The hyperlinks were incorrectly withheld on at least the top of the email. Hyperlinks should work as exact copies - they should be clickable and all *information* in them (i.e. their URL) disclosed, unless exempt by citation. See SOTF decision 19097 against Public Works. (Moreover, for unknown reasons the email is an image and not the original text, which is likely why the hyperlinks are destroyed).

If DPA is willing to correct all of these errors AND confirm that it will comply with regards to each issue above for all requests, in a signed writing on official letterhead by department head or managerial City employee, no SOTF complaint will be filed. We will file complaints if DPA merely corrects the issues after-the-fact without acknowledging that it must do each of these things correctly for all requesters and requests that follow.

Regards,

Anonymous

Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 26th, 2021 at 11:54 AM, DPA-Legal <DPA.Legal@sfgov.org> wrote:

(Please see attached)

The DPA Public Records Team

One South Van Ness Avenue, Eighth Floor

415-241-7711 phone
415-241-7770 tty

www.sfgov.org/dpa web

sfdpa.nextrequest.com public records portal

From:	Anonymous Records Requester
To:	Bruce Wolfe (Chair, SOTF, SF); Lila LaHood
Cc:	Youngblood, Stacy (POL); cjkohrs; SOTF, (BOS); SFPD, Commission (POL); CityAttorney (CAT); Supervisor Records (CAT)
Subject:	Reconsideration of SOTF 19145 Kohrs v Police Commission (Public Correspondence) / 67.21(d) petition
Date:	Saturday, May 22, 2021 8:39:13 AM
Attachments:	signature.asc

Dear Chairs and Members,
As a public communication

I noted that the request for reconsideration of Mr Kohrs' case is before a committee instead of the full SOTF this Tuesday Nothing herein is legal advice to any person, including the parties

SOTF must reconsider its no violation ruling in SOTF 19145 for at least the following reasons:
(*This also constitutes a separate petition under SFAC 67.21(d) to the Supervisor of Records to order the Police Commission to disclose the Kohrs Police Commission records to me which, were denied unlawfully as well, for all of the following reasons*):

- It appears at least a few members of SOTF incorrectly concluded that SB 1421 (i e Penal Code 832 7(b), which requires all records related to certain kinds of police conduct be released notwithstanding all other laws) did not apply to off-duty conduct Since the Police Commission's own interpretation (via their written policy for SB 1421 releases) explicitly **does** include off-duty conduct, the Respondents should not be allowed to contradict themselves and argue at SOTF that off-duty conduct is not included, and SOTF should not need to further come up with their own interpretation Respondents have already *admitted* that off-duty conduct is disclosable under SB 1421 PolCom's written policy: https://sfgov org/policecommission//sites/default/files/Documents/PoliceCommission/SB%201421%20Policy%20Procedures%20Amendment%20%2820210304%29 pdf (Section C 2)

- That alone should be enough to require a full reconsideration hearing The vote against Mr Kohrs was very close, 6 to 4 If even one Member is convinced by the Respondents' *own* interpretation of SB 1421, the outcome may change materially

- The Police Commission's most recent resolution determining not to release the records claims that they have an attorney-client privilege that they refuse to waive in the closed session deliberations The Brown Act does NOT in fact permit closed sessions for the purpose of attorney-client communications (*Roberts v City of Palmdale* (1993) 5 Cal 4th 363; also see "Open & Public IV" by the League of California Cities, pg 36) on its own, EXCEPT regarding litigation Gov Code Section 54956.9 states in relevant part: "Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation. ... **For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter."** And note that the Police Commission has cited no section of the Brown Act for a proposition to have attorney-client privileged closed sessions outside of litigation matters Instead, closed sessions have to be held under a specific exemption to open session permitted by Brown Act

- In this case, it was the *personnel closed session* citation that was used, not the *litigation* closed session And because it was a *personnel* matter, not a litigation matter, Penal Code 832 7(b) (SB 1421) explicitly makes this recording publicly disclosable In fact, the Sunshine Ordinance demands certain boilerplate language to be used to justify each closed session SOTF should examine the original agenda item to realize that it was NOT an attorney-client privileged litigation closed session, but instead a personnel matter closed session Personnel matters are closed to protect NOT attorney-client privilege, but the privacy of the employee (who has apparently waived his privacy rights) and the frank deliberation of the Commission members As this task force knows, there is NO deliberative process privilege in San Francisco (Admin Code 67 24(h))

- Finally: The Police Commission also violated the law by initially claiming the missing records (deliberation records) did not exist Only later did the Police Commission state they were withholding them Unless the Police Commission can cite a *specific* CPRA exemption for withholding the recording that defeats Penal Code 832 7(b), then the record must be disclosed I've yet to see what the specific CPRA exemption citation is (in the SOTF case) They keep changing their story

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer 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

Sent from ProtonMail for iOS

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, May 12, 2021 5:14 PM
To: Ronen, Hillary (BOS); RonenStaff (BOS); SOTF, (BOS); Supervisor Records (CAT)
Subject: Complaint / 67.21(d) petition- Re: Your ferris wheel records - Immediate Disclosure Request
Attachments: Not-Read-Receipt.pdf; signature.asc

Dear Supervisor of Records and SOTF:

Supervisor Ronen has completely ignored for two months the below records request. Under Admin Code 67.21(d, e), please determine in writing that the records or parts thereof are public and order them disclosed.

Moreover, Ronen committed official misconduct by willfully failing to discharge her duties as an elected official under the Ordinance (Admin Code 67.34).
Evidence: Sup. Ronen sent an email (a "read receipt") to my email address noting that she **deleted the request without reading it**. Ronen has no right to destroy evidence of a records request she does not want to reply to. See attachment.

Ronen and her Office violated:
- Gov Code 6253(c) for failing to provide a notice of determination of disclosable public records or extension within 10 days, and within 24 days
- SF Admin Code 67.21 for an untimely and incomplete response to a records request
- SF Admin Code 67.34 (Ronen only) for willfully failing to discharge her duties under the Sunshine Ordinance
- SF Admin Code 67.26 for withholding all records in their entirety instead of only withholding the minimum amount
- SF Admin Code 67.27 for withholding records without any written justification

A failure to search for and provide records is equivalent to withholding records from the public (*Community Youth Athletic Center v. City of National City*).

Regards,

Anonymous
Twitter @journo_anon

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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 a lawyer. 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.

Sent with ProtonMail Secure Email.

On Mon, Mar 8, 2021 at 7:40 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

Supervisor Ronen and her Office:

Your vocal opposition to your peers investigating the SF Parks Alliance is intriguing. The pandemic is a poor excuse to make the government more opaque or ignore more potential corruption.

Next step is the people - not the Board - passing a ballot initiative making it a crime for any public official to destroy or fail to retain any electronic communication about the conduct of public business prior to 1 year after its creation. There will be some excellent reasons for that, which I will unveil at an upcoming BoS meeting at public comment.

Anyway.... this is an immediate disclosure request for:

1) Emails on Ronen personal accounts to or from the San Francisco Parks Alliance, and its predecessor organizations Place Lab and Build Public, (all together "SF Parks Alliance"), excluding any newsletters or advertising
2) Text messages or chats of any form on Ronen personal accounts to or from the SF Parks Alliance
3) Emails on Ronen government accounts to or from the SF Parks Alliance, excluding any newsletters or advertising
4) Emails on Ronen staff/intern personal accounts to or from the SF Parks Alliance, excluding any newsletters or advertising
5) Text messages or chats of any form on Ronen staff/intern personal accounts to or from the SF Parks Alliance
6) Emails on Ronen staff/intern government accounts to or from the SF Parks Alliance, excluding any newsletters or advertising
7) Behest payments on Ronen's behalf to SF Parks Alliance
8) Behest payments on Ronen's behalf from SF Parks Alliance

Produce all emails as exact PDF copies preserving all To, From, Cc, Bcc email addresses, urls, images, attachments.
Provide text messages with all date/time stamps, content, urls, images, audio, video, attachments, and participant names.
Comply with all prior SOTF decisions in my favor 19044, 19047, 19091, 19097, 19098, 19103, 19108, 19112, 19119, 19120, 19121, 19128, 19131, 19136, which I am hereby giving you notice of.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, May 10, 2021 2:37 PM
To: Supervisor Records (CAT)
Cc: Carlin, Michael (PUC); Ruski Augusto Sa, Mayara (PUC); Joe Fitz (PRESS, KQED)
Subject: Harlan Kelly / Melanie Lok texts 67.21(d) petition
Attachments: Public Record Final Production - Melanie Redacted Text Messages.pdf; signature.asc

Supervisor of Records Herrera,

The following PUC public record produced by presumably Harlan Kelly is vastly over-redacted:
PUC does not specify who "Melanie" is - but based on my request, it is presumed to be Melanie Lok.
Since the phone number is disclosed at the top, it can be verified who the texts are with.

As you have stated previously, apparently Kelly redacts his own records.
As your office and PUC acknowledges, Kelly unlawfully withheld information in his Walter Wong texts, another city contractor with whom Kelly allegedly unlawfully mixed business and personal friendship (see Kelly-Wong text petition, PUC supplement, and your own response).
As your office is also aware Melanie Lok/Mlok Consulting is a City contractor and unless every matter is her texts is also purely personal, they must be disclosed.

We also need original uncompressed/actually-readable versions of the attachments therein.

Please determine in writing that one or more of the texts, attachments, or parts thereof are public and order them disclosed.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Buta, Odaya (CAT)

From: 105584-70579615@requests.muckrock.com
Sent: Friday, May 7, 2021 8:21 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #21-81
Attachments: 20210507_dph_texts_REV_2.pdf

May 7, 2021

This is a follow up to request number 21-81:

CORRECTION: The attached 67.21(d) petition for two DPH requests replaces the petition you received earlier today.

View request history, see one related attachment, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-of-public-health-4836%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-dph-105584%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lf2Ha%3AV_ytkX-FT9-lp_uIp1PEkxRfBBM

Attachments:
• 20210507_dph_texts_REV_2.pdf

Filed via MuckRock.com
E-mail (Preferred): 105584-70579615@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 105584
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 May 7, 2021:
Subject: RE: California Public Records Act Request #21-81
See attached combined petition under 67.21(d) for two DPH requests.

On May 7, 2021:
Subject: RE: California Public Records Act Request #21-81
See attached combined petition under 67.21(d) for two DPH requests.

On May 7, 2021:
Subject: RE: California Public Records Act Request #21-81
RE: 21-80 - Thank you.

1) But why did you close this request? You still need to produce the remainder of the records. All I said is that Breed and Elsbernd are most important, not that I was waiving the other participants, like Bruss or Kelly. Please produce the remainder on a rolling basis.

2) We are challenging and will file complaints on all redactions based on recommendation of the author. The City continues to misunderstand Admin Code 67.24(a)(1). All recommendations of authors are not exempt - that would merely be using the deliberative process privilege under a different name as it is prohibited by Admin Code 67.24(h). Only a *draft* recommendation of the author is exempt, not all recommendations. And any factual content must be released as well within those messages. For example, if Colfax hypothetically initially recommends shutting down restaurants and bars, and then finally recommends shutting down only bars then only the first recommendation is exempt as a *draft*. If the recommendations made by Colfax are not drafts and are his final recommendations they need to be disclosed.

3) We are challenging and will file complaints on all redactions based on official information privilege. The City continues to misunderstand Evidence Code 1040. Evid Code 1040(a) that you cited merely defined official information; it does not exempt it. Only *some* not all official information is exempt - those exemptions are defined in Evid Code 1040(b)(1) and (b)(2) and you must cite which of the two exemptions you are using. The first exempts information whose disclosure is prohibited by state or federal law (if you are using (b)(1) please state that other law prohibiting disclosure). The second is a balancing test in the interest of justice (if you are using (b)(2) please explain in detail how disclosing each of those messages would harm the interest of justice).

DPH bears the burden of proof in showing how these exemptions apply to each redacted message.

On May 6, 2021:
Subject: [Document Released] City and County of San Francisco public records request #21-80
City and County of San Francisco

****

Hi there

Documents have been released for record request #21-80 along with the following message:

Please find the legal justifications for every redaction which are cross-referenced to the document names.

20-80_Me_Mayor_London_Breed_Redacted_v1.pdf

* 7 A city employee cell phone number was redacted due to privacy concerns. (Cal. Gov't Code § 6254(c); Internat. Federation of Prof. & Technical Engineers, Local 21, AFL-CIO v. Super. Ct. (2007) 42 Cal.4th 319, 339 [while names and salaries of City employees must be disclosed, the "City has not been asked to disclose any contact information for these employees, such as home addresses or telephone numbers"].)

* 8–9 Information was redacted under the official information privilege. (Cal. Gov't Code § 6254(k).) This privilege is codified in California Evidence Code section 1040, which defines "official information" as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made." (Id. at § 1040(a).)

* 17 Information was redacted as non-responsive because "[c]ommunications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records." (City of San Jose v. Super. Ct. (2017) 2 Cal.5th 608, 619.)

* 19 A cell phone number of the public was redacted because such personal contact information implicates the privacy rights of individuals and typically sheds no light on DPH's operations. (Cal. Gov't. Code § 6254(c).)

* 20 Information was redacted as "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." (Cal. Gov't Code § 6254(c).)

* 20–22 Information was redacted as non-responsive because "[c]ommunications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records." (City of San Jose v. Super. Ct. (2017) 2 Cal.5th 608, 619.)

20-80_Me_Sean_Elsbernd_1_Redacted_v1.pdf

* 3–4, 112 Information was redacted as "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." (Cal. Gov't Code § 6254(c).)

* 9, 25, 36, 38–39, 45–46, 98, Information was redacted under the official information privilege. (Cal. Gov't Code § 6254(k).) This privilege is codified in California Evidence Code section 1040, which defines "official information" as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made." (Id. at § 1040(a).)

* 16, 19, 51, 85 Information was redacted as non-responsive because "[c]ommunications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records." (City of San Jose v. Super. Ct. (2017) 2 Cal.5th 608, 619.)

* 19 City employees cell phone numbers were redacted due to privacy concerns. (Cal. Gov't Code § 6254(c); Internat. Federation of Prof. & Technical Engineers, Local 21, AFL-CIO v. Super. Ct. (2007) 42 Cal.4th 319, 339 [while names and salaries of City employees must be disclosed, the "City has not been asked to disclose any contact information for these employees, such as home

addresses or telephone numbers"].)

* 35, 74, 88 DPH does not disclose personal contact information for members of the public because such personal contact information implicates the privacy rights of individuals and typically sheds no light on DPH's operations. (Cal. Gov't. Code § 6254(c).)

* 28–29, 80–83, 87, 93–95, 103 Redactions of author recommendations were redacted. Such redactions are authorized under San Francisco Administrative Code Section 67.24(a)(1).

* 11, 30, 40, 73, 97, 104–106 The Public Records Act allows an agency to decline to disclose "[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but limited to, provisions of the Evidence Code relating to privilege." (Cal. Gov't Code § 6254(k).) California Evidence Code section 954 protects from disclosure communications between attorneys and their clients. Disclosure of communications between the DPH and the City Attorney's Office would chill DPH's ability to discuss candidly issues on which legal advice is sought.

20-80_Me_Sean_Elsbernd_2_Redacted_v1.pdf

* 31, 35, 50 Information was redacted under the official information privilege. (Cal. Gov't Code § 6254(k).) This privilege is codified in California Evidence Code section 1040, which defines "official information" as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made." (Id. at § 1040(a).)

* 9, 13, 18, 36 DPH does not disclose personal contact information for members of the public because such personal contact information implicates the privacy rights of individuals and typically sheds no light on DPH's operations. (Cal. Gov't. Code § 6254(c).)

* 1, 6, 35–36 DPH does not disclose 'personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.' (Cal. Gov't Code § 6254(c).)

* 4, 26 Redactions of author recommendations were redacted. Such redactions are authorized under San Francisco Administrative Code Section 67.24(a)(1).

* 20, 44 Non-responsive because “[c]ommunications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records.” (City of San Jose v. Super. Ct. (2017) 2 Cal.5th 608, 619.)

* 20-80_Me_Mayor_London_Breed_Redacted_v1_Redacted_04.05.2021.pdf

* 20-80_Me_Sean_Elsbernd_1_Redacted_v1_Redacted_04.05.2021.pdf

* 20-80_Me_Sean_Elsbernd_2_Redacted_v1pdf_Redacted_04.06.2021_Redacted.pdf

Document links are valid for one month.
After June 6, you will need to sign in to view the document(s).

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On May 6, 2021:
Subject: Your City and County of San Francisco public records request #21-80 has been closed.
City and County of San Francisco

****

Hi there

Record request #21-80 has been closed and published. The closure reason supplied was:

This concludes your public records request.

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Dec. 5, 2020:
Subject: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (DPH)
To Department of Public Health and its Department Head or Elected Official:

** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. ** Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between Grant Colfax and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is an immediate disclosure request for text, chat, or instant messages between Tomas Aragon and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

3. This is a regular records request for text, chat, or instant messages between the other dept employees (not Colfax or Aragon) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or

deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by 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 above 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 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. ******

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

View request history, see one related attachment, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-of-public-health-4836%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-dph-105584%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lf2Ha%3AV_ytkX-FT9-lp_uIp1PEkxRfBBM

Attachments:
• 20210507_dph_texts_REV_2.pdf

Filed via MuckRock.com
E-mail (Preferred): 105584-70579615@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 105584
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.

Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Supervisor of Records Dennis Herrera
San Francisco, CA
via email
Final

May 7, 2021

RE: DPH Requests 21-80 and 20-2942 – REVISION 2 – May 7, 2021

Supervisor of Records Dennis Herrera:

This is a petition under Admin Code §67.21(d) to determine in writing that records or parts thereof are public, regarding what DPH has labeled requests 21-80 and 20-2942. This is a corrected, 2nd revision, which replaces the earlier petition received on May 7, 2021 from this email address. Specifically, we challenge:

1. All withholding of attachments in the messages.

   Because audio, video, and image records have not been provided and clearly exist in the screenshots of these messages, the records have been effectively withheld in their entirety and the request has not been complied with (see *Community Youth Athletic Center v. City of National City* (2013)[1] and *Sukumar v. City of San Diego* (2017)[2]). It is unknown whether the messages are on City-owned or personal devices, however, even if the devices are personal, attachments stored on them about the conduct of public business would be considered in the constructive possession of the City, and must be provided (*City of San Jose v. Superior Court* (2017)).

2. All redactions based on recommendation of the author. The City continues to misunderstand Admin Code 67.24(a)(1).

[1] "The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public." (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1425)

[2] "The City correctly states there is no evidence it intentionally withheld known responsive documents. At the hearing on the fee motion, even Sukumar's attorney admitted there was no evidence City representatives acted in bad faith. However, bad faith is not the test. The effect of the City's inability or unwillingness to locate and produce these documents until court-ordered discovery ensued after March 8, 2016, is tantamount to withholding requested information from a PRA request." (*Sukumar v. City of San Diego* (2017), 14 Cal.App.5th 451, 466; internal citations omitted.)

All recommendations of authors are not exempt – that would merely be using the deliberative process privilege under a different name as it is prohibited by Admin Code 67.24(h). Only a *draft* recommendation of the author is exempt, not all recommendations. And any factual content must be released as well within those messages.

For example, if Colfax hypothetically initially recommends shutting down restaurants and bars because of 17 positive COVID tests, and then finally recommends shutting down only bars then only the first recommendation is exempt as a *draft* and the phrase "17 positive COVID tests" must be unredacted as factual information.

Also, if the recommendations made by Colfax are not drafts at all and are his only (and thus final) recommendations they need to be disclosed. Furthermore, Elsbernd's responses to Colfax's exempt draft recommendations of the author are not necessarily draft recommendations themselves (or vice-versa). No where is the discussion by another party of the first party's draft recommendation exempted – in fact the exemption specifically states it must be the recommendation *of the author*.

3. All redactions based on official information privilege. The City continues to misunderstand Evidence Code 1040.

   DPH merely cites Evid Code 1040(a) – simply defining official information; it does not exempt it. Only *some* not all official information is exempt – those exemptions are defined in Evid Code 1040(b)(1) and (b)(2) and DPH must cite which of the two exemptions they are using. The first exempts information whose disclosure is prohibited by state or federal law (if you are using (b)(1) please state that other law prohibiting disclosure). The second is a balancing test in the interest of justice (if you are using (b)(2) please explain in detail how disclosing each of those messages would harm the interest of justice).

4. All redactions under the attorney-client privilege on communications where no attorney for the City is part of the communication.

   Evid Code 954 protects "a confidential communication between client and lawyer" – but these are not communications between the City and its lawyers. Communications between two non-DCA employees are not protected under Evid Code 954. Even if Sean Elsbernd is a lawyer, he does not and cannot act as a lawyer for the City (his law license is inactive in California).

DPH bears the burden of proof in showing how these exemptions apply to each redacted message.

It appears DPH is just using the above citations to hide the sensitive information in policy discussion.

Please order disclosed all public records not yet provided.

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 111478-55598386@requests.muckrock.com
Sent: Monday, May 3, 2021 3:57 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: External Affairs/Community Benefits - SFPUC
Attachments: 20210503_vs_puc_audit-F.pdf

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

May 3, 2021

This is a follow up to a previous request:

See attached 67.21(d) petition.

View request history, see one related attachment, upload responsive documents, and report problems here:
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%252Fexternal-affairscommunity-benefits-sfpuc-111478%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1ldhUh%3AUokQNuX4Oto0TdH4jMGoXOTxVL8

Attachments:
• 20210503_vs_puc_audit-F.pdf

Filed via MuckRock.com
E-mail (Preferred): 111478-55598386@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 111478
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 April 30, 2021:
Subject: RE: California Public Records Act Request: External Affairs/Community Benefits - SFPUC
Dear Requestor,

The SFPUC has conducted a diligent search and we found no records responsive to your request. Therefore, we consider your request closed.

Please note that the Controller's Office has not conducted an External Affairs / Community Benefits audit. An audit was scheduled to happen in 2019-2020. However, the audit was postponed due to the pandemic and the local emergency.
Best Regards,
Mayara Ruski Augusto Sa
SFPUC Public Records Senior Analyst

On April 28, 2021:
Subject: California Public Records Act Request: External Affairs/Community Benefits - SFPUC
Dear Requester,

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.sfwater.org/modules/ShowDocument.aspx?documentID=15142> provides details.

We have forwarded your request to the appropriate staff and will provide an update including a potential timeline within 10 days of your request.
Best Regards,
Mayara Ruski Augusto Sa
SFPUC Public Records Senior Analyst

On April 23, 2021:
Subject: California Public Records Act Request: External Affairs/Community Benefits - SFPUC
To Whom It May Concern:

Pursuant to the CPRA and Sunshine Ordinance, I hereby request the following records:

- all records provided by your agency to the Controller's Office for the External Affairs / Community Benefits audit, in the electronic format that you provided them to the Controller

Note that *you* are not an auditor, so the auditor CPRA exemptions do not apply to you.
I'm just asking for things that are your public records that you also happened to provide to the Controller.
You must provide every record prepared, owned, used, or retained by your agency -- which includes any records from your contractors that happen to be in your computer systems.

Provide rolling responses (SFAC 67.25(d)).

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Anonymous Journalist

View request history, see one related attachment, upload responsive documents, and report problems here:
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%252Fexternal-affairscommunity-benefits-sfpuc-111478%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1ldhUh%3AUokQNuX4Oto0TdH4jMGoXOTxVL8

Attachments:
• 20210503_vs_puc_audit-F.pdf

Filed via MuckRock.com
E-mail (Preferred): 111478-55598386@requests.muckrock.com

For mailed responses, please address (see note):
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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.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, May 12, 2021 4:56 PM
To: Carlin, Michael (PUC); SOTF, (BOS); Ruski Augusto Sa, Mayara (PUC); Leger, Cheryl (BOS)
Cc: delaRosa, Mark (CON); Supervisor Records (CAT); bos-legislative_aides@sfgov.org; Givner, Jon (CAT)
Subject: Re: PUC and its attorneys are lying to SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21053
Attachments: signature.asc

Typo fixed inline. The second audit is "Community Benefit/Social Impact Partnership Program" - which is covered under the request clause "External Affairs/Community Benefits audit"

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 12th, 2021 at 4:54 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> One more thing...
>
> Even their first page of response is nonsense.
>
> My request asked for "External Affairs/Community Benefits" audit.
> SFPUC apparently had TWO relevant audits: "External Affairs Bureau" (which apparently has been delayed and had no responsive records) and "Community Benefit/Social Impact Partnership Program" (which was in fact occurring).
> How exactly could my request verbiage cover the first and not the latter?
> Consider what would have happened if Mr. Eskenazi had never informed me about the existence of the latter audit. PUC would have gotten away with completely hiding these records from the public, with no justification.

This is yet more evidence of prevarication on behalf of the respondent.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 12th, 2021 at 8:46 AM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> Dear SOTF,
>
> I want to make this very clear to everyone, including Supervisor of Records Herrera.
>
> PUC is flat out lying about what the law says. They claim the state laws "protect the confidentiality of records provided to the City Services Auditor, or its contractor SEC, during the pendency of an audit.". False.
>
> The two state laws cited by PUC prohibit disclosure of audit materials **by the auditor and their employees**:
> "... none of the following items or papers of which these items are a part may be released to the public **by the city auditor, or his or her employees"**
> "... none of the following items or papers of which these items are a part may be released to the public **by the auditor or his or her employees:**"
>
> My request was not to the auditor, or its employees, or even to its contractor... my request was to PUC.
>
> None of these laws exempt the records to be disclosed *by whoever is being audited* - in this case PUC.
> Merely because a record is also part of an audit does not transform the original non-exempt record into an exempt record.
>
> PUC, and whichever attorneys told PUC to write this nonsense, are lying to the task force, and must be held accountable.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent from ProtonMail for iOS

On Wed, May 12, 2021 at 8:35 AM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> Indeed, The Controller and SEC do not need to release the records, under the auditor exemption.
> But PUC does.
> PUC is not the auditor; PUC cannot hide its own public records simply because they were transmitted to an auditor.
> And local law cannot create exemptions that do not exist in state law.
> Local law can only enhance disclosure, not reduce it.
>
> Regards,
>
> Anonymous
> Twitter @journo_anon
>
> ***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 a lawyer. 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.

Sent from ProtonMail for iOS

On Wed, May 12, 2021 at 7:50 AM, Carlin, Michael (PUC) <mcarlin@sfwater.org> wrote:

> Good Morning:
>
> Attached please find the SFPUC's response to Complaint No. **21053**.
>
> Thank you.
>
> Michael P. Carlin
>
> Acting General Manager

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Friday, May 07, 2021 1:51 PM
To: Carlin, Michael (PUC) <mcarlin@sfwater.org>; Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>
Cc: 111478-55598386@requests.muckrock.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21053

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

Afternoon:

Michael Carlin, Mayara Ruski Augusto Sa 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.*

Buta, Odaya (CAT)

From: 109912-45425417@requests.muckrock.com
Sent: Friday, April 30, 2021 9:29 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: DCCC/Supervisors Secret Meeting - Immediate Disclosure Request
Attachments: 20210430_vs_campos-F.pdf

San Francisco District Attorney's office
PRA Office
Room 322
850 Bryant Street
SF, CA 94103

April 30, 2021

This is a follow up to a previous request:

Attached is a 67.21(d) petition against David Campos.

View request history, see one related attachment, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-district-attorneys-office-5810%252Fdcccsupervisors-secret-meeting-immediate-disclosure-request-109912%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABUMPX3XsHTUt0XtbDezdRWehY%3A1lcW0r%3AXFFwx-dDson0S-s0fbYazbdSUcA

Attachments:
• 20210430_vs_campos-F.pdf

Filed via MuckRock.com
E-mail (Preferred): 109912-45425417@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 109912
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 21, 2021:
Subject: California Public Records Act Request: DCCC/Supervisors Secret Meeting - Immediate Disclosure Request
David Campos:

A (different) anonymous person brought the following SOTF complaint recently:
https://sfgov.org/sunshine/sites/default/files/eotc_032321_item7.pdf#page=6

These are 2 separate requests. "The DCCC meeting" is defined as every DCCC meeting from July 19 to 23, 2020 (inclusive). You must inform me whether or not disclosable public records exist for each request below, and an explanation/justification:

1. Produce all communications planning or preparing the DCCC meeting (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any government account.

2. Produce all communications planning or preparing the DCCC meeting (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any personal account. Remember that you must produce all records on personal property about the conduct of *public* business.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

Anonymous Journalist
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/01/log

View request history, see one related attachment, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-district-attorneys-office-5810%252Fdcccsupervisors-secret-meeting-immediate-disclosure-request-109912%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABUMPX3XsHTUt0XtbDezdRWehY%3A1lcW0r%3AXFFwx-dDson0S-s0fbYazbdSUcA

Attachments:
• 20210430_vs_campos-F.pdf

Filed via MuckRock.com
E-mail (Preferred): 109912-45425417@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 109912
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.

Anonymous Public Records Audit of San Francisco

arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Sunshine Ordinance Task Force *and*
Supervisor of Records Dennis Herrera
San Francisco, CA
via email
Final

April 30, 2021

Complaint Anonymous v Campos, et al., April 30, 2021

Sunshine Ordinance Task Force:

Please file a complaint *Anonymous v David Campos and the Office of the District Attorney*. Allegations: violation of CPRA Gov Code 6253(c) for failing to provide a notice of disclosable public records or extension within 10 days of a request; SFAC §67.21 for an untimely and incomplete response to a records request; SFAC §67.27 for withholding information without an appropriate written legal justification; SFAC §67.26 for withholding more than the minimum exempt information. You should take as proven any allegation not specifically denied by the Respondents. (Supervisor of Records: This is also a petition under Admin Code §67.21(d) to determine in writing that any records withheld under an illegal justification are public, and to order them disclosed.)

1. **BACKGROUND**

2. On March 21, 2021 via email from 109912-45425417@requests.muckrock.com to david.campos@sfgov.org I filed 2 records requests to the Respondents. (Full request text and lack of response thread are in Exhibit A).

> "David Campos:
>
> A (different) anonymous person brought the following SOTF complaint recently: https://sfgov.org/sunshine/sites/default/files/eotc_032321_item7.pdf#page=6
>
> These are 2 separate requests. "The DCCC meeting" is defined as every DCCC meeting from July 19 to 23, 2020 (inclusive). You must inform me whether or not disclosable public records exist for each request below, and an explanation/justification:
>
> 1. Produce all communications planning or preparing the DCCC meeting

> (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any government account.
>
> 2. Produce all communications planning or preparing the DCCC meeting (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any personal account. Remember that you must produce all records on personal property about the conduct of *public* business. .. "

3. Follow-ups were sent on March 31, April 15, and April 30, 2021.

4. Respondents have never replied in any fashion to either of these requests.

5. Because no records or response has been provided, the records have been effectively withheld[1,2] in their entirety and the request has not been complied with.

6. The DCCC meetings were attended, as admitted by the Supervisors in SOTF 20087 *SJD Anonymous v Ronen* and its closely related complaints against Supervisors Mar and Haney, by majorities of committee(s) of the Board of Supervisors.[3] However, the Supervisors argue that the meeting was not a public meeting under the Brown Act because the issues discussed were not within the subject matter jurisdiction of the Board's committees.

7. Without conceding that the meeting was not a Brown Act public meeting, I argue that the meeting was a public meeting under the Sunshine Ordinance, which has a broader definition.

8. Unlike the Brown Act, Sunshine Ordinance Sec 67.3's definition of a "meeting"

[1] "The effect of the City's inability or unwillingness to locate the records had the same effect as withholding requested information from the public." (*Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1425)

[2] "The City correctly states there is no evidence it intentionally withheld known responsive documents. At the hearing on the fee motion, even Sukumar's attorney admitted there was no evidence City representatives acted in bad faith. However, bad faith is not the test. The effect of the City's inability or unwillingness to locate and produce these documents until court-ordered discovery ensued after March 8, 2016, is tantamount to withholding requested information from a PRA request." (*Sukumar v. City of San Diego* (2017), 14 Cal.App.5th 451, 466; internal citations omitted)

[3] Sup. Ronen's representative Amy Beinart stated on Sep. 11, 2020: "This complaint cites Supervisor Ronen's participation in the July 23, 2020, meeting of the SF DCCC that was also attended by Supervisors Mar and Haney. While it is true that Supervisors Ronen and Mar together, as two of three members of the Rules Committee of the Board of Supervisors, meet the threshold for quorum for that Committee, there was no matter on the DCCC agenda that was under the Board of Supervisors' (or Rules Committee's) subject matter jurisdiction, and therefore not a violation of the Brown Act." https://sfgov.org/sunshine/sites/default/files/eotc_032321_item7.pdf#page=23

does NOT have a subject matter jurisdiction requirement – every "congregation of a majority" of a BoS or its Committees qualifies, UNLESS it is a "regional, statewide or national conference," "meeting organized to address a topic of local community concern and open to the public," or "purely social, recreational or ceremonial occasion" (the latter 3 having a subject matter jurisdiction qualifier to be a "meeting") or two other exceptions not relevant here. The SF Democratic County Central Committee does not appear to be a conference, meeting organized to address a topic of local community concern and open to the public, or purely social. Thus all DCCC meetings having a quorum of the BoS or its committees should qualify as a Sunshine meeting of a policy body, subject to all Sunshine requirements, regardless of a subject matter jurisdiction requirement.

9. Therefore, records about that meeting are also public records and should, barring a specific cited exemption, be disclosed.

10. Respondents bear the burden of proving that the records sought are NOT public. Admin Code 67.21(g), states "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."

11. **ALLEGATION 1: Violation of CPRA Gov Code 6253(c)**

12. Gov Code 6253(c) states: "Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or their designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. ..."

13. My request was sent Sunday March 21, and thus deemed received March 22. As of April 30, long after both the 10-day and 24-day-with-extension period, no determination or other reply was received.

14. **ALLEGATION 2: Violation of Admin Code 67.21**

15. Admin Code 67.21(b) states: "A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the

office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance."

16. "Custodian of a public record" is not, contrary to the City's apparent belief, a special title that applies only to a specific person in an agency. It is defined in the ordinance as "Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record)"

17. In over one month, Campos, the person having custody of his own records, has not responded in any fashion to the request, which also constitutes an unreasonable delay.

18. **ALLEGATIONS 3 and 4: Violation of Admin Code 67.27 and 67.26**

19. Admin Code 67.27 requires that "Any withholding of information shall be justified, in writing, as follows: ... "

20. Admin Code 67.26 requires the City to withhold only the minimum exempt portion of a public record so as to disclose as much else as possible. Usually, redaction is used to achieve this.

21. The Respondents' inability or unwillingness to search for or provide the records is equivalent to withholding the records in entirety (see footnotes 1 and 2). No justification for doing so was provided.

22. **REQUEST FOR RELIEF**

23. Please find that Respondents violated CPRA Gov Code 6253(c), SF Admin Code 67.21, 67.26, and/or 67.27.

24. Please order disclosed all public records not yet provided.

Sincerely,

Anonymous

EXHIBIT A

From: Anonymous Journalist 03/21/2021

Subject: California Public Records Act Request: DCCC/Supervisors Secret Meeting – Immediate Disclos... Email

David Campos:

A (different) anonymous person brought the following SOTF complaint recently: https://sfgov.org/sunshine/sites/default/files/eotc_032321_item7.pdf#page=6

These are 2 separate requests. "The DCCC meeting" is defined as every DCCC meeting from July 19 to 23, 2020 (inclusive). You must inform me whether or not disclosable public records exist for each request below, and an explanation/justification:

1. Produce all communications planning or preparing the DCCC meeting (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any government account.

2. Produce all communications planning or preparing the DCCC meeting (incl with Sup Mar, Ronen, Haney or their offices), all agenda items, all minutes, all discussions regarding the meeting either before or after the meeting took place, on any personal account. Remember that you must produce all records on personal property about the conduct of *public* business.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

Anonymous Journalist
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/01/log

From: Muckrock Staff 03/31/2021

Subject: RE: California Public Records Act Request: DCCC/Supervisors Secret Meeting - Immediate Dis... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on March 21, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 04/15/2021

Subject: RE: California Public Records Act Request: DCCC/Supervisors Secret Meeting - Immediate Dis... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on March 21, 2021. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff 04/30/2021

Subject: RE: California Public Records Act Request: DCCC/Supervisors Secret Meeting - Immediate Dis... Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on March 21, 2021. Please let me know when I can expect to receive a response.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, April 23, 2021 10:42 PM
To: SOTF, (BOS); Supervisor Records (CAT)
Subject: 67.21(d) petition and SOTF Complaint vs. Ethics Commission
Attachments: 20210423_vs_ethics-F.pdf; signature.asc

SOTF: Please file the attached complaint *Anonymous v Ethics Commission, LeeAnn Pelham, and Jeffrey Pierce*.
Supervisor of Records Herrera: This is a 67.21(d) to determine in writing that records thereof are public and order them disclosed.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Sunshine Ordinance Task Force *and*
Supervisor of Records Dennis Herrera
San Francisco, CA
via email
Final

April 23, 2021

Complaint Anonymous v Ethics Commission, et al., April 23, 2021

Sunshine Ordinance Task Force:

Please file a complaint *Anonymous v Ethics Commission, Jeffrey Pierce, and LeeAnn Pelham.* Allegations: violation of SFAC §67.24(h) for unlawfully withholding information under the deliberative process privilege; SFAC §67.24(c)(7) for unlawfully withholding records of confirmed misconduct; SFAC §67.27 for withholding information without an appropriate written legal justification; SFAC §67.26 for withholding more than the minimum exempt information. You should take as proven any allegation not specifically denied by the Respondents. (Supervisor of Records: This is also a petition under Admin Code §67.21(d) to determine in writing that any records withheld under an illegal justification are public, and to order them disclosed.)

1. **BACKGROUND**

2. On Feb 21, 2021 via email I filed 3 records requests to the Ethics Commission. (Full request text and response thread are in Exhibit A).

> "1. This is an immediate disclosure request for the records request-tracking spreadsheet/database/log (if you keep any) for all records requests made to your agency meeting either of the following criteria: request was received on or after March 23, 2020 OR any response was issued on or after March 23, 2020. ...
>
> 2. This is an immediate disclosure request for all emails or mailed letters related to records requests/responses with the phrase "10 business days" case-insensitive anywhere in the thread (i.e. including replies/forward bodies included in other emails) sent by anyone in your Office/agency (sent to a requester, or to another City employee) on or after March 23, 2020. ...

> 3. To SOTF and Ethics only: This is an immediate disclosure request for any tracking spreadsheet/database/log for all complaints filed with your agency from March 23, 2020 to present. This request includes personal account searches. Include all columns or fields in any database. Any electronic format preserving ALL non-exempt electronic information is acceptable (all exempt info in the original electronic record must be specifically justified). "

3. Respondents replied on Feb 22, 2021 withholding records citing a section of the City charter (instead of State law). Because local law cannot exempt information otherwise disclosable under State law, I will ignore this citation (they revise their response below).[1]

4. On Feb 23, Respondents clarified that the Feb 22 response was not their complete response. On Feb 25, Respondents provided further responses, but restated their total withholding for request number 3 under their earlier Feb 22 citation.

5. On Apr 14, Respondents revised their response to request number 3, by providing one record and withholding all others under the following 3 state law citations:

> "1. The deliberative process privilege under Government Code section 6255.
>
> 2. The official information privilege in Evidence Code section 1040.
>
> 3. The constitutional right to privacy under Article I, section 1. "

6. These citations and withholdings are not legal in San Francisco. This is especially troubling because the Ethics Commission is one of the few bodies legally endowed with the teeth to enforce the Sunshine Ordinance. Given that the Ethics Commission clearly does not understand the enhancements in the Sunshine Ordinance above and beyond the CPRA, how can the people of San Francisco trust the Ethics Commission to appropriately enforce the various violations that the Task Force refers to it? Perhaps this is why the Commission almost always refuses to enforce the Ordinance against any City official no matter how egregious the violation.

7. For the purposes of this complaint, the Mayor's Fifth Supplemental COVID-19 Declaration purporting to suspend certain portions of the Sunshine Ordinance is presumed valid unless it is rescinded by the Mayor, the Board of Supervisors or voided by a court, but as always I do not concede that it is indeed valid and may

[1] They also referred me to their website for closed cases: https://sfethics.org/enforcement/case-resolutions

continue to challenge it in other forums.[2]

8. **ALLEGATION 1: Violation of Admin Code 67.24(h)**

9. Admin Code 67.24(h) states: "Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process" exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure."

10. Respondents stated on April 14: "Regarding the withholdings the Commission previously identified, the Commission withholds complaints alleging violations of campaign finance, lobbying, conflicts of interest and governmental ethics, and whistleblower protection violations, and records of investigations, under the following provisions of State law: 1. The deliberative process privilege under Government Code section 6255. ..."

11. Thus, Respondents unlawfully asserted an exemption for withholding based on a "deliberative process" exemption. All information withheld under this privilege must be disclosed.

12. **ALLEGATION 2: Violation of Admin Code 67.24(c)(7)**

13. Admin Code 67.24(c)(7) states: "(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden: ... (7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct."

14. Any information responsive to my requests related to "confirmed misconduct" must be disclosed and are not exempt under personal privacy as cited by Respondents in their third justification of April 14.

15. **ALLEGATION 3: Violation of Admin Code 67.27**

16. Admin Code 67.27 requires that "Any withholding of information shall be justified, in writing, as follows: (a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority. ..."

[2]Note that the Declaration states "This paragraph does not suspend Administrative Code Section 67.24(h) regarding a "deliberative process" exemption."

17. The deliberative process privilege is forbidden to be asserted by this ordinance (see Allegation 1).

18. Respondents' second April 14 citation is also not permitted because it is not a "specific" exemption: " The official information privilege in Evidence Code section 1040."

19. Evidence Code §1040 does not contain only a single exemption - it contains two distinct exemptions, and Respondents must choose.

20. Consider a citation to Gov Code §6254 – that would not be sufficient. Instead, agencies must cite a "specific [] exemption" such as 6254(c) or 6254(f).

21. In the same vein, Respondents must cite in writing whether they are using §1040(b)(1) or §1040(b)(2), which exempt two different types of information: (1) official information[3] for which "disclosure is forbidden by an act of the Congress of the United States or a statute of this state." OR (2) official information for which "disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice".

22. All information withheld under this section must be disclosed, unless Respondents can cite a specific portion of Evidence Code 1040 under which the information is genuinely exempt. And if §1040(b)(1) is chosen, Respondents must also cite a state or federal law that prohibits the disclosure (they have only cited in the past a *local* law).

23. Finally, the third April 14 citation also appears to be insufficient: "3. The constitutional right to privacy under Article I, section 1.". There is a more specific exemption available under Govt Code §6254(c). Privacy is not a blanket reason for withholding information. Only "*unwarranted* invasion of personal privacy" is a reason for withholding. By running for office, being elected, or employed by the City, persons voluntarily exchange some of their personal privacy for the power they have as government representatives. Furthermore courts have held that disclosure of certain records of misconduct – even in some cases mere allegations of such misconduct – does not constitute an *unwarranted* invasion of personal privacy (see below).

24. **ALLEGATION 4: Violation of Admin Code 67.26**

[3]Official information is defined in Evidence Code §1040(a) as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made"

25. Admin Code 67.26 requires the City to withhold only the minimum exempt portion of a public record so as to disclose as much else as possible. Usually, redaction is used to achieve this.

26. For records that supposedly invade personal privacy, Respondents could for example redact names or contact info of complainants and release the remainder of the record.

27. As it regards the privacy of the alleged perpetrators in Ethics Commissions complaints, courts have held, after considering the Constitutional privacy provisions, that "it is in keeping with ... the express purpose of the [Public Records] Act that where there is reasonable cause to believe the complaint to be well founded, the right of public access to related public records exists"[4] (*Am. Fed. of St. Emp. v. Regents of Univ. of Calif*, 80 Cal.App.3d 913, 918 (Cal. Ct. App. 1978)). Any information for "confirmed misconduct" is disclosable as well (see Allegation 2).

28. And, as the League of California Cities describes, "even if the local agency employee is exonerated of wrongdoing, disclosure may be warranted if the allegations of misconduct involve a high-ranking public official or local agency employee in a position of public trust and responsibility, given the public's interest in understanding why the employee was exonerated and how the local agency employer treated the accusations."[5]

[4] "We are aided greatly by the case of Chronicle Pub. Co. v. Superior Court, 54 Cal.2d 548 [7 Cal.Rptr. 109, 354 P.2d 637], which concerned the public right to information concerning records of complaints of wrongdoing against members of the State Bar of California, a context, we opine, reasonably analogous to that of the case at hand. The high court concluded (p. 572) that: "'Only strong public policies weigh against disclosure'" of such matters. Such a strong public policy was found in the case of trivial or groundless charges which often, "no matter how guiltless the attorney might be, if generally known, would do the attorney irreparable harm. . . ." (P. 569.) In such a situation the attorney was to be compared with "'"public officers and employees"'" generally, against whom such communications "'"are to be considered as highly confidential, and as records to which public policy would forbid the confidence to be violated."'" (Pp. 568-569.) But where the charges are found true, or discipline is imposed, the strong public policy against disclosure vanishes; this is true even where the sanction is a private reproval. In such cases a member of the public is entitled to information about the complaint, the discipline, and the "information upon which it was based." (P. 575.)

We are further of the opinion that a proper reconciliation of the Act and the constitutional right of privacy mandates that, in situations such as that before us, the recorded complaint be of a substantial nature before public access is permitted. And patently, it is in keeping with the rationale of Chronicle Pub. Co. and the express purpose of the Act that where there is reasonable cause to believe the complaint to be well founded, the right of public access to related public records exists. Courts should not be bound by a contrary determination of the public agency, for if that were so the Act's decree that — "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state" — would be largely frustrated."

[5] "The People's Business – A GUIDE TO THE CALIFORNIA PUBLIC RECORDS ACT", April 2017 edition, p. 47, https://www.cacities.org/Resources/Open-Government/THE-PEOPLE%E2%80%99S-BUSINESS-A-Guide-to-the-California-Pu.aspx citing *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 223–224; *Marken v. Santa Monica-Malibu Unified Sch. Dist.* (2012) 202

(cont.)

29. It is also likely that at least some of the information withheld under any subsection of Evidence Code 1040 was not in fact "acquired in confidence" by the Ethics Commission employees, either because they did not "acquire" the information (such as information generated by Ethics Commission employees themselves), or if they did "acquire" it, it was not given to them in "confidence." Such information is not even "official information" by definition (Evidence Code §1040(a)), and thus cannot be withheld under either provision of Evidence Code §1040(b)(1 or 2).

30. Finally, *all* information withheld under deliberative process privilege must be disclosed.

31. **ALLEGATION 5: Official Misconduct under Admin Code 67.34 (against Pierce only)**

32. Admin Code 67.34 requires "The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct."

33. Respondent Pierce is presumably at least a managerial city employee, based on his title "Director of Enforcement." It is unclear whether he is the department head for the Ethics Commission.

34. Based on Pierce's job duties including enforcement of the Sunshine Ordinance, he must have expertise in the Sunshine Ordinance.

35. Therefore Pierce knew or should have known that at least his citation to the deliberative process privilege was unlawful.

36. Admin Code 67.24(h) is a duty of every City office, employee, and agent.

37. Therefore, Pierce willfully failed to discharge the duty imposed by the Sunshine Ordinance to not cite the locally-illegal deliberative process privilege.

38. **REQUEST FOR RELIEF**

39. Please find that Respondents violated SF Admin Code 67.24(h), 67.24(c)(7), 67.27, 67.26, and/or 67.34.

40. Please order disclosed all public information unlawfully withheld.

(cont.)

Cal.App.4th 1250, 1275– 1276; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 759; *Bakersfield City Sch. Dist. v Superior Court* (2004) 118 Cal.App.4th 1041, 1045–1047; and *AFSCME, Local 1650 v Regents of University of California* (1978) 80 Cal.App.3d 913, 918.

Sincerely,

Anonymous

EXHIBIT A

From: Pierce Jeffrey (ETH)
To: Anonymous
Date: Wed, 14 Apr 2021 01:17:36 +0000
Subject: RE: The Path to Forced, Universal Government Transparency - Immediate disclosure request
AttachmentList: 1

Dear Anonymous,

Upon further review, the Ethics Commission has located one non-exempt record responsive to part 3 of your request, below, seeking "any tracking spreadsheet/database/log for all complaints filed with [the Ethics Commission] from March 23, 2020 to present." That record is attached.

Regarding the withholdings the Commission previously identified, the Commission withholds complaints alleging violations of campaign finance, lobbying, conflicts of interest and governmental ethics, and whistleblower protection violations, and records of investigations, under the following provisions of State law:

1. The deliberative process privilege under Government Code section 6255.
2. The official information privilege in Evidence Code section 1040.
3. The constitutional right to privacy under Article I, section 1.

Sincerely,
Jeff

From: Pierce, Jeffrey (ETH)
Sent: Thursday, February 25, 2021 2:41 PM
To: 'Anonymous' <arecordsrequestor@protonmail.com>
Subject: RE: The Path to Forced, Universal Government Transparency - Immediate disclosure request

Anonymous,

In answer to part 1 of your request, I'm attaching the Ethics Commission's records requests log with requests and/or responses from 3/23/20 to present.

In answer to part 2 of your request, the Ethics Commission has no responsive records.

Please refer to my message below, from Monday, in answer to part 3 of your request.

Please let me know if I can be of further assistance.

Jeff

Jeff Pierce
Director of Enforcement
San Francisco Ethics Commission
415-252-3100
sfethics.org | jeffrey.pierce@sfgov.org

Confidentiality Notice: This communication and its contents may contain confidential and/or legally privileged information. This communication contains information solely for the use of the intended recipient. Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the San Francisco Charter, section C3.699-13. If you are not the intended recipient, please contact the sender immediately and destroy all copies of this communication.

From: Pierce, Jeffrey (ETH)
Sent: Tuesday, February 23, 2021 7:47 PM
To: Anonymous <arecordsrequestor@protonmail.com>
Subject: RE: The Path to Forced, Universal Government Transparency - Immediate disclosure request

Anonymous,

I am following up on the other aspects of your request and will be your contact for that purpose.

You may be aware that the Mayor has suspended the Immediate Disclosure Request provisions during the pandemic. I will endeavor to produce to you any responsive and disclosable documents within the 10-day response timeframe.

Sincerely,
Jeff

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, February 22, 2021 6:08 PM
To: Pierce, Jeffrey (ETH) <jeffrey.pierce@sfgov.org>
Subject: RE: The Path to Forced, Universal Government Transparency - Immediate disclosure request

Is this the Ethics Commission's complete response to my records request?

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

------- Original Message -------
On Monday, February 22nd, 2021 at 6:02 PM, Pierce, Jeffrey (ETH) <jeffrey.pierce@sfgov.org> wrote:

> Dear Anonymous,
>
> Under the provisions of Charter section C3.699-13(a), records of any investigation – including complaints received – are considered confidential.
>
> Matters for which the Commission has achieved a public resolution may be viewed here.
>
> Sincerely,
>
> Jeff
>
> **Jeff Pierce**
>
> Director of Enforcement
>
> San Francisco Ethics Commission
>
> 415-252-3100
>
> sfethics.org | jeffrey.pierce@sfgov.org

Confidentiality Notice: This communication and its contents may contain confidential and/or legally privileged information. This communication contains information solely for the use of the intended recipient. Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the San Francisco Charter, section C3.699-13. If you are not the intended recipient, please contact the sender immediately and destroy all copies of this communication.

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Sunday, February 21, 2021 11:43 PM
To: Dennis Herrera (City Attorney, SF) <dennis.herrera@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; FEITELBERG, BRITTANY (CAT) <Brittany.Feitelberg@sfcityatty.org>; Ethics Commission, (ETH) <ethics.commission@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>
Subject: The Path to Forced, Universal Government Transparency - Immediate disclosure request

see bottom for requests to your agencies

Mayor Breed and City Attorney Herrera:

departments BCC-ed

A member of the public astutely hypothesized that your offices make the risk analysis that it is efficient for your subordinates and clients to regularly violate CPRA/Sunshine laws for all members of the public and then just deal later with people like me, as a cost of doing business.

If true, no matter how many rulings SOTF makes in specific cases, it will never help generally improve government transparency *for all*. According to this theory you and the City have made a rational economic calculation to, as a rule, violate the Sunshine Ordinance because it allows you and your fellow officials to hide or delete records, over-redact them without legal justifications, and delay access to the vast majority of the public, even if it means belatedly losing appeals repeatedly to the small number of us who will vigorously defend our legal rights. But its not just those other requesters that lose out - the public domain is deprived of timely, lawfully disclosable public records which illuminate how officials conduct the public's business.

Your strategy's success depends on:

- no meaningful penalty to you or the City as long as we few use only SOTF which imposes no financial penalty, instead of Superior Court which does, (example: agencies routinely wait until immediately prior to an SOTF hearing to produce records voluntarily),
- the Ethics Commission ignoring the Sunshine Ordinance so as to protect senior officials from the few personal consequences that do exist in law (example: even if my complaints about you destroying your text message public records in violation of 67.29-7 are eventually heard and won by me, you will still have gotten the substantial political benefits of destroying records for years prior, which the public will permanently never be able to learn about), and
- your certainty that only a small percent of requesters are aware of their rights or have the time, legal, or financial resources to defend their rights even if known.

However... such a strategy would no longer be viable if a person who *does* know how to enforce the transparency laws re-makes the same requests for which you violate others' rights, and enforced full compliance themselves in court where you would be forced to pay for each and every violation, and where Breed, Herrera, and the Board cannot change the judges (or pressure them during appointment) or suspend the rules when they lose. Evidence shows even the Ethics Commission bends to a court that once forced it to do its job.

The City will be transparent only when it fears meaningful, legally-enforced financial repercussions for unlawful opacity. And when the taxpayers get tired of footing the bill for their officials' obstruction of transparency laws,

voters can boot them out of office or amend the law to make department heads and elected officials personally financially liable for violations. Having partially and successfully tested this strategy in a few others' requests, it is now time to implement it fully:

To Each Supervisor, President Walton (for the Board), Mayor Breed, Chair Wolfe and Vice-Chair Yankee (for the SOTF), Clerk Calvillo, Chair Ambrose and Vice-Chair Lee (for the Ethics Commission), OEWD, and City Attorney Herrera:

Unlike many City agencies, none of your agencies use NextRequest or another web platform to make automatically public all of your records requests so I cannot statistically analyze the quality of your responses to other requesters automatically.

1. This is an immediate disclosure request for the records request-tracking spreadsheet/database/log (if you keep any) for all records requests made to your agency meeting either of the following criteria: request was received on or after March 23, 2020 OR any response was issued on or after March 23, 2020. This request includes personal account searches. Include all columns or fields in any database. Any electronic format preserving ALL non-exempt electronic information is acceptable (all exempt info in the original electronic record must be specifically justified). For the SOTF and Ethics Commission: these requests do NOT include any logs tracking *complaints* filed with your agency - only *records requests made to* your agency.

2. This is an immediate disclosure request for all emails or mailed letters related to records requests/responses with the phrase "10 business days" case-insensitive anywhere in the thread (i.e. including replies/forward bodies included in other emails) **sent** by anyone in your Office/agency (sent to a requester, or to another City employee) on or after March 23, 2020. Exact PDF copies with all attachments, formatting, hyperlinks, images, email addresses, INCLUDING To/From/Cc AND Bcc email address, is necessary and sufficient; other email headers are not necessary at this time. This request includes personal account searches. For some period of time since the COVID emergency orders - Herrera's office falsely told records

requesters that the City had "10 business days" to respond (i.e. 14 calendar days as opposed to 10) under the CPRA. I would like to determine whether this false statement of law was directed solely to me, or all requesters. Mysteriously, immediately after I complained, Herrera stopped doing this (to me at least). This is especially interesting in light of the fact that Herrera - long before I complained - had issued a public legal opinion about the City's obligation to meet the *10 day* requirement under state law even under the Mayor's purported orders. For the SOTF and Ethics Commission: these requests do NOT include any logs tracking *complaints* filed with your agency - only *records requests made to* your agency.

3. To SOTF and Ethics only: This is an immediate disclosure request for any tracking spreadsheet/database/log for all complaints filed with your agency from March 23, 2020 to present. This request includes personal account searches. Include all columns or fields in any database. Any electronic format preserving ALL non-exempt electronic information is acceptable (all exempt info in the original electronic record must be specifically justified).

Unfortunately, if the City is only correcting the legal process of records response just for me, I'm not really achieving my goal of universal government transparency as required by law. In some ways, thus it helps that there are now so many unaffiliated members of the public using MuckRock with an anonymous moniker and copy-pasting my request verbiage -- instead of complying with the law just in my cases, you are forced to comply with the law at least a larger group of people.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, April 12, 2021 10:51 PM
To: Supervisor Records (CAT); Feitelberg, Brittany (CAT)
Cc: Cote, John (CAT); Brad Russi (Deputy City Attorney, SF); SOTF, (BOS); Givner, Jon (CAT)
Subject: 20210412 - City-wide Petition regarding email, text, and calendar metadata
Attachments: petition_20210412_Metadata-F.pdf; signature.asc

Dear Supervisor of Records Dennis Herrera:

Attached is a 67.21(d) petition covering email, text, and calendar metadata and related issues (email addresses, urls, etc.)

The power is yours to avoid the inefficiencies of per-request complaints/petitions as you previously stated you want to. Here is your chance: as you did with the future calendars issue, you must reverse your years of wrong determinations, correct your opinion in writing via this composite petition against various departments for the listed requests, and let the City move on from metadata as a controversy with strictly more public access.

Give the public a firm determination/order that all petitioned City departments will comply with and I won't *need* to go to SOTF on the issue piecemeal.

It is up to you Mr. Herrera.

BCC-ed Custodians: It is in your interest that Mr. Herrera summarily resolve the metadata issue for the entire City in the same direction as SOTF has one-off for each of you whose complaints have so far been adjudicated. Consider encouraging him to do the right thing.

Cc public communication to SOTF-IT for visibility.

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 a lawyer. 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

Sent from ProtonMail for iOS

Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

April 12, 2021

Petition under SFAC § 67.21(d) re: email, text, and calendar metadata

Supervisor of Records Dennis Herrera:

Under Admin Code 67.21(d), please determine in writing that records or parts thereof are public, and order the custodians to comply with the requests, in at least each request listed at the bottom of this email (Appendix A). You have closely related petitions from Oct 9–11, 2020 outstanding on similar topics.

You have expressed a concern with the efficiency of the per-request complaint process – you can with a response to all petitions herein set the entire City on the correct footing with regards to release of email, calendar, and text message metadata.

Previously-internal custodian communications within the City disclosed to me indicate that your old anti-metadata legal memorandum is no longer applicable within the City. Specifically, in February 2021, when a custodian deferred to your anti-metadata memo in helping a second custodian understand the policy about not producing metadata to a records request, Mayoral compliance officer Hank Heckel states to the other custodians, "There have been major changes in the policy surrounding this that we should discuss."[1] Therefore, I am expecting a reply similar to your latest summary determination to my future calendar petitions,[2] reversing your numerous earlier incorrect determinations, and laying out the proper ruling now to set the record straight.

The parts of records relevant to these petitions that should be disclosed are *at least*:

- every email address in the To, From, Sender, Cc, *and Bcc* (for email) and Attendees, Invitees, and Organizer (for calendars) that are not exempt under Constitutional privacy

[1] <https://www.documentcloud.org/documents/20603951-re20library20prrs-redactedhtml>
[2] Your determination of March 9, 2021. <https://www.documentcloud.org/documents/20508643-ltr-to-anonymous-392021>

- every sender and all recipients of text/chat messages
- every hyperlink url not otherwise specifically exempt
- every row/header/field name in email headers and calendar ICS data
- every portion of the email headers and calendar ICS data values not explicitly deemed an exempt information security record or not otherwise specifically exempt

Moreover, email headers and calendar ICS data (both "metadata") are both public and, generally, disclosable (with exceptions that may be redacted).

You claim to lack jurisdiction over the format (Admin Code 67.21(L)) of a record. But I am not challenging the format here, I am challenging the unlawful withholding of specific information (or, in the words of Admin Code 67.21(d), parts of records) including that listed above, which constitutes an incomplete response – which you do have jurisdiction over.

It is in fact possible to produce this info in PDF format, as you personally have done in SOTF 19044 for email headers, the Mayor has done in SOTF 19047 for calendars ICS data, the Mayor has done voluntarily for email addresses, DPW has done in SOTF 19097 for email headers, urls, and email addresses, DPW has done voluntarily thereafter for both email and calendars, DT has done in SOTF 19119 for email headers and calendar ICS data, DT has done voluntarily thereafter for both, and the Treasurer has done in SOTF 19131 most recently.

PETITIONED REQUESTS (APPENDIX A):

Each of the following requests has been incompletely complied with and is petitioned. They are chosen to run the gamut across agencies and across email, text, and calendar metadata and related issues (email addresses, urls, etc.)

1. In the SOTF 19044 request's records from City Attorney, the email header "Authentication-Results" that remains redacted (John Cote represented to SOTF during Compliance that if the IT experts determined this could be disclosed, they would do so, and DT has in fact disclosed this header to me in their own email metadata based on the latest revision of the metadata redactor)

2. My Jan 23, 2020 request to City Attorney from this email address for the ICS data of the April 28 – May 4, 2019 Herrera calendar (sub-part 7)

3. My July 2, 2019 request to SFPD from `76435-93915115@requests.muckrock.com` for certain emails "with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordi-

nance," and certain text/chat messages "with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance"

4. My various requests from November 2, 2019 to May 20, 2020 from `82814-07144940@requests.muckrock.com` to the Office of Mayor periodically archiving the ICS calendar data of Mayor Breed, Andrea Bruss, and Sean Elsbernd's calendars (sub-part 3a in each of the requests dated: Nov 2, 2019; Nov 8, 2019; Nov 16, 2019; Nov 21, 2019; Nov 27, 2019; Dec 7, 2019; Dec 13, 2019; Dec 19, 2019; Dec 27, 2019; Jan 3, 2020; Jan 13, 2020; Jan 24, 2020; Jan 31, 2020; Feb 8, 2020; Feb 18, 2020; Feb 21, 2020; March 2, 2020; March 7, 2020; March 16, 2020; April 6, 2020; May 5, 2020; and May 20, 2020)

5. My request numbered 20-881 from `82814-07144940@requests.muckrock.com` to Public Works regarding Sandra Zuniga's ICS calendar data (sub-part 3a)

6. My Feb 5, 2021 request to the Library Commission from this email address for emails where email addresses and hyperlinks were withheld

7. My March 4, 2021 request to the Mayor's Office from `98380-37550836@requests.muckrock.com` for communications with Recology's Paul Giusti "preserving all attachments, images, audio, video, To/From/Cc/Bcc email addresses, hyperlinks, urls, formatting."

8. My separate Dec 7, 2019 requests to the

    a) Office of the Clerk of the Board,

    b) Office of City Administrator,

    c) Department of Emergency Management,

    d) Municipal Transportation Agency,

    e) Office of Economic and Workforce Development,

    f) Controller's Office,

    g) Public Health,

    h) Building Inspection,

    i) Sheriff,

j) Airport Commission,

k) Public Utilities Commission,

l) Chief Medical Examiner,

m) Animal Care,

n) Elections,

o) Arts Commission,

p) Fire Department,

q) Recreation and Park,

r) Assessor Recorder,

s) Fine Arts Museums,

t) Public Defender,

u) Homelessness and Supportive Housing

from `*@requests.muckrock.com` for certain email "with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses" and certain calendar ICS data "with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions."

9. My separate Dec 16, 2019 requests to the

   a) Child Support Services,

   b) Status of Women,

   c) Entertainment Commission,

   d) Environment,

   e) Human Resources,

f) Housing and Community Development,

g) Port of San Francisco,

h) Office of Contract Administration,

i) Office of Cannabis,

j) Human Services Agency

from `*@requests.muckrock.com` for certain email "with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses" and certain calendar ICS data "with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions."

NOTE TO HERRERA:

If you refuse to review the records and issue a determination and order if needed, you will be violating Admin Code 67.21(d) yourself and potentially aiding your City clients in violating the law as a direct result of willfully refusing to perform your own legally-mandated duties.

As long as the City continues to violate the law, no ethical option exists other than to continue to petition and appeal for complete, timely, and lawful disclosure, without exception. Vigorous pursuit of Sunshine violators will continue until the day your office ceases its willful non-compliance and properly trains the City to reduce violations to your arbitrarily chosen 6 violations per year.

Sincerely,

An Anonymous Independent Journalist

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 24, 2021 8:37 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition - Fw: You Have Failed to Provide your Future Calendars - And Further Immediate Disclosure Requests

Supervisor of Records Herrera,

All Supervisors and the Clerk of the Board having failed to notify me that their future calendars are disclosable public records, you must determine in writing that they are public, and order them disclosed.

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 Monday, March 8th, 2021 at 1:11 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> Clerk Calvillo, and Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton, and all Offices thereof:
>
> None of you have so far provided a notice of determination whether your future calendars are disclosable, violating Gov Code 6253(c). In addition to filing complaints against all of you I will be making an archive of all of your future calendars.
>
> The following are additional immediate disclosure requests
>
> - the details of each entry on all calendars or scheduling documents containing your future meetings (physical, virtual, phone, or in any other form) for the dates of May 1st through May 14th, 2021 regardless of whether that calendar is electronic or physical, or on your government account, your personal account (see *City of San Jose v Superior Court (2017)*), or the government or personal accounts of your staff members/assistants documenting your own meetings, and preserving all details including but not limited to attendees, date and time stamps, email addresses, subject lines, category/importance flags, locations, attendee/invite status, hyperlinks, images, body text, and attachments. Pursuant to SFAC 67.21(L), please produce electronic records in individual meeting details format (called "Memo Style" in Microsoft Outlook) and NOT as a monthly, daily, or weekly summary. If records of business-

related meetings that *you (the Supervisor/Clerk) will attend* are documented on someone else's calendar (like an aide's), I am indeed requesting those records as well.

In San Francisco, the deliberative process privilege is prohibited (SFAC 67.24(h)) - therefore **the people do indeed have the right to know who you will meet with and for what purpose even in the future.** Please also note that if you decide to redact security information, it is only redactable if the info is a *security procedure of a police agency* (i.e. if the sheriff or SFPD are protecting you at the meeting - see Gov Code 6254(f)). Redacting or withholding supposedly "sensitive" information not explicitly exempt under a law will be challenged.

Please see:

- Wednesday's SOTF Compliance recommendation against Breed that she has not fully complied with SOTF Order 19103 deeming her future calendars public
- SOTF Order 19103 *Anonymous v Breed* ordering Mayor Breed to produce her future calendars with redactions for security procedures
- SOTF Order 19112 *Anonymous v Scott* ordering Chief Scott to produce his future calendars with redactions for security procedures, and referral of Scott to the Ethics Commission
- City Attorney Herrera's Feb 1, 2021 voluntary change of mind and decision to disclose in redacted form his own future calendars after SOTF Order 19103, quoting: "In light of recent discussions at the Sunshine Ordinance Task Force regarding public officials' disclosure of their future calendars, we have re-evaluated the legal question and consulted with the Police Department about security risks. Following that evaluation, we have concluded that in most circumstances the City Attorney may safely and legally disclose certain information about his future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in his calendar, and the week during which the meeting will occur. Due to security concerns, we will continue to withhold the location, time, and specific date of each meeting. There may be circumstances in the future where information about the subject matter or attendees of a meeting should be withheld based on fact-specific security concerns or other legal grounds, but your current request does not raise those concerns."

If you wait to produce the entries after the meetings occur (as happened in 19103/19112) or attempt to hide politically sensitive meetings (which are not exempt under any law), I will file immediate appeals and complaints, and given past rulings I expect to win.

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

Buta, Odaya (CAT)

From: 81856-14311352@requests.muckrock.com
Sent: Friday, March 19, 2021 1:32 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20075

March 19, 2021

This is a follow up to request number 20075:

Supervisor of Records Herrera,

Sean Elsbernd, Hank Heckel, and Office of the Mayor were requested on Jan 19, 2021 to provide records requests they received from Jan 5 2021 to present. No response whatsoever having been received in the last 2+ months, they have refused to comply. Please determine in writing that the records are public and order them disclosed.

(Ignore the "Adnan" spam on the mailing list below)

Filed via MuckRock.com
E-mail (Preferred): 81856-14311352@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%252Foffice-of-the-mayor-3891%252Fmayors-notes-immediate-disclosure-request-81856%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lNLmq%3AEJLPohEzhsR9O-ryT3oNJ3ObCu0
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 81856
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 Feb. 9, 2021:
Subject: Calling for help! - Ref: 937034560216, Tuesday, February 9, 2021 6:3:58
##- Please type your reply above this line -## Hello,
Please do you handle cases regarding deceased partner's property settlement?
Please help us with the issue of my deceased husband's assets.
Please give me some advice.

Thank you!
Mrs. Adnan

On Jan. 19, 2021:
Subject: RE: California Public Records Act Request #20075
This is an immediate disclosure request for all records requests received by the Mayor's Office from Jan 5, 2021 to present.

On Jan. 19, 2021:
Subject: RE: California Public Records Act Request #20075
This is an immediate disclosure request for all records requests received by the Mayor's Office from Jan 5, 2021 to present.

On Jan. 19, 2021:
Subject: RE: California Public Records Act Request #20075
This is an immediate disclosure request for all records requests received by the Mayor's Office from Jan 5, 2021 to present.

On Dec. 18, 2020:
Subject: RE: California Public Records Act Request #20075
Thank you for your email. We are not further responding to this petition, as they Mayor's Office has indicated they did not withhold information. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

On Oct. 17, 2019:
Subject: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Mayor Breed,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension.

All records must be provided in rolling fashion.

Please remember to justify all redactions with specificity - there is an Adobe Acrobat menu item designed exactly for this where you can code each redaction with a statute section number and then apply all the redactions, instead of writing a typed letter describing page locations (though it is your choice, Acrobat's functionality is superior).

Although you may not retain the records below formally, if you retain, own, use, or prepared them at the time of receipt of request you must provide them.

I am asking for very few documents, which should be readily available to the Mayor, and thus immediately disclosed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic scanned copy of the last 5 non-blank pages of the Mayor's most recently used physical business memo- or note-book written in by her individually (not her staff on her behalf). If no such notebooks exist, you must indicate there are no responsive records.

2. IMMEDIATE DISCLOSURE: an electronic copy (in PDF format, without printing physically and scanning) of the last 5 business electronic writings (whether Word documents, emails, etc.) written by the Mayor individually (not her staff on her behalf) to any City staff. If no such electronic writings exist, you must indicate there are no responsive records.

3. IMMEDIATE DISCLOSURE: personal property responsive to #1 or #2 containing public business, from the Mayor, per City of San Jose v Superior Court

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81856-14311352@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%252Foffice-of-the-mayor-3891%252Fmayors-notes-immediate-disclosure-request-81856%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lNLmq%3AEJLPohEzhsR9O-ryT3oNJ3ObCu0
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 81856
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.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Thursday, March 18, 2021 7:54 AM
To: Supervisor Records (CAT)
Subject: Fwd: Immediate disclosure request - Where are the Scott-Breed messages? And 67.21(d) petition
Attachments: Heckel and Elsbernd discussing review of SFPD text records.pdf; signature.asc

---------- Forwarded message ----------
From: Anonymous Records Requester<arecordsrequestor@protonmail.com>
Date: On Thu, Mar 18, 2021 at 7:53 AM
Subject: Fwd: Immediate disclosure request - Where are the Scott-Breed messages? And 67.21(d) petition
To: Hank Heckel (Compliance Officer, Mayor Office, SF) <hank.heckel@sfgov.org>,Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>,Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>,mayorspressoffice@sfgov.org <mayorspressoffice@sfgov.org>,Cox, Andrew (POL) <r.andrew.cox@sfgov.org>,Scott, William (POL) <william.scott@sfgov.org>
Cc:
Lt. Cox and Chief Scott:

Over 3 months ago I made a request to SFPD for messages between Scott and the Mayor's Office. I've gotten nothing so far. This is contrary to SFPD's usually prompt response for such requests. https://www.muckrock.com/foi/san-francisco-141/text-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-sfpd-105574/ Audit trail.

Attached is a communication between Hank Heckel and Sean Elsbernd regarding the Mayor's Office desire to somehow review SFPD's productions before they are made.

It appears not only does the Mayor's Office destroy their own records, they now want to insinuate themselves into stopping SFPD from doing their own job under the CPRA, since SFPD retains the texts.

I will be alleging a willful violation by SFPD and the Mayor's Office in preventing any access to the Scott texts for over 3 months, which constitutes an unreasonable delay and a failure to provide rolling response. We're going to get to the bottom of all the Breed texts, no matter where they are. The harder the Mayor's office tries to stop them from being released, the more interesting it implies they are.

Sup of Records Herrera: Please determine in writing that the records requested linked above on Dec 5 are public and order SFPD to disclose them.

Lt. Cox: please provide all communications (whether email or text or any other form) between SFPD public records staff (whether in your unit or the Office of the Chief or anywhere else) and Hank Heckel or Sean Elsbernd between Dec 5 2020 and present (inclusive). Provide rolling responses and exact copies.

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 Wed, Mar 17, 2021 at 4:16 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

---------- Forwarded message ----------
From: Anonymous Records Requester<arecordsrequestor@protonmail.com>
Date: On Wed, Mar 17, 2021 at 2:15 PM
Subject: Fwd: SF Corruption - The Now-Public Text Messages of Harlan Kelly and Walter Wong, and hopefully soon of Mayor Breed
To: Board of Supervisors (BoS, SF) <board.of.supervisors@sfgov.org>,bos-legislative_aides@sfgov.org <bos-legislative_aides@sfgov.org>
Cc: COTE, JOHN (CAT) <John.Cote@sfcityatty.org>,City Attorney's Office (City Attorney, SF) <cityattorney@sfcityatty.org>,Feitelberg, Brittany (CAT) <Brittany.Feitelberg@sfcityatty.org>,Bruce Wolfe (Chair, SOTF, SF) <sotf@brucewolfe.net>,SOTF (SF) <sotf@sfgov.org>,controller.con@sfgov.org <controller.con@sfgov.org>,mcarlin@sfwater.org <mcarlin@sfwater.org>,Givner, Jon (CAT) <Jon.Givner@sfcityatty.org>,Ruski Augusto Sa, Mayara <MRuskiAugustoSa@sfwater.org>,ethics.commission@sfgov.org <ethics.commission@sfgov.org>
Dear Supervisors,
cc Mayor's Office, City Attorney, Controller, PUC, Ethics, and SOTF members

The Public Utilities Commission, working with the City Attorney's Office, recently released to me most of the text messages between Harlan Kelly and Walter Wong, as now reported by KQED. They are linked [DocCloud] [MuckRock] and speak for themselves. Given that I told you this yesterday at public comment, and a number of you commented on the matter to KQED, you are well aware of this.

This City's refusal to regulate public officials' use of personal communication devices and accounts to conduct business contributes directly to the culture of impunity and corruption which many of you claim to want to strike down. Do what I urged yesterday: **make it a crime for any public official to destroy, fail to retain for less than 1 year, or fail to disclose ALL writings of any form about the conduct of public business on personal property**. Not just formal

"records" as defined in Admin Code Ch 8, but all "public records" as defined in CPRA - which in a twist of legal irony is a much broader definition. Do any of you have the guts to do all of this, without also weakening the Sunshine Ordinance as some of you are itching to do?

Remember the public only found about what happened here because I used every available strategy under the Ordinance and kept on pushing. Herrera is still to issue a ruling on the Breed-Kelly texts too (see below). When City officials float suppressing my personal rights of request or appeal under the Ordinance and CPRA - keep in mind this is what they're helping to stop the public from knowing.

========== The longer story:

I had originally requested Harlan Kelly's text messages in June 2020, prior to his arrest, pursuant to the Sunshine Ordinance and CPRA. While Kelly had initially released almost all of a certain type of message with Walter Wong to me (not including the encrypted messages on Chinese platforms as alleged by the DoJ), after I had already reviewed the unredacted original set of texts, PUC then retracted that initially-released set, requested I delete my copy (which I did voluntarily, without conceding any obligation to do so), requested MuckRock delete their copy (which MuckRock claims to never have had) and released a heavily-redacted version instead.

However, the original unredacted records had already been and continued to be posted on PUC's own website https://sfpuc.sharefile.com/d-sfaf513caac747dcb (though they appear to have later been removed by PUC) and accessible to anyone. Though MuckRock appears to have never posted the PDF itself, the link to PUC's dropbox is of course available publicly at https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729 . This is the beauty of dealing in public records using MuckRock, DocumentCloud, and similar services - **everyone** can research public records independently, and all of us can learn from each other to request more records and dig deeper.

After the retraction, I immediately filed a Sunshine Ordinance Task Force complaint and a Supervisor of Records petition to Herrera in July 2020, pursuant to SF Admin Code 67.21(e) and (d) respectively, because the then-newly-redacted messages between Kelly and Wong appeared to reflect discussions of payments, insurance, and travel between a City contractor and a high-ranking City official - and thus were highly relevant to the conduct of public business.

In February, PUC wrote to me to again supplement their earlier now-admittedly-unlawful response to my request, and provide a new unredacted Kelly-Wong message batch. Why did Herrera and PUC wait over half a year to release these records when petitioned by me to do so in July 2020? It remains unclear. Unlike SOTF, Herrera, as PUC's attorney and the Supervisor of Records, can and does review the

original records *in camera* to determine whether they should be disclosed. He could've done so in July or any time before February.

There remain a few important mysteries: Per the PUC's letter, PUC apparently allowed Harlan Kelly to redact whatever he wanted in the Walter Wong messages without any oversight (as this method is apparently officially endorsed by City Attorney Herrera in his *City of San Jose v Superior Court* memo). But PUC ***also*** released a mostly-redacted set of London Breed-Harlan Kelly text messages **and those Breed-Kelly records *remain* heavily redacted at this moment.** London Breed claims she has no copies of these messages (i.e. she has deleted or failed to retain them at some point apparently) and usually claims she has no copies of any texts, period. The only copy of the mystery messages between Kelly and Breed are in the possession of the PUC, the City Attorney, or both. ***The integrity of the PUC and Herrera is measured not on their ability simply to release records after an official resigns or is arrested but when an official is still in the City's employ.*** To be clear, the Kelly-Breed messages may be completely innocuous, but the public should get to judge for themselves.

The people of San Francisco should not have to wait until the FBI finds alleged criminal activity to hold public officials accountable and even more simply to know what they are up to. Every person has a Constitutional right to access public records of officials, at all times, for any purpose whatsoever, and the City must not delay or prevent access due to a concern for the political consequences to officials. Politics is not an exemption to public access. **If officials are worried about the political impact of releasing their texts, perhaps the solution is to act behind-the-scenes in a way that does not dishonor themselves and is consistent with their public policy positions.**

We shall see if PUC or Herrera release these messages, or whether Breed's strategy to permanently hide her communications with other City officials succeeds.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 17, 2021 10:04 PM
To: Supervisor Records (CAT); SOTF, (BOS)
Cc: Steinberg, David (DPW); Heckel, Hank (MYR)
Subject: 67.21(d) petition / Sotf complaint - False attorney-client privilege claim by DPW
Attachments: signature.asc

Supervisor of Records / SOTF,

DPW released the following record: https://www.documentcloud.org/documents/20514317-re20public20records20request202320-4927-redactedhtml201

A portion of a sentence between Heckel and Steinberg is redacted as attorney-client privileged.

Evid Code 954 - the a/c privilege - protects "a confidential communication between client and lawyer". Therefore in order to be privileged the redaction must be a communication, must be confidential, and **must be between client and lawyer.**

This redaction fails because neither Heckel nor Steinberg are each other's lawyer or client. Employees merely discussing sensitive topics (in this case how to respond, or not to respond, to my other records requests) - without communicating confidentially *with their DCAs* - is not attorney-client privileged. Note that while Heckel is an attorney, he has previously stated he does not act as the lawyer for DPW.

Please order this redaction disclosed and determine it in writing to be public. SOTF, please find a 67.26 violation as well.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Monday, March 15, 2021 1:24 PM
To: Supervisor Records (CAT); SOTF, (BOS)
Cc: Maunder, Sara (DPA)
Subject: SOTF complaint & 67.21(d) petition - DPA cannot exempt non-personnel files under PC 832.7(a)
Attachments: petition_20210315_DPA_POBRA.pdf; 2021-03-12_Production_Muckrock_286-0367-96.pdf; DPA_SB1421_REQUEST.pdf; signature.asc

Sup of Records: Please see attached petition.

SOTF: Please file this email and attachments as a new complaint, *Anonymous (*83876-31149286@requests.muckrock.com) *v Department of Police Accountability, Paul Henderson, Sara Maunder.* The allegation is Admin Code 67.26 - non-minimal withholding/improper redaction justification. The complaint incorporates by reference the attached Sup of Records petition (except for the "Note to Herrera" at the end), requests that SOTF order the info disclosed, and to find a violation of 67.26.

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

March 12, 2021

Sent via email to 83876-31149286@requests.muckrock.com

Anonymous
83876-31149286@requests.muckrock.com

Re: California Public Records Act Request: SB1421 Records

Dear Anonymous Requestor:

The Department of Police Accountability ("DPA") is producing records to you in response to your public records request.

After a reasonably diligent search, the DPA has located responsive records that qualify for production under California Penal Code § 832.7. Enclosed are the following case files:

1. SF DPA Case No. 0367-96, BATES STAMP 000001- 000080
   The case files are available to view or download on
   https://sfdpa.nextrequest.com/requests/20-3 in a folder labeled "0367-96."

Please note that these records are being produced in response to requests made by multiple parties. The DPA will produce records in response to your February 26, 2021 request for audio and video files separately and on a rolling basis.

Preparing these files for production has involved multiple DPA employees. The undersigned has reviewed and approved the production, including each redaction. If you have any questions or concerns, please contact the undersigned in writing.

Sincerely,

/s/ Sara Maunder
Staff Attorney

Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request

Date: Thursday, November 28, 2019 at 1:52:50 AM Pacific Standard Time

From: 83876-31149286@requests.muckrock.com

To: paul.henderson@sfgov.org

Department Of Police Accountability
PRA Office
Suite 700
25 Van Ness Ave.,
San Francisco, CA 94102

November 28, 2019

This is a follow up to a previous request:

Paul Henderson and DPA,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA web service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. 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 public records.**

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on November 27, 2019, to Paul Henderson as an individual custodian of public records and to the Department of Police Accountability as a public agency.

This is also an SFAC 67.21(c) request for statements of quantity, nature, existence, and form (even if content is exempt) of records responsive to each of 1 and 2 -- you must provide these statements within 7 days without any form extension.

All records must be provided in a rolling fashion (SFAC 67.25). If you use a web portal, you must publish all records openly without login or terms and conditions; or you may provide records as attachments to emails. You may not impose any conditions on me beyond than those of the CPRA (including any conditions that I must use a private entity's website which imposes terms and conditions).

A warning: every record you release to this publicly viewable email mailbox may become automatically visible to the public via the Muckrock.com FOIA service, and via other journalistic services that publish FOIA and public records documents for searching and indexing online. Please be absolutely certain you have correctly redacted all records prior to transmitting them to us, because there is no going back.

Please read carefully the exact wording of my request. Please follow the Sunshine Ordinance and CPRA precisely as I am auditing your agency's public records regimen. As the City is aware, every violation of the Sunshine Ordinance or CPRA will be appealed immediately, including:
- any untimely or incomplete response, failure to provide records in a rolling fashion as soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),
- withholding more than the minimum exempt portion of any record (SFAC 67.26),
- failure to justify with "clear reference" to an exemption statute or case law for each and every redaction or

withholding, including any so-called 'metadata' (SFAC 67.26, 67.27),
- failure to provide "exact copies" of records (Gov Code 6253(b)),
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we requested (SFAC 67.21(l)),
- refusing to provide the quantity of exempt records (SFAC 67.21(c)),
- unlawful use of the exemptions prohibited by SFAC 67.24, including but not limited to GC 6255, any public interest balancing test,
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5).

Please provide:

1) IMMEDIATE DISCLOSURE: all responsive records DPA has already provided under SB 1421 to any other requestor. Since you should not redact more information for me than you have provided any other member of the public (Gov Code 6254.5), you should be able to immediately provide these.

2) REGULAR DISCLOSURE: every record retained, owned, prepared, or used by DPA of: all records of officer's discharge of a firearm at a person, all records of an officer's use of force that results in death or great bodily injury, sustained findings of officer's sexual assault of a member of the public, sustained findings of officer's dishonesty that are disclosable under DB 1421. This is of course a very large request, and you may provide rolling responses. You stated in a letter (https://sfgov.org/sunshine/sites/default/files/sotf_120419_item12.pdf, page 12) that others have made similar expansive requests and I expect you to treat me with no less priority than anyone else. Please note, I expect you to redact these records in accordance with the Sunshine Ordinance - and you must justify each and every redaction or withholding with a clear reference, such as a footnote (SFAC 67.26), to a statute or case law (SFAC 67.27). If you provide only a general list of justifications, I will appeal, and you will eventually have to do all of the redaction work again as other City agencies have had to do. (For example, consider the functionality of Adobe Acrobat that allows you to put a redaction code in every redaction.) Please do not destroy any records during the pendency of my request or appeals. All records must be provided in their original electronic record, or .EML/.MSG formats, and with all metadata and headers. Please perform record production correctly the first time, as appeals and Orders from Court, SOTF, or Sup. of Records, will be quite time-consuming to have to re do.

For the sake of building a good record for any appeals I would ask that you issue formal letters detailing your expected timelines and a notice if you would like to negotiate any part of this request, if you need to.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@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%252Fdepartment-of-police-accountability-19228%252Fdpa-sb-1421-police-misconduct-records-immediate-disclosure-request-and-6721c-request-83876%252F%253Femail%253Dpaul.henderson%252540sfgov.org&url_auth_token=AABpX9CHFQJaxiGUvd8n13YUYhI%3A1iaGTh%3ATlMOenMFyc8P67N7B5zaay1n9io
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 83876
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 Nov. 27, 2019:
Subject:
Paul Henderson and DPA,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA web service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. 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 public records.**

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on November 27, 2019, to Paul Henderson as an individual custodian of public records and to the Department of Police Accountability as a public agency.

This is also an SFAC 67.21(c) request for statements of quantity, nature, existence, and form (even if content is exempt) of records responsive to each of 1 and 2 -- you must provide these statements within 7 days without any form extension.

All records must be provided in a rolling fashion (SFAC 67.25). If you use a web portal, you must publish all records openly without login or terms and conditions; or you may provide records as attachments to emails. You may not impose any conditions on me beyond than those of the CPRA (including any conditions that I must use a private entity's website which imposes terms and conditions).

A warning: every record you release to this publicly viewable email mailbox may become automatically visible to the public via the Muckrock.com FOIA service, and via other journalistic services that publish FOIA and public records documents for searching and indexing online. Please be absolutely certain you have correctly redacted all records prior to transmitting them to us, because there is no going back.

Please read carefully the exact wording of my request. Please follow the Sunshine Ordinance and CPRA precisely as I am auditing your agency's public records regimen. As the City is aware, every violation of the Sunshine Ordinance or CPRA will be appealed immediately, including:
- any untimely or incomplete response, failure to provide records in a rolling fashion as soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),
- withholding more than the minimum exempt portion of any record (SFAC 67.26),
- failure to justify with "clear reference" to an exemption statute or case law for each and every redaction or withholding, including any so-called 'metadata' (SFAC 67.26, 67.27),
- failure to provide "exact copies" of records (Gov Code 6253(b)),
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we requested (SFAC 67.21(l)),
- refusing to provide the quantity of exempt records (SFAC 67.21(c)),

- unlawful use of the exemptions prohibited by SFAC 67.24, including but not limited to GC 6255, any public interest balancing test,
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5).

Please provide:

1) IMMEDIATE DISCLOSURE: all responsive records DPA has already provided under SB 1421 to any other requestor. Since you should not redact more information for me than you have provided any other member of the public (Gov Code 6254.5), you should be able to immediately provide these.

2) REGULAR DISCLOSURE: every record retained, owned, prepared, or used by DPA of: all records of officer's discharge of a firearm at a person, all records of an officer's use of force that results in death or great bodily injury, sustained findings of officer's sexual assault of a member of the public, sustained findings of officer's dishonesty that are disclosable under DB 1421. This is of course a very large request, and you may provide rolling responses. You stated in a letter (https://sfgov.org/sunshine/sites/default/files/sotf_120419_item12.pdf, page 12) that others have made similar expansive requests and I expect you to treat me with no less priority than anyone else. Please note, I expect you to redact these records in accordance with the Sunshine Ordinance - and you must justify each and every redaction or withholding with a clear reference, such as a footnote (SFAC 67.26), to a statute or case law (SFAC 67.27). If you provide only a general list of justifications, I will appeal, and you will eventually have to do all of the redaction work again as other City agencies have had to do. (For example, consider the functionality of Adobe Acrobat that allows you to put a redaction code in every redaction.) Please do not destroy any records during the pendency of my request or appeals. All records must be provided in their original electronic record, or .EML/.MSG formats, and with all metadata and headers. Please perform record production correctly the first time, as appeals and Orders from Court, SOTF, or Sup. of Records, will be quite time-consuming to have to re do.

For the sake of building a good record for any appeals I would ask that you issue formal letters detailing your expected timelines and a notice if you would like to negotiate any part of this request, if you need to.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@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%252Fdepartment-of-police-accountability-19228%252Fdpa-sb-1421-police-misconduct-records-immediate-disclosure-request-and-6721c-request-83876%252F%253Femail%253Dpaul.henderson%252540sfgov.org&url_auth_token=AABpX9CHFQJaxiGUvd8n13YUYhI%3A1iaGTh%3ATlMOenMFyc8P67N7B5zaay1n9io
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Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 15, 2021

Petition under SF Admin Code § 67.21(d)

Supervisor of Records Dennis Herrera:

This is a petition under SF Admin Code 67.21(d) to determine in writing that the following portions of records are public and order DPA to disclose them.

As background, on Nov 28, 2019 the petitioner issued an omnibus SB1421 request to the DPA via `83876-31149286@requests.muckrock.com`, joining many other persons and media groups in getting all of DPA's police misconduct records. The records discussed here were released in rolling response to my request (and presumably to many others' similar requests).

All examples are illustrative and non-exhaustive and use one DPA file `0367-96` to demonstrate that DPA is failing to or incompletely complying with the request by redacting disclosable portions of public records; see `https://www.documentcloud.org/documents/20512997-production20-200367-96` ("Exhibit A"). All Bates numbers refer to Exhibit A.

DPA is redacting portions of non-personnel and non-complaint records (such as the original incident reports (against the civilian suspect, not investigating a police officer), office memoranda, etc.) under the "POBRA" redaction key. However it is impossible for such redactions to be so justified. According to DPA's key, "POBRA" redactions are for Penal Code 832.7(a). Thus "POBRA" redactions may solely exempt personnel files of police officers (i.e. PC 832.8) and complaint files against police officers

(i.e. PC 832.5), and only when they are not otherwise disclosable due to PC 832.7(b).

However, DPA is using these redactions for files completely unrelated to personnel files and complaint files.

A record created in some non-personnel, non-complaint process being merely physically located in DPA's complaint file does not make that other file exempt under PC 832.7(a). In *City of San Jose v. Superior Court of Santa Clara Cnty.*, 2 Cal.5th 608, 624 (Cal. 2017) the Supreme Court stated:

> In Commission on Peace Officer Standards , supra , 42 Cal.4th at pages 289 to 290, 64 Cal.Rptr.3d 661, 165 P.3d 462, a state agency argued certain employment information was exempt from disclosure under CPRA because it had been placed in confidential personnel files. In considering a Penal Code provision that deems peace officer personnel records confidential, we rejected an interpretation that made confidentiality turn on the type of file in which records are located, finding it "unlikely the Legislature intended to render documents confidential based on their location, rather than their content." (Commission , at p. 291, 64 Cal.Rptr.3d 661, 165 P.3d 462.) Although we made this observation in analyzing the scope of a CPRA exemption, the same logic applies to the Act's definition of what constitutes a public record in the first place. We found it unlikely "the Legislature intended that a public agency be able to shield information from public disclosure simply by placing it in" a certain type of file. (Commission , at p. 291, 64 Cal.Rptr.3d 661, 165 P.3d 462.)

Courts have repeatedly held that only the records *generated in connection with* the personnel (hiring, firing, promotion, appraisal, discipline) or

complaint process are exempt under POBRA. In*Long Beach Police Officers Ass'n v. City of Long Beach*, 172 Cal. Rptr. 3d 56, 64 (Cal. 2014):

> For example, the information contained in the initial incident reports of an on-duty shooting are typically not "personnel records" as that term is defined in Penal Code section 832.8. It may be true that such shootings are routinely investigated by the employing agency, resulting eventually in some sort of officer appraisal or discipline. But only the records generated in connection with that appraisal or discipline would come within the statutory definition of personnel records (Pen.Code, § 832.8, subd. (d)). We do not read the phrase "records relating to ... [¶] ... [¶] ... [e]mployee ... appraisal[ ] or discipline" (ibid.) so broadly as to include every record that might be considered for purposes of an officer's appraisal or discipline, for such a broad reading of the statute would sweep virtually all law enforcement records into the protected category of "personnel records" (id., § 832.8).

And further in *City of Eureka v. Superior Court of Humboldt Cnty.*, 1 Cal.App.5th 755, 764 (Cal. Ct. App. 2016):

> Here as in LBPOA, the City has not demonstrated the arrest video was "generated in connection" with Sergeant Laird's appraisal or discipline. The video is simply a visual record of the minor's arrest. (LBPOA, supra,59 Cal.4th at p. 72, 172 Cal.Rptr.3d 56, 325 P.3d 460.) Adopting the City's broad reading of section 832.8, subdivision (d) would improperly "sweep virtually all [MAV recordings] into the protected category of 'personnel records' [citation]." (LBPOA, supra,59 Cal.4th at p. 71, 172 Cal.Rptr.3d 56, 325 P.3d 460.) We conclude the arrest video is akin to "information contained in the initial incident reports" of an arrest, which "are typically not 'personnel

records' as that term is defined in ... section 832.8." (Ibid.)

Therefore, all POBRA redactions and withholdings in DPA's SB 1421 releases for records *not* generated in connection with personnel or complaint processes must be disclosed. It is also unclear how these constitute a clearly unwarranted invasion of officers' personal privacy. Non-exhaustive examples from Exhibit A include:

1. Bates 43 - general memorandum from unknown captain to all platoon commanders re: documentation of incidents

2. Bates 13 - incident report signature. Signatures of police officers are routinely distributed to the public, since they sign tickets and certificates - it is unclear why this is considered a personnel file when on non-personnel file records.

3. Bates 21 - lists of officers on duty and signatures of their commanding officers on a particular day

4. Bates 23 - officer assignments on a particular day and which vehicles they drove

5. Bates 31 and 54 - signed certificate of release from the original incident (the detention of the civilian)

6. Bates 49 - officer who is apparently a witness to the incident and providing some sort of incident diagram. This is non-exempt under Penal Code 832.7(b)(4) as a "statement[s] of an officer about an incident" (covered by 832.7(b))

7. Bates 55 - unknown record that appears to be a computerized dispatch log

NOTE TO HERRERA:

If you refuse to review the records and issue a determination and order if needed, you will be violating Admin Code 67.21(d) yourself and potentially aiding your City clients in violating the law as a direct result of willfully refusing to perform your own legally-mandated duties.

As long as the City continues to violate the law, no ethical option exists other than to continue to petition and appeal for complete, timely, and lawful disclosure, without exception.

Sincerely,

An Anonymous Independent Journalist

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, March 12, 2021 10:40 AM
To: Supervisor Records (CAT)
Cc: PrestonStaff (BOS); Preston, Dean (BOS); Mar, Gordon (BOS); Marstaff (BOS); Ng, Wilson (BOS)
Subject: 67.21(D) petition - Fw: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request
Attachments: D6 - Haney.pdf; D7 - Melgar.pdf; D8 - Mandelman.pdf; D9 - Ronen.pdf; D10 - Walton.pdf; D11 - Safai.pdf; D1 - Chan.pdf; D2 -Stefani.pdf; COB - Calvillo.pdf; D3 - Peskin.pdf; signature.asc

Supervisor of Records Herrera,

Supervisors Preston and Mar refuse to provide their future calendars or respond to this request.
Under Admin Code 67.21(D) you must determine that such records are public, in writing, and order them to disclose the records.

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

------- Original Message -------
On Friday, March 12th, 2021 at 10:18 AM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:

> To Whom It May Concern,
>
> Thank you for your patience.
>
> Per my previous correspondences, our office had issued an inquiry to all Board member's offices to compile available responsive records. In consultation with the Office of the City Attorney, our office has completed review of the calendar entries that were available, compiled, and produced to our office, the Office of the Clerk of the Board, as of the date of our last correspondence on February 26, 2021.
>
> Please see the attached records responsive to your request. Note that all exempt information in this production is redacted in accordance with CA Government Code 6254(c), 6254(k) and Evidence Code 1040.

Our office did not receive responsive records from District 4 (Mar) and District 5 (Preston) offices. For follow up or questions regarding records for these offices, you may contact their offices directly; contact information for District 4 and 5 is available here and here, respectively.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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

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From: Ng, Wilson (BOS)
Sent: Friday, February 26, 2021 2:52 PM
To: arecordsrequestor@protonmail.com
Subject: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

To Whom It May Concern,

To provide you with an update, our office has conducted an inquiry to department staff, and has collected and compiled records of calendar entries available to date that are responsive to your request.

However, our office will require additional time to review the compiled records for applicable redactions to personal, privileged, and personnel information and consult the City Attorney's office prior to production.

We intend to provide you with an update or response by Friday, March 12, 2021 close of business, and will keep you apprised if a response can be provided sooner or if additional time is required.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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From: Ng, Wilson (BOS)
Sent: Tuesday, February 16, 2021 1:24 PM
To: Anonymous <arecordsrequestor@protonmail.com>
Subject: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

To Whom It May Concern,

Thank you for your inquiry. On behalf of the Office of the Clerk of the Board, I am confirming receipt of your request.

As you may also know, in accordance with the second and fifth supplementals to the Mayor's proclamation of local emergency, public records production deadlines – including immediate disclosure requests – under San Francisco Administrative Code, Chapter 67 (Sunshine Ordinance), have been suspended for the duration of the COVID-19 state of emergency. However, our office endeavors to respond to records requests within the normal deadlines as feasible.

As you may have noticed from my out of office reply, I have been on leave and just returned to the office today to confirm receipt of your request. I also noticed that your email was flagged as spam by the City's email system, so the intended recipients may not have received your request. However, I will be glad to assist and coordinate with the Clerk of the Board and all Board member's offices to compile, review, and provide you with responsive records to your request.

Given the circumstances, our office will require additional time to process your request, and I intend to provide you with an update or response by next Friday, February 26, 2021. I will keep you apprised if additional time is required.

Thank you for your patience and understanding.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, February 2, 2021 5:59 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Subject: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

Clerk Calvillo, and Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton, and all Offices thereof:

As promised, this is an immediate disclosure request to each Supervisor and the Clerk of the Board for:

- the details of each entry on all calendars or scheduling documents containing your future meetings (physical, virtual, phone, or in any other form) for the dates of March 1st through March 14th, 2021 regardless of whether that calendar is electronic or physical, or on your government account, your personal account (see *City of San Jose v Superior Court (2017)*), or the government or personal accounts of your staff members/assistants documenting your own meetings, and preserving all details including but not limited to attendees, date and time stamps, email addresses, subject lines, category/importance flags, locations, attendee/invite status, hyperlinks, images, body text, and attachments. Pursuant to SFAC 67.21(L), please produce electronic records in individual meeting details format (called "Memo Style" in Microsoft Outlook) and NOT as a monthly, daily, or weekly summary. If records of business-related meetings that *you (the Supervisor/Clerk) will attend* are documented on someone else's calendar (like an aide's), I am indeed requesting those records as well.

In San Francisco, the deliberative process privilege is prohibited (SFAC 67.24(h)) - therefore **the people do indeed have the right to know who you will meet with and for what purpose even in the future.** Please also note that if you decide to redact security information, it is only redactable if the info is a *security procedure of a police agency* (i.e. if the sheriff or SFPD are protecting you at the meeting - see Gov Code 6254(f)). Redacting or withholding supposedly "sensitive" information not explicitly exempt under a law will be challenged.

Please see:

- SOTF Order 19103 *Anonymous v Breed* ordering Mayor Breed to produce her future calendars with redactions for security procedures (which Breed claims she will comply with),
- SOTF Order 19112 *Anonymous v Scott* ordering Chief Scott to produce his future calendars with redactions for security procedures (and SOTF's referral of Scott to the Ethics Commission for willful violation due to non-compliance with the Order), and
- City Attorney Herrera's Feb 1, 2021 voluntary change of mind and decision to disclose in redacted form his own future calendars after SOTF Order 19103, quoting: "In light of recent discussions at the Sunshine Ordinance Task Force regarding public officials' disclosure of their future calendars, we have re-evaluated the legal question and consulted with the Police Department about security risks. Following that evaluation, we have concluded that in most circumstances the City Attorney may safely and legally disclose certain information about his future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in his calendar, and the week during which the meeting will occur. Due to security concerns, we will continue to withhold the location, time, and specific date of each meeting. There may be circumstances in the future where information about the subject matter or attendees of a meeting should be withheld based on fact-specific security concerns or other legal grounds, but your current request does not raise those concerns."

If you wait to produce the entries after the meetings occur (as happened in 19103/19112) or attempt to hide politically sensitive meetings (which are not exempt under any law), I will file immediate appeals and complaints, and given past rulings I expect to win.

Thank you for your expected cooperation in this matter.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 17, 2021 4:37 PM
To: Ng, Wilson (BOS)
Cc: Mar, Gordon (BOS); Marstaff (BOS); Supervisor Records (CAT)
Subject: RE: 67.21(D) petition - Fw: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

The point is to get the meetings *before* the meetings. Not after I file a complaint. All complaints will stand.

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 Wed, Mar 17, 2021 at 4:33 PM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:

> To Whom It May Concern,
>
> Please see the attached records responsive to your request for District 4 calendar entries, as provided by their office. Note that all exempt information in this production is redacted in accordance with CA Government Code 6254(c), 6254(k) and Evidence Code 1040.
>
> Sincerely,
>
> —
>
> **Wilson L. Ng**
>
> Deputy Director of Operations
>
> San Francisco Board of Supervisors
>
> 1 Dr. Carlton B. Goodlett Place, Room 244
>
> San Francisco, CA 94102

Phone: (415) 554-7725

Web: www.sfbos.org

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From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Friday, March 12, 2021 10:40 AM
To: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Cc: PrestonStaff (BOS) <prestonstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Subject: 67.21(D) petition - Fw: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

Supervisor of Records Herrera,

Supervisors Preston and Mar refuse to provide their future calendars or respond to this request.

Under Admin Code 67.21(D) you must determine that such records are public, in writing, and order them to disclose the records.

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

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

On Friday, March 12th, 2021 at 10:18 AM, Ng, Wilson (BOS) <wilson.l.ng@sfgov.org> wrote:

> To Whom It May Concern,
>
> Thank you for your patience.
>
> Per my previous correspondences, our office had issued an inquiry to all Board member's offices to compile available responsive records. In consultation with the Office of the City Attorney, our office has completed review of the calendar entries that were available, compiled, and produced to our office, the Office of the Clerk of the Board, as of the date of our last correspondence on February 26, 2021.
>
> Please see the attached records responsive to your request. Note that all exempt information in this production is redacted in accordance with CA Government Code 6254(c), 6254(k) and Evidence Code 1040.
>
> Our office did not receive responsive records from District 4 (Mar) and District 5 (Preston) offices. For follow up or questions regarding records for these offices, you may contact their offices directly; contact information for District 4 and 5 is available here and here, respectively.
>
> Sincerely,
>
> —

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

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

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

From: Ng, Wilson (BOS)

Sent: Friday, February 26, 2021 2:52 PM

To: arecordsrequestor@protonmail.com

Subject: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

To Whom It May Concern,

To provide you with an update, our office has conducted an inquiry to department staff, and has collected and compiled records of calendar entries available to date that are responsive to your request.

However, our office will require additional time to review the compiled records for applicable redactions to personal, privileged, and personnel information and consult the City Attorney's office prior to production.

We intend to provide you with an update or response by Friday, March 12, 2021 close of business, and will keep you apprised if a response can be provided sooner or if additional time is required.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Ng, Wilson (BOS)

Sent: Tuesday, February 16, 2021 1:24 PM

To: Anonymous <arecordsrequestor@protonmail.com>

Subject: RE: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

To Whom It May Concern,

Thank you for your inquiry. On behalf of the Office of the Clerk of the Board, I am confirming receipt of your request.

As you may also know, in accordance with the second and fifth supplementals to the Mayor's proclamation of local emergency, public records production deadlines – including immediate disclosure requests – under San Francisco Administrative Code, Chapter 67 (Sunshine Ordinance), have been suspended for the duration of the COVID-19 state of emergency. However, our office endeavors to respond to records requests within the normal deadlines as feasible.

As you may have noticed from my out of office reply, I have been on leave and just returned to the office today to confirm receipt of your request. I also noticed that your email was flagged as spam by the City's email system, so the intended recipients may not have received your request. However, I will be glad to assist and coordinate with the Clerk of the Board and all Board member's offices to compile, review, and provide you with responsive records to your request.

Given the circumstances, our office will require additional time to process your request, and I intend to provide you with an update or response by next Friday, February 26, 2021. I will keep you apprised if additional time is required.

Thank you for your patience and understanding.

Sincerely,

—

Wilson L. Ng

Deputy Director of Operations

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Web: www.sfbos.org

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From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Tuesday, February 2, 2021 5:59 PM

To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>;

MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>

Subject: All Supervisors and the Clerk - Future calendars - Immediate disclosure request

Clerk Calvillo, and Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton, and all Offices thereof:

As promised, this is an immediate disclosure request to each Supervisor and the Clerk of the Board for:

- the details of each entry on all calendars or scheduling documents containing your future meetings (physical, virtual, phone, or in any other form) for the dates of March 1st through March 14th, 2021 regardless of whether that calendar is electronic or physical, or on your government account, your personal account (see *City of San Jose v Superior Court (2017)*), or the government or personal accounts of your staff members/assistants documenting your own meetings, and preserving all details including but not limited to attendees, date and time stamps, email addresses, subject lines, category/importance flags, locations, attendee/invite status, hyperlinks, images, body text, and attachments. Pursuant to SFAC 67.21(L), please produce electronic records in individual meeting details format (called "Memo Style" in Microsoft Outlook) and NOT as a monthly, daily, or weekly summary. If records of business-related meetings that *you (the Supervisor/Clerk) will attend* are documented on someone else's calendar (like an aide's), I am indeed requesting those records as well.

In San Francisco, the deliberative process privilege is prohibited (SFAC 67.24(h)) - therefore **the people do indeed have the right to know who you will meet with and for what purpose even in the future.** Please also note that if you decide to redact security information, it is only redactable if the info is a *security procedure of a police agency* (i.e. if the sheriff or SFPD are protecting you at the meeting - see Gov Code 6254(f)). Redacting or withholding supposedly "sensitive" information not explicitly exempt under a law will be challenged.

Please see:

- SOTF Order 19103 *Anonymous v Breed* ordering Mayor Breed to produce her future calendars with redactions for security procedures (which Breed claims she will comply with),

- SOTF Order 19112 *Anonymous v Scott* ordering Chief Scott to produce his future calendars with redactions for security procedures (and SOTF's referral of Scott to the Ethics Commission for willful violation due to non-compliance with the Order), and
- City Attorney Herrera's Feb 1, 2021 voluntary change of mind and decision to disclose in redacted form his own future calendars after SOTF Order 19103, quoting: "In light of recent discussions at the Sunshine Ordinance Task Force regarding public officials' disclosure of their future calendars, we have re-evaluated the legal question and consulted with the Police Department about security risks. Following that evaluation, we have concluded that in most circumstances the City Attorney may safely and legally disclose certain information about his future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in his calendar, and the week during which the meeting will occur. Due to security concerns, we will continue to withhold the location, time, and specific date of each meeting. There may be circumstances in the future where information about the subject matter or attendees of a meeting should be withheld based on fact-specific security concerns or other legal grounds, but your current request does not raise those concerns."

If you wait to produce the entries after the meetings occur (as happened in 19103/19112) or attempt to hide politically sensitive meetings (which are not exempt under any law), I will file immediate appeals and complaints, and given past rulings I expect to win.

Thank you for your expected cooperation in this matter.

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

Buta, Odaya (CAT)

From: 94992-15550486@requests.muckrock.com on behalf of '94992-15550486@requests.muckrock.com' <94992-15550486@requests.muckrock.com>
Sent: Thursday, March 11, 2021 12:53 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Attachments: sean.pdf; REDACTED20-20Public20Record20Final20Production20-20Melanie20Redacted20Text20Messages.pdf ; petition_20210311_Kelly_other_texts_F.pdf

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

March 11, 2021

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera:

This is a petition under SF Admin Code 67.21(d) to determine in writing that the redacted portions of the attached exhibits and of the attachment on page 7 of the Melanie records are public and order them disclosed. It continues to challenge various previously-unappealed parts of the PUC's response to the June 11, 2020 request from this email address. You may wish to consider it as part of the prior-filed March 2 and March 9 petitions re: overly-redacted Kelly-Breed messages, and March 9 petition re: overly-redacted Naomi Kelly-Harlan Kelly messages, as long as you make determinations on all challenged records. The Melanie record has been redacted voluntarily by us to remove a phone number which was published by PUC itself.

As we have already proven via prior petitions, the PUC previously unlawfully redacted certain text messages between Harlan Kelly Jr. and Walter Wong. Moreover, the PUC has admitted as such in its Feb 22, 2021 letter (in which it also re-released a new version of mostly-unredacted Kelly-Wong texts) and via DCA Jon Givner's letter of March 8, 2021. The PUC apparently violated the law because it allowed Harlan Kelly Jr. to control the redaction of his own records without any oversight by the PUC itself -- which also was apparently then and remains now the policy and practice of the City, pursuant to your long-standing advice to the City re: your interpretation of City of San Jose v. Superior Court. However, as you discuss in your memo interpreting, the City is always ultimately responsible for the actions and judgments of its employees in such matter.

Given Kelly's prior mis-redaction of the Walter Wong texts to protect sensitive-but-disclosable communications, there is no reason to believe that the redactions made in the attached text messages were then or are currently lawful, and each must be justified under a specific provision of the law.

Furthermore, a copy of the attachment on page 7 of the Melanie records must be produced as required by Admin Code 67.21. This tiny, compressed, printed and scanned version is unreadable and thus withholds its textual content, which is precisely why we have successfully previously argued that such production does not even constitute a "copy" of the underlying record (see SOTF decisions 19098 Anonymous v Police Department, 19131 Anonymous v Cisneros).

On March 10, 2021, you asserted a right to simply refuse to issue determinations to petitions filed pursuant to Admin Code 67.21(d). It is telling that you have decided to do so as we have continued to successfully uncover violations of the law by City agencies and officials, including both by yourself personally and your office (see SOTF decisions 19108 Anonymous v Herrera, 19044 Anonymous v Office of the City Attorney, 19120 Anonymous v Office of the City Attorney).

If you refuse to review the records and issue a determination and order if needed, you will be violating Admin Code 67.21(d) yourself and potentially aiding your City clients in violating the law as a direct result of willfully refusing to perform your own legally-mandated duties.

The City has throughout its history, whether by declaring war on the Sunshine Ordinance Task Force or on successful transparency advocates themselves, attempted to neuter the Sunshine Ordinance to prevent disclosure of all lawfully-disclosable public information which may be unfriendly to senior officials' political prospects. Yet the public has the right to know whether its representatives conduct the public business in the interest of the public or in their private interest.

As such advocates become more successful, your office appears to consider them a threat to your control over the City's public records regime, instead of treating us fairly as petitioners in a proceeding where you act in a quasi-judicial role. There is no doubt I file numerous petitions -- and those petitions and complaints have forced the City to become significantly more compliant with the Sunshine Ordinance, which can be seen by the additional disclosures your office causes agencies to provide in response to my petitions and the nearly entirely successful series of complaints I have won at the SOTF.

As long as the City continues to violate the law -- apparently often due to your deputies' poor advice or training -- no ethical option exists other than to continue to petition and appeal for complete, timely, and lawful disclosure, without exception.

Sincerely,

An Anonymous Independent Journalist

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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lKH45%3AR0oOOYX35kwrecVFrPCyy8b1yko
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 9, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
See attached 2nd petition for Breed-Herrera records.

On March 9, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
This is an immediate disclosure request for the original unredacted PDF of texts between Kelly and Wong, in its original electronic format.
I remember it had selectable text (not OCR text) which is why I could see the black rectangle messages. You can of course redact what you think is redactable, but I want the original format document.

Sincerely,
Anonymous

On March 9, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Supervisor of Records Herrera:

New 67.21(d) petition.

The attached record produced by PUC in response to a records request from this email address is challenged.
An email between Sean Elsbernd and Naomi Kelly cannot be Attorney-Client Privileged - neither of them is the attorney for the other.
Furthermore the two attachments were not provided.
Furthermore the email addresses of the Kellys were clearly available as hyperlinks in the records, but have been stripped for no legal reason - likely because the government continues to fail to produce even simple PDFs as actual full-fidelity PDFs instead of image renderings.
Please determine some portion of these records are public (in writing) and order them disclosed.

--Anonymous

On March 8, 2021:
Subject: RE: Subsequent 67.21(d) petition re Kelly-Wong records (also filed to SOTF 20084)
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.

On March 5, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
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

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 Personal Info , Personal Info , or any email address ending with Personal), 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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8P

PBY%3A1lKH45%3AR0oOOYX35kwrecVFrPCyy8b1yko
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.

Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 11, 2021

Petition under SF Admin Code § 67.21(d)

Supervisor of Records Dennis Herrera:

This is a petition under SF Admin Code 67.21(d) to determine in writing that the redacted portions of the attached exhibits and of the attachment on page 7 of the Melanie records are public and order them disclosed. It continues to challenge various previously-unappealed parts of the PUC's response to the June 11, 2020 request from this email address. You may wish to consider it as part of the prior-filed March 2 and March 9 petitions re: overly-redacted Kelly-Breed messages, and March 9 petition re: overly-redacted Naomi Kelly-Harlan Kelly messages, as long as you make determinations on all challenged records. The Melanie record has been redacted voluntarily by us to remove a phone number which was published by PUC itself.

As we have already proven via prior petitions, the PUC previously unlawfully redacted certain text messages between Harlan Kelly Jr. and Walter Wong. Moreover, the PUC has admitted as such in its Feb 22, 2021 letter (in which it also re-released a new version of mostly-unredacted Kelly-Wong texts) and via DCA Jon Givner's letter of March 8, 2021. The PUC apparently violated the law because it allowed Harlan Kelly Jr. to control the redaction of his own records without any oversight by the PUC itself – which also was apparently then and remains now the policy and practice of the City, pursuant to your long-standing advice to the City re: your interpretation of *City of San Jose v. Superior Court*. However, as you discuss in your memo interpreting, the City is always ultimately responsible

for the actions and judgments of its employees in such matter.

Given Kelly's prior mis-redaction of the Walter Wong texts to protect sensitive-but-disclosable communications, there is no reason to believe that the redactions made in the attached text messages were then or are currently lawful, and each must be justified under a specific provision of the law.

Furthermore, a copy of the attachment on page 7 of the Melanie records must be produced as required by Admin Code 67.21. This tiny, compressed, printed and scanned version is unreadable and thus withholds its textual content, which is precisely why we have successfully previously argued that such production does not even constitute a "copy" of the underlying record (see SOTF decisions 19098 Anonymous v Police Department, 19131 Anonymous v Cisneros).

On March 10, 2021, you asserted a right to simply refuse to issue determinations to petitions filed pursuant to Admin Code 67.21(d). It is telling that you have decided to do so as we have continued to successfully uncover violations of the law by City agencies and officials, including both by yourself personally and your office (see SOTF decisions 19108 Anonymous v Herrera, 19044 Anonymous v Office of the City Attorney, 19120 Anonymous v Office of the City Attorney).

If you refuse to review the records and issue a determination and order if needed, you will be violating Admin Code 67.21(d) yourself and potentially aiding your City clients in violating the law as a direct result of willfully refusing to perform your own legally-mandated duties.

The City has throughout its history, whether by declaring war on the Sunshine Ordinance Task Force or on successful transparency advocates themselves, attempted to neuter the Sunshine Ordinance to prevent disclosure of all lawfully-disclosable public information which may be unfriendly to senior officials' political prospects. Yet the public has the right to know

whether its representatives conduct the public business in the interest of the public or in their private interest.

As such advocates become more successful, your office appears to consider them a threat to your control over the City's public records regime, instead of treating us fairly as petitioners in a proceeding where you act in a quasi-judicial role. There is no doubt I file numerous petitions – and those petitions and complaints have forced the City to become significantly more compliant with the Sunshine Ordinance, which can be seen by the additional disclosures your office causes agencies to provide in response to my petitions and the nearly entirely successful series of complaints I have won at the SOTF.

As long as the City continues to violate the law – apparently often due to your deputies' poor advice or training – no ethical option exists other than to continue to petition and appeal for complete, timely, and lawful disclosure, without exception.

Sincerely,

An Anonymous Independent Journalist

Supervisor Records (CAT)

From: 94992-15550486@requests.muckrock.com on behalf of '94992-15550486@requests.muckrock.com' <94992-15550486@requests.muckrock.com>
Sent: Tuesday, March 9, 2021 8:28 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Attachments: petition_20210309_Kelly_Breed_B.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

March 9, 2021

This is a follow up to a previous request:

See attached 2nd petition for Breed-Herrera records.

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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lJqRy%3AwuQnxVsNe9WnqZx5oJJ-vjFFmIY
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 9, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
This is an immediate disclosure request for the original unredacted PDF of texts between Kelly and Wong, in its original electronic format.
I remember it had selectable text (not OCR text) which is why I could see the black rectangle messages. You can of course redact what you think is redactable, but I want the original format document.

Sincerely,
Anonymous

On March 9, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Supervisor of Records Herrera:

New 67.21(d) petition.

The attached record produced by PUC in response to a records request from this email address is challenged.
An email between Sean Elsbernd and Naomi Kelly cannot be Attorney-Client Privileged - neither of them is the attorney for the other.
Furthermore the two attachments were not provided.
Furthermore the email addresses of the Kellys were clearly available as hyperlinks in the records, but have been stripped for no legal reason - likely because the government continues to fail to produce even simple PDFs as actual full-fidelity PDFs instead of image renderings.
Please determine some portion of these records are public (in writing) and order them disclosed.

--Anonymous

On March 8, 2021:
Subject: RE: Subsequent 67.21(d) petition re Kelly-Wong records (also filed to SOTF 20084)
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.

On March 5, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
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

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 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, 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://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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lJqRy%3AwuQnxVsNe9WnqZx5oJJ-vjFFmIY
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.

Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 10, 2021

Subsequent Petition under SF Admin Code § 67.21(d)

Supervisor of Records Dennis Herrera,

We previously petitioned you regarding the Harlan Kelly-London Breed text messages releaed to 94992-15550486@requests.muckrock.com on March 2, 2021. This is a further petition that does not replace the prior petition, which still requires a determination from you. Please determine in writing that the following parts of records are public and order them disclosed.

Specifically, in this petition we challenge the redactions of the date/time stamps of text messages already acknowledged by PUC to be public and disclosable, at least on PUC Bates 162 and 164 and as visible at:

https://beta.documentcloud.org/documents/20508136-exb-harlan-kelly-jr-london-breed-texts#document/p3/a2021718

and

https://beta.documentcloud.org/documents/20508136-exb-harlan-kelly-jr-london-breed-texts#document/p5/a2021717

We also challenge the two messages that read "Got a min" and "You only have one box, sorry" – these messages are an example of records that are

redacted for no reason at all.

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, March 10, 2021 12:05 AM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition - Fwd: RE: Heckel-Elsbernd comms - Immediate disclosure request
Attachments: Fwd_ Sean Elsbernd Word file - Immediate Disclosure Request.pdf; RE_ Public Records Request # 20-4788.pdf; Screenshot 2020-12-09 at 11.22.53 AM.pdf; Fwd_ Important - Text_Chat message retention and metadata.pdf; RE_ Connection.pdf; Re_ Immediate Disclosure Request - Personal Calendars - SOTF 19047.pdf; Re_ Sunshine Request - District 8 Residents Task Force.pdf; Redactions RE_ Screenshot 2020-12-03 at 11.30.08 AM_Redacted.pdf; Redactions_ - Immediate Disclosure Request 1 (002)_Redacted.pdf; Re_ California Public Records Act Request_ Older Mayoral Calendars - Immedi=.pdf; Fwd_ Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Re=.pdf; RE_ Sunshine Request - Direction from HSOC re camping in Mission_SOMA.pdf; Re_ Important - Text_Chat message retention and metadata.pdf; Mayor's Office Texts to or from_Redacted.pdf; RE_ California Public Records Act Request_ Text Messages _ Walter Wong and =.pdf; the 4.pdf; Request for Sean's Calendar.pdf; Immediate Disclosure Request.pdf; FW_ California Public Records Act Request_ Older Mayoral Calendars - Immedi=.pdf; FW_ California Public Records Act Request_ Text Messages _ Walter Wong and =.pdf; RE_ We need to do a behested payment for this.pdf; Fwd_ Amending the Sunshine Ordinance to Force Compliance by the City of San= Francisco.pdf; petition_ 20210310_Elsbernd_Heckel.pdf; signature.asc

See attached petition and exhibits.

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

---------- Forwarded message ----------
From: Heckel, Hank (MYR)<hank.heckel@sfgov.org>
Date: On Tue, Mar 9, 2021 at 11:08 PM
Subject: Fwd: RE: Heckel-Elsbernd comms - Immediate disclosure request
To: Anonymous <arecordsrequestor@protonmail.com>
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Anonymous,

Please see attached the records responsive to your request below. As indicated on the face of the documents some material has been redacted as 1) personal information unrelated to City business withheld for personal privacy (Cal. Gov. Code § 6254(c), California Constitution, Art. I); 2) attorney/client privileged communications (Cal. Gov. Code § 6254(k); Evidence Code § 954; SF Admin. Code § 67.21(k)); or 3) the recommendation of the author (Admin Code 67.24(a)(1); Cal. Gov. Code § 6254(a)). Further, some records have been withheld in their entirety pursuant to the attorney/client privilege. § Cal. Gov. Code § 6254(k); Evidence Code § 954; SF Admin. Code § 67.21(k)).

Regards,

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 29, 2020 9:27 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>
Subject: Heckel-Elsbernd comms - Immediate disclosure request

Hank Heckel and Sean Elsbernd:

This is an immediate disclosure request to Heckel for every communication from Heckel to Elsbernd or Elsbernd to Heckel in any form whatsoever, in any app, in any type of communication, on govt or personal property from Dec 2, 2020 to present (inclusive). Include any communication sent by either of you that is received by more persons than just the other (ex. messages sent by Heckel to Elsbernd and Bruss are included).

This is an immediate disclosure request to Elsbernd for every communication from Heckel to Elsbernd or Elsbernd to Heckel in any form whatsoever, in any app, in any type of communication, on govt or personal property from Dec 2, 2020 to present (inclusive). Include any communication sent by either of

you that is received by more persons than just the other (ex. messages sent by Heckel to Elsbernd and Bruss are included).

NOTE: 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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

F m
To
Subject M Q Rcd ts a Pub c Rco ds Act Req st O de Mayo a Ca enda s - mm d ae D sc osu e Request (S Mayo)
Date M ch 2, 2 ooks 10 20 1 0 0 57 AM

I be ieve you st ady h a e my ttenda

con 67286-80219606@ equests muck ock com <67286-80219606@equests muck ock com>
Sent Monday, December 28, 2020 10:31 AM
To S dae rd Sean (MYR) <sean.stoke rd@s gov.c g>
Subje t RE: Ca o nia ubl ic Reco ds Act Request: Chie Ma o al Ca enda s - Immed ate Di clo u e Requ t (S Mayo)

T is mes age s f om ou s de the Cy m ll y e em Do not op n links o attachmen s f om unk nd sou ces

D cembe 28 2020

Th s s a o ow sp to a p y vas equest

Mayo London B eed Hank Hecke Sean Es be rd and Off ce of he Mayo

Th s s an immed ate d c osu e equ t o the s ag e es e t a enda ent y ecca ng ad he October 3 2019 Sam n ouch of he wo Mayo R ed Out ook ca enda s and the Sean E she rd Out ook ca enda ouch a he e ect on c o m of an Ca enda o CS f w h m s ma edact ons and keys fo the edact ons (lis to a you w p ov de hun 3 ecu ds - f he e a e o ns ent es on Oct 1 you must cont nue on to the nex day and so o th to f nd a s ng e ent y) He e s DT s ex. mp e https://nam01.s.pr otect.outlook.com/?url=https%3A%2F%2Fequests-muck-rock.com%2Fmedia%2Fdoc%2FUS%2FDocSol2Ord4458%2Fdocs%2F2020%2FDocSol2Ord4458docs%2F2020%2FDocSol2Ord4458docs%2F2020%2FDocSol2Ord4458doc

F m
To
Subject
Date

Can you spond? I have ti gense al ema s n my inbox that have noth ng o do with Wa te

Do you want those?

on 98380-37550836@ equests.muck ock.com <98380 37550836@ eques t.muck ock .om>
Sent Thu s day December 3 2020 10:43 AM
To ll de ed Sean (MHS) <sean.eldle ndl@ gov.c gv
Subje t RE Ca l o nsa ub sc ibe co ds Act Request Text Mes ages Wal e Wrong and othe s - Immed ate D sc osu e Request

T is mes age s f om ou side he Cy email ys em. Do not open in s o. at achmen s f om unt us ed. ou c s.

D cembe 3 2020

Th s s a n ow sp to a p ev ous equest

Sean E be ndl

Th s s ass mmi d ate d sc ous e equest o a text chat o ns ant mess ges o any fo m and any app (nc sd ng but not m ed o SMS MMS text Me sage Teams D sco d WeChat QQ S gna Te eg ams Wha sApp Facebook Facebook Me senge In tag ams Hangou s Meet S ack Skype V be Snapchat L ne K k FaceT me W ch Me Chat ou e re Th eema KakaoTa k Duo G oupMe W e Voxe A o Tango Bumb e G nd T nde O ve To m but NOT nc sd ng ema) ega d ng he conduct of pub c bus ness on any gove nment e pe sona accoun s o dev ces (nc sd ng a names t xt mages at achmen s dates sd t mes) nc sd ng any s t ando de ed fo de s o s m a P ovide o ng esponses

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S nce e y

Anonymous

F ed v a MuckRock com
E-ma (R e e ed) 98380-37550836@ equ. sts.muck o k.com
Up oad documents d ect y

Is th s ema cum ng o he w ong con tact? Someth ng e se wog? Use the above nk o et us know

Fo ma ed responses p ase add ess (see note)
MuckRock News
DEPT MR 98380
411A H gh and Ave
Some v e MA 02144-2516

PLEASE NOTE Th s equest s not f ed by a MuckRock e: If membe but s he ng ee th ough MuckRock by the above ss de o be te t ack sha e and manage pub c ecо ds equ sts A so note that mp ope y add ssed (e w th the eques e s name athe than "MuckRock News" and he depa tment numbe) eques s m ght be stu ned as unde ve ab e

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On Dec 3 2020
Subject RE Ca o n a Pub c Reco ds Act Request Text Messages Wa te Wrong and othe s - Immed a e D sc osu e Reque t
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S nce e y

Anonymous

- -

On Dec 3 2020
Subject RE Ca o n a Pub c Reco ds Act Request Text Messages Wa te Wrong and othe s - Immed a e D sc osu e Reque t
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S nce e y

Anonymous

- -

On Dec 3 2020
Subject RE Ca o n a Pub c Reco ds Act Request Text Messages Wa te Wrong and othe s - Immed a e D sc osu e Reque t
H ok ike ke

Th s s ass mmi d ate d sc ous e equest o a text chat o ns ant mess ges o any fo m and any app (nc sd ng but not m ed o SMS MMS text Me sage Teams D sco d WeChat QQ S gna Te eg ams Wha sApp Facebook Facebook Me senge In tag ams Hangou s Meet S ack Skype V be Snapchat L ne K k FaceT me W ch Me Chat ou e re Th eema KakaoTa k Duo G oupMe W e Voxe A o Tango Bumb e G nd T nde O ve To m but NOT nc sd ng ema) ega d ng he conduct of pub c bus ness on any gove nment e pe sona accoun s o dev ces (nc sd ng a names t xt mages at achmen s dates sd t mes) nc sd ng any s t ando de ed fo de s o s m a P ovide o ng esponses

Do not dest oy ecо ds hat ex st as of the t me you ece ve th s equest

S nce you Off ce s appa ent y dest oy ng ecо ds n th s mat e but you a e fo ced o ta e ecо ds du ng a pend ng CPRA equest hese w be cont mat y equested unt you cease you de t uct on of pub c ecо ds

S nce e y

Anonymous

- -

On Dec 3 2020
Subject RE Ca o n a Pub c Reco ds Act Request Text Messages Wa te Wrong and othe s - Immed a e D sc osu e Reque t
Mayo London B ord

Th s s ass mmi d ate d sc ous e equest o a text chat o ns ant mess ges o any fo m and any app (nc sd ng but not m ed o SMS MMS text Me sage Teams D sco d WeChat QQ S gna Te eg ams Wha sApp Facebook Facebook Me senge In tag ams Hangou s Meet S ack Skype V be Snapchat L ne K k FaceT me W ch Me Chat ou e re Th eema KakaoTa k Duo G oupMe W e Voxe A o Tango Bumb e G nd T nde O ve To m but NOT nc sd ng ema) ega d ng he conduct of pub c bus ness on any gove nment e pe sona accoun s o dev ces (nc sd ng a names t xt mages at achmen s dates sd t mes) nc sd ng any s t ando de ed fo de s o s m a P ovide o ng esponses

Do not dest oy ecо ds hat ex st as of the t me you ece ve th s equest

S nce you a e appa ent y dest oy ng you ecо ds n h s mat e but you a e o ced o sta e ecо ds du ng a pend ng CPRA equest hese w be cont mat y equested unt you cease you de t uct on of pub c ecо ds

S nce e y

Anonymous

- -

On Dec 3 2020
Subject RE Ca o n a Pub c Reco ds Act Request Text Messages Wa te Wrong and othe s - Immed a e D sc osu e Reque t
Mayo London B ord

Th s s ass mmi d ate d sc ous e equest o a text chat o ns ant mess ges o any fo m and any app (nc sd ng but not m ed o SMS MMS text Me sage Teams D sco d WeChat QQ S gna Te eg ams Wha sApp Facebook Facebook Me senge In tag ams Hangou s Meet S ack Skype V be Snapchat L ne K k FaceT me W ch Me Chat ou e re Th eema KakaoTa k Duo G oupMe W e Voxe A o Tango Bumb e G nd T nde O ve To m but NOT nc sd ng ema) ega d ng he conduct of pub c bus ness on any gove nment e pe sona accoun s o dev ces (nc sd ng a names t xt mages at achmen s dates sd t mes) nc sd ng any s t ando de ed fo de s o s m a P ovide o ng esponses

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S nce e y

Anonymous

- -

On Jan 17 2020
Subject Ca ls n a Pub c Reco ds Act Reque t Text Messages Wa e Wrong and o he s - Immed ate D sc osu e Request
MASON LEE

NOTE THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MA LBOX P ea e be ca e a sysa have p ope y edac ed a of you esponses Once you send them to us the e s no go ng back A of you esponses (nc sd ng a e poss ve ecо ds) may be m ant y and au omat ca y va ab e o he pub c an ne v e the MuckRock com FOIA w ve co-used o sue h s equest though he qu ste s an anonymous u e not a p esen at ve of MuckRock) Neth ng he e n s ega T o p o ess ona adv ce of any k nd The au ho d sc a ma a wa ants ep ese o mp ed nc sd ng but not m ded to a wa ants es of me chan ds ty e f ness In no event sha the u ho he ab e fo any pec a d ect sd ect cons qu nt a o ny othe dam ges whatsoeve The d gi ta s gnatu e f ny n h s ema s not n sd cat on of a b nd ng ag eement o offe t me e y authent ca es he sende P ease do not nc ude any confi dent a info mat on an I n end that these communi cat ons w th the C ty a be d sc osab e pub c ecо ds

Be ow s a ema ssued a s D sc osu e Requests (SF Admi n Code 67.25 s) d e ed to you agency and s ubject to the S
Dea s o. requests, ags ed by Feb 24, 2020. Inf ng ecо ds requests do not apply ed (SFAC 67.25(d)). If you a e unab e to ecо mmend ate y p oduce co ds
Exact cop es of ove y requests we ecо ds a equested. Gov Code 6253.9(a)- do not p ov de one e UREL p st and can e ect ons ecо ds cannot t ans fe PDFs o p ov de b ack and wh te w ons of any co o ecо d P ovide on y cop es of ecо ds do not equ ng fees and ove- on sup ct cost of a othe e o ds GC 6253)

You non-exhaust ve ub gat ons
- A w ho d ng of any a o mat on must be just f ed n w t ng by spec f c sta ute y autho ty (SFAC 67.27)
- A w ho d ngs by mark ng o de e as ifid ect on) must be keyed by fu ame o s he c ou e e nece o he pec f c sue f at ute that educ es and on y them n ma exempt po t on of ny ecо d may be w hhe d (SFAC 67.26)
- You must p ovid to ema ed eques t (SFAC 67.21(h)).
- You must not fly ta off s he o mo e poss ve ecо ds ev t nd o wee w thhe d fo each he ow qu te (Gov Code 6253(c) 6255(b))
- You must c ate the name and t e of each pe son espons b e o w hho d ng any nfo mat on (Gov Code 6253(d))
- Do not espond any ema ent o ques one (San a C s a Co ns Supe o Ct. 170 Cal App 4 h 1301) so f you a e a h d pa ty wsh to to pub sh co ds p ease make them comp e e y pub c w thout any ng no s gge-n

You agency must do a ff the howe th ngs s you esponse nd you cannot wa t unt we f e comp a nts

****** We have no duty o and we w nt ega n ent nd he C y of s ob gat ons Ins ead we w f e comp a nts fo eve y Sunsh ne O d nance CPRA v o at on We w ont mat te f e comp a n s um he C y s p ocedu es a e mad f ed to fu y comp y w h he Sunsh ne O d nance and CPRA w thout caveat o. except on ******

I a ext chat messages (of any fo m o app cat on nc sd ng a ta chments snapp) push ecо ds do ngove nment o pe sona accoun s he sweet Mason Lee and any of Wa te Wrong Ha an Wong Me an e Lok I me Lok Wash ng on Wong F o n e Kong M chae T acy Rudo ph Dwayne Jones (Dwayne ones) D ongzy B ooke o Ba an Ke y J fo a t me f ames

NOTE P ease be o n you have p ope y edac ed a of you e pons es Once you s nd them o us he e s no go ng back The ema add ress send ng th s equest s n pub c y-v ewab e ma box A of you esponses (nc sd ng a e poss ve ecо ds) may be m ant y and au omat ca y pos ed o he pub c on ne v a he Ma kRock com FOIA w ve co-used o sue h s equest (hough he eque te s an nonymous use not a p esentat ve of MuckRock) Neth ng he e n s ega T o p o ess ona adv ce of any k nd The au ho d sc a ma a wa ants es of me chan ds ty o f ness In no event sha he au ho he ab e fo any spec a d ect sd ect consequent a o any othe damages wha soeve The d gi a s gna e f any n h s ema s not an off c al o d nance o esolu on of the b d ng ag e men o offe t me e y au hent cates the sende P ease do not nc ude any confi dent a o mat on an I nend that th se communi cat ons w th the C ty a be d sc os b e pub c ecо ds

S nce e y
Anonymous

F ed v a MuckRock com
E-ma (R e e ed) 98380-37550836@ equ. sts.muck o k.com
Up oad documents d ect y

Is th s ema cum ng o he w ong con tact? Someth ng e se wog? Use the above nk o et us know

Fo ma ed responses p ase add ess (see note)
MuckRock News
DEPT MR 98380
411A H gh and Ave
Some v e MA 02144-2516

PLEASE NOTE Th s equest s not f ed by a MuckRock e: If membe but s he ng ee th ough MuckRock by the above ss de o be te t ack sha e and manage pub c ecо ds equ sts A so note that mp ope y add ssed (e w th the eques e s name athe than "MuckRock News" and he depa tment numbe) eques s m ght be stu ned as unde ve ab e

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From:	Elsbernd, Sean (MYR)
To:	Heckel, Hank (MYR)
Subject:	Fwd: Amending the Sunshine Ordinance to Force Compliance by the City of San Francisco
Date:	Monday, December 28, 2020 8:07:40 PM
Attachments:	Re Amending the Sunshine Ordinance to Force Compliance by the City of San Francisco.msg

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 28, 2020 at 7:53:04 PM PST
> **To:** "SOTF, (BOS)" <sotf@sfgov.org>
> **Subject: Re: Amending the Sunshine Ordinance to Force Compliance by the City of San Francisco**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From:	Elsbernd, Sean (MYR)
To:	Heckel, Hank (MYR)
Subject:	Fwd: Enforcement of last night"s SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars
Date:	Tuesday, December 15, 2020 4:56:39 AM
Attachments:	Re Enforcement of last night"s SOTF 19103 ruling Immediate Disclosure Request for Future Breed Calendars.msg

Not opening it. If it's text meaaages, I don't have any.

Sean

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 15, 2020 at 12:49:07 AM PST
> **To:** "Heckel, Hank (MYR)" <hank.heckel@sfgov.org>, "Breed, Mayor London (MYR)" <mayorlondonbreed@sfgov.org>, "MayorSunshineRequests, MYR (MYR)" <mayorsunshinerequests@sfgov.org>, "Elsbernd, Sean (MYR)" <sean.elsbernd@sfgov.org>
> **Cc:** "SOTF, (BOS)" <sotf@sfgov.org>, "Press Office, Mayor (MYR)" <mayorspressoffice@sfgov.org>
> **Subject: Re: Enforcement of last night's SOTF 19103 ruling, Immediate Disclosure Request for Future Breed Calendars**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: Elsbernd, Sean (MYR)
To: Heckel, Hank (MYR)
Subject: Fwd: Important - Text/Chat message retention and metadata
Date: Monday, December 7, 2020 12:31:48 PM
Attachments: Important - TextChat message retention and metadata.msg

---

I am concerned about opening this message for fear of viruses.

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 7, 2020 at 12:30:31 PM PST
> **To:** Anonymous <arecordsrequestor@protonmail.com>
> **Subject: Important - Text/Chat message retention and metadata**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From:	Elsbernd, Sean (MYR)
To:	Heckel, Hank (MYR)
Subject:	Fwd: Sean Elsbernd Word file - Immediate Disclosure Request
Date:	Tuesday, December 29, 2020 7:27:55 PM
Attachments:	Sean Elsbernd Word file - Immediate Disclosure Request.msg

---

What does s/he want now?

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 29, 2020 at 7:07:11 PM PST
> **To:** "Elsbernd, Sean (MYR)" <sean.elsbernd@sfgov.org>
> **Cc:** "MayorSunshineRequests, MYR (MYR)" <mayorsunshinerequests@sfgov.org>, "Heckel, Hank (MYR)" <hank.heckel@sfgov.org>
> **Subject: Sean Elsbernd Word file - Immediate Disclosure Request**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Heckel, Hank (MYR)

From: Elsbernd, Sean (MYR)
Sent: Wednesday, December 23, 2020 6:50 AM
To: Heckel, Hank (MYR)
Subject: Fwd: Mayor's Office Texts - Immediate Disclosure Request
Attachments: RE: Mayor's Office Texts - Immediate Disclosure Request

Again, not opening this.

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 23, 2020 at 6:48:05 AM PST
> **To:** "Heckel, Hank (MYR)" <hank.heckel@sfgov.org>
> **Cc:** "Elsbernd, Sean (MYR)" <sean.elsbernd@sfgov.org>, "Bruss, Andrea (MYR)" <andrea.bruss@sfgov.org>, "Breed, Mayor London (MYR)" <mayorlondonbreed@sfgov.org>, "MayorSunshineRequests, MYR (MYR)" <mayorsunshinerequests@sfgov.org>
> **Subject: RE: Mayor's Office Texts - Immediate Disclosure Request**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Heckel, Hank (MYR)

From: Elsbernd, Sean (MYR)
Sent: Tuesday, December 22, 2020 12:09 PM
To: Heckel, Hank (MYR)
Subject: FW: Mayor's Office Texts to or from California Const. - Immediate Disclosure Request
Attachments: Re: Mayor's Office Texts to or from California Const. - Immediate Disclosure Request

I'm not opening emails from this person. For what are they asking?

-----Original Message-----
From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 22, 2020 12:05 PM
To: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Subject: Re: Mayor's Office Texts to or from California Const. - Immediate Disclosure Request

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

Heckel, Hank (MYR)

From: Elsbernd, Sean (MYR)
Sent: Thursday, December 3, 2020 10:51 AM
To: Heckel, Hank (MYR)
Subject: the 4 emails
Attachments: Housing Project loans; Re: Updated Food Support Memo/Menu; Re: Enforcement Corps_10_9_2020.pptx; FW: Housing Conservatorship Implementation and Outpatient LPS Referrals

Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 10, 2021

Petition under SF Admin Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following parts of records are public and order Hank Heckel, Sean Elsbernd, and the Office the Mayor to disclose them:

1. all redactions in "Redactions_ - Immediate Disclosure Request 1 (002)_Redacted.pdf"

2. all missing attachments to "the 4.pdf"

3. all redactions in 'Redactions RE_ Screenshot 2020-12-03 at 11.30.08 AM'. The message between Elsbernd and Heckel (not the separate text) cannot be A/C privileged - neither of them are each other's attorneys.

Sincerely,

Anonymous

F m
To
Subject
Date

Ido Thanks

Sent f rom my Phone

On Dec 28 2020 at 10 33 AM E ther nd Sean MYR) < eane the nd@ figov o g> w ote

I ike ove you al ready h ve my ale nda

ann 87286-81219004@ eques t muck ock om <87286-81219004@ eques t muck ock om>
Sent Monday December 28 2020 10 31 AM
To ll for rd bean (MN) <sean el her nd@ gov o g>
Subje t RE Ca o n a ub ic Reco dsAct Requ e t Olde Mayo a C lenda s - mmedi te Di sc osu e Request 5 Mayo)

Th s mes age s f rom ou s ide the C ty emai sy tem Do ot open links o att chments f unl ss you ex

Dec mbe 28 2020

Th s s a o ow up to a p ev ous request

Mayo London B ord E xib lit cke Sean Es he nd and O f ce of the Mayo

Th s s an immed ate d c osu e quest fo the s ngle mo est ce nda ent y ecca nga w Oc obe 1 2019 Sam n each of he wo Mayo B oard Out ook ca enda s and he Sean E she nd Out ook a enda ach n the v ent ent c o nt of an Ca enda o CS f r w h m n ma ediact ons and keys fo he d ct ons (In to a you w p ov de hun 3 ecu ds - f he e a e a ea ent ess on Oct 1 you must cont mue ons to be nex day and o fo th to f nd a s ng e ent y) like e s DTs examp e

R member Sean E she nd s a manage a c y emp oyee f he v e ones SOTF 19047 I w a k th y he SOTF f nd that he has comm t ed o f c a m isconduct fo w hi v o at on of the Sunsh ne O d nance M E she nd does not get he p o ect on of the Eth cs Comm ss on His ded to Mayo B oard as an ex ec o f c a - the SOTF w dec de un ad Bread SF Adm n Code 67 34

P ease Note
1) Metada a has been s d by he SOTF to he pub c and d c ssab e and t must be educ ed w h his no o c he c as fo ence See SOTF 19044 19047 19068 19105)
2) Mayo s Off ce has a ready accep ed the pub c d sc o sab e natu e of me adata by p ov d ng some but not a of the ICS eco d p ov sion y
3) The Ca ndi ICS) o mat s " ca b e" o "can p ovide anot" (no e ned ng s ue d about the natu e of ediact on me e y the natu e of game at on) In fact n SOTF 19047 an SOTF membe d mon ated to the Mayo s Off ce w do ng the hea ng n a few occasions how o gene ate ICS f ec f om the own Out ook ca enda

R member Sean E she nd s a manage a c y emp oyee f he v e ones SOTF 19047 I w a k th y he SOTF f nd that he has comm t ed o f c a m isconduct fo w hi v o at on of the Sunsh ne O d nance M E she nd does not get he p o ect on of the Eth cs Comm ss on His ded to Mayo B oard as an ex ec o f c a - the SOTF w dec de un ad Bread SF Adm n Code 67 34

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2) Mayo s Off ce has a ready accep ed the pub c d sc o sab e natu e of me adata by p ov d ng some but not a of the ICS ecd p ov sion y
3) The Ca ndi ICS) o mat s " ca b e" o "can p ovide anot" (no e ned ng s ue d about the natu e of ediact on me e y the natu e of game at on) In fact n SOTF 19047 an SOTF membe d mon ated to the Mayo s Off ce w do ng the hea ng n a few occasions how o gene ate ICS f ec f om the own Out ook ca enda

Thanks
Anonymous

F ed v a MuckRock com
E-ma (P e e ed) t
Up oad documents d ec y h ps ssomeus ep.s3.us-e ast-1.a zo naw s.com%2F%2Fdocu cloud%2Forganization_2726 org 4%2F87%2Fd9 aea%2Fb 2f4b 4e0a%2F87%2Fbrowse muck ock com%2Fmessages 2726 org 4%2F87%2Fd9 aea%2Fb 2f4b 4e0a%2F87%2Fbrowse muck ock com%2F%2Fsuppo ng

F m
To
Subject R Ad Re ue [BR] ecu ds ot R que t Tex Mes ag s Wa te W ngand the t remo ea Ends o e ng ed
Date Thu ay 3 D cem e 3 :00 0 7 0 AM

ne s only seek ng text chat and nstant messages not ema ls so no need to p oduce those A so t appea s t is a equest o any te ts ch ts and messages on any ove nment opic not im ted o Wrong The sub ect l ne s ju t a e c om this slide ema ls in the cha r

S nce you don t ha e any te x cha co messag s t we ll respond with no e pon ive n o ds And ea ie and t R gist he same one

om El be nd Sean [MR] <
Sent Thu sd ay December 3 2020 10 09 AM
To Hecke Hank MR] <Hank hecke @ls gov.v g>
Subje t W Ca i o a ub ic Reco ds A t Requ t Text Messages Wa te Wrong and o he s - Immed ate Di clo u e Requ t

Can you spond? I have 4 gene al ema s n my inbox that have noth ng to do with Wa te

Do you want those?

om _____ _____ _____

From: Heckel, Hank (MYR)
To: Elsbernd, Sean (MYR); Foster, Meron (ADM)
Subject: RE: Connection
Date: Wednesday, December 16, 2020 11:29:00 AM

Thanks Sean. Great to meet you, Meron. Glad to discuss your questions when you have a moment. My cell is Personal Info .

From: Elsbernd, Sean (MYR)
Sent: Wednesday, December 16, 2020 11:20 AM
To: Foster, Meron (ADM) <meron.foster@sfgov.org>
Cc: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: Connection

Meron, meet Hank. Hank, meet Meron.

Hank, Meron is our new protocol officer. She has some general gift questions.

Meron, Hank is the Mayor's chief compliance officer. He can answer your questions.

All the best,
Sean

From: Heckel, Hank (MYR)
To: Elsbernd, Sean (MYR)
Subject: Re: Immediate Disclosure Request - Personal Calendars - SOTF 19047
Date: Wednesday, December 9, 2020 5:32:17 PM

Yes I'll respond. Thanks.

Sent from my iPhone

> On Dec 9, 2020, at 7:26 PM, Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org> wrote:
>
> Not opening this.
>
> That said, if it's calendar, I assume you already have that.
>
> Sean
>
> -----Original Message-----
> From: Anonymous <arecordsrequestor@protonmail.com>
> Sent: Wednesday, December 9, 2020 4:25 PM
> To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>
> Cc: SOTF, (BOS) <sotf@sfgov.org>
> Subject: Immediate Disclosure Request - Personal Calendars - SOTF 19047
>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.
>
>
> <mime-attachment>

From:	Heckel, Hank (MYR)
To:	Elsbernd, Sean (MYR)
Subject:	RE: Important - Text/Chat message retention and metadata
Date:	Monday, December 7, 2020 12:33:00 PM

That is a good policy. I have seen the content elsewhere anyway. I will send a separate email with an update.

From: Elsbernd, Sean (MYR)
Sent: Monday, December 7, 2020 12:32 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: Fwd: Important - Text/Chat message retention and metadata

I am concerned about opening this message for fear of viruses.

Sent from my iPhone

Begin forwarded message:

> **From:** Anonymous <arecordsrequestor@protonmail.com>
> **Date:** December 7, 2020 at 12:30:31 PM PST
> **To:** Anonymous <arecordsrequestor@protonmail.com>
> **Subject: Important - Text/Chat message retention and metadata**
> **Reply-To:** Anonymous <arecordsrequestor@protonmail.com>
>
> This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From:	Heckel, Hank (MYR)
To:	Elsbernd, Sean (MYR); Cretan, Jeff (MYR)
Cc:	Lynch, Andy (MYR)
Subject:	RE: Public Records Request #20-4788
Date:	Friday, December 18, 2020 4:13:00 PM

Thanks.

From: Elsbernd, Sean (MYR)
Sent: Friday, December 18, 2020 4:13 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>
Cc: Lynch, Andy (MYR) <andy.lynch@sfgov.org>
Subject: RE: Public Records Request #20-4788

No problem

From: Heckel, Hank (MYR)
Sent: Friday, December 18, 2020 3:58 PM
To: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>
Cc: Lynch, Andy (MYR) <andy.lynch@sfgov.org>
Subject: FW: Public Records Request #20-4788

FYI – DPW has these texts to produce in response to Anonymous. I will instruct them to redact the numbers. I don't necessarily see an issue beyond that but let me know if you do.

Thanks

From: Steinberg, David (DPW)
Sent: Friday, December 18, 2020 3:24 PM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: Public Records Request #20-4788

Hi Hank,

The attached contain text messages between Alaric and the following:

- London Breed
- Sean Elsbernd

I haven't reviewed them yet, so please let me know if you see anything that appears problematic.

-d.

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco

From:	Elsbernd, Sean (MYR)
To:	Heckel, Hank (MYR)
Subject:	RE: Sunshine Request - Direction from HSOC re camping in Mission/SOMA
Date:	Monday, December 14, 2020 1:56:15 PM

No records

From: Heckel, Hank (MYR)
Sent: Monday, December 14, 2020 1:47 PM
To: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Power, Andres (MYR) <andres.power@sfgov.org>; Sawyer, Amy (MYR) <amy.sawyer@sfgov.org>
Cc: Cretan, Jeff (MYR) <jeff.cretan@sfgov.org>; Lynch, Andy (MYR) <andy.lynch@sfgov.org>
Subject: Sunshine Request - Direction from HSOC re camping in Mission/SOMA

Hi,

We received a request from Doug Powell for any records relating to:

"any direction from HSOC telling or suggesting campers where to camp in the Mission and SOMA neighborhood. And, any direction from the city to private or non-profit agencies telling or suggesting the campers where to camp."

I will refer this to HSOC/HSH, but if you have any responsive records, please let me know.

Thanks,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco

From: Elsbernd, Sean (MYR)
To: Heckel, Hank (MYR)
Subject: Re: Sunshine Request - District 8 Residents Task Force
Date: Tuesday, December 22, 2020 4:51:33 PM

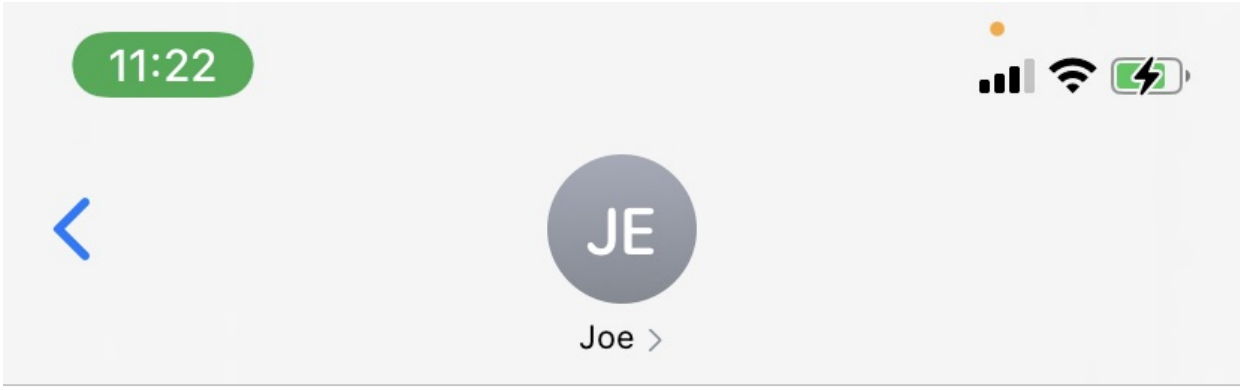
No records

Sent from my iPhone

> On Dec 22, 2020, at 4:33 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:
>
> Hi all,
>
> We have received a records request from "J Ader" through the Muckrock website seeking the following from the Office of the Mayor:
>
> **All documents, briefs, and agency emails - created and/or disseminated from July 1st, 2020 to December 14th, 2020 - mentioning any of the following terms:**
>
> **- District 8 Residents Task Force**
> **- d8rtf.com**
>
> If you have any responsive records, please let me know.
>
> If you do not have any responsive records, please respond accordingly.
>
> Thanks and Happy Holidays!
>
> Hank Heckel
> Legal Compliance Officer
> Office of the Mayor
> City and County of San Francisco

From: Elsbernd, Sean (MYR)
To: Heckel, Hank (MYR)
Subject: Screenshot 2020-12-09 at 11 22.53 AM
Date: Wednesday, December 9, 2020 11:23:15 AM
Attachments: Screenshot 2020-12-09 at 11 22.53 AM.png

Here you go



iMessage
Yesterday 10:47 AM

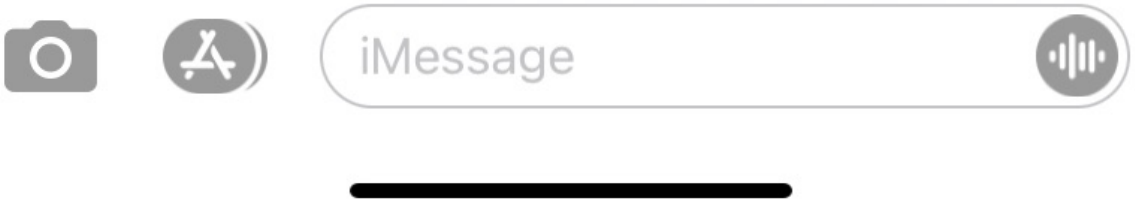
Sean,
Hope that you are well. I wanted to pick back up on the pursuit of purchasing the two BMW motorcycles from Chief Connolly at Broadmoor PD. Sheriff is comfortable with that purchase now that there is some time between media hot piece on Connolly and the present. if you can help with OCA allowing for purchase and registration of bikes, that was the hold up before.

Sheriff is meeting with Mayor Breed today at 430 on other matters.

Looking forward to seeing you

around the building soon.

Joe



Sent from my iPhone

From:	Heckel, Hank (MYR)
To:	Elsbernd, Sean (MYR)
Subject:	RE: We need to do a behested payment for this
Date:	Friday, December 18, 2020 9:48:00 AM

Yes, we do. I will put one together. Thanks.

From: Elsbernd, Sean (MYR)
Sent: Friday, December 18, 2020 9:34 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: We need to do a behested payment for this

https://sfmayor.org/article/mayor-breed-rising-and-all-home-announce-25-million-donation-airbnb-co-founder-joe-gebbia

From: Heckel, Hank (MYR)
To: Elsbernd, Sean (MYR)
Subject: RE: Screenshot 2020-12-03 at 11.30.08 AM
Date: Thursday, December 3, 2020 11:59:00 AM

Ok. I'll bring it up with folks if they are using these platforms without a good justification.

From: Elsbernd, Sean (MYR)
Sent: Thursday, December 3, 2020 11:52 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: RE: Screenshot 2020-12-03 at 11.30.08 AM

I made clear to Tyronne not to communicate with me in that fashion again.

From: Heckel, Hank (MYR)
Sent: Thursday, December 3, 2020 11:42 AM
To: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>
Subject: RE: Screenshot 2020-12-03 at 11.30.08 AM

Ok, so we don't have to worry about that. I remember Ty had sent you something a while back on one of the other platforms and we collected it for an earlier request. We should probably try to discourage staff from using all of these extraneous platforms unless there is some benefit to it. The problem is it creates retention and collection issues when things are scattered across so many media.

I can bring it up at a check-in if you agree.

From: Elsbernd, Sean (MYR)
Sent: Thursday, December 3, 2020 11:36 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: RE: Screenshot 2020-12-03 at 11.30.08 AM

I do have Signal, [redacted] It's purely social. [redacted]

From: Heckel, Hank (MYR)
Sent: Thursday, December 3, 2020 11:34 AM
To: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>
Subject: RE: Screenshot 2020-12-03 at 11.30.08 AM

Got it, thanks. The first is privileged. The second is non-City business. I've never even heard of half of the platforms he mentions so I am not overly concerned that people use them for City business.

From: Elsbernd, Sean (MYR)
Sent: Thursday, December 3, 2020 11:31 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>
Subject: Screenshot 2020-12-03 at 11.30.08 AM

The extent of my text messages. [redacted]

[redacted]

[redacted] I don't have Facebook or any other social media.

Messages

AC Privileged [redacted]

California Const. [redacted]

[redacted]

Sent from my iPhone

F m
To
Subject Re: Quick ref - Sec 6 - ex-dock offer cur ent - and Bill re ques t fil e - thro ug h all othe r s - from state D cisco e Re ue s
Date Mo n De cembe r 07 , 2020 8:56:36 M

I know I just wasn't there to collect. I've just turned in a mountain and let us. ev ew be o e p oduction.

---

om El be nd Sean (MHK)
Sent sday, Dec mbe 1 8 2020 3:54 M
To Hecke el ok MH K) <hank.hecke@fb.gov.c g>
Subje t RE: Call o n a ub lic Reco ds Act Request: Te t Messa es W the Wrong and othe s - mm d ate Di clo u e Request t

D ssers eve y thing

---

om Hecke Hank (MHK)
Sent sday, Dec mbe 1 8 2020 3:40 M
To El dere nd Sean (MHK) <
Subje t RE: Call o n a ub lic Reco ds Act Request: Te t Messa es W the Wrong and othe s - mm d ate Di clo u e Request t

Thanks. We ta ms that D didn't exhaust you. number o pe son l in it and that he is doing so when a ly n h s. ubm s

[redacted]

I d on t know. h y we e p oduc ng here. I ll che k wit h D cisi e Comm tt e

[redacted]

---

om El be nd Sean (MHK)
Sent sday, Dec mbe 1 8 2020 3:25 M
To Hecke el ok MH K) <
Subje t RE: Call o n a ub lic Reco ds Act Request: Text Me ssages Wha e Wrong and othe s - mmedia e D sc osu e Request

I don t ha e te ts

---

om <> <>
Sent sday, Dec mbe 1 8 2020 3:21 M
To El dere nd Sean (MHK) <
Subje t RE: Call o n a ub lic Reco ds Act Request: Te t Messa es W the Wrong and othe s - mm d ate Di clo u e Request t

T ts mess ge s f om ou side he C y ema l s. It m Do not open links o a t chm nts f om unt u ted sou ces.

De ember 1 8 2020

Th s is a o ow up to a p ev ous equ st

Sean E be nd

P ea e p ov de an es mated ate f sc ena e equest you copy of the at ached pub c eco d reco d c osed by Comm ss one Tay o

- Anonymous

F ed v a MuckRock com
E-ma (P ef e ed) [redacted]
Up oad docum n s d ect y
[redacted]

Is th s ema com ng o he w ong com e? Someth ng e e wrong? Use he above nk to et us know

Fo ma ed responses p ea e added ss see no e)
MuckRock News
DEPT MR 38380
411A H gh and Ave
Some v e MA 02144 2516

PLEASE NOTE Th s equest s not f ed by a MuckRock sta f membe but s be ng sent th ough MuckRock by he above n o de to b ne t ack sha e and manage pub c eco ds equests A so note that mp ope y add e sed (e w th the equeste s name a he than "MuckRock News" nd the depa tment numbe) que ts m ght be e u ned an unde ve al e

- -

On Dec 15 2020
Subject RE Ca fo n a Pub c Reco ds Act Requ t Text Messages Wa e Wrong and othe s - mmed ate D sc osu e Request
Anonymous

We a e com ma ng ma esponse to he equest be ow fo up o 14 days due to the ne d to consu t w th anothe depa tment See Ca Gov Code § 6253(c) and San F anc sco Admin Code § 67 25 b)
Rega ds

Hank Hecke
Comp ance Off ce
O f e of the Mayo
C ty and County of San F anc sco
- -

On Dec 15 2020
Subject RE Ca fo n a Pub c Reco ds Act Requ t Text Messages Wa e Wrong and othe s - mmed ate D sc osu e Request
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C ty and County of San F anc sco
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Subject RE Ca fo n a Pub c Reco ds Act Requ t Text Messages Wa e Wrong and othe s - mmed ate D sc osu e Request
Anonymous

We a e com ma ng ma esponse to he equest be ow fo up o 14 days due to the ne d to consu t w th anothe depa tment See Ca Gov Code § 6253(c) and San F anc sco Admin Code § 67 25 b)
Rega ds

Hank Hecke
Comp ance Off ce
O f e of the Mayo
C ty and County of San F anc sco
- -

On Dec 15 2020
Subject RE Ca fo n a Pub c Reco ds Act Request Text Me ssages Wa te Wrong nd othe s - Immed te D c osu e Request
MASON LEE

NOTE THE EMAIL ADDRESS SENDING THIS REQUEST S A PUBL CLY-V EWABLE MAILBOX P ease be c a s you have p ope y educ ed a of you espon es Once you send them to us the e s no go ng back A of you esponses (nc ud ng a espons ve ecu do) may be e tained y and automat ca y you ab e to he pub c on ne v s the MuckRock com FOIA w ve c ose d o sue h s equest (hough the equeste s an anonymous use not a ap o ema te of MuckRock) No b ng he e s ega IT o p ofess ona ade co of any k nd The au ho d o a ma a wa nt es sp ec o mp ed nc ud ng but not m ted o a wa ant es of me chantab ty o f tness In no event sha the autho be ab e o any spec a d ct nd ect con sequenti a damages whatsoever The d g ta s gna u e f any n th s ma s not an ind cat on of a ful ng ag reemento o fe t me e y au h to cas the ende P ease do not nc ude any conf d nt a nfo rmat on as f noted that these commun at ons w th the Ci y a be d sc lo b pub c ecords

Be ow a e new limited a e D sc osu e Requ ts (SF Admi n Code 67 25(a) d ec ed to you gency and to depa ment head
You n ta esponse s eq ed by F b 20 2020 Re ng ecords e pon es e que sted (SFAC 67 25 d) I you a e unab e to mmed a e y p oduce ecords
Exact cop es of ove y respons ve ecords a e equen ed (Gov Code 6253(b)) - do not p ov de me e URLs p ot and scan e ect onic ecords ieve t ue ve f es to PDFs o p ov de b ack and wh te w s ons of any co o ecords if P ov de on y cop es of ecords not equ ng ove ind ns pe son nspect on of a o he ecords (GC 6253)

You ecords exhaust ve ch gat ons
- A w itte d ng of any p o ems t on must be sent f ed n w t ng by pec f c tatu o y autho ty SFAC 67 27)
- A w itte d ng by mank ng c de e on (aka educt ons) ms t be keyed by fourtee n e ei the c ea ef e n to the spec f c j ust f cat on fo hat educt on and ent y the m o ma exempt po t on of ny ecords d may be w hhe d SFAC 67 24)
- You must respond to ema ed requests (SFAC 67 21(b))
- You must not fy us of whe he n ma espons ve ecords ex sts and o we e w hhe d fo each he ewe equest (Gov Code 6253(c) 6255 b))
- You must n ate the name and t e of each pe son spons b e fo w thhe d ng any nfo mat on Gov Code 6253 d))
- Do not response any emb e me nt s ons upon me (Santa C a a Co ns Super o Ct. 170 Ca App 4th 1301) o f you w e a th d-pa y webs e o pub sh ecords p ase make harm ompe e y pub c w theat any og n o s ga- n

You agency must do a of he above th ngs s you esponse and you cannot wa t unt we f e comp a nts

****** We have no da y o and we w not aga n ask nd the C ty of to sh g t ions nstead we w f e comp a n s. o ever y Sunsh ne O d nance o CPRA v o at on We w cont nue to f e comp a n s unt he C ty s p ocedu es a e mod f ed to u y comp y w th the Sun h ne O d nance and CPRA w thout cavea o excepti on ******

1 a ent h t messages (if any o m o pp cat on nc ud ng a at achmen s mages) pub c ecords on gove nm ent o pe ona ccoun s b tw en Mason L e and ny of Wa e Wrong Ha an Wong Me an e Lok I ne Lok Wash ngton Wrong F o ence Kong M chae T acy Rado ph Dwayne Jones (Dwayne Jones) D ou gh B oskie o Ha an Ke y J o a t me f antes

NOTE P ease be ca e ul you have p ope y educ ed a of you esponses Once you send them to us the e s no go ng back The ema add ess send ng th s equest s a pub c y-v ewab e ma box A of you esponses (nc ud ng a espons ve ecords) may be nstant y and automat ca y you ab e to the pub c on ne v s the MuckRock com FOIA w ve c osed o sue h s equest though he equeste s an anonymous use not a ap o ema te of MuckRock) Noth ng he e s ega IT o p ofess ona ade co of any k nd The au ho d o a ma a wa nt es esp e c es mp ed nc ud ng but not m ted o a wa ant es of me h a th y e f nes In no event sha the autho be ab e fo any p o a d rect ndirect consequenti a any othe damages wha soever The d g a gnatu e f any n th s ema s not an ind cat on of a ful ng ag reemento of e t me e y authent cat s be sende P ease do not nc ude any confident a n o mat on an t mend that the e commun cat ons w th the C y a be d sc osab e pub c ecords

S ncer e y
Anonymous

F ed v a MuckRock com
E-ma (P ef e ed) [redacted]
Up oad docum n s d ect y
[redacted]

Is th s ema com ng o he w ong com e? Someth ng e e wrong? Use he above nk to et us know

Fo ma ed responses p ea e added ss see no e)
MuckRock News
DEPT MR 38380
411A H gh and Ave
Some v e MA 02144 2516

PLEASE NOTE Th s equest s not f ed by a MuckRock sta f membe but s be ng sent th ough MuckRock by he above n o de to b ne t ack sha e and manage pub c ecords equests A so note that mp ope y add e sed (e w th the equeste s name a he than "MuckRock News" nd the depa tment numbe) que ts m ght be e u ned an unde ve al e

22

From: Heckel, Hank (MYR)
To: Elsbernd, Sean (MYR); Murray, Ashley (MYR)
Cc: Cretan, Jeff (MYR)
Subject: Request for Sean"s Calendar
Date: Monday, December 14, 2020 1:54:00 PM

Sean, we received a request for your work calendar for the last year from Garrett Leahy of 48 Hills. I have previous entries but need July 15, 2020 through the end of November.

I will review for any necessary redactions and provide you a copy before production.

Thanks,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, March 9, 2021 7:04 PM
To: Brown, Vallie (ADM); Breed, Mayor London (MYR); Kittler, Sophia (MYR); Heckel, Hank (MYR); Bruss, Andrea (MYR); Elsbernd, Sean (MYR); gfta@sfgov.org; Blackwell, Jason (ADM); Fennell, Tyra (MYR)
Cc: Supervisor Records (CAT)
Subject: 67.21(d) petition - Re: Brown-Breed messages - immediate disclosure request
Attachments: signature.asc

Supervisor of Records Dennis Herrera:

This is a petition to determine in writing that the records requested below are public and to order Vallie Brown, Grant for the Arts, Office of the City Administrator, Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell, and Office of the Mayor to disclose them.

Respondents have failed to respond in any way to a request from Feb 21, 2020 - violating Admin Code 67.21 and Gov Code 6253(c).

SOTF complaints will be filed momentarily as well.

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

------- Original Message -------
On Sunday, February 21st, 2021 at 11:21 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

AMENDED:

Vallie Brown and Grant for The Arts/Office of the City Administrator: This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, **Tyra Fennell**, or any member of the Office of the Mayor, on all accounts government or personal.

Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell: This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.

All parties: provide rolling responses and exact copies of all electronic records.

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

------- Original Message -------
On Sunday, February 21st, 2021 at 10:44 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> **Vallie Brown and Grant for The Arts/Office of the City Administrator:** This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, or any member of the Office of the Mayor, on all accounts government or personal.
>
> **Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee:** This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.
>
> All parties: provide rolling responses and exact copies of all electronic records.
>
> ***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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Wednesday, May 26, 2021 7:05 PM
To: Heckel, Hank (MYR); Kittler, Sophia (MYR); Bruss, Andrea (MYR); Elsbernd, Sean (MYR); Breed, Mayor London (MYR); Fennell, Tyra (MYR); Supervisor Records (CAT)
Subject: RE: 67.21(d) petition - Re: Brown-Breed messages - immediate disclosure request
Attachments: Screen Shot 2021-05-26 at 6.50.48 PM.png; signature.asc

Those timestamps are the same - they are different timezones. Headers use UTC (Universal time zone), while the print out uses Pacific, since my computer is in California.
Sunday, February 21st, 2021 at 11:21 PM in the printout in California is identical to "Mon, 22 Feb 2021 07:21:07 **+0000**" in UTC in the email headers. You should check a timezone calculator. Attached is further a screenshot. These emails were also digitally-signed, and thus contain a cryptographic proof when I sent the email (signature.asc). That digital signature will also contain a timestamp.

Please check your fellow Mayoral office email
boxes: mayorlondonbreed@sfgov.org sophia.kittler@sfgov.org hank.heckel@sfgov.org andrea.bruss@sfgov.org sean.elsbernd@sfgov.org tyra.fennell@sfgov.org
and confirm if any of them have the email. I sent it to each of them.
My records request was sent on Feb 21st (Sunday late night) and thus deemed received Feb 22 (Monday).

If you are not willing to confirm that the Mayor's Office received and is responsible for this request since Feb 22, I will be making a records request to find those copies of my email (it's why we have metadata).

I make these requests **specifically** to force your office to preserve records about interesting events that many of you enjoy rapidly destroying otherwise. Even if you delay production of records based on rule of reason or COVID or whatever, you still can't destroy records after receiving a records request. Moreover, even if you (Heckel) truly did not receive the request on Feb 22, you certainly received the March 9 copy and apparently did not preserve records at that time.

This is also why, when a person having custody of a record personally receives a records request, *that person* is responsible under Admin Code 67.21. So even if Hank Heckel did not get the request, the others should have and must have preserved the records.

If your office, most importantly Breed, Kittler, Bruss, Elsbernd, Fennell, and yourself who were specifically emailed, have failed to retain records responsive to this request since Feb 22, I will file further complaints.

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 26th, 2021 at 6:27 PM, Anonymous Records Requester <arecordsrequestor@protonmail.com> wrote:

> There was an original and an amended request. The amended request replaced the original one and is all that matters. The amended request has the following email headers.
> The PDF is also attached. (note the date below is in UTC)
>
> In-Reply-To: <cL92ptQaeBwktq-M4-z997nxY2tGcU2NfnUB04HMca8hCwRKgQETSO4pQuAv8izT_rg5WLK3rLUTGdnFQepirFpvVMjsAox2QroqmxgemLQ=@protonmail.com>
> References: <cL92ptQaeBwktq-M4-z997nxY2tGcU2NfnUB04HMca8hCwRKgQETSO4pQuAv8izT_rg5WLK3rLUTGdnFQepirFpvVMjsAox2QroqmxgemLQ=@protonmail.com>
> X-Pm-Origin: internal
> X-Pm-Content-Encryption: on-compose
> Subject: Re: Brown-Breed messages - immediate disclosure request
> **To: "Vallie Brown (Supervisor, BoS, SF)" <Vallie.Brown@sfgov.org>, Breed, Mayor London**
> **(MYR) <mayorlondonbreed@sfgov.org>, Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>,**
> **"Hank Heckel (Compliance Officer, Mayor Office, SF)" <hank.heckel@sfgov.org>, Bruss,**
> **Andrea (MYR) <andrea.bruss@sfgov.org>, Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>,**
> gfta@sfgov.org <gfta@sfgov.org>, jason.blackwell@sfgov.org <jason.blackwell@sfgov.org>,
> Tyra.fennell@sfgov.org <Tyra.fennell@sfgov.org>
> From: Anonymous <arecordsrequestor@protonmail.com>
> **Date: Mon, 22 Feb 2021 07:21:07 +0000**
> Mime-Version: 1.0
> Content-Type: multipart/mixed;boundary=----------------------1c616e877e26c1b1d24421a1a0141702
> Disposition-Notification-To: Anonymous <arecordsrequestor+readreceipt@protonmail.com>
> **Message-Id: <NydiyQojv6oLnKlc-eKgy-zlJlGno-Vneaggils2foGIhzV1CPFVrndkiTsNdKGuGqWWB7KnFcDID0VZLVVfTPtUw2KiumgVWBt3rYr8gP0=@protonmail.com>**
> X-Pm-Recipient-Authentication: Vallie.Brown%40sfgov.org=pgp-mime; mayorlondonbreed%40sfgov.org=pgp-mime; sophia.kittler%40sfgov.org=pgp-mime; hank.heckel%40sfgov.org=pgp-mime; andrea.bruss%40sfgov.org=pgp-mime; sean.elsbernd%40sfgov.org=pgp-mime; gfta%40sfgov.org=pgp-mime; jason.blackwell%40sfgov.org=pgp-mime; Tyra.fennell%40sfgov.org=pgp-mime
> X-Pm-Recipient-Encryption: Vallie.Brown%40sfgov.org=none;

mayorlondonbreed%40sfgov.org=none; sophia.kittler%40sfgov.org=none;
hank.heckel%40sfgov.org=none; andrea.bruss%40sfgov.org=none;
sean.elsbernd%40sfgov.org=none; gfta%40sfgov.org=none;
jason.blackwell%40sfgov.org=none;
Tyra.fennell%40sfgov.org=none

Regards,

Anonymous
Twitter @journo_anon

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 a lawyer. 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.

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, May 26th, 2021 at 6:12 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> I have not been able to locate any record of receiving the February 21, 2021 request you reference below in the context of this Supervisor of Records petition. Can you provide a record of when and to where this was sent?
>
> Regards,
>
> Hank Heckel
>
> Legal Compliance Officer
>
> Office of the Mayor

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, March 9, 2021 7:04 PM
To: Brown, Vallie (ADM) <vallie.brown@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>; Heckel, Hank (MYR) <Hank.Heckel@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; GFTA (ADM) <gfta@sfgov.org>; Blackwell, Jason (ADM) <jason.blackwell@sfgov.org>; Fennell, Tyra (MYR) <tyra.fennell@sfgov.org>
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Subject: 67.21(d) petition - Re: Brown-Breed messages - immediate disclosure request

Supervisor of Records Dennis Herrera:

This is a petition to determine in writing that the records requested below are public and to order Vallie Brown, Grant for the Arts, Office of the City Administrator, Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell, and Office of the Mayor to disclose them.

Respondents have failed to respond in any way to a request from Feb 21, 2020 - violating Admin Code 67.21 and Gov Code 6253(c).

SOTF complaints will be filed momentarily as well.

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

------- Original Message -------
On Sunday, February 21st, 2021 at 11:21 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

AMENDED:

Vallie Brown and Grant for The Arts/Office of the City Administrator: This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, **Tyra Fennell**, or any member of the Office of the Mayor, on all accounts government or personal.

Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee, Tyra Fennell: This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.

All parties: provide rolling responses and exact copies of all electronic records.

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

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

On Sunday, February 21st, 2021 at 10:44 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> **Vallie Brown and Grant for The Arts/Office of the City Administrator:** This is an immediate disclosure request for all Vallie Brown text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is: Mayor Breed, Sean Elsbernd, Andrea Bruss, Carmen Chu, Hank Heckel, Mason Lee, Sophia Kittler, or any member of the Office of the Mayor, on all accounts government or personal.
>
> **Mayor Breed, Sean Elsbernd, Andrea Bruss, Sophia Kittler, Hank Heckel, Mason Lee:** This is an immediate disclosure request for all text, chat, or instant messages, or voicemails received, or recorded phone calls or meetings, where any party is Vallie Brown, on all accounts government or personal.

All parties: provide rolling responses and exact copies of all electronic records.

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

Buta, Odaya (CAT)

From: 100103-97805901@requests.muckrock.com
Sent: Friday, March 5, 2021 3:31 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

March 5, 2021

This is a follow up to a previous request:

Supervisor of Records,

In August 2020, I requested from SFPD:
1. Incident report 130188386 (initial and supplementals/amendeds)
2. Incident report 130184889 (initial and supplementals/amendeds)

#1 was never provided.
#2 has what appear to be numerous redactions, none lawfully justified.

Please determine in writing both records public and order them disclosed.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 100103-97805901@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%252Fsan-francisco-police-department-367%252Fspecial-incident-reports-immediate-disclosure-request-sfpd-100103%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lIJuO%3A4GXnOT8CpHTdS8I3nARtFMYbdWI
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 100103
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: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD
Please provide as an immediate disclosure request exact copies of all Incident reports from september 20 2009 with a REPORTED date/time of between 1:40pm and 2:00pm.

On Aug. 20, 2020:
Subject: Police Report Request - Incident Report #: 130-184-889
Hello,
Please find attached the report(s) you requested.

FAQs:
Report Corrections:
If you need to request a correction to a report you should go to the nearest police station to file a supplemental report. If you are not in San Francisco you can go to your local police station and have them take a courtesy police report for them to forward to us.

To Add Lost or Stolen Items, Choose One:

1. Online: You may submit a Supplemental Report online using CopLogic via the SFPD Police Report<http://sanfranciscopolice.org/Reports> webpage.
2. Phone: Call 311 and relay the information over the phone.
3. Person: Go to your local police station and file a supplemental report.

To Request Photos/Statements/Evidence:
File a public records request online at http://sanfranciscopolice.org/publicrecordsrequest
Regards,

San Francisco Police Department

Crime Information Services Unit

1245 3rd Street, 1st FL

San Francisco, CA 94158

A05965 EM

On Aug. 10, 2020:
Subject: Re: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD
There is no police report associated with this CAD:

INCIDENT DETAIL: S160401141
S160401141 C 917 745 CLEMENT ST, SF (D=btwn 8TH AV and 9TH AV) G3
10:08 DT02 CREATE <A05721>

LocCross:, Sector/Stn:G3
LocAddInfo(F):
Urgency(F):
10:08 DT02 ENTRY <A05721>
10:08 DT02 DISPOS 3G43C <A05721>
Location:745 CLEMENT ST, SF, OperNames:WU,EDDIE #18
10:08 PRIU 3G43C
10:14 DT02 CLEAR 3G43C <A05721>
Dispo:HAN, Comment:ONE MOVED ALONG...SUBJ DOING A LINE DANCE FOR CHINESE NEW YEAR W/FIREWORKS IN CASE ANY CALLS COME IN
10:14 CLEAR
10:14 DT02 CLOSE <A05721>
Call Recap:
S1141 CLOSED
PRIMARY UNIT: 3G43C

JURISDICTION: SP
DISPOSITION: HAN
INITIATE: 10:08:56 02/09/16
ENTRY: 10:08:56 02/09/16
DISPATCH: 10:08:56 02/09/16
ENROUTE: 10:08:56 02/09/16
ONSCENE: 10:08:56 02/09/16
CLEAR:

TYPE: 917 SUSPICIOUS PERSON
PRIORITY: C
745 CLEMENT ST, SF
(btwn 8TH AV and 9TH AV)
DIST: 3G RAREA: 722B

San Francisco Police Department

Crime Information Services Unit

1245 3rd Street, 1st FL

San Francisco, CA 94158

On Aug. 8, 2020:
Subject: Automatic reply: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD
Your email request has been received and will be processed within ten (10) days in the order it was received. If applicable, your request will be expedited pursuant to the statutory guidelines.

Under CA Family Code § 6228, incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult are entitled to receive copies within five (5) working days of the request, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten (10) working days after request is made.

Thank you,

San Francisco Police Department

Crime Information Services Unit

1245 3rd Street, First Floor

San Francisco, CA 94158

415-575-7232

Counter Hours: Monday – Friday 8:00 am to 5pm

Closed Saturday and Sunday

On Aug. 8, 2020:
Subject: RE: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD
This is a further, new, immediate disclosure request for:
3. all incident reports bearing "CAD Number" 160401141.

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 Aug. 7, 2020:
Subject: California Public Records Act Request: Special Incident Reports - Immediate Disclosure Request - SFPD
Chief Scott and Police Department,

Below are Immediate Disclosure Requests (SF Admin Code 67.25(a)). Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce all records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not or print and scan electronic records or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. Incident report 130188386 (initial and supplementals/amendeds)
2. Incident report 130184889 (initial and supplementals/amendeds)

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). 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)). You must do all of this in your response, and you cannot wait until we file complaints. If you wait to comply with the Sunshine Ordinance until after we file complaints, we will not withdraw any complaints and request SOTF find you in violation, regardless of what you do after filing.

****** 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 your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Please indicate "no responsive records" for each request if that is true.

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): 100103-97805901@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%252Fsan-francisco-police-department-367%252Fspecial-incident-reports-immediate-disclosure-request-sfpd-100103%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lIJuO%3A4GXnOT8CpHTdS8I3nARtFMYbdWI
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 100103
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.

Buta, Odaya (CAT)

From: 94535-90402488@requests.muckrock.com
Sent: Friday, March 5, 2021 12:38 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)

March 5, 2021

This is a follow up to a previous request:

This is a 67.21(d) petition to determine in writing that all records requested in June 2020 from this email address to Office of Mayor are public and order them disclosed.

Filed via MuckRock.com
E-mail (Preferred): 94535-90402488@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%252Foffice-of-the-mayor-3891%252Fuse-of-personal-accounts-for-public-business-immediate-disclosure-request-sf-mayor-94535%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lIHDL%3A86ggUTcVbWnDxX4k9keuiufxShY
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 94535
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 July 7, 2020:
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
Anonymous,

See the attached additional records responsive to Item 1 below. Please note that personal contact information has been redacted to protect personal privacy. Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor

City and County of San Francisco

On June 23, 2020:
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
Nothing is missing. You can ignore the redaction statement. That was sent in error. Same thing with the other email.

On June 23, 2020:
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
Are there attachments missing? You claimed redactions so I assume we should have some records in that email.

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 June 23, 2020:
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
Anonymous,

Please note that we are continuing to process your request and we are invoking an extension of time to continue our response for up to 14 days due to the need to consult with another department and to check remote locations for documents. See Cal. Gov. Code § 6253(c) and San Francisco Admin. Code § 67.25(b). Please note that personal contact information has been redacted to protect personal privacy. Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.

Some records responsive to Item 1 below were already produced to you in response to your request from the email address 81856-14311352@requests.muckrock.com<mailto:81856-14311352@requests.muckrock.com> on June 5, 2020.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On June 19, 2020:
Subject: RE: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
Anonymous,

Please see the responsive records attached. Please note that we are continuing to process your request and we are invoking an extension of time to continue our response for up to 14 days due to the need to consult with another department and to check remote locations for documents. See Cal. Gov. Code § 6253(c) and San Francisco Admin. Code § 67.25(b). Please note that personal contact information has been redacted to protect personal privacy. Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.

On June 6, 2020:
Subject: California Public Records Act Request: Use of Personal Accounts for Public Business - Immediate Disclosure Request (SF Mayor)
London Breed, Hank Heckel, Sean Elsbernd, Andrea Bruss, and Marjan Philhour ("Named Public Officials"),

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to the Mayor's Office and each individual addressed above.

****** 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. ******

1. Due to your June 5, 2020 public records response (https://cdn.muckrock.com/foia_files/2020/06/05/Anonymous_Request_Response_6.5.20_Redacted.pdf), we know your office uses your personal email accounts to conduct public business. Please provide all writings related to the conduct of public business sent or received by any of the Named Public Officials from Jan 14 2020 to present (inclusive) using their personal email accounts.

2. London Breed has previously refused to provide any public records from her personal accounts; yet we know that londonbreed@gmail.com is used for public business due to at least Page 72 of the following public record: https://sfbos.org/ftp/uploadedfiles/bdsupvrs/communications/2013/130066.pdf . Please provide for each of the Named Public Officials every email on their SFGOV email account from Jan 26 2020 to present (inclusive) that was sent TO, CC, or BCC londonbreed@gmail.com (note this is not restricted to email sent by the Named Public Official - they could simply be additional recipients of a Breed-received email).

3. Please provide for each of the Named Public Officials every email on their SFGOV email account from Jan 14 2020 to present (inclusive) that was sent FROM londonbreed@gmail.com .

4. Please provide for each of the Named Public Officials every email on their SFGOV email account from Jan 14 2020 to present (inclusive) that has the case insensitive keyword "londonbreed@gmail.com" (this will for example catch forwards of threads that Breed was previously included on but then removed from).

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember your department head 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, including every city agency, to ensure you have not destroyed or withheld records improperly.

Your response is required by June 9, 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).

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.

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): 94535-90402488@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%252Foffice-of-the-mayor-3891%252Fuse-of-personal-accounts-for-public-business-immediate-disclosure-request-sf-mayor-94535%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lIHDL%3A86ggUTcVbWnDxX4k9keuiufxShY
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 94535
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

Buta, Odaya (CAT)

From: 84491-02900968@requests.muckrock.com
Sent: Thursday, March 4, 2021 5:07 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #21-951

Department of Public Works
PRA Office
Room 348
1 Doctor Carlton B Goodlett Place
San Francisco, CA 94102

March 4, 2021

This is a follow up to request number 21-951:

Supervisor of Records,

This is a 67.21(d) petition against DPW to determine in writing public and order disclosed the records withheld in request 21-951 under the citation "per the San Francisco Campaign and Governmental Conduct Code Article IV. ". First that is not a specific section of law, it is an entire article. Second, local law cannot exempt information that is disclosable under state law; local law can only increase transparency not decrease it. A state PRA exemption must be cited, and it is possible that none exists.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84491-02900968@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%252Fdepartment-of-public-works-4835%252Fcalendars-and-emails-immediate-disclosure-request-sf-dpw-84491%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAA14tlIgHc_LSy2NcHvzRK7U34%3A1lHyvJ%3Av61oItxGwDA5YmNymIaRsJIjeuY
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 84491
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 4, 2021:
Subject: Your City and County of San Francisco public records request #21-951 has been closed.
City and County of San Francisco

****

Hi there

Record request #21-951 has been closed and published. The closure reason supplied was:

We have conducted a diligent search for records responsive to your request. We have located responsive records and are releasing them to you.If you have trouble accessing the files, we can burn the responsive records onto a CD at a rate of $1 per CD or load the responsive records onto a flash drive at a rate of $4 per flash drive. Fees for duplication are subject to change and postage is an additional cost.

If hard copies are needed, we can provide hard copies of any 8.5x11 documents that are made available to you at a cost of 10 cents per copy, as allowed by the San Francisco Administrative Code § 67.28(c). This section states "a fee not to exceed 10 cents per page may be charged." Postage is an additional cost.

Please note that the Public Records Act requires an agency to make available to any person a copy of an “identifiable record or records” in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) The City’s obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in its custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that a department or officer construct a document to meet the specifications of the request.

Please note that it is not necessary to create a NextRequest account to view responsive records. Once they have been released, a link, valid for 30 days, will be provided to view the records. Additionally, unless privacy concerns prevent it, Public Works makes all records requests visible to the public. You may search for requests at https://sanfrancisco.nextrequest.com/.

We have withheld records responsive to your request per the San Francisco Campaign and Governmental Conduct Code Article IV.

This concludes your public records request.

Regards,

David A. SteinbergCustodian of RecordsSan Francisco Public Works

****

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On March 4, 2021:
Subject: RE: California Public Records Act Request #21-951
#21-951

If you produce records in HTML (NOT plain text) format (converted then to PDF) and produce all attachments and produce all email addresses in the To/From/Cc/Bcc and preserve all hyperlinks, formatting, and everything else in the HTML and have redacted and withheld nothing, then yes, producing records in HTML format converted to PDFs and with attachments associated with the email in a single folder (so I know which is which) is acceptable.

But if any of that is not the case in any particular record, an exact PDF copy will be necessary as described earlier.

On March 3, 2021:
Subject: [External Message Added] City and County of San Francisco public records request #21-951
City and County of San Francisco

****

Hi there

A message was sent to you regarding record request #21-951:

We have conducted a diligent search for records responsive to Item 2 of your request. We have located responsive records, which we have released to you. Due to the need to continue searching and reviewing records, and your request to produce on a rolling basis, we will produce any additional responsive records as soon as reasonably possible on an incremental or rolling basis.

As nothing was redacted from these files, we believe that the form we have produced these documents will provide you with all of the records that you have requested. Please let us know if they are acceptable.

Regards,

David A. Steinberg

Custodian of Records

San Francisco Public Works

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On March 3, 2021:
Subject: [Document Released] City and County of San Francisco public records request #21-951
City and County of San Francisco

****

Hi there

Documents have been released for record request #21-951:

* RE: Approved Procedures Manual.html

* image002.png

* image001.png

* ApprovedProceduresManual-2-22-2019.pdf

* BOS and Committee Update for week of January 28, 2019.html

* 2019 Committee Assignments.pdf

* rc_agenda_01.28.19.pdf

* lut_agenda_01.28.19.pdf

* LI012219.pdf

* bos_agenda_01.29.19.pdf

* image003.jpg

* image001.jpg

* bfc_agenda_01.30.19.pdf

* Public Records Request #21-951.html

* Public Records Request #21-951.html

* RE: California Public Records Act Request #20-4988.html

* RE: California Public Records Act Request #20-4988.html

* BOS and Committee Update for week of March 1, 2021.html

* image003.jpg

* 03.04 .21 Government Audit and Oversight Committee Agenda.pdf

* 03.03.21Budget and Appropriations Committee Agenda.pdf

* 03.03.21 Budget and Finance Committee Agenda.pdf

* 03.02.21 Full BOS Agenda.pdf

* 03.01.21 Rules Committee Agenda.pdf

* 03.01.21 Land Use Committee Agenda.pdf

* LI022321.pdf

* image001.jpg

* RE: California Public Records Act Request #20-4988.html

* RE: California Public Records Act Request #20-4988.html

* SOTF Compliance Deems Partial Future Mayoral Calendars NOT Compliant - and a lesson for me as a complainant: Never waive compliance hearings.txt

* smime.p7m

* Legislative & Commissions Update - Week of March 1, 2021.html

* 03.01.21_Legislative Updates.pdf

* 03.01.21_Commission Updates.pdf

* RE: California Public Records Act Request #20-4988.html

* February Sunshine News.txt

Document links are valid for one month.
After April 3, you will need to sign in to view the document(s).

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On March 1, 2021:
Subject: RE: California Public Records Act Request #20-4988
Mr. Steinberg:

I have requested exact copies in all of my requests, therefore please produce exact copies in PDF form. Plain text files do not preserve all parts of an email record.
I definitely want to be able to see the structure and formatting of an email, and I am entitled to do so.

Thank you,
Anonymous

On Dec. 15, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DPW)
To the Department Head,

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 17, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84491-02900968@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%252Fdepartment-of-public-works-4835%252Fcalendars-and-emails-immediate-disclosure-request-sf-dpw-84491%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAA14tlIgHc_LSy2NcHvzRK7U34%3A1lHyvJ%3Av61oItxGwDA5YmNymIaRsJIjeuY
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 84491
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.

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Thursday, March 4, 2021 4:27 PM
To: dpa.legalteam@sfgov.org; Supervisor Records (CAT)
Cc: SOTF, (BOS)
Subject: New 67.21(d) petition - SOTF 19144

Supervisor of Records Herrera,

In ongoing response to my Nov 28, 2019 request for SB 1421 records of the DPA, today DPA released text and image records in https://sfdpa.nextrequest.com/documents/6679688 but did not release the audio records in that complaint due to purported time and expense. Time and expense do not constitute a legal citation under Admin Code 67.27. Given that these records were already requested, their demand that I make a subsequent request just for audio records and examine a cost sheet is irrelevant and I refuse to do so. They can't charge me anything but the physical cost of media, which should be 0 on NextRequest.

No legal justification having been provided for the failure or refusal to release audio records in this case, please determine in writing that the audio records are public and order them disclosed.

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

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, March 2, 2021 3:52 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) petition - FW: Immediate Disclosure Request - Mayor texts
Attachments: JQ 0.png; JQ 2.jpg; JQ 3.png; JQ 4.png; JQ 5.png; JQ 7.png; JQ 6 Redact.pdf; petition_20210302 _Torres_OEWD.pdf; signature.asc

See attached 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. 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

------- Original Message -------
On Friday, February 12th, 2021 at 8:52 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

> Anonymous,
>
> On behalf of OWED, please see the attached texts of Mr. Torres responsive to your request below. Please note that certain material has been redacted because it constitutes the draft recommendation of the author of the document. See Admin Code 67.24(a)(1); Cal. Gov. Code 6254(a).
>
> Regards,
>
> Hank Heckel
>
> Legal Compliance Officer
>
> Office of the Mayor
>
> City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, February 2, 2021 4:22 PM
To: Torres, Joaquin (ECN) <joaquin.torres@sfgov.org>
Subject: Re: Immediate Disclosure Request - Mayor texts

Apologies - correction:

This is an immediate disclosure request for all text messages, chat messages, or instant messages of any kind or app between you and any member of the Office of the Mayor (including Mayor Breed), dated Dec 2, **2020** to present, in a rolling fashion.

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

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

On Tuesday, February 2nd, 2021 at 4:16 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

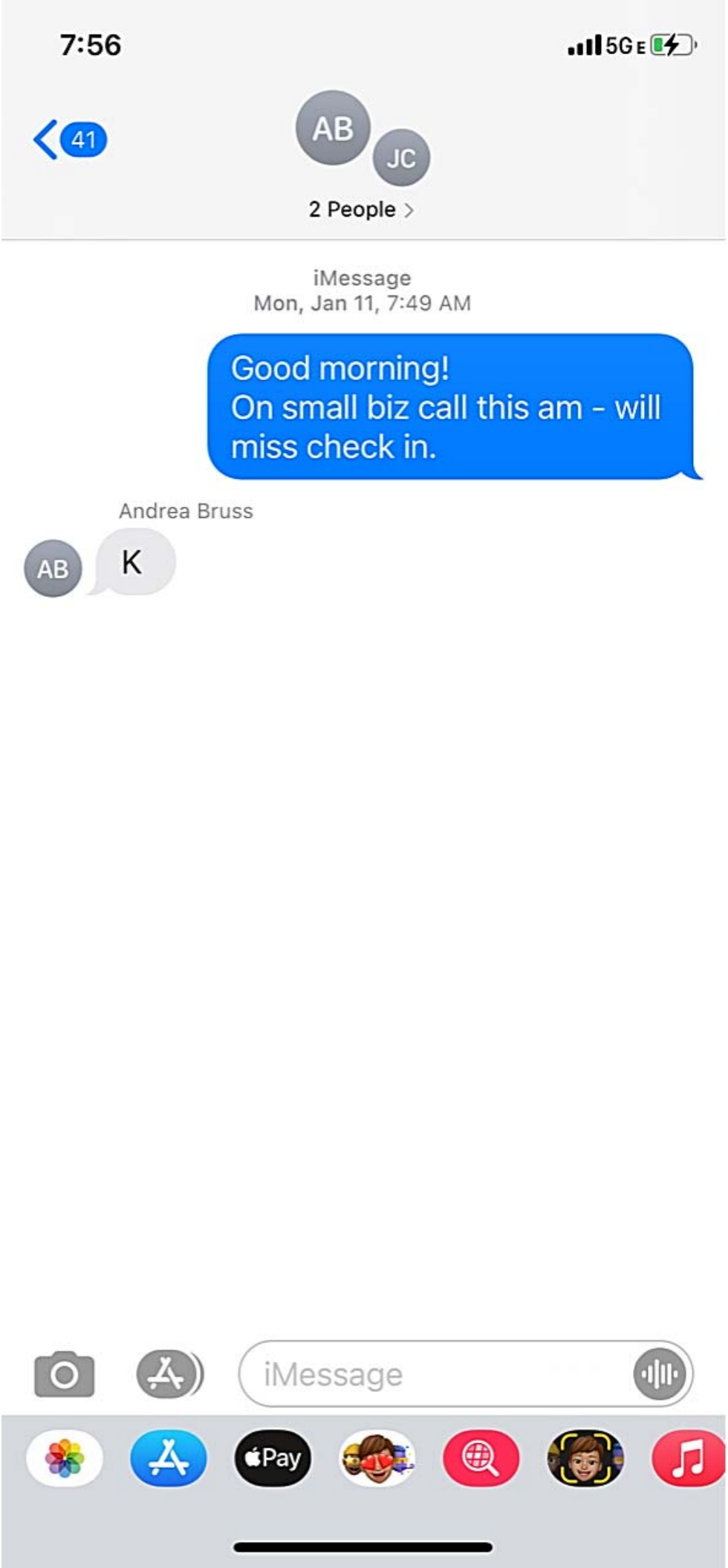
Mr. Torres:

This is an immediate disclosure request for all text messages, chat messages, or instant messages of any kind or app between you and any member of the Office of the Mayor (including Mayor Breed), dated Dec 2, 2021 to present, in a rolling fashion.

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


7:56
5G E
41
AB
JC
2 People
iMessage
Mon, Jan 11, 7:49 AM
Good morning!
On small biz call this am - will miss check in.
Andrea Bruss
AB
K
iMessage

Like that's an issue

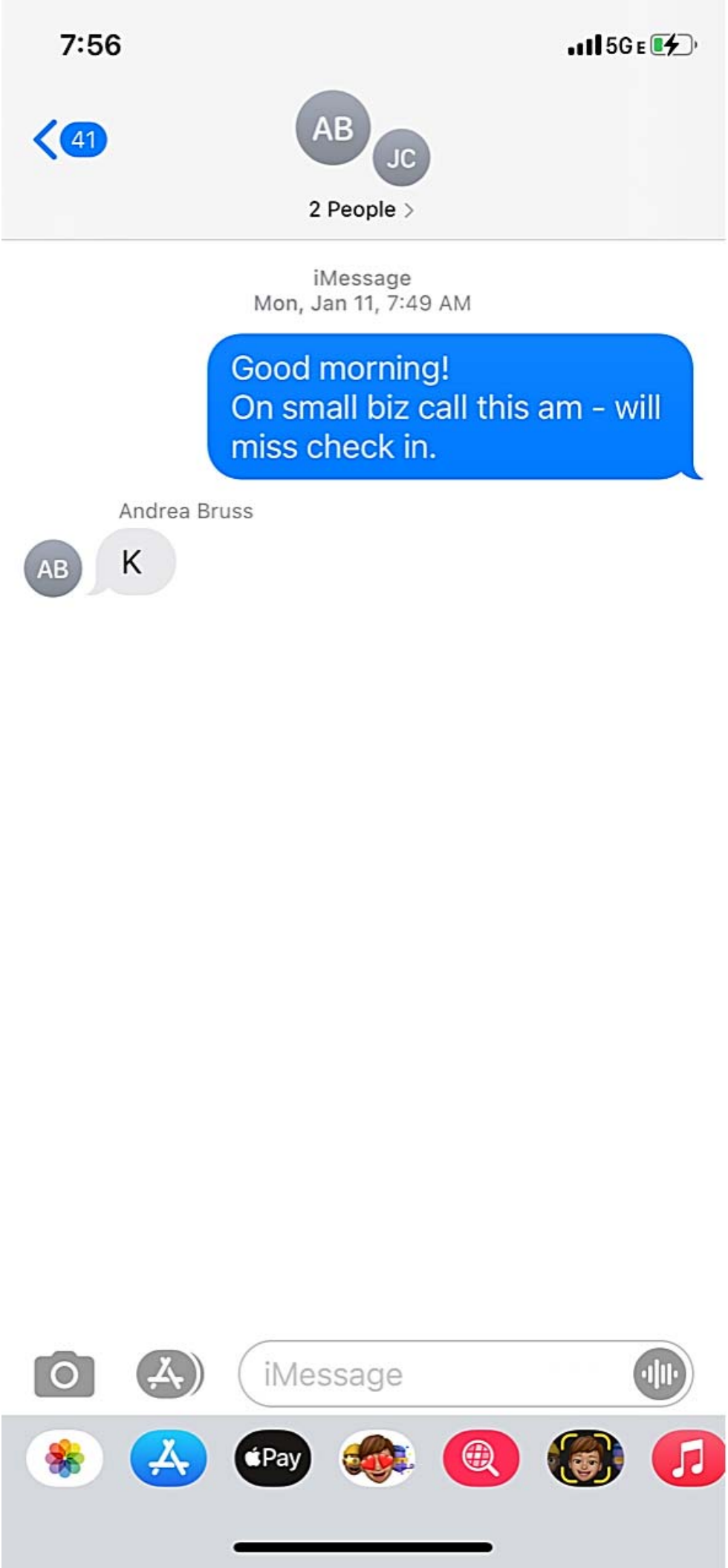
Tue, Sep 22, 6:01 PM

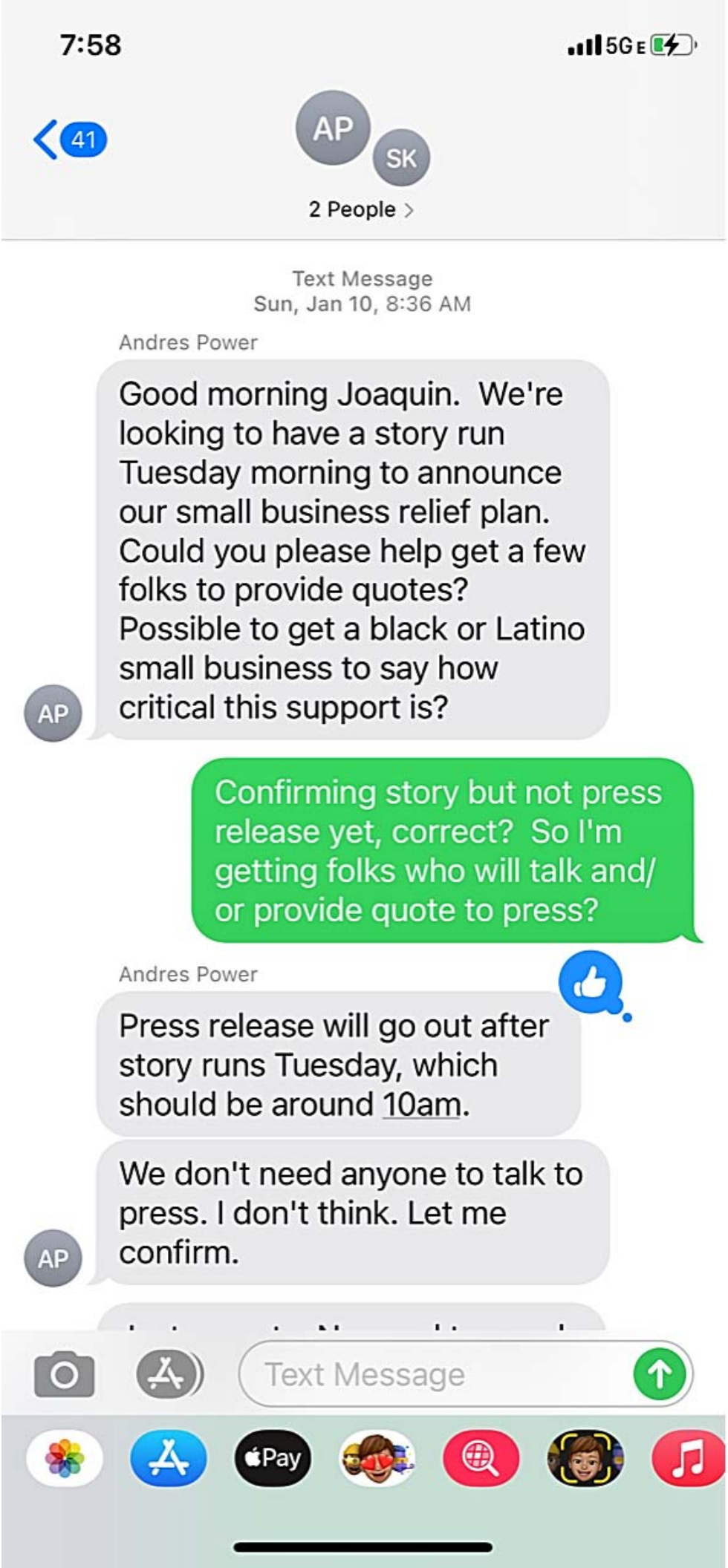
Just landed $2M for Right to Recover through Crankstart. Ronen has helped as well and she's asking for update. Unless otherwise directed, I will share with her and ask her to hold on news so we can do collective announcement. This also addresses - heather knight article and forthcoming LatinX announcement

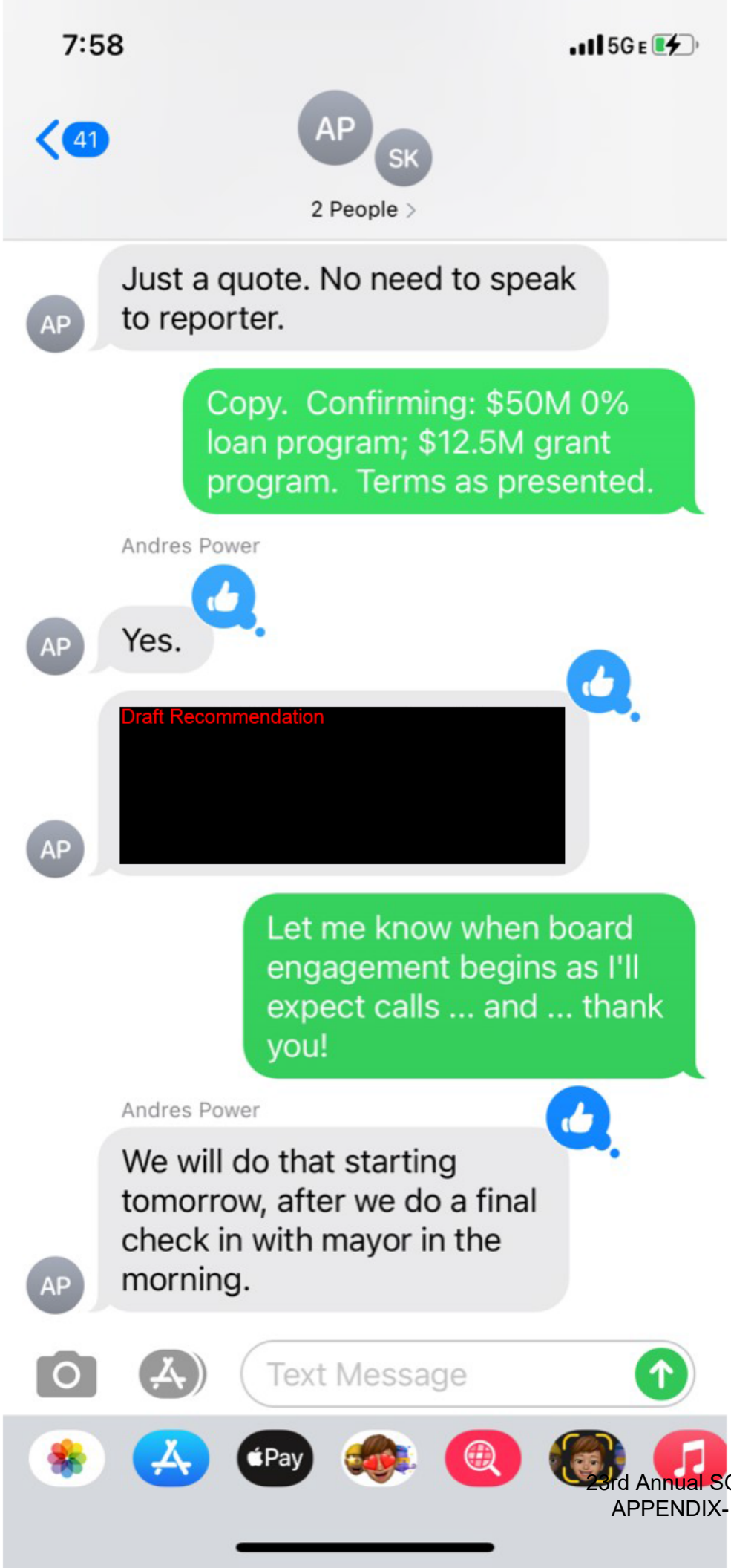
Thu, Jan 14, 6:15 PM

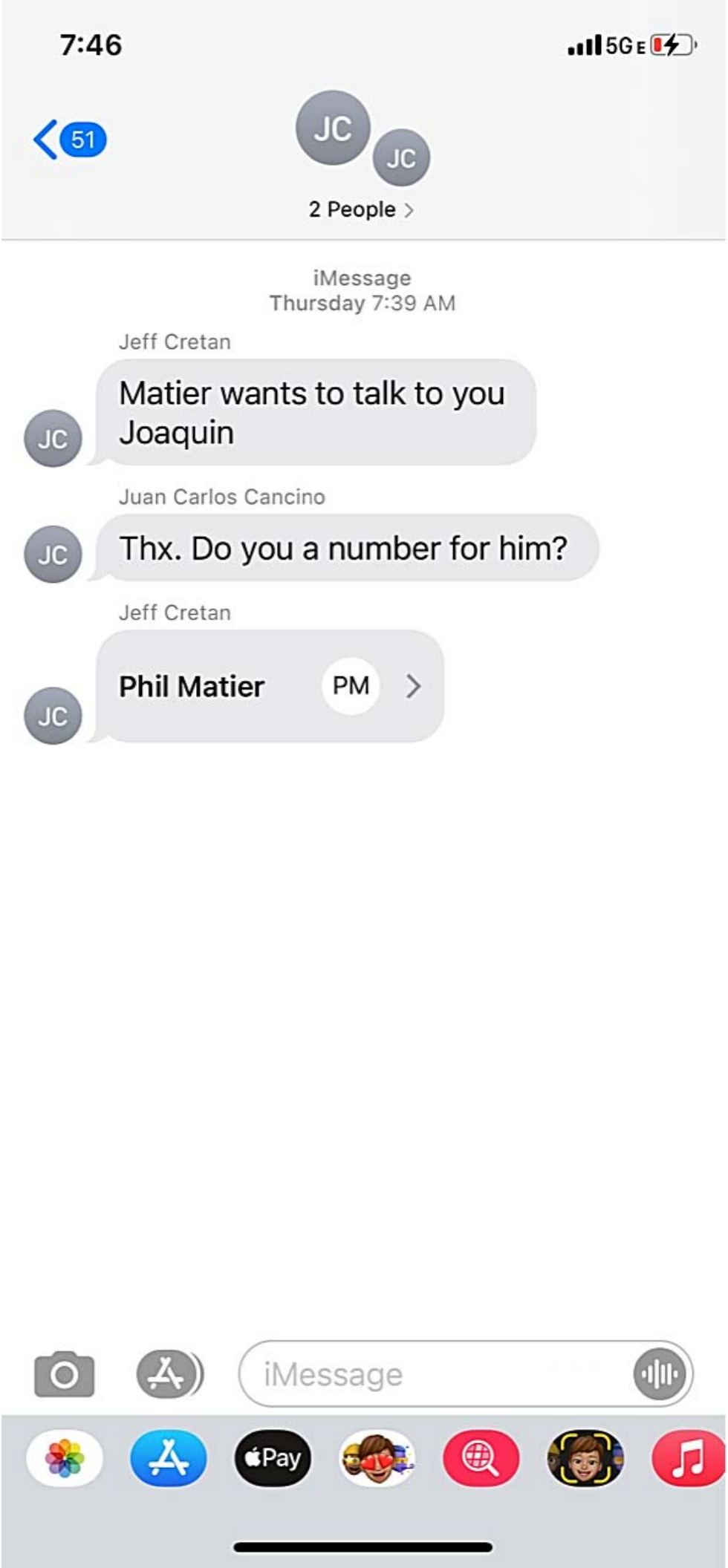
Potential story re Uber and their "exploration" of subleasing space from one of their Mission Bay bldgs. It's a sure thing. Not sure on timing of story. Sean - in addition to planned broader biz engagement - may be good to advance one on one MLB call w Dara.

7:55
5GE
41
NM
AP
CC
3 People
iMessage
Thu, Jan 14, 8:49 AM
Andres Power
We may exit state stay at home order before the end of January. Huge change. We will need to accelerate our work on reopening.
AP
Natasha Mihal
Thanks for the news. We should put together a brief ppt on our proposed path forward so we can make sure we're getting all agreement (not just Susan) after tomorrow's meeting.
NM
iMessage
Pay


7:56
5G E
41
AB
JC
2 People
iMessage
Mon, Jan 11, 7:49 AM
Good morning!
On small biz call this am - will miss check in.
Andrea Bruss
AB
K
iMessage
Pay


7:58
5GE
41
AP
SK
2 People
Text Message
Sun, Jan 10, 8:36 AM
Andres Power
Good morning Joaquin. We're looking to have a story run Tuesday morning to announce our small business relief plan. Could you please help get a few folks to provide quotes? Possible to get a black or Latino small business to say how critical this support is?
AP
Confirming story but not press release yet, correct? So I'm getting folks who will talk and/or provide quote to press?
Andres Power
Press release will go out after story runs Tuesday, which should be around 10am.
We don't need anyone to talk to press. I don't think. Let me confirm.
AP
Text Message
Pay


7:58
5GE
41
AP
SK
2 People
Just a quote. No need to speak to reporter.
Copy. Confirming: $50M 0% loan program; $12.5M grant program. Terms as presented.
Andres Power
Yes.
Draft Recommendation
Let me know when board engagement begins as I'll expect calls ... and ... thank you!
Andres Power
We will do that starting tomorrow, after we do a final check in with mayor in the morning.
Text Message


7:46
5G E
51
JC
JC
2 People
iMessage
Thursday 7:39 AM
Jeff Cretan
Matier wants to talk to you Joaquin
JC
Juan Carlos Cancino
Thx. Do you a number for him?
JC
Jeff Cretan
Phil Matier
PM
JC
iMessage

Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 2, 2021

New Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the records requested on Feb 2, 2021 and described below are public and order OEWD and Joaquin Torres to disclose them:

> This is an immediate disclosure request for all text messages, chat messages, or instant messages of any kind or app between you and any member of the Office of the Mayor (including Mayor Breed), dated Dec 2, 2021 to present, in a rolling fashion.

The City has incompletely complied with the request because the City has withheld attachments within the text messages. For example at least some portion of the contact card for Phil Matier in record "JQ 7" is public, and must be disclosed.

No different than in emails, text message attachments must be provided. The attachment is in fact retained within the text message electronically

(its contents are not a hyperlink to other content).

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent: Tuesday, March 2, 2021 3:42 PM
To: Supervisor Records (CAT)
Subject: 67.21(d) Petition - Fw: Your Own Kelly Records - Immediate Disclosure Request - 1a,b
Attachments: petition_20210302_Carlin_Kelly.pdf; signature.asc

Attached is a petition for the below request.

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

------- Original Message -------
On Wednesday, February 17th, 2021 at 6:36 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> Given that none of you are turning over any records the next question is what ties each of you have to Mr. Kelly and what incentives you may have to protect him. This is the first in various sets of requests you will receive.
>
> All requests below include City of San Jose v Superior Court searches of ALL accounts/servers/devices, regardless of whether they are owned by the City or not. Preserve all records until the final adjudication of all appeals. Justify every redaction or withholding to a specific legal citation in writing. We may appeal all withholdings of any information.
>
> The "Former Officials" are Harlan Kelly Jr., Juliet Ellis, and Naomi Kelly.
> The "Financially Interested Parties" are defined as:
>
> - Derived from FPPC filings: Jim Rally, SF Community Investment Fund, University of San Francisco, 2018 San Francisco Inaugural Fund, San Francisco Chamber of Commerce, Drew School, Soha Engineers
> - Others: Walter Wong, Florence Kong, W. Wong Construction Co. Inc.; Jaidin International Ventures, LLC; Jaidin Consulting Group, LLC; Sfl & W Partnership; Center Cafe; Construction Center, Inc.; Pacific Star Capital, LLC; Recology Inc. and its affiliates.
>
> The "Subject Parties" are defined as: the Former Officials and the Financially Interested Parties.
>
> **To Mr. Carlin ("You")**:
> 1a) This is an immediate disclosure request for all phone call logs (including metadata such as date/time/duration/direction (outgoing vs incoming) of call), phone call or meeting recordings, voicemails, emails, calendar invites, meeting entries, texts, chats, IMs, or communications in any physical or electronic form sent or received by you where any of the Subject Parties is any party in the

communication and another party is YOU, including after anyone left city employment. YOU MUST PRODUCE EXACT COPIES OF ALL ELECTRONIC RECORDS, preserving all hyperlinks, urls, To/From/Cc AND Bcc email addresses, images, participants in all conversations, timestamps, attachments, invitee lists, attendee statuses, and all other non-exempt parts of the record. See SOTF Orders 19044, 19047, 19097, 19098, and 19119. Consult Dept of Technology on how to produce exact electronic records. For records where the SOLE party other than YOU is either Harlan Kelly Jr. or Juliet Ellis (but not the others), this (1a) request is limited as follows: produce only records dated July 6, 2020 and later, and you can exclude email records if ALL email addresses on the email thread are solely sfgov.org or sfwater.org addresses.
1b) This is an immediate disclosure request for all payments, offers of pay, invoices, promissory notes, or evidence of indebtedness, regardless of whether the document is merely a draft and not executed or unpaid, where any party is one of the Subject Parties and another party is either YOU or any LLC, trust, partnership, unincorporated association, or corporation (whether or not for profit) that you have any financial interest in, or that has ever provided you with a W-2 or a 1099-MISC, or for which you are on the board - excluding publicly-traded corporations - without time limitation. You must produce records in your *constructive possession,* which includes records by your contractors which you have the legal or contractual right to access (see *Community Youth Athletic Center v City of National City*).

The City will soon receive additional requests to others for similar records. Each of requests 1a, 1b, and every other request you are about to receive must get a distinct determination under Gov Code 6253(c) of whether or not you have responsive records.

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

Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 2, 2021

New Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the records requested below are public and order PUC to disclose them:

> See request within email thread "Your Own Kelly Records - Immediate Disclosure Request - 1a,b"

The City has failed or refused to comply with the request because no response has occurred within 10 days, as required by Gov Code sec 6253(c).

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 94992-15550486@requests.muckrock.com
Sent: Tuesday, March 2, 2021 9:31 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Attachments: petition_20210302_Kelly_Breed_A.pdf; ExB-Harlan-Kelly-Jr-London-Breed-texts-min_vLhiBHA.pdf; ExA-2-22-21_Letter_re_Harlan_Kelly_texts.pdf

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

March 2, 2021

This is a follow up to a previous request:

See attached distinct 67.21(D) petition about Kelly-Breed messages.

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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lH8rd%3AwFVetlwnUv0S5ez09t6iMWIS3oc
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 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://cdn.muckrock.com/foia_files/2021/02/22/2-22-21_Letter_re_Harlan_Kelly_texts.pdf).

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 Feb. 15, 2021:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)
Ms. Leger - This appears to bea duplicate of complaint 20084 filed in July 2020 when Harlan was still a city employee. I'll stick with the older file number 20084....

On Feb. 15, 2021:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20127
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

<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 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, 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://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%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lH8rd%3AwFVetlwnUv0S5ez09t6iMWIS3oc
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For mailed responses, please address (see note):
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411A Highland Ave
Somerville, MA 02144-2516

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Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 2, 2021

New Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the records marked as "**1**" below or parts thereof (request 2 is not petitioned here, but has been petitioned in prior petitions) requested *June 11, 2020* via *94992-15550486@requests.muckrock.com* are public and order *Public Utilities Commission* to disclose them:

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))
>
> ...
>
> 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).

PUC provided on July 6, 2020 certain records responsive to request "1" above in Exhibit B. PUC redacted a majority of the messages. It is presumed that Harlan Kelly Jr. personally performed the redactions based on Exhibit A – a letter issued by PUC to me recently, purportedly in cooperation with your office, with regards to request "2." Given that both parties Kelly and Breed are high-ranking City officials, their conversations must be presumed to be about the conduct of public business and not purely personal.

Harlan Kelly, Jr. was at the time of the request and response an employee of PUC and thus of the City; as the City Attorney's memo regarding *City of San Jose v Superior Court* notes, the City is legally responsible for the judgment and actions of its employees, including production of records.

As now accepted by PUC in Exhibit A, PUC previously unlawfully redacted certain Harlan Kelly – Walter Wong text messages in request "2". There is no reason to believe that the July 6 records provided in "1" were lawfully redacted. Each text message must be reviewed, and a determination made by you whether each is public. PUC's supposed standard practices and Herrera's supposedly long-standing advice as described in Exhibit A is not a defense to violations of the Public Records Act or Sunshine Ordinance.

All records in the constructive possession of the City at the time of my request must be produced. PUC's failure to retain and preserve all respon-

sive records at the time of my request does not mean that you can refuse to make a determination when I allege that the response is incomplete.

Sincerely,

Anonymous

EXHIBIT A

San Francisco
Water Power Sewer
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 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

EXHIBIT B

"MLB*.pdf" records published by SFPUC July 6, 2020 at:

https://sfpuc.sharefile.com/d-sfaf513caac747dcb

(Compressed for file size)

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

The mayor's press release?

When will rates be set?

Perfect

We will show a timeline in our presentation

1/30/15, 4:19 PM

I can probably meet you over there at 5:10

Great! Thank you

I am going to meet Barbara Smith regarding street light at 5.

At Plaza East

Ok

1/30/15, 5:25 PM

Can't make it over there. Sorry

No problem!

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

3/30/15, 4:33 PM

[redacted]

4/2/15, 8:53 AM

Hey London here is an update on Plaza East and Robert Pitts Plaza. We are contacting Barbara to find out if the landlord is replacing the lights on the building. We performed a night inspection and replaced all the lights with issues. We agreed to install two new street lights. We completed the engineering. Just planning now to install. And I texted Mohammed to ask him to prioritize pruning the trees.

4/2/15, 12:59 PM

Thanks a million.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

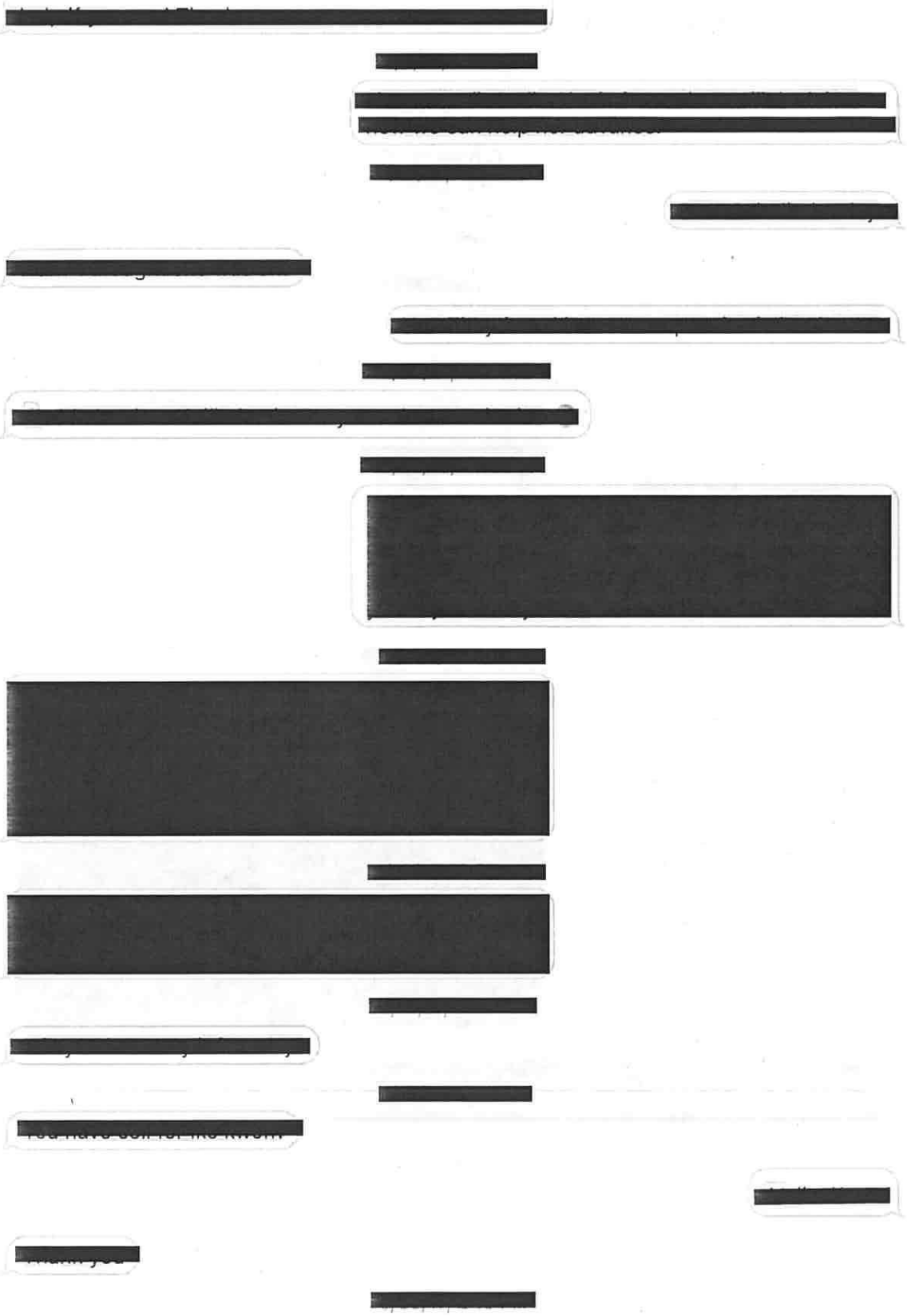
Hey there. Saw u needed to reschedule our mtg today. We will find a new time to talk to you about Central Shops but wanted to follow up on CCA. We got the new rates from PGE, the power procurement costs, and changed the customer mix to be more commercial customers vs residential for phase 1. As a result it's looking good and we will be able to launch. Item goes to our commission tomorrow for final approval. :)

3/9/16, 9:59 AM

Please join us to oppose AB1110. The bill has major problems. This bill will hurt cleanpowerSF build out and our Hetch hetchy system. We will brief Conner on the details.

9/8/16, 12:00 PM

[redacted]



[redacted]

9/5/17, 9:23 AM

Hey London, want to check in with you on the alameda creek EIR appeal that going to bos today. PUC briefed Michael on ur staff last week. There are several issues. Can you call me if you have questions or concerns once you speak with Michael?

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

10/8/18, 5:09 PM

I wanted to let you know that today one of PUCs customers in the Sunset posted on Next Door that she had bought an online testing kit and tested her water and it was positive for pesticides. She said residents should not drink their tap water. We have not been able to reach her directly and would need to test the water at the lab in order to substantiate her home kit which is not as thorough. Media has reached out to us and to Neigbors. We have sent staff out. I will keep you posted.

This is Harlan.

[redacted]

[redacted]

[redacted]

4/27/20, 9:49 PM

Hi Mayor,
The supplemental declaration you made as part of the COVID emergency that suspends water shutoffs, liens, and late fees expires on May 12. I am hoping you can extend that and also include a new residential customer relief program that we want to offer our customers that are financially impacted as a result of COVID. It would provide a 15 percent water and 35 percent wastewater discount on customers' bills that are facing financial hardship as a result of COVID. It would be great to have your leadership to announce this program and the extension of existing supplemental declaration.

Harlan

Read

[redacted]

12/9/18, 8:49 PM

MLB, We have a deal. The moderate NGOs are not happy because so much was thrown at them at the last minute. Governor has been meeting with State Board members over the weekend. They are still working on narrative for next Wednesday. Will know more tomorrow.
Harlan

2/6/19, 12:13 PM

Just wanted to inform you Sophie reached out last night to me . She sounds very excited about serving on PUC commission. I think she would be great addition. Talked to Sean today. He mentioned trades would want their own person.

[redacted]

[redacted]

[redacted]

6/20/19, 8:19 AM

Hey Mayor, I know that we have a 6" main break around your house. We have a gateman there to choked down the valve but not to turn off. This is so folk can have water in the morning to take showers. We also need to have running water in the pipes so we can detect the leak location. I'll keep you posted.

Would be helpful to post something on next-door to explain to people what's going on

311 should also post something

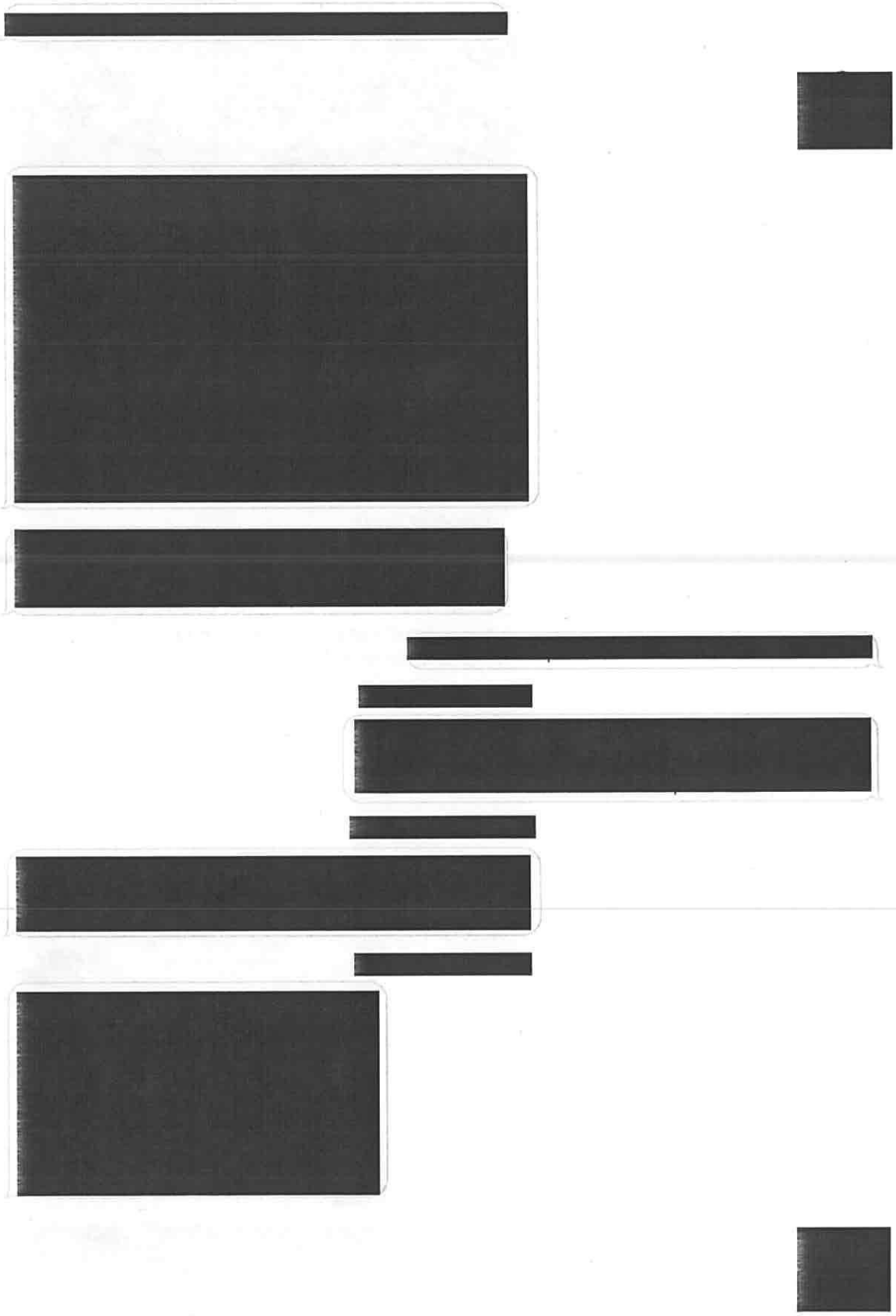
Got it. Will do ASAP.

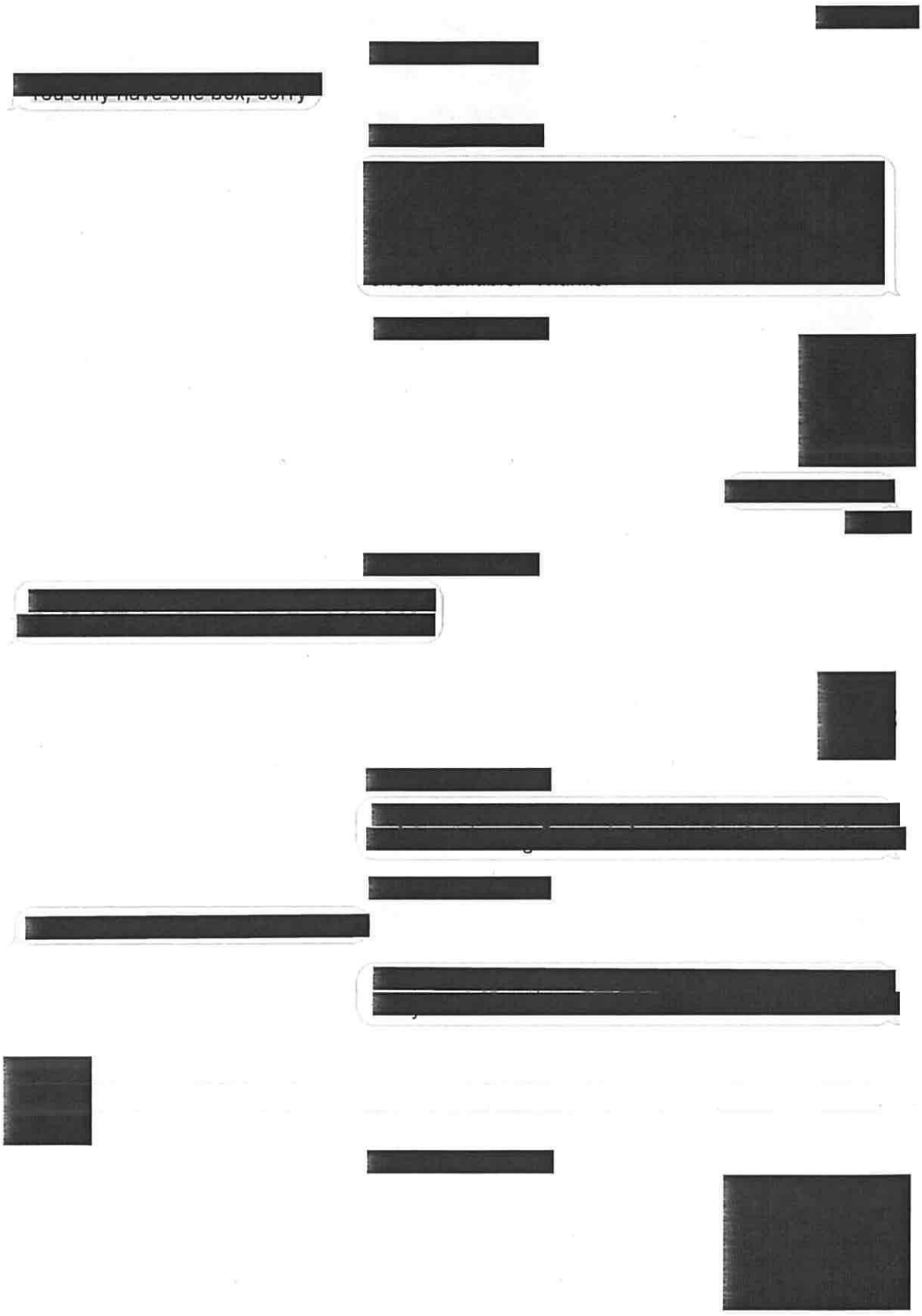
6/20/19, 10:14 AM

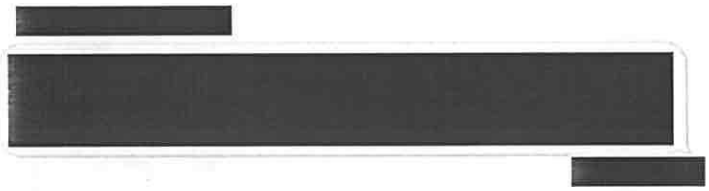
6" cast iron main
135 years old
Installed 1884

[redacted]

[redacted]







Buta, Odaya (CAT)

From: 86781-10951840@requests.muckrock.com on behalf of '86781-10951840@requests.muckrock.com' <86781-10951840@requests.muckrock.com>
Sent: Monday, March 1, 2021 7:44 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
Attachments: petition_20210301_ADM_b.pdf

Office of the City Administrator
PRA Office
Room 362
City Hall, 1 Dr. Carlton B. Goodlett Place
San Fransisco, CA 94102

March 1, 2021

This is a follow up to a previous request:

See attached petition.

Filed via MuckRock.com
E-mail (Preferred): 86781-10951840@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%252Fsan-fransisco-311-18636%252Findex-to-records-sotf-20015-immediate-disclosure-request-sf-city-admin-86781%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGkhq%3AK48wqC5dplukwWkSQcg6ZHllvNg
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 86781
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: RE: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
Dear Requestor,

We have received your request. We are currently processing our response.

Please note that city workers are naturally working under unusual and difficult conditions with many called in for emergency service as disaster relief workers, or otherwise prioritizing work on the public health emergency, and with many working remotely, sometimes while also providing care for children or other family members. This impacts the City's ability to respond to records requests, particularly in gathering documents when working from a remote location. These issues are noted in the Mayor's emergency orders (attached) which, among other things, have suspended certain provisions of the Sunshine Ordinance, including immediate disclosure requests and the 10-day period in which to provide or withhold documents.

Pursuant to these orders, we are responding to notify you that the City Administrator's Office is in receipt of your requests. Furthermore, we will endeavor to disclose responsive documents pursuant to the California Public Records Act as soon as possible.

Thank you,

Office of the City Administrator

On June 10, 2020:
Subject: Automatic reply: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
Thank you for contacting the Office of the City Administrator.

For general inquiries, please contact: city.administrator@sfgov.org.

For media inquiries, please contact: Bill.barnes@sfgov.org.

If this is regarding marriage certificates or City ID program, please contact:

county.clerk@sfgov.org.

Due to the large number of email this office receives, for all other requests, please allow at least three business days for a response.

Office of the City Administrator

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 362

San Francisco, CA 94102

415-554-4852 (Main)

415-554-4849 (Fax)

city.administrator@sfgov.org

On Feb. 27, 2020:
Subject: Automatic reply: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
Thank you for contacting the Office of the City Administrator.

For general inquiries, please contact: city.administrator@sfgov.org.

For media inquiries, please contact: Bill.barnes@sfgov.org.

If this is regarding marriage certificates or City ID program, please contact:

county.clerk@sfgov.org.

Due to the large number of email this office receives, for all other requests, please allow at least three business days for a response.

Office of the City Administrator

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 362

San Francisco, CA 94102

415-554-4852 (Main)

415-554-4849 (Fax)

city.administrator@sfgov.org

On Jan. 28, 2020:
Subject: Automatic reply: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
Thank you for contacting the Office of the City Administrator.

For general inquiries, please contact: city.administrator@sfgov.org.

For media inquiries, please contact: Bill.barnes@sfgov.org.

If this is regarding marriage certificates or City ID program, please contact:

county.clerk@sfgov.org.

Due to the large number of email this office receives, for all other requests, please allow at least three business days for a response.

Office of the City Administrator

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 362

San Francisco, CA 94102

415-554-4852 (Main)

415-554-4849 (Fax)

city.administrator@sfgov.org

On Jan. 28, 2020:
Subject: California Public Records Act Request: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)
RE: Index to Records - SOTF 20015 - Immediate Disclosure Request (SF City Admin)

City Administrator Kelly and Office of the City Administrator,

Below are Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to City Administrator Kelly and Office of the City Administrator. Your response is required by Jan 29, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies (not URLs) of every responsive record are requested (Gov Code 6253(b)) - do not or print and scan electronic records or provide black and white versions of any color record - use full-fidelity PDFs. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). 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)). You must do all of this 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 your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. an exact copy (not a URL) of the entire index to records you are responsible for maintaining pursuant to SFAC 67.29

Background:
See SOTF Complaint 20015, attached.

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): 86781-10951840@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%252Fsan-fransisco-311-18636%252Findex-to-records-sotf-20015-immediate-disclosure-request-sf-city-admin-86781%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGkhq%3AK48wqC5dplukwWkSQcg6ZHllvNg
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 86781
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.

Anonymous Public Records Audit of San Francisco arecordsrequestor@protonmail.com
https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 1, 2021

Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following records or parts thereof requested *Jan 28, 2020* via *86781-10951840@requests.muckrock.com* are public and order *City Administrator* to disclose them:

> an exact copy (not a URL) of the entire index to records you are responsible for maintaining pursuant to SFAC 67.29

The City failed to comply, refused to comply, or incompletely complied because:

1. No response.

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 101873-82886409@requests.muckrock.com on behalf of 101873-82886409@requests.muckrock.com <101873-82886409@requests.muckrock.com> <101873-82886409@requests.muckrock.com>
Sent: Monday, March 1, 2021 6:01 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #P013417-090620
Attachments: SOFT_FIle_No._19112_Letter.pdf; petition_20210301_SFPD_a.pdf

March 1, 2021

This is a follow up to request number P013417-090620:

See attached petition.

Filed via MuckRock.com
E-mail (Preferred): 101873-82886409@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%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-round-2-immediate-disclosure-request-101873%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lGj6L%3AgQIWEsBusS72GjoiMx5v0u4ZrKA
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 101873
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 Sept. 21, 2020:
Subject: RE: California Public Records Act Request #P013417-090620
SOTF:

FILE 19112

Because this is not an original hearing on the complaint of SOTF 19112 with a 5-business-day document rule, I will ask the SOTF to consider Lt. Cox's reply to the SOTF, and also SFPD's response to me. They are both attached and also linked to below, and I request that SOTF/Clerk make these documents available to the members of the Compliance committee at tomorrow's hearing, if they will allow it.

Lt. Cox reply to SOTF: https://cdn.muckrock.com/foia_files/2020/09/21/SOFT_FIle_No._19112_Letter.pdf
SFPD response to my request for future calendars: https://cdn.muckrock.com/foia_files/2020/09/09/P013417_-_SFPD_response_letter.pdf

Sincerely,
Anonymous

On Sept. 21, 2020:
Subject: RE: SOTF File No. 19112 (Clarification)
Good morning,

Please see the attached letter.
Regards,

Lt. R. Andrew Cox #287
San Francisco Police Department
Legal Division-Office of Risk Management
1245 3rd St. San Francisco, CA 94158

On Sept. 17, 2020:
Subject: Public Records Request :: P014086-091620
Attachments:
P14086_-_2020.09.17_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAiGlAQyJDw9hg7-2BqnU-2BATPWa9alqvyXZc4wXOSXbEpA6jZUGa-2FdeirAwDUvSPmA4HSQLE9UWoBJI5SY86i0EZnUY7qsFjrT-2Fmc0EtN7vS8JxqlCtnSHiMVmTGdsGAtw9Lo-3DE9YP_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0P58ItFnWVBt5o20z2xE-2BpT5-2BAZEeVMMvtzZp0MQoaGGwmz47lAOl-2BVDh3YVmhQTCYbKbl0Iac6XoUUPEoKtdpaCctLI-2Bks2RvXyV6fVnzvbCRy4is8V-2BDyDOijm1Rwn9sNXmQm2OsNPf6C3XTOxv4jk8eTEJ6Ghbi1QjJOdp9B2cQqmwaciEdz-2Bs-2FcEYafRnbUFJybddgOw5nPUlAZ80dNN-2BC91hrFUr6XcTvrnBc2jCxooQAltVEx-2B9gPUvGigy-2Fdlk0Pkdv5eKeY6fDzQFfAnMNFvXS039wJbF-2F3q5SC4GFNZwMNO4HuPxAY4EtKEw-3D-3D)
P14086_-_responsive.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAiGlAQyJDw9hg7-2BqnU-2BATPWa9alqvyXZc4wXOSXbEpA6jZUGa-2FdeirAwDUvSPmA4HRd87xG5UERwV92-2F4x1A0yo2uZgCKB82RCWrBphlgscg9zAKFXorl0ZJKmDtFGz3S0-3Dxt6n_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0P58ItFnWVBt5o20z2xE-2BpT5-2BAZEeVMMvtzZp0MQoaGGwmz47lAOl-2BVDh3YVmhQTCYbKbl0Iac6XoUUPEoKtdpaCctLI-2Bks2RvXyV6fVnzvbCRy4is8V-2BDyDOijm1Rwn9sNXmQm2OsNPf6C3XTOxv4jk8eTEJ6Ghbi1QjJOdp9BIsA98z2llytS-2B4u9U32aq6cyPIDO-2Fg6QuSsE76VtB1oAwhL3B7ueP2YGehQmmN087W0URxobgjoM9hUcXCw03KfZT7lNURiZxA1k55l5IBuXyhEoi3rO2Hh6Fzjz9emsx7Eem2-2BPbWwDC6nZu7WXqQ-3D-3D)

--- Please respond above this line ---

September 17, 2020 Via email 101873-82886409@requests.muckrock.com
Anonymous Anonymous
MuckRock News DEPT MR 101873 411A Highland Ave

Somerville, MA 02144
RE: Public Records Request, dated September 16, 2020, Reference # P014086-091620
Dear Anonymous Anonymous:
In response to your request, please see attached documents.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw21nIKGdphJuPraraglc6i09JG5oY4mdyr0xWpYkLUUQJYEzF_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0P58ItFnWVBt5o20z2xE-2BpT5-2BAZEeVMMvtzZp0MQoaGGwmz47lAOl-2BVDh3YVmhQTCYbKbl0Iac6XoUUPEoKtdpaCctLI-2Bks2RvXyV6fVnzvbCRy4is8V-2BDyDOijm1Rwn9sNXmQm2OsNPf6C3XTOxv4jk8eTEJ6Ghbi1QjJOdp9Bu0VA9aguKoT-2BwpIwSrsgviuJ-2F8pZMMlA5a-2BVQKHEDRgUXt1PthuQhj-2BlHVqRoQz0Ta82KHQgeci0aRt1oFDI9iTlnAjeq3TgkfdWJZRqgIGdEwtrNg4n2uixap1DeBYCWAND0FLowZUOh34xw8Q1dg-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Sept. 17, 2020:
Subject: Public Records Request :: P014077-091620
Attachments:
P14077_-_2020.09.17_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGy4YHRaGTXY22bPqPD1uMX1FAqtX87VFCJGwf2e8LHafzPUeN9LySkmmjI-2FRPWUY8j49NsLYlhSiDSJKKzbfM9eMVDpoAll1NvimuWz1P5WM-3Dx6Er_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0pHMnuxlacqO4FNYG6l8iir4j4kcdI879T8sGSs2uljQddbvxMm9vJfRPnFk2RXGdXyNH-2F09fxKCgKcOf-2FVy4-2BjjlTaR-2BWZFu35W1w9wXKDdl3dak-2Bsz4Nx7Gy1fOBGj3AWWi9iXG3Gs8fIEGqzPkcHr9yCPgQtr05tfA0Dk8whnikjG-2FkN-2BxHqYx20mkkuBrvAfGm7zzcUEc46rUAxH6lz3-2Bc6awvo0nNY8P-2BdgyodWEzDGKLe0yFhaya5bB1HsO5d1-2Bb05cFnnBDcFRminDwFbOOfYrevzdPRftLuF66Rn-2B8SWO9-2BEoSswOWUvKGBZA-3D-3D)
P14077_-_responsive_1.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGj2-2FSn6jbI0lyTZ2i1UgTh1zvMRu-2FcZbOx4u1JIVBKQsPDfphNNSQwtTfL6GctiCN7M7Lzx2RiwNHZALAa48RHyZqUfFBAkAveZsLZX4u61g-3D1EZn_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0pHMnuxlacqO4FNYG6l8iir4j4kcdI879T8sGSs2uljQddbvxMm9vJfRPnFk2RXGdXyNH-2F09fxKCgKcOf-2FVy4-2BjjlTaR-2BWZFu35W1w9wXKDdl3dak-2Bsz4Nx7Gy1fOBGj3AWWi9iXG3Gs8fIEGqzPkcHr9yCPgQtr05tfA0Dk8whASYI4t8O6jhv2BciqkCkLu2VlgfJDt5J6PbSa5YUTlIRwKUlVDAIA-2FOA94J-2FOH93sr7lctY-2Fu6fFN49-2FaXTiLuz5romjZwKGIs4vA-2Bya8gu6rGFgy8VwM8VThDyqQpm6oKvjpP3TkW4nMuraFxWrqw-3D-3D)
P14077_-_responsive_2.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGu7pqNZa8O-2BXZrulHtv07sRk08WR3thpB-2FD6uH1-2FAjCSAkaYuTmWFIrkqamfBYYNbJLvjHc-2FCkiVsap-

2FkuIvgCoFHv8VWnaDoFqm0Agysyj0-3DTYJy_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0pHMnuxlacqO4FNYG6l8iir4j4kcdI879T8sGSs2uljQddbvxMm9vJfRPnFk2RXGdXyNH-2F09fxKCgKcOf-2FVy4-2BjjlTaR-2BWZFu35W1w9wXKDdl3dak-2Bsz4Nx7Gy1fOBGj3AWWi9iXG3Gs8fIEGqzPkcHr9yCPgQtr05tfA0Dk8whYEyl4-2B8PA9GSzMtFqf-2BLA6HObokz0nrxy7lNG2cX-2BzqUztuphUPVkRfsREEbjr2LGRnJmNaZau8fG0LFHieSG7TS-2FKGjurLPXM-2BDeSVkPomFEGfw2bz4xiY7LyNPKHbGV94crbPN-2FBRRKaF6yhyeRw-3D-3D)

--- Please respond above this line ---

September 17, 2020 Via email 101873-82886409@requests.muckrock.com
Anonymous Anonymous
MuckRock News DEPT MR 101873 411A Highland Ave
Somerville, MA 02144
RE: Public Records Request, dated September 16, 2020, Reference # P014077-091620
Dear Anonymous Anonymous:
In response to your request, please see attached documents.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw21nIKGdphJuPraraglc6i0-2FADzeh66hJeWEP4QvuesLAq3bj_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS0pHMnuxlacqO4FNYG6l8iir4j4kcdI879T8sGSs2uljQddbvxMm9vJfRPnFk2RXGdXyNH-2F09fxKCgKcOf-2FVy4-2BjjlTaR-2BWZFu35W1w9wXKDdl3dak-2Bsz4Nx7Gy1fOBGj3AWWi9iXG3Gs8fIEGqzPkcHr9yCPgQtr05tfA0Dk8whhR4YhgiLCGym2lTyunU-2BS1UEWnU7Dy1PAMCh0-2F5GL57hiO3Cza9VJjsXDMexzuWeTWEMGFlfAzTdjfIKyZoX9x7bMsdb-2BqSEthRQmtgpYnaWGeuDO99qWorSlOI476c7s-2FgFbPhb950vT3Fic5SpkQ-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Sept. 17, 2020:
Subject: Public Records Request :: P014077-091620
Attachments:
P14077_-_2020.09.17_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGy4YHRaGTXY22bPqPD1uMX1FAqtX87VFCJGwf2e8LHafzPUeN9LySkmmjI-2FRPWUY8j49NsLYlhSiDSJKKzbfM9eMVDpoAll1NvimuWz1P5WM-3DDU2b_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS-2BluArkDzrPXwj411B4KnBGkD1Yt6m6KEOcyR7chisqDRbSFrIt28qC6H-2FonH5eh-2FSBckMnosaABgsyQOFwSavMl5bL41-2Fhqc93FWbBAV0Zxmq4GKTycafMs4nkjtCRg-2FugZV8tWRnQbexLMPJK0UZaqZ1JnVb7LinZWoqInaeHsKSGkNnhdeyIVMS9GNAM-2FU7q9-2Fk1yoxieqsHwzdg2HzI9Dxf2Gps-2BVzulRIYE3L-2FxUd0AdkPPXJ5OkmIIHoo-2BvdB8IGikJKWbSl3NsDYoSpy4-2F9cxB4IjygKbx8hwmz7Jy-2F1oJ1RJjgJqcNLiJ7XNQA-3D-3D)
P14077_-_responsive_1.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGj2-

2FSn6jbI0lyTZ2i1UgTh1zvMRu-
2FcZbOx4u1JIVBKQsPDfphNNSQwtTfL6GctiCN7M7Lzx2RiwNHZALAa48RHyZqUfFBAkAveZsLZX4u61g-3DClaG_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS-2BluArkDzrPXwj411B4KnBGkD1Yt6m6KEOcyR7chisqDRbSFrIt28qC6H-2FonH5eh-2FSBckMnosaABgsyQOFwSavMl5bL41-2Fhqc93FWbBAV0Zxmq4GKTycafMs4nkjtCRg-2FugZV8tWRnQbexLMPJK0UZaqZ1JnVb7LinZWoqInaeHs0HlxD-2F1qy-2FBlPb3lrPtLWmVX-2ByGARhoe33VTj38sBl2v8PLJqDjXx-2BkPAuPQKaGa8NPSjnhSDVdF9vfAdnEn1CfYduY4jOn60AAXxjyms6J6cGUC4YpQXfgSTlPYAtMPiMqjLhkZpdWuS6x1a6zDzw-3D-3D)
P14077_-_responsive_2.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhJB-2FJTjUEYvdnJRpmN1MKGu7pqNZa8O-2BXZrulHtv07sRk08WR3thpB-2FD6uH1-2FAjCSAkaYuTmWFIrkqamfBYYNbJLvjHc-2FCkiVsap-2FkuIvgCoFHv8VWnaDoFqm0Agysyj0-3DF2TZ_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS-2BluArkDzrPXwj411B4KnBGkD1Yt6m6KEOcyR7chisqDRbSFrIt28qC6H-2FonH5eh-2FSBckMnosaABgsyQOFwSavMl5bL41-2Fhqc93FWbBAV0Zxmq4GKTycafMs4nkjtCRg-2FugZV8tWRnQbexLMPJK0UZaqZ1JnVb7LinZWoqInaeHsiqSLTna0-2FxlyziPtkCCCplO3FPNGlab0YtFD06ddp2sDvz92UzursLxHWJAMIhaBlWH7f6QATYUOCcVQ5gYM78Kqv9oC7VtzRKWX-2BxU-2BL45wLmjlVU2T9wo1raDf6L2F5vGectIeFsBq6ctiVF8q8g-3D-3D)

--- Please respond above this line ---

September 17, 2020 Via email 101873-82886409@requests.muckrock.com
Anonymous Anonymous
MuckRock News DEPT MR 101873 411A Highland Ave
Somerville, MA 02144
RE: Public Records Request, dated September 16, 2020, Reference # P014077-091620
Dear Anonymous Anonymous:
In response to your request, please see attached documents.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw21nIKGdphJuPraraglc6i0-2FADzeh66hJeWEP4QvuesLAdYm-_vQrb2Qj2-2BKa-2FHjf7yvZ7xz8rCZaGgLzJf9sF6wQQsoCLQ-2BxLMftyK-2FBmIeXdZ3WGkx-2BvhshQHjJ-2BMvuoaBNcS-2BluArkDzrPXwj411B4KnBGkD1Yt6m6KEOcyR7chisqDRbSFrIt28qC6H-2FonH5eh-2FSBckMnosaABgsyQOFwSavMl5bL41-2Fhqc93FWbBAV0Zxmq4GKTycafMs4nkjtCRg-2FugZV8tWRnQbexLMPJK0UZaqZ1JnVb7LinZWoqInaeHsrmb-2Blvp47JuOJEEUhbuMcsAILZc1K0jzOTwQp3K9gyRkbq4XjErS7trKk7aXfiQ-2B4CfFbFWBuyc7Z5xIElHHBq5Hs9hNVtfTCDduWVAyGDlo9yaZi738AJlzyXpWgyC7Se0Fi-2Fpq3g4-2FV0x0fqqA-2Bw-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Sept. 4, 2020:
Subject: California Public Records Act Request: Calendars and Meetings, Round 2 - Immediate Disclosure Request
SFPD and Lt. Cox,

On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found a violation by SFPD of, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for

citing Prop G for withholding non-Prop G calendars. Lt. Cox also appeared to state that SFPD had changed its own position re: disclosure policies of calendars to properly disclose future and non-Prop G calendars, notwithstanding the position of the City Attorney's office.

Therefore, this is an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments and metadata) for Chief William Scott (both Prop G and non-Prop G) for (a) Oct 1 through Oct 14, 2020 as the schedule exists at this time and (b) Aug 24-Sep 1, 2020 (all dates inclusive). Pursuant to SFAC 67.21(l) and SOTF 19047, please provide the records in PDF format *without* printing and scanning.

Also, you mentioned that you had created a specific email address for records requests - could you please indicate what that email is? I am aware of sfpdlegal@sfgov.org and sfpdmediarelations@sfgov.org . (There are various, independent, anonymous requesters who use MuckRock - so I cannot control what the other users do, but I am happy to request MuckRock use a different email address for SFPD if it will work better.)

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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): 101873-82886409@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%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-round-2-immediate-disclosure-request-101873%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lGj6L%3AgQIWEsBusS72GjoiMx5v0u4ZrKA
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 101873
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

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

September 21, 2020

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Re: File No.19112

Dear Sunshine Task Force Committee Members,

I am writing to clarify my responses made during the SOTF Hearing on September, 2, 2020, File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department. Specifically, I was asked by the committee if SFPD would release future Prop. G calendars upon request and I answered yes. I apologize for causing confusion. When I provided that answer, I did not mean to infer that SFPD would waive any rights to exempt Prop. G calendars in whole or any portion thereof if warranted. We continue to apply exemptions and exceptions to the Chief's future calendar entries that have not yet occurred under Cal. Gov't Code § 6254(f); Cal. Gov't Code § 6254(k); Cal. Evid. Code. § 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991).

Chief Scott is the head Law Enforcement Official for the City and County of San Francisco, which carries a higher risk to his personal safety. His job presents unique security risks that requires unique security procedures and protocols to ensure his safety. Releasing information from his calendar reveals the timing and details of his whereabouts as well as the patterns and habits of the Chief of Police. While we are cautious to release his calendar at all under the laws cited above, we have done so after a careful review of events that have occurred in the past and redact information according to the cites listed above. However, this careful review may only be done by looking back at events that have already occurred. Releasing future calendar entries presents a new set of security issues.

Releasing future calendar entries inherently increases the risk to his security. This would seriously impair the ability of the Department to assure his personal safety and it would constitute a potential threat to his safety because this information would enable a reader to know in advance and with relative precision when and where the Chief may be found, the timing of his departures and arrivals from events or locations. In addition, the reader would know the persons who will be with him, and when he will be alone. We have redacted past Prop. G calendars entries under Cal. Govt Code section 6254(f) Cal. Gov't Code § 6254(k); Cal. Evid. Code. § 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991).SFPD has never produced future Prop. G calendars in the past.

In retrospect, I understand that I answered the question poorly and I should have elaborated on our position. I sincerely apologize for any confusion and did not mean to mislead the committee and/or Anonymous. My statement to the committee was of my own volition and should not reflect any misconduct by Chief Scott or the SFPD.

Sincerely,

Lt. R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

Anonymous
arecordsrequestor@protonmail.com

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 1, 2021

Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following records or parts thereof requested *September 6, 2020* reference P013417-090620 are public and order *Chief Scott and SFPD* to disclose them:

> Therefore, this is an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments and metadata) for Chief William Scott (both Prop G and non-Prop G) for (a) Oct 1 through Oct 14, 2020 as the schedule exists at this time and (b) Aug 24-Sep 1, 2020 (all dates inclusive). Pursuant to SFAC 67.21(l) and SOTF 19047, please provide the records in PDF format *without* printing and scanning.

The City failed to comply, refused to comply, or incompletely complied because:

1. SFPD initially declined to provide any records for (a), but has now conceded in a separate request that at least some portion of Chief Scott's future calendars are disclosable. See also SOTF Order 19112.

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 84166-59035583@requests.muckrock.com
Sent: Monday, March 1, 2021 5:36 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF City Hall Management)
Attachments: IDR-20191207-CITYHALL.pdf; petition_20210301_CITYHALL.pdf

San Francisco City Hall
PRA Office
1 Doctor Carlton B Goodlett Place
SF, CA 94102

March 1, 2021

This is a follow up to a previous request:

See attached petition.

Filed via MuckRock.com
E-mail (Preferred): 84166-59035583@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%252Fcity-hall-794%252Fcalendars-and-emails-immediate-disclosure-request-sf-city-hall-management-84166%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAZxPxv-e72ZhYuh2qkfVuubOc%3A1lGiiq%3A8wL_QAIZnMZJK5wWaAsJItz97PM
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 84166
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 Feb. 26, 2021:
Subject: SOTF - Agenda Packet for March 3, 2021 Sunshine Task Force hearing; 4:00 pm
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force March 3, 2021 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_030321_agenda.pdf

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

Cheryl Leger
Assistant Clerk, Board of Supervisors
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 Nov. 13, 2020:
Subject: SOTF - Sunshine Ordinance Task Force Complaint Committee November 17, 2020 Remote Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Complaint Committee of the Sunshine Ordinance Task Force November 17, 2020 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint_111720_agenda.pdf

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

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

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org

<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.

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On Nov. 6, 2020:
Subject: SOTF - Notice of Appearance - Complaint Committee: November 17, 2020, 5:30 p.m.
Good Afternoon:

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

Date: November 17, 2020

Location: Remote Meeting

Time: 5:30 p.m.

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

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

Complaints:

File No. 19134: Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19136: Complaint filed by Anonymous against Naomi Kelly and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19122: Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19146: Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to request for public records in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (4) working days before the hearing. For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November12, 2020.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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 Oct. 20, 2020:
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; October 27, 2020 4:30 p.m.
Good Afternoon:

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

Date: October 27, 2020

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

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

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

Complaints:

File No. 19134: Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, October 22, 2020.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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On Feb. 11, 2020:
Subject: Response to your Immediate Disclosure Requests sent on February 8, 2020
Dear Requester:

We are in receipt of two requests for e-mails containing BCC fields sent by the Department Head for the Office of Contract Administration and City Hall Building Management sent on Saturday, February 8. They were received as Immediate Disclosure Requests on Monday, February 10. We are responding today Tuesday, February 11.

These agencies are divisions under the Office of the City Administrator. City Administrator Naomi Kelly is the Department Head for these divisions. This e-mail responds to these requests. The City Administrator's Office conducted a diligent search and has no records responsive to your request. City Administrator Naomi Kelly does not use the BCC field in communications she sends from her account.

Thank you for your Immediate Disclosure Requests.

Sincerely,

Bill Barnes
Senior Advisor, Policy and Communications
Office of the City Administrator

BUILDING MANAGEMENT REQUEST

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF City Hall Management)
To Whom It May Concern:

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84166-59035583@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%252Fcity-hall-794%252Fcalendars-and-emails-immediate-disclosure-request-sf-city-hall-management-84166%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAZxPxv-e72ZhYuh2qkfVuubOc%3A1lGiiq%3A8wL_QAIZnMZJK5wWaAsJItz97PM
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 84166
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

IMMEDIATE DISCLOSURE REQUEST - DEC. 7, 2019

Pursuant to the CPRA and SF Sunshine Ordinance

This is an Immediate Disclosure Request (SFAC 67.25(a)) for the records numbered below. Your response is required by **Dec. 10, 2019**. Rolling records responses are requested (67.25(d)). Please provide only copies not requiring fees - and a required notice of in-person inspection of fee-based records.

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).

Please read carefully the exact wording of my request and follow the Sunshine Ordinance and CPRA precisely. Every violation will be appealed, including but not limited to:

- any untimely or incomplete response (SF Admin Code 67.21, 67.25),
- failure to provide records in a rolling fashion as soon as each is available (SF Admin Code 67.25),
- failing to indicate whether you have responsive records or not for each request below and whether or not you withheld any records for each request below (Gov Code 6253(c))
- withholding more than the minimum exempt portion of any record or withholding an entire record if any portion at all is non-exempt (SF Admin Code 67.26),
- failure to justify with a footnote or "other clear reference" to an exemption statute or case law for each and every redaction or withholding (SF Admin Code 67.26, 67.27), including any so-called 'metadata',
- failure to provide "exact copies" of records (Gov Code 6253(b)), for example, by physically printing electronic records and scanning them back in, which degrades their content and causes loss of colors, hyperlinks, metadata, and searchable text content
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we request below (SF Admin Code 67.21(l)),
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5),
- refusing to use email (SF Admin Code 67.21(b)), or requiring me to use a third-party service which imposes on me any terms and conditions beyond those of the CPRA (Gov Code

Requests:

1. the specific calendar required to be kept by SF Admin Code 67.29-5 (aka “Prop G calendar”) for your Department Head (whether an employee or elected official, defined

pursuant to SF Charter 2A.30 para 1), with each and every meeting/item for Nov 10 - Nov 17, 2019 (inclusive). Since these dates are more than 3 business days prior to this request, you must immediately provide them. You may use any format to provide this calendar as long as it provides at least the location, exact start and end times, general description of topics, and (as required by 67.29-5) identity of meeting participants for every meeting. If all 67.29-5 information is not visible in a summary view, you must print out the individual meeting entries.

2. every meeting/entry on every calendar for your Department Head for Nov 10-17, 2019 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

3. every meeting/entry on every calendar for your Department Head for future dates Dec 16-23 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

4. the most recent 5 emails sent by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

5. the most recent 5 emails received by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

6. the most recent 5 emails relating to the conduct of public business, subject to *City of San Jose v Superior Court (Smith, 2017)*, sent by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

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Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 1, 2021

Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following records or parts thereof requested *December 7, 2019* via *84166-59035583@requests.muckrock.com* are public and order *City Hall Building Management* to disclose them:

Request attached.

The City failed to comply, refused to comply, or incompletely complied because:

1. The City has not in over 1 year ever replied to the request

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 84162-44435865@requests.muckrock.com
Sent: Monday, March 1, 2021 5:26 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF TTX)
Attachments: petition_20210301_TTX.pdf; IDR-20191207-TTX.pdf

San Francisco Office of the Treasurer & Tax Collector
PRA Office
Room 140
1 Dr. Carlton B Goodlett Place
SF, CA 94102

March 1, 2021

This is a follow up to a previous request:

See attached petition.

Filed via MuckRock.com
E-mail (Preferred): 84162-44435865@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%252Fsan-francisco-office-of-the-treasurer-tax-collector-7494%252Fcalendars-and-emails-immediate-disclosure-request-sf-ttx-84162%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAA4jQEhoM5UHX5VPA33pG06kBU%3A1lGiZ4%3Ajx48R5MwNQk4DPLPPuznMda3MdQ
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 84162
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 Feb. 26, 2021:
Subject: SOTF - Agenda Packet for March 3, 2021 Sunshine Task Force hearing; 4:00 pm
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force March 3, 2021 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_030321_agenda.pdf

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

Cheryl Leger
Assistant Clerk, Board of Supervisors
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 Feb. 19, 2021:
Subject: SOTF - Notice of Appearance, March 3, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
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.

Date: March 3, 2021

Location: Remote Meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing. Remote meeting information can be found on the cover page of the Agenda.

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. 19076: Reconsideration of SOTF findings and Order of Determination - Complaint filed by Maria Schulman against Animal Care and Control, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19131: Complaint filed by Anonymous against Jose Cisneros, Theresa Buckley and the Treasurer's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record.

File No. 19134: Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19136: Complaint filed by Anonymous against Naomi Kelly and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(h), 67.26, 67.27 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19139: Complaint filed by Anonymous against Jeanne Buick, Henry Voong and the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(h), by failing to cite a prohibited deliberative process exemption, 67.26 for failing to keep withholding to a minimum and (67.27), for failing to provide justification of withholding a document.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least three (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, February 25, 2021.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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On Nov. 20, 2020:
Subject: SOTF - Compliance and Amendments Committee November 24, 2020 Agenda
Good Afternoon:

The agenda and packet for the Compliance and Amendments Committee of the Sunshine Ordinance Task Force November 24, 2020, 4:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/cac112420_agenda.pdf

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

Cheryl Leger
Assistant Clerk, Board of Supervisors
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.

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On Nov. 16, 2020:
Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 24, 2020 4:30 p.m.
Good Afternoon:

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

Date: November 24, 2020

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

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

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

Complaints:

1. File No. 19145: Complaint filed by Chris Khors against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, by failing to respond to a public records request in a timely and/or complete manner.

2. File No. 20010: Complaint filed by Patrick Monette-Shaw against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(d), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

3. File No. 20011: Complaint filed by Ahimsa Porter Sumchai against Mayor London Breed for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

4. File No. 20012: Complaint filed by Ahimsa Porter Sumchai against Supervisor Shamann Walton, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

5. File No. 19131: Complaint filed by Anonymous against Jose Cisneros, Theresa Buckley and the Treasurer's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (3) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, November 19, 2020.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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On Sept. 14, 2020:
Subject: RE: Follow up to a previous Public Records Request originally submitted on Dec. 7, 2019 - Office of the Treasurer & Tax Collector - City and County of San Francisco
Dear Anonymous:

Please find the attached response to your follow up email on September 3, 2020, regarding your original request on December 7, 2019.

Best Regards,

Francisco Chavez
Legal Secretary
Office of the Treasurer & Tax Collector
City and County of San Francisco

Telephone No. (415) 554-7363
Fax: (415) 554-5010
Francisco.Chavez@sfgov.org<mailto:Francisco.Chavez@sfgov.org>

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF TTX)
To Whom It May Concern:

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84162-44435865@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%252Fsan-francisco-office-of-the-treasurer-tax-collector-7494%252Fcalendars-and-emails-immediate-disclosure-request-sf-ttx-84162%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAA4jQEhoM5UHX5VPA33pG06kBU%3A1lGiZ4%3Ajx48R5MwNQk4DPLPPuznMda3MdQ
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 84162
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.

IMMEDIATE DISCLOSURE REQUEST - DEC. 7, 2019

Pursuant to the CPRA and SF Sunshine Ordinance

This is an Immediate Disclosure Request (SFAC 67.25(a)) for the records numbered below. Your response is required by **Dec. 10, 2019**. Rolling records responses are requested (67.25(d)).

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- any untimely or incomplete response (SF Admin Code 67.21, 67.25),
- failure to provide records in a rolling fashion as soon as each is available (SF Admin Code 67.25),
- failing to indicate whether you have responsive records or not for each request below and whether or not you withheld any records for each request below (Gov Code 6253(c))
- withholding more than the minimum exempt portion of any record or withholding an entire record if any portion at all is non-exempt (SF Admin Code 67.26),
- failure to justify with a footnote or "other clear reference" to an exemption statute or case law for each and every redaction or withholding (SF Admin Code 67.26, 67.27), including any so-called 'metadata',
- failure to provide "exact copies" of records (Gov Code 6253(b)), for example, by physically printing electronic records and scanning them back in, which degrades their content and causes loss of colors, hyperlinks, metadata, and searchable text content
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we request below (SF Admin Code 67.21(l)),
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5),
- refusing to use email (SF Admin Code 67.21(b)), or requiring me to use a third-party service which imposes on me any terms and conditions beyond those of the CPRA (Gov Code

Requests:

1. the specific calendar required to be kept by SF Admin Code 67.29-5 (aka “Prop G calendar”) for your Department Head (whether an employee or elected official, defined pursuant to SF Charter 2A.30 para 1), with each and every meeting/item for Nov 10 - Nov

17, 2019 (inclusive). Since these dates are more than 3 business days prior to this request, you must immediately provide them. You may use any format to provide this calendar as long as it provides at least the location, exact start and end times, general description of topics, and (as required by 67.29-5) identity of meeting participants for every meeting. If all 67.29-5 information is not visible in a summary view, you must print out the individual meeting entries.

2. every meeting/entry on every calendar for your Department Head for Nov 10-17, 2019 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

3. every meeting/entry on every calendar for your Department Head for future dates Dec 16-23 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

4. the most recent 5 emails sent by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

5. the most recent 5 emails received by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

6. the most recent 5 emails relating to the conduct of public business, subject to *City of San Jose v Superior Court (Smith, 2017)*, sent by your Department Head via their personal

email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

7. the most recent 5 emails relating to the conduct of public business, subject to *City of San Jose v Superior Court (Smith, 2017)*, received by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 1, 2021

Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following records or parts thereof requested *December 7, 2019* via *84162-44435865@requests.muckrock.com* are public and order *Treasurer-Tax Collector* to disclose them:

> Request attached.

The City failed to comply, refused to comply, or incompletely complied because:

1. Future calendar entries involving the mayor were withheld in entirety instead of redacting solely the records of security procedures of a local police agency

2. All email and calendar metadata was withheld even though we know that only some portion of that metadata may be exempt as an information security threat

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 84182-48147675@requests.muckrock.com
Sent: Monday, March 1, 2021 5:15 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF ADM)
Attachments: petition_20210301_ADM.pdf

Office of the City Administrator
PRA Office
Room 362
City Hall, 1 Dr. Carlton B. Goodlett Place
San Fransisco, CA 94102

March 1, 2021

This is a follow up to a previous request:

See attached petition.

Filed via MuckRock.com
E-mail (Preferred): 84182-48147675@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%252Fsan-fransisco-311-18636%252Fcalendars-and-emails-immediate-disclosure-request-sf-adm-84182%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGiOH%3A_GOyPlyNjIH6C7fnZR7ajnulw6c
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 84182
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 Feb. 26, 2021:
Subject: SOTF - Agenda Packet for March 3, 2021 Sunshine Task Force hearing; 4:00 pm
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force March 3, 2021 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_030321_agenda.pdf

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

Cheryl Leger
Assistant Clerk, Board of Supervisors
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 Feb. 19, 2021:
Subject: SOTF - Notice of Appearance, March 3, 2021 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
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.

Date: March 3, 2021

Location: Remote Meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing. Remote meeting information can be found on the cover page of the Agenda.

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. 19076: Reconsideration of SOTF findings and Order of Determination - Complaint filed by Maria Schulman against Animal Care and Control, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19131: Complaint filed by Anonymous against Jose Cisneros, Theresa Buckley and the Treasurer's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record.

File No. 19134: Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19136: Complaint filed by Anonymous against Naomi Kelly and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(h), 67.26, 67.27 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19139: Complaint filed by Anonymous against Jeanne Buick, Henry Voong and the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24(h), by failing to cite a prohibited deliberative process exemption, 67.26 for failing to keep withholding to a minimum and (67.27), for failing to provide justification of withholding a document.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least three (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, February 25, 2021.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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On Nov. 19, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF ADM)
Dear Requestor,

We are in receipt of your Immediate Disclosure Request email dated November 19, 2020.

In your message you asked, "Please send your response to SOTF Complaint 19136 and the associated records directly to this correct email address so that I may review them." Please find attached the responsive records previously disclosed.

The IDR requests:

"(a) all emails sent by either cheryl.leger@sfgov.org<mailto:cheryl.leger@sfgov.org> OR sotf@sfgov.org<mailto:sotf@sfgov.org> received by the address naomi.kelly@sfgov.org<mailto:naomi.kelly@sfgov.org> and (b) every reply or forward to every email in (a) (including all subsequent forwards or replies, under transitive closure, i.e. provide all complete email threads), from Nov 1, 2019 to present. You must provide the emails in their original electronic format and with all email headers/metadata preserved, and all attachments and formatting. See SOTF Orders 19044 and 19098. Your employee testified at SOTF yesterday that certain staffing constraints prevented you

from acknowledging my records request for almost a year. However, SOTF asked why you personally refused to reply to the Complaint Notice sent by SOTF to you, personally, in case 19136. I will be finding out the actual reason."

This serves to notify you that we are in receipt of your request and are processing our response. Please note that city workers are naturally working under unusual and difficult conditions with many called in for emergency service as disaster relief workers, or otherwise prioritizing work on the public health emergency, and with many working remotely, sometimes while also providing care for children or other family members. This impacts the City's ability to respond to records requests, particularly in gathering documents when working from a remote location. These issues are noted in the Mayor's emergency orders (also attached) which, among other things, have suspended certain provisions of the Sunshine Ordinance, including immediate disclosure requests and the 10-day period in which to provide or withhold documents.

Pursuant to these orders, we will respond further within 10 days of your request, barring a further extension, to notify you of the existence of any disclosable records and our timetable for production pursuant to the California Public Records Act

Sincerely,

Tal Quetone
Office of the City Administrator
(415) 554-4148
Pronouns: He, Him, His

On Nov. 19, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF ADM)
Naomi Kelly:

1) Please send your response to SOTF Complaint 19136 and the associated records directly to this correct email address so that I may review them.

2) This is an immediate disclosure request for (a) all emails sent by either cheryl.leger@sfgov.org OR sotf@sfgov.org received by the address naomi.kelly@sfgov.org and (b) every reply or forward to every email in (a) (including all subsequent forwards or replies, under transitive closure, i.e. provide all complete email threads), from Nov 1, 2019 to present. You must provide the emails in their original electronic format and with all email headers/metadata preserved, and all attachments and formatting. See SOTF Orders 19044 and 19098. Your employee testified at SOTF yesterday that certain staffing constraints prevented you from acknowledging my records request for almost a year. However, SOTF asked why you personally refused to reply to the Complaint Notice sent by SOTF to you, personally, in case 19136. I will be finding out the actual reason.

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 public records.

Sincerely,

Anonymous

On Nov. 13, 2020:
Subject: SOTF - Sunshine Ordinance Task Force Complaint Committee November 17, 2020 Remote Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Complaint Committee of the Sunshine Ordinance Task Force November 17, 2020 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint_111720_agenda.pdf

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

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

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org

<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.

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On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF ADM)
To the Department Head (Naomi M. Kelly),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84182-48147675@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%252Fsan-fransisco-311-18636%252Fcalendars-and-emails-immediate-disclosure-request-sf-adm-84182%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGiOH%3A_GOyPlyNjIH6C7fnZR7ajnulw6c
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 84182
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.

Anonymous

Attn. General Government Team
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
via email

March 1, 2021

Petition under SF Administrative Code § 67.21(d)

Supervisor of Records Dennis Herrera,

Please determine in writing that the following records or parts thereof requested *November 19, 2020* via *84182-48147675@requests.muckrock.com* are public and order *City Administrator* to disclose them:

> This is an immediate disclosure request for (a) all emails sent by either cheryl.leger@sfgov.org OR sotf@sfgov.org received by the address naomi.kelly@sfgov.org and (b) every reply or forward to every email in (a) (including all subsequent forwards or replies, under transitive closure, i.e. provide all complete email threads), from Nov 1, 2019 to present. You must provide the emails in their original electronic format and with all email headers/metadata preserved, and all attachments and formatting. See SOTF Orders 19044 and 19098. Your employee testified at SOTF yesterday that certain staffing constraints prevented you from acknowledging my records request for almost a year. However, SOTF asked why you personally refused to reply to the Complaint Notice sent by SOTF to you, personally, in case 19136. I will be finding out the actual reason.

The City has failed to respond within the CPRA deadlines.

Sincerely,

Anonymous

Buta, Odaya (CAT)

From: 84168-39742724@requests.muckrock.com
Sent: Sunday, February 28, 2021 8:07 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #P000054-092420

February 28, 2021

This is a follow up to request number P000054-092420:

On Nov 7 2020 I requested from the Sheriffs Office: "This is a further immediate disclosure request for the calendar and meeting records for the Sheriff for the dates Feb 14, 2021 thru Feb 28, 2021 as they exist at the time of this request with minimal redactions pursuant to SOTF Order 19112. Rolling responses and exact copies must be provided."

No response was ever provided. Under SFAC 67.21(d) please determine these records public in writing and order them disclosed.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84168-39742724@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%252Fsan-francisco-sheriffs-department-5169%252Fcalendars-and-emails-immediate-disclosure-request-sf-sheriff-84168%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AlRJfNVpXQ%3A1lGOaz%3A1BCQauZVOpwHlcQz8iXHIGwsTy0
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 84168
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 Nov. 18, 2020:
Subject: FW: RE: Public Records Request of September 23, 2020, Reference # P000054-092420
The following is a copy of a message sent to you via GovQA on November 17, 2020.

Subject: [Records Center] Public Records Request :: P000054-092420

RE: Public Records Request of September 23, 2020, Reference # P000054-092420
Dear Anonymous,
We are writing in response to your public records request dated September 23, 2020. We are providing a rolling response to your records request with the calendar entry for the date of November 14, 2020 of Sheriff Miyamoto. This record is available in the Records Request System. Please log in to your online account and retrieve the records.
Your original request was received on September 23, 2020 and read as follows:

On Nov. 18, 2020:
Subject: [Records Center] Public Records Request :: P000054-092420
--- Please respond above this line ---

RE: Public Records Request of September 23, 2020, Reference # P000054-092420
Dear Anonymous,
We are writing in response to your public records request dated September 23, 2020. We are providing a rolling response to your records request with the calendar entry for the date of November 14, 2020 of Sheriff Miyamoto. This record is available in the Records Request System. Please log in to your online account and retrieve the records.
Your original request was received on September 23, 2020 and read as follows: From: 84168-39742724@requests.muckrock.com <84168-39742724@requests.muckrock.com>

On Nov. 17, 2020:
Subject: RE: New Complaint against the Sheriff
Anonymous: I don't see the email and your form states there are exhibits. Thank you.

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.

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On Nov. 17, 2020:
Subject: RE: New Response Complaint Form
Anonymous: I need your original emails sent to the Sheriff's Department requesting records. Thank you.

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.

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On Nov. 17, 2020:
Subject: RE: Public Records Request of September 23, 2020, Reference # P000054-092420
The following is a copy of a message sent to you on November 16, 2020 via GovQA:

RE: Public Records Request of September 23, 2020, Reference # P000054-092420

Dear Anonymous,
We are writing in response to your public records request dated September 23, 2020. We are providing a rolling response to your records request with the calendar entries for the dates of November 12 and 13, 2020 of Sheriff Miyamoto. This record is available in the Records Request System. Please log in to your online account and retrieve the records.
Your original request was received on September 23, 2020 and read as follows:

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Sheriff)
To Whom It May Concern:

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84168-39742724@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%252Fsan-francisco-sheriffs-department-5169%252Fcalendars-and-emails-immediate-disclosure-request-sf-sheriff-84168%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AlRJfNVpXQ%3A1lGOaz%3A1BCQauZVOpwHlcQz8iXHIGwsTy0
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 84168
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.

Buta, Odaya (CAT)

From: 94425-31123144@requests.muckrock.com
Sent: Sunday, February 28, 2021 12:45 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)

Department of Emergency Management
PRA Office
1011 Turk Street
SF, CA 94102

February 28, 2021

This is a follow up to a previous request:

Supervisor of Records,

This is a 67.21(d) petition for written determination that the records responsive to the DEM request from June 4 2020 from this email address are public an order for their disclosure.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 94425-31123144@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%252Fdepartment-of-emergency-management-8080%252Finter-agency-text-messages-immediate-disclosure-request-sf-dem-94425%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAdJ4xrU-r5p-QnHIR00J0RSi8%3A1lGHhB%3AOEFl5DfFeSo078vj7JS7IE1w2UM
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

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411A Highland Ave
Somerville, MA 02144-2516

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On July 3, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF

DEM)
DEM,

On June 5th you stated you would respond in 10 days to the June 4 requests from this email address. No response or records having been provided in 24 days since our request, we will now file complaints.

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 June 5, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)
Mary Ellen Carroll:

(Note this request was also previously sent to the DEM generic Sunshine email, however you have an individual legal responsibility as custodian of your own communications to provide the following records.)

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 5, 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).

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. ******

1. All text 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):
- a) sent by your current department head to/cc/bcc any of Mayor London Breed, Sean Elsbernd, SFPD Chief William Scott, Tomás Aragón, Dennis Herrera, Jeff Kositsky, Mohammed Nuru, Alaric Degrafinried, Andy Lynch, Hank Heckel, or Abigail Stewart-Kahn (the "Named Public Officials") OR
- b) sent by any of the Named Public Officials and received by your current department head (and possibly others, such as in a group message) OR
- c) sent by a third party and received by both your current department head and any of the Named Public Officials (such as in a group message),
with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). 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 your department head 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.

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.

Stay safe and compliant,

Anonymous

On June 5, 2020:
Subject: Automatic reply: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)
San Francisco’s Emergency Operations Center is active to support preparation and response to COVID-19 (Novel Coronavirus). Inquiries unrelated to COVID-19 may experience a delay in response.

I am working offsite at the City's Emergency Operations Center as a Disaster Service Worker and this will delay my response.

The City of San Francisco takes the health and well-being of our community extremely seriously. We are taking extensive and proactive actions to prevent the spread of COVID-19 to our most vulnerable populations.

Know the facts: Risk for COVID-19 is based on travel, contacts and exposure to the virus. No racial, ethnic or cultural group is more at risk.The most common symptoms of COVID-19 are fever, cough and shortness of breath. If you are feeling sick, please first call your doctor, a nurse hotline, or an urgent care center. Do not go to the emergency room of a hospital unless you are having an actual emergency.

Stay at home: The City has issued a Public Health Order requiring people to stay home except for essential needs. Vulnerable populations, including adults over the age of 60 and people with health conditions, must stay home. Everyone else is required to stay home except to get food, care for a relative or friend, get necessary health care, or go to an essential job. Stay at least 6 feet apart if leaving your home for essential activities.

Access resources and services:

Find free meals for children<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sfusd.edu%2Fservices%2Fhealth-wellness%2Fnutrition-school-meals&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047709501&sdata=Y08ZK8fvcx0kvfFfqdfDAEyes5yGx66OP3Pi9O2YMgk%3D&reserved=0>

Find out about emergency childcare centers<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Finformation%2Fsan-francisco-converts-rec-facilities-emergency-child-care-centers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047709501&sdata=Y%2B3Ry2ruNdfWsN1Mq4UiODh9vMiK%2B3lgrdIxSkvPOqM%3D&reserved=0>

Get City help if your business or employment is impacted by COVID-19<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foewd.org%2Fassistance-guidance-businesses-and-workers-impacted-covid-19%23Biz%2520and%2520Employers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047719490&sdata=wzcOXPJvDfMdopRkruaTYHuoQby5JIAdkum0cX1W2oE%3D&reserved=0>

Find City services that are open during the coronavirus outbreak<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Finformation%2Fcity-services-whats-open&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047719490&sdata=3BUb2D%2BWU0uGqm%2FL0UtNj1kVh5xXiXRM7KAzicBEDfE%3D&reserved=0>

Download fact sheets, social media graphics, or flyers<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Foutreach-toolkit-coronavirus-covid-19&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=j5p9kCq8eiAfRL%2F3MWtJtQQz76xMHUldVuUlAI%2Fo91U%3D&reserved=0>

Stay informed: Text COVID19SF to 888-777 for text message alerts. Call 311<tel:311> or visitwww.SF.gov/coronavirus<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sf.gov%2Fcoronavirus&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=yvqQl77wzGVKsWNmodMTF%2F1Ho8rmv5TquEzGDjOsek8%3D&reserved=0> for more information.

On June 5, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)
I understand COVID places extra difficulties on accessing records, and I have to-date provided the City numerous voluntary waivers of timeliness for that reason.

I also understand that the Mayor has attempted to suspend, under the guise of this pandemic, transparency laws having no relationship to timeliness or social distance, such as her purported suspension of SFAC 67.24(g,i), and the City has specifically attempted to use the catch-all exemption against my requests because there is no lawful reason to withhold the information I seek. All claims by the City to employ the Mayor's suspensions of parts of the Sunshine Ordinance to withhold or redact or refuse to justify withholding or redactions in ways not permitted by the full Sunshine Ordinance will continue to be litigated.

Remember that Ms. Caroll, because she has custody of her own cell-phone, has an individual legal responsibility to provide these records, even if you or others in the department are unable to physically access her phone. I will be sure to directly make the request of her as well.

Stay safe and compliant,

Anonymous

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On June 5, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)
Dear Anonymous,

We have received your request and we are processing our response. Please note that due to the continuing public health emergency, City workers are naturally working under unusual and difficult conditions with many called in for service as disaster service workers or otherwise prioritizing work on the public health emergency and with many others working remotely while also providing care for children or other family members. This impacts the ability to respond to records requests, particularly in gathering documents when working from a remote location. The City’s emergency

orders have suspended certain provisions of the Sunshine Ordinance in response, including immediate disclosure requests and the 10 day period in which to provide or withhold documents.

Please understand that compliance with the California Public Records Act and the Sunshine Ordinance, subject to the scope of these orders, otherwise remains in effect and city departments are fulfilling those obligations while navigating the challenges of the health emergency. Further, your request is neither simple nor routine and does not seek easily accessible documents. It also requires consultation with another city department. Thus, it would not ordinarily be answered as an immediate disclosure request and would be treated as a regular records request, irrespective of the emergency orders. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

Thus, we will further respond within 10 days of your request, barring the need for a further extension, and inform you of whether responsive documents exist and, if so, the estimated date for their production.

Victor Wai Ho Lim | 林偉浩
External Affairs Officer | 外務特派專員
Department of Emergency Management | 三藩市應急管理局
415-558-2768 direct | 直線
415-748-0028 cell | 手機
415-558-2712 media line | 傳媒

On June 4, 2020:
Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF DEM)
Department of Emergency Management and its Department Head:

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 5, 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).

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. ******

1. All text 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):
- a) sent by your current department head to/cc/bcc any of Mayor London Breed, Sean Elsbernd, SFPD Chief William Scott, Tomás Aragón, Dennis Herrera, Jeff Kositsky, Mohammed Nuru, Alaric Degrafinried, Andy Lynch, Hank Heckel, or Abigail Stewart-Kahn (the "Named Public Officials") OR
- b) sent by any of the Named Public Officials and received by your current department head (and possibly others, such as in a group message) OR
- c) sent by a third party and received by both your current department head and any of the Named Public Officials (such as in a group message),
with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). 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 your department head 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.

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): 94425-31123144@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%252Fdepartment-of-emergency-management-8080%252Finter-agency-text-messages-immediate-disclosure-request-sf-dem-94425%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAdJ4xrU-r5p-QnHIR00J0RSi8%3A1lGHhB%3AOEFl5DfFeSo078vj7JS7IE1w2UM
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 94425
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.

Buta, Odaya (CAT)

From: 94374-74128043@requests.muckrock.com
Sent: Sunday, February 28, 2021 12:43 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-2942

Department of Public Health
PRA Office
Room 302
101 Grove Street
San Francisco, CA 94102

February 28, 2021

This is a follow up to request number 20-2942:

This is a 67.21(d) petition for determination in writing that all records in DPH request 20-2942 - from June 4, 2020 - are public and an order for their disclosure. They only bothered searching after Tomas Aragon had left the City and now cannot produce all of the records that were in the constructive possession of the City at the time of my request.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 94374-74128043@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%252Fdepartment-of-public-health-4836%252Finter-agency-text-messages-immediate-disclosure-request-sf-health-officer-tomas-aragon-94374%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lGHfS%3AgVF7bGmIHlxLT_82QQlIKZWo8KA
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 94374
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 Feb. 8, 2021:
Subject: RE: California Public Records Act Request #20-2942
You are required by law to produce all of the records. I will not agree that my request is satisfied by giving me these

fewer records on Colfax's phone. My lack of agreement in no way allows you not to produce whatever you have.

On Feb. 8, 2021:
Subject: RE: California Public Records Act Request #20-2942
Hi,

Please clarify if you would like for DPH to move forward with conducting the proposed alternate search for responsive records through Dr. Colfax's mobile phone. If so, please narrow the timeframe to help facilitate the review.

We appreciate your help.

Thank you,
Veronica

On Feb. 5, 2021:
Subject: RE: California Public Records Act Request #20-2942
Shortly, there will also be a records request to all City employees demanding all communications with Aragon and that they preserve all records.
Whatever it is you tried to hide here will be found out.

When will the City realize that it can never get away with illegal actions like this...

On Feb. 5, 2021:
Subject: RE: California Public Records Act Request #20-2942
Shortly, there will also be a records request to all City employees demanding all communications with Aragon and that they preserve all records.
Whatever it is you tried to hide here will be found out.

When will the City realize that it can never get away with illegal actions like this...

On Feb. 5, 2021:
Subject: RE: California Public Records Act Request #20-2942
You and Colfax willfully violated the law by closing this request in Sept and then only reopening it in January after Aragon left the City's employment to make sure I could never get the records. We'll never know what Aragon and the Mayor discussed now...
Suit will be filed in this case - you will get my filing shortly.

On June 4, 2020:
Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF Health Officer Tomas Aragon)
Health Officer Tomas Aragon:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to you. Your response is required by June 5, 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).

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. ******

1. All text 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):
- a) sent by you to/cc/bcc any of Mayor London Breed, Sean Elsbernd, SFPD Chief William Scott, Dennis Herrera, Grant Colfax, Jeff Kositsky, Mohammed Nuru, Alaric Degrafinried, Andy Lynch, Hank Heckel, Mary Ellen Carroll, or Abigail Stewart-Kahn (the "Named Public Officials") OR
- b) sent by any of the Named Public Officials and received by you (and possibly others, such as in a group message) OR
- c) sent by a third party and received by both you and any of the Named Public Officials (such as in a group message), with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). 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 must still be provided.

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

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): 94374-74128043@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%252Fdepartment-of-public-health-4836%252Finter-agency-text-messages-immediate-disclosure-request-sf-health-officer-tomas-aragon-94374%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lGHfS%3AgVF7bGmIHlxLT_82QQlIKZWo8KA
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 94374
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.

Buta, Odaya (CAT)

From: 88878-67394299@requests.muckrock.com
Sent: Sunday, February 28, 2021 12:40 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-1076

Department of Public Health
PRA Office
Room 302
101 Grove Street
San Francisco, CA 94102

February 28, 2021

This is a follow up to request number 20-1076:

This is a 67.21(d) petition for written determination that records requested in DPH requests 20-1076 and 20-1078 are public and an order for their disclosure.

Filed via MuckRock.com
E-mail (Preferred): 88878-67394299@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%252Fdepartment-of-public-health-4836%252Fcoronaviruscovid-19sars-cov-2-response-san-francisco-immediate-disclosure-request-88878%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lGHcO%3A4KgR_uP7GotKMYmdislNZ8RzH6Y
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 88878
411A Highland Ave
Somerville, MA 02144-2516

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On Oct. 2, 2020:
Subject: RE: California Public Records Act Request #20-1076
You cannot close my outstanding requests. Violation complaints will be filed with SOTF.

--Anonymous

On Oct. 2, 2020:
Subject: Your City and County of San Francisco public records request #20-1076 has been closed.
City and County of San Francisco

****

Hi there

Record request #20-1076 has been closed. The closure reason supplied was:

We did not hear back from you when we asked for more clarification about your request. Since we are unable to conduct a diligent search for responsive records without your guidance, we consider your request closed. If you are still interested in your request, you are welcome to submit a new request with more details at any time here: https://sanfrancisco.nextrequest.com/requests/new.

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Aug. 1, 2020:
Subject: RE: California Public Records Act Request #20-1076
DCA Simpson,

DPH requested I contact you re: DPH records requests 20-1076 and 20-1078.

DPH has not made requests 20-1076 and 20-1078 available openly on NextRequest. The City cannot require me to agree to end-user conditions to access public records, for example by requiring registration and acceptance of NextRequest's terms of service (see for example Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301). Please make those requests publicly viewable on NextRequest, without sign-in.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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 April 16, 2020:
Subject: [ACTION REQUIRED] Your City and County of San Francisco public records portal account
Use this to confirm your account. The link is only valid for 24 hours.

City and County of San Francisco

****
Hello MuckRock.com!
****

You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: http://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=zUwamtfbCgfAt83GTdsy

****
Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.
****

Powered by NextRequest (https://www.nextrequest.com).

On April 15, 2020:
Subject: RE: California Public Records Act Request #20-1076
Please make requests 20-1076 and 20-1078 publicly viewable. I will not sign in to any third party service.

On Feb. 28, 2020:
Subject: California Public Records Act Request: Coronavirus/COVID-19/SARS-CoV-2 Response (San Francisco) Immediate Disclosure Request
SFDPH:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head.
Your initial response is required by March 2, 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)). Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (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 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. ******

1. All communications with CDC or its employees (email, text, or chat) with any of the following insensitive keywords: "coronavirus" "wuhan" "SARS" "COVID" "COVID19" "COVID-19" "SARS-CoV-2" "2019-nCOV" "nCOV" "severe acute respiratory syndrome" "viral pneumonia" "pneumonia of unknown origin" "novel pneumonia" from Nov 14, 2019 to present. For solely this request, any format showing all participants (TO, FROM, CC; and BCC for items sent by City employees) and preserving the body, attachments and images is sufficient.

2. All communications to or from the California DPH or its employees (email, text, or chat) with any of the following insensitive keywords: "coronavirus" "wuhan" "SARS" "COVID" "COVID19" "COVID-19" "SARS-CoV-2" "2019-nCOV" "nCOV" "severe acute respiratory syndrome" "viral pneumonia" "pneumonia of unknown origin" "novel pneumonia" from Nov 14, 2019 to present. For solely this request, any format showing all participants (TO, FROM, CC; and BCC for items sent by City employees) and preserving the body, attachments and images is sufficient.

This information is of the highest public interest. You may prioritize this request over any other outstanding Sunshine requests from me, if it would speed up your response to this one.
You may exclude press releases or similar material already published to the general public. If you believe this query would take more than say a week to produce, please provide suggestions to narrow the query to match my purpose, which is: to determine the scope and quality of Federal, state, and local government response to COVID-19/SARS-CoV-2, most importantly including decisions to test or not to test PUIs or other suspect cases.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88878-67394299@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%252Fdepartment-of-public-health-4836%252Fcoronaviruscovid-19sars-cov-2-response-san-francisco-immediate-disclosure-request-88878%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAe_VQf-k0KzR9XR24yQKwiCpI%3A1lGHcO%3A4KgR_uP7GotKMYmdislNZ8RzH6Y
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 88878
411A Highland Ave
Somerville, MA 02144-2516

Buta, Odaya (CAT)

From: 98255-36312589@requests.muckrock.com on behalf of '98255-36312589@requests.muckrock.com' <98255-36312589@requests.muckrock.com>
Sent: Saturday, February 27, 2021 8:39 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly

Office of the City Administrator
PRA Office
Room 362
City Hall, 1 Dr. Carlton B. Goodlett Place
San Fransisco, CA 94102

February 27, 2021

This is a follow up to a previous request:

Supervisor of Records:
This is a 67.21(d) petition for the July 15 2020 request from this email address to Naomi Kelly, for Kelly's own records. They responded only after Kelly resigned, although her records were in the constructive possession of the City as of the date I made the request.
Please determine Kelly's records public in writing and order them disclosed.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 98255-36312589@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%252Fsan-fransisco-311-18636%252Fwalter-wong-mlok-consulting-alternate-choice-llc-green-source-trading-llc-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-admin-naomi-kelly-98255%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGDrN%3AaEAj09YLc0FGvo2foKecB5BEB1w
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 98255
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 Feb. 23, 2021:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Again: Did your Office and Naomi Kelly actually conduct a search *at the time of my request* of her personal accounts? She was an employee when I made the request. Not a former employee.

This is an immediate disclosure request for all written documentation in any form (text, chat, email, letter, anything) that Naomi Kelly was asked to perform a search for the original request on this email, and all of her responses.

On Feb. 23, 2021:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Dear Requestor,

Please see the last batch for this request.

Sincerely,

Office of the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4148

On Feb. 23, 2021:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Dear Requestor,

Please see batch #3 attached.

Sincerely,

Office of the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4148

On Feb. 23, 2021:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Dear Requestor,

Please see batch #2 attached.

Sincerely,

Office of the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4148

On Feb. 23, 2021:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Dear Requestor,

Please see batch #2 attached.

Sincerely,

Office of the City Administrator
City Hall, Room 362
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4148

On July 15, 2020:
Subject: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF Admin Naomi Kelly
Office of the City Administrator and Naomi Kelly ,

Attached are new Immediate Disclosure Requests under the Sunshine Ordinance and CPRA.

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): 98255-36312589@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%252Fsan-fransisco-311-18636%252Fwalter-wong-mlok-consulting-

alternate-choice-llc-green-source-trading-llc-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-admin-naomi-kelly-98255%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkDcrkc2hpnhG1e4bE80_Zx1c%3A1lGDrN%3AaEAj09YLc0FGvo2foKecB5BEB1w
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 98255
411A Highland Ave
Somerville, MA 02144-2516

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Buta, Odaya (CAT)

From: 98251-27428784@requests.muckrock.com
Sent: Saturday, February 27, 2021 7:44 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF OCA

Follow Up Flag: Follow up
Flag Status: Completed

Office Of Contract Administration
PRA Office
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

February 27, 2021

This is a follow up to a previous request:

Supervisor of Records:

Since there has been no response to this request from July 15, 2020, this is a petition for a written determination that the records are public and and an order for their disclosure.
Request: https://www.muckrock.com/foi/san-francisco-141/walter-wong-mlok-consulting-alternate-choice-llc-green-source-trading-llc-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-oca-98251/

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 98251-27428784@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%252Foffice-of-contract-administration-19341%252Fwalter-wong-mlok-consulting-alternate-choice-llc-green-source-trading-llc-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-oca-98251%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABqQWujdSRG8-Ki9xO3KiQ3WC0%3A1lGD0I%3A-K0Lgc_YJKjHA7rCbkPVXnTRXv8
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 98251
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 July 17, 2020:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF OCA
Hello,

This email is to inform you that the Office of City Administrator will provide a response to your Public Records Request dated July 16, 2020.
Regards,

Shawnee Tang
Office of Contract Administration
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Rm 430
San Francisco, CA 94102-4685

On July 16, 2020:
Subject: RE: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF OCA
The attached IMMEDIATE DISCLOSURE REQUESTS replace any earlier ones you received from this email address.

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 15, 2020:
Subject: California Public Records Act Request: Walter Wong, Mlok Consulting, Alternate Choice LLC, Green Source Trading LLC, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF OCA
Office Of Contract Administration ,

Attached are new Immediate Disclosure Requests under the Sunshine Ordinance and CPRA.

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): 98251-27428784@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%252Foffice-of-contract-administration-19341%252Fwalter-wong-mlok-consulting-alternate-choice-llc-green-source-trading-llc-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-oca-98251%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABqQWujdSRG8-Ki9xO3KiQ3WC0%3A1lGD0I%3A-K0Lgc_YJKjHA7rCbkPVXnTRXv8
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 98251
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.

Buta, Odaya (CAT)

From: 84181-53996453@requests.muckrock.com
Sent: Saturday, February 27, 2021 2:57 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)

Department of Emergency Management
PRA Office
1011 Turk Street
SF, CA 94102

February 27, 2021

This is a follow up to a previous request:

The Feb 8 2020 email from this address to DEM never had a response. This is a 67.21(d) petition to determine in writing the records public and order them disclosed.

Filed via MuckRock.com
E-mail (Preferred): 84181-53996453@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%252Fdepartment-of-emergency-management-8080%252Fcalendars-and-emails-immediate-disclosure-request-sf-dem-84181%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAdJ4xrU-r5p-QnHIR00J0RSi8%3A1lG8WM%3A0f2AaQpf5uVuMCZF8UfJ7H1kn1c
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On March 13, 2020:
Subject: Automatic reply: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
San Francisco’s Emergency Operations Center is active to support preparation and response to COVID-19 (Novel Coronavirus). Inquiries unrelated to COVID-19 may experience a delay in response. We apologize for the inconvenience and appreciate your understanding.

On Feb. 11, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
VIA ELECTRONIC MAIL

Requestor: Anonymous
Email: 84181-53996453@requests.muckrock.com<mailto:84181-53996453@requests.muckrock.com>

February 11, 2020

Re: California Public Records Act Request: SF DEM BCC emails - Immediate Disclosure Request (SF DEM)

Dear Anonymous:

This letter responds to your Immediate Disclosure Request sent on February 8, 2020 and received by the Department of Emergency Management via email on February 10, 2020.

On Feb. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and the department head. Your response is required by Feb 11, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints (which I have now already won, see ruling in SOTF 19044).

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 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. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting, hyperlinks, images, and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account . Note that you will have to search directly from the person's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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 Jan. 13, 2020:
Subject: SOTF - Notice of Appearance to Determine Jurisdiction - Compliance and Amendments Committee; January 28, 2020
Good Afternoon:

Notice is hereby given that the Compliance and Amendments Committee of the Sunshine Ordinance Task Force shall hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint will be scheduled on a future date.

The Complainant and Respondent are NOT REQUIRED to attend the January 28, 2020, Committee meeting but may attend to provide testimony related to the above listed determinations only.

Date: January 28, 2020

Location: City Hall, Room 408

Time: 4:30 p.m.

Complaints:

File No. 19091: Complaint filed by Anonymous against Mayor London Breed, the Office of the Mayor, Hank Heckel, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.21, 67.26, 67.27 and 67.29-7, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19094: Complaint filed by Anonymous against Linda Gerull and the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19097: Complaint filed by Anonymous against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19109: Complaint filed by Stephen Malloy against Dept. of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19110: Complaint filed by Stephen Malloy against the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19117: Complaint filed by Conrad Wu against the Public Utilities Commission for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19118: Complaint filed by Paul Ondik against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), by failing to respond to a records request in a timely and/or complete manner.

File No. 19119: Complaint filed by Anonymous against the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19120: Complaint filed by Anonymous against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c), 67.26, 67.27, by failing to respond to a request for public records in a timely and/or complete manner; failing to justify withholding of records and failing to provide assistance.

File No. 19121: Complaint filed by Anonymous against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(k), 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner; withholding more than the minimum and failing to justify withholding.

File No. 19122: Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19123: Complaint filed by Paul Kniha against the San Francisco Municipal Executive Association for allegedly violating Administrative Code, (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19125: Complaint filed by Anonymous against the Controller's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c)(k), 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record, failing to justify withholdings with clear reference to exemption statute or case law and failing to provide an exact copy of records.

File No. 19126: Complaint filed by Ann Treboux against the San Francisco Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19128: Complaint filed by Anonymous against Chief William Scott, Sgt. Brian Rodriguez, Michael Andraychak and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27 and 67.29-7(a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19130: Complaint filed by Stephen Malloy against Chesa Boudin and the District Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19131: Complaint filed by Anonymous against Jose Cisneros, Theresa Buckley and the Treasurer's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record.

File No. 19132: Complaint filed by Anonymous against Mary Ellen Carroll and the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19133: Complaint filed by Anonymous against Tom Maguire and the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19134: Complaint filed by Anonymous against Rob Reiter and City Hall Building Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19135: Complaint filed by Anonymous against Vicki Hennessy and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19136: Complaint filed by Anonymous against Naomi Kelly and the Office of the City Administrator for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19137: Complaint filed by Anonymous against Thomas P. Campbell and the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25 and 67.34 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19138: Complaint filed by Stephen Malloy against the University of California, Regents of the University of California, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19139: Complaint filed by Anonymous against Jeanne Buick, Henry Voong and the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.26 and 67.27(a), by withholding public records.

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19141: Complaint filed by Anonymous against Chief William Scott and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19143: Complaint filed by Anonymous against Sheriff Vicki Hennessy, James Wilson and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25 and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19144: Complaint filed by Anonymous against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Sections, 67.21, 67.24, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19145: Complaint filed by Anonymous against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19146: Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to request for public records in a timely and/or complete manner.

The agenda and packet material for the meeting is available online at the following link:

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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.

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On Jan. 13, 2020:
Subject: SOTF - Notice of Appearance to Determine Jurisdiction - Compliance and Amendments Committee; January 28, 2020
Good Afternoon:

Notice is hereby given that the Compliance and Amendments Committee of the Sunshine Ordinance Task Force shall hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint will be scheduled on a future date.

The Complainant and Respondent are NOT REQUIRED to attend the January 28, 2020, Committee meeting but may attend to provide testimony related to the above listed determinations only.

Date: January 28, 2020

Location: City Hall, Room 408

Time: 4:30 p.m.

Complaints:

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On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
To the Department Head (Mary Ellen Carroll),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

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E-mail (Preferred): 84181-53996453@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%252Fdepartment-of-emergency-management-8080%252Fcalendars-and-emails-immediate-disclosure-request-sf-dem-84181%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAdJ4xrU-r5p-QnHIR00J0RSi8%3A1lG8WM%3A0f2AaQpf5uVuMCZF8UfJ7H1kn1c
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 84181
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.

Buta, Odaya (CAT)

From: 84164-62563184@requests.muckrock.com
Sent: Saturday, February 27, 2021 2:46 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)

San Francisco Municipal Transportation Agency
PRA Office
7th Floor
1 South Van Ness Avenue
SF, CA 94103

February 27, 2021

This is a follow up to a previous request:

This is a 67.21(d) petition to determine in writing that the records responsive to the below Feb 8, 2020 request to MTA are public and to order them disclosed.

From nobody Sat Feb 8 13:08:06 2020
Content-Type: multipart/alternative;
boundary="===============5005663475704444880=="
MIME-Version: 1.0
Subject: RE: California Public Records Act Request: Calendars and Emails -
Immediate Disclosure Request (SF MTA)
From: "84164-62563184@requests.muckrock.com"
<84164-62563184@requests.muckrock.com>
To: Tom.Maguire@sfmta.com
Date: Sat, 08 Feb 2020 18:08:06 -0000
Message-ID: <20200208180806.4009.86944@d48fa7da-6a47-4b40-b83b-f39e9cfa38f0.prvt.dyno.rt.heroku.com>

--===============5005663475704444880==
Content-Type: text/plain; charset="utf-8"
MIME-Version: 1.0
Content-Transfer-Encoding: quoted-printable

San Francisco Municipal Transportation Agency
PRA Office
7th Floor
1 South Van Ness Avenue
SF, CA 94103

February 8, 2020

This is a follow up to a previous request:

RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) direct=
ed to your agency and the department head. Your response is required by Feb=
11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you a=
re 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 record. Provide only copies of records not=
requiring fees and in-person inspection of all other records (GC 6253). E=
mails are requested in the easily-generated EML or MSG formats (SFAC 67.21(=
l)).

I am now auditing how the City appears to unlawfully withhold the BCC recip=
ients of emails when they print out emails in certain formats. The identit=
y of BCC recipients is not exempt. BCC is not an information security reco=
rd that reveals vulnerabilities or increases chance of an attack. The BCC =
names was typed in by a human being and are not metadata. You must provide=
BCC just like you provide To or CC recipients. There is no legal authorit=
y to keep secret the identities of persons communicating with government of=
ficials, unless they are specifically confidential informants and such. If=
you withhold the BCC names, I will file complaints, separate and apart fro=
m email metadata complaints (which I have now already won, see ruling in SO=
TF 19044).

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 por=
tion of any record may be withheld (SFAC 67.26). You must respond to emaile=
d 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 f=
or withholding any information (Gov Code 6253(d)). Do not impose any end-us=
er restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 13=
01); so if you use a third-party website to publish records, please make th=
em completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you canno=
t wait until we file complaints. =

****** We have no duty to, and we will not again, remind the City of its ob=
ligations. Instead, we will file complaints for every Sunshine Ordinance or=
CPRA violation. We will continue to file complaints until the City's proce=
dures are modified to fully comply with the Sunshine Ordinance and CPRA, wi=
thout caveat or exception. ******

1. An exact copy with all email headers (incl. but not limited to the BCC i=
dentities), attachments, color, formatting and all other parts of the recor=
d of the most recent 5 emails which have any BCC recipients which were sent=
by your Dept Head on any government account . Note that you will have to s=
earch directly from the person's computer or account in their Sent folder s=

pecifically (In many email systems, no other method will allow you to see t=
he BCC recipients). In modern Outlook systems, the search query is as foll=
ows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withh=
oldings or Sunshine violations.

NOTE: Please be certain you have properly redacted all of your responses. O=
nce 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 (includ=
ing all responsive records) may be instantly and automatically available to=
the public online via the MuckRock.com FOIA service used to issue this req=
uest (though the requester is an anonymous user, not a representative of Mu=
ckRock). Nothing herein is legal, IT, or professional advice of any kind. T=
he author disclaims all warranties, express or implied, including but not l=
imited to all warranties of merchantability or fitness. In no event shall t=
he author be liable for any special, direct, indirect, consequential, or an=
y 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 inten=
d that these communications with the City all be disclosable public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84164-62563184@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%252Fsan-francisco-municipal-transportation-agency-3914%252Fcalendars-and-emails-immediate-disclosure-request-sf-mta-84164%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAATu0IQO4kGTnTj4Pxmy8mU-2o%3A1lG8LO%3AfZ8JTamGeMQ6eaVfu8CwZSrsStE
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 84164
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 Feb. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and the department head. Your response is required by Feb 11, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints (which I have now already won, see ruling in SOTF 19044).

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 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. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account . Note that you will have to search directly from the person's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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 Feb. 4, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
Of course you do not have to create any records. But you also cannot violate any Sunshine Ordinance requirements, which you did. Departments have two options: they can wait to be ordered into compliance by the SOTF or they can do so voluntarily.

You have made your choice.

On Feb. 4, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
We are not required to create a record in response to a request.

On Jan. 28, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
It appears that you do not wish to issue such letter. Therefore, we shall proceed to hearing to ask SOTF to find all violations and issue all orders.

On Jan. 13, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
(To avoid doubt, we cannot dismiss SOTF 19133 until the letter above is signed by Tom Maguire and that letter is published to us.)

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF MTA)
To Whom It May Concern:

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

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Upload documents directly:
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411A Highland Ave
Somerville, MA 02144-2516

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Buta, Odaya (CAT)

From: 84174-46370490@requests.muckrock.com
Sent: Saturday, February 27, 2021 2:44 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)

Office of Economic and Workforce Development
PRA Office
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

February 27, 2021

This is a follow up to a previous request:

This is a 67.21(d) petition for a determination in writing that the following records are public and an order for their disclosure against OEWD.
Records: the Feb 8, 2020 request from this email address asking as follows which has never been responded to.

RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and the department head. Your response is required by Feb 11, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

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Sincerely,

Anonymous

Filed via MuckRock.com
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Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-economic-and-workforce-development-14659%252Fcalendars-and-emails-immediate-disclosure-request-sf-economic-dev-84174%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABAqrZ1rRoN-mRCL2ZUwPh3k7c%3A1lG8JE%3AoeM8fenL1mZwPP5kFtyfyh2E4pk
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On Feb. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)
RE: BCC Emails - Immediate Disclosure Request

Department Head:

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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 Dec. 11, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)
Good afternoon,

Attached, please find the following responsive documents to your California Public Records Request, dated, 12/9/2019.

The following documents are responsive and thus closes out your current request.

M.

Marianne Mazzucco Thompson
Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
P: 415-554-6297
E: Marianne.Thompson@sfgov.org<mailto:Marianne.Thompson@sfgov.org>
[cid:image001.png@01D04B85.EAF2F930]<http://www.twitter.com/sfoewd> [cid:image002.png@01D04B85.EAF2F930]
<http://www.facebook.com/sfoewd> [cid:image003.png@01D04B85.EAF2F930] <http://www.oewd.org/>

On Dec. 9, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)
Ms. Thompson,

There was an earlier Dec 7 email with an attachment. I am resending them both below to avoid confusion. Response is still due Dec 10.

To the Department Head,

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

RE: the DEC 7 IMMEDIATE DISCLOSURE REQUEST from this email address

Please note: "Exact copies" are requested for all records pursuant to CPRA Gov Code 6253(c).
Please email all records, or publish them to your own website/portal (as long as the URL is accessible without any login), or upload them and publish them to MuckRock.com directly using the auto-generated link in the footer below. Do not physically mail any records.
Provide only those copies available without fees - if you believe certain copies require fees, instead provide the required notice of which records are available for in-person inspection.

Your response is still required by Dec. 10, 2019. Rolling records responses were requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

On Dec. 9, 2019:
Subject: FW: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)
Please not that there is not content in the e-mail. I do not know what you are requesting, as I am unable to open the links.

M.

Marianne Mazzucco Thompson
Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
P: 415-554-6297
E: Marianne.Thompson@sfgov.org<mailto:Marianne.Thompson@sfgov.org>
[cid:image001.png@01D04B85.EAF2F930]<http://www.twitter.com/sfoewd> [cid:image002.png@01D04B85.EAF2F930]
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Provide only those copies available without fees - if you believe certain copies require fees, instead provide the required notice of which records are available for in-person inspection.

Your response is still required by Dec. 10, 2019. Rolling records responses were requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Economic Dev)
To the Department Head,

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84174-46370490@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%252Foffice-economic-and-workforce-development-14659%252Fcalendars-and-emails-immediate-disclosure-request-sf-economic-dev-84174%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABAqrZ1rRoN-mRCL2ZUwPh3k7c%3A1lG8JE%3AoeM8fenL1mZwPP5kFtyfyh2E4pk
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 84174
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.

Buta, Odaya (CAT)

From: 81953-03405492@requests.muckrock.com
Sent: Saturday, February 27, 2021 2:38 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request

February 27, 2021

This is a follow up to a previous request:

This request from October 21 2019 was not completely responded to and apparently they forgot about it.
This is a petition under 67.21(d) for a written determination that the records are public and an order for their disclosure.

Filed via MuckRock.com
E-mail (Preferred): 81953-03405492@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%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lG8E9%3A7RQIlVwkbH7oE2qMrManPINX_fo
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Somerville, MA 02144-2516

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On Dec. 22, 2019:
Subject: RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
You claim that you have some sort of procedure to make sure you completely respond to requests that require rolling responses, but this request has been sitting for 2 months without a response.

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 and various services that mirror those documents for analysis and research by journalists and the general public (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 government all be disclosable public records.

On Oct. 25, 2019:
Subject: RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
Thank you Mr. Heckel, and I look forward to the remaining records!

--Anonymous

On Oct. 24, 2019:
Subject: RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
Dear Anonymous,

Please see attached the requested Prop G calendar for the Mayor for the month of October 2019 in the requested monthly summary view. As noted, Admin Code 67.29-5 requires that this calendar be updated every three days and accordingly, this calendar is up to date through October 21.

Please note that entries for future meetings after today have been redacted for the security reasons noted previously pursuant to Cal. Gov. Code 6254(f).

Further, a cell phone number has been redacted for the October 23rd entry to protect privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

We are continuing to process the rest of your request pertaining to non-Prop G calendars as noted.

Please let us know if you have any questions.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On Oct. 23, 2019:
Subject: RE: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. **

While I do not agree with any of your arguments for exemptions, they appear to be consistent with your past arguments, EXCEPT: you have withheld the October PropG calendar. How could that possibly need to be redacted? It is a PropG calendar and completely public. As you said nothing is even added to the PropG calendar until after the event has happened.

Thanks,
Anonymous

On Oct. 22, 2019:
Subject: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
Dear Anonymous,

This is in response to your request below sent Sunday, October 20 and received by the Office of the Mayor on Monday, October 21. Please see the attached responsive records. These include the "Prop G" calendar in monthly summaries from January to September as requested.

Please note that for the October Prop G entries and for "non Prop G" calendar information, we need to consult with other departments and make applicable redactions, which renders the request not routine, simple or readily answerable. Admin Code 67.25. We will provide responsive records as they become available according to the regular permitted timeline.
Regarding entries for future dates, as we have previously noted, such entries are exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your arguments, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance.

Also, by definition there are no "Prop G" entries available for future dates. The Prop G calendar is backward looking and is prepared to provide complete information for past meetings, updated every 3 days. See Admin Code 67.29-5.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

October 21, 2019

Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 20, 2019.

I would like to understand the Mayor's retention of her non-Prop G calendar. To that end, we will test the extent of records retained using monthly summary views.

I am requesting approximately 24 pages of PDF records. It should be a simple print to PDF from Outlook, and is 'readily answerable.'
All records must be provided in rolling fashion.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly January 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all

events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

2. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly February 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

3. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly March 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

4. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly April 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

5. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly May 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

6. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly June 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

7. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly July 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

8. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly August 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

9. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Sept 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

10. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Oct 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

11. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Nov 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

12. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's monthly Dec 2019 Outlook calendar view of "Calendar, Mayor (MYR)" (or whatever you may have renamed that account to) AND of "PropG, Mayor (MYR)", with all events/items. You are welcome to print the monthly summary view directly to .PDF form in Outlook and redact them. Do not print and scan. This is a 67.21(l) format request that is easily generated.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81953-03405492@requests.muckrock.com<mailto:81953-03405492@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJKbo2Vje5U7JJiIkNXfIXyg%3A1iMQoT%3AJijnGXEVyiKA3s1wnoWi9AfpvcA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org
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):
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411A Highland Ave
Somerville, MA 02144-2516

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On Oct. 21, 2019:
Subject: California Public Records Act Request: Monthly Calendars - Immediate Disclosure Request
Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Please redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 20, 2019.

I would like to understand the Mayor's retention of her non-Prop G calendar. To that end, we will test the extent of records retained using monthly summary views.

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I look forward to your immediate disclosure.

Sincerely,
Anonymous

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Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fmonthly-calendars-immediate-disclosure-request-81953%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1lG8E9%3A7RQIlVwkbH7oE2qMrManPINX_fo
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Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, February 26, 2021 4:59 PM
To: Cox, Andrew (POL); Supervisor Records (CAT)
Subject: Petition - Re: Public Records Request :: P025718-020221
Attachments: ChiefOfficeResponse_Redaction_Codes_List.pdf; P25718_-_2021.02.26_sfpd_response.pdf; Scott_Calendar_03_2021_Redacted.pdf; signature.asc

Supervisor of Records Herrera,

NOTE: The fact that I am not challenging citation to *Times Mirror* in *general* in this petition does not mean that I concede that *Times Mirror* (which relies solely on Gov Code 6255) is ever a valid exemption (either pre-COVID with Admin Code 67.24(g, i); or during COVID with the COVID emergency orders); nor does it mean that I concede that the Mayor's emergency order purporting to suspend Admin Code 67.24(g) and (i) is valid.

This is a petition under 67.21(d) to determine in writing that the following is public and order them disclosed in the Chief's then-future calendar entries (all page numbers refer to attachment Scott_Calendar_03_2021_Redacted.pdf):

1. - page 6, both hyperlink urls
2. - page 1, first two sentences in the body description
3. - subject lines pg 3, 4, 7, 11, 12, 14, 16, 19, 39;
4. - body text on pg 15;
5. - names of Outlook fields on pg 17, 23, 38;
6. - location on pg 18;
7. - ALL info on pages 26, 31, 33, 61 (as it states, these are phone/conference calls - there is no physical security threat or procedure involved here);
8. - all redactions keyed '8' on pages 28, 54

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

------- Original Message -------
On Friday, February 26th, 2021 at 4:24 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> Thank you. Through what date have you produced so far?
>
> ***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

------- Original Message -------
On Friday, February 26th, 2021 at 4:07 PM, San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net> wrote:

Attachments:
ChiefOfficeResponse_Redaction_Codes_List.pdf
P25718_-_2021.02.26_sfpd_response.pdf
Scott_Calendar_03_2021_Redacted.pdf

--- Please respond above this line ---

February 26, 2021

Via email arecordsrequestor@protonmail.com

Anonymous

San Francisco, CA

RE: Public Records Request, dated February 02, 2021, Reference # P025718-020221

Dear Anonymous:

In response to your request, please see attached documents.

Thank you for your attention.

Sincerely,

Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

OFFICE OF THE CHIEF OF POLICE
REDACTION CODES

1. **Attorney/Client Privilege**

2. **California Constitution, Article I, §§1.3(b)**: Unwarranted invasion of privacy.

3. **Penal Code Section 832.7**, Personnel records of peace officers are confidential.

4. **California Government Code Section 6254(c)**: Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

5. **California Government Code Section 6254(f)**: Records of complaints to and compiled by local police agencies when conducting an investigation:
   a. Intelligence information
   b. Security procedures
   c. Investigatory
   Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

6. **California Government Code Section 6254(f)(2)(A)**: Victim information.

7. **California Government Code Section 6254(k)**: Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

8. **California Government Code Section 6254.3(a)** The home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection.

9. **California Government Code Section 6255**: The facts of the particular case that the public interest served by not disclosing the record clearly outweigh this public interest served by disclosure of the record.

10. **Evidence Code Section 1040** (2) Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the

public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.

All redactions, meeting location/specific dial-in information per Evidence Code §1040(2) preserve the confidentiality of information

Redaction of cell phone per Evidence Code §1040(2) preserve the confidentiality of information.

11. Times Mirror v. Superior Court, 53 Cal.3d 1325 (1991).

PLEASE NOTE:
Columns "Sender" and "Recipients"
When a cell phone number has been redacted per Gov. Code §6254(f) and Evidence Code §1040(2)**,** the name of the individual associated with the cell phone number is listed.

A search of the "Contact" folder on Chief William Scott's department-issued cell phone is completed.

When the name of the contact associated with a redacted number has been identified, it is listed in the column next to both "Sender" and "Recipients" if the name appeared in the "Contact" folder.

If a name is not in the "Contact" folder of Chief William Scott, "unknown" is used.

Unwarranted Invasion of Privacy
Redactions have been made in these materials of personal information on the basis of privacy, pursuant to Section 6254(c) of the Public Records Act (California Government Code sec. 6254(c)) and Article I, sec. 1 of the California Constitution because disclosure of this information would constitute an unwarranted invasion of privacy.

February 26, 2021

Via email arecordsrequestor@protonmail.com

RE: Public Records Request, dated February 02, 2021, Reference # P025718-020221

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated February 02, 2021.

On February 2, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

You requested, "*Lt. Cox and Chief Scott:*

See attached Herrera's change of mind re: future calendars. To quote Herrera's office:

In light of recent discussions at the Sunshine Ordinance Task Force regarding public officials' disclosure of their future calendars, we have re-evaluated the legal question and consulted with the Police Department about security risks. Following that evaluation, we have concluded that in most circumstances the City Attorney may safely and legally disclose certain information about his future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in his calendar, and the week during which the meeting will occur. Due to security concerns, we will continue to withhold the location, time, and specific date of each meeting. There may be circumstances in the future where information about the subject matter or attendees of a meeting should be withheld based on fact-specific security concerns or other legal grounds, but your current request does not raise those concerns.

The Mayor has also agreed to comply with her associated SOTF Order 19103.
That leaves just you. This is an immediate disclosure request for all of Chief Scott's future, expected calendar entries for March 7 - May 21, 2021, in detailed Outlook PDF 'Memo Style' format (not a summary view).

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."

On February 12, SFPD informed you that we intended to produce future calendar entries in the same manner as the City Attorney's Office as soon as possible. We informed you that we were in the process of reviewing the records and applying any necessary redactions and invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to consult with another division of the agency.

Responsive records are included in this correspondence. Finally, we are still in the process of reviewing records and applying necessary redactions. We will continue to be in contact with you and provide you with an update by March 12, 2021.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Power, Andres (MYR); Carroll, Maryellen (DEM); Chu, Carmen (ADM); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Nicholson, Jeanine (FIR); Isen, Carol (HRD); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Bobba, Naveena (DPH); Bechelli, Adrienne (DEM); Kayhan, Dariush (HSA); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting through the 5.b., 10., 11. **.**

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415- 5.b., 10

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Sean, Chief Scott & Dave/Lisa
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Elsbernd, Sean (MYR); Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] Meeting with AC Moser and IAD
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Briefing with ACs
Location: [redacted]

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: ACs, DCs, ED Meeting

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: HOLD - Chronicle, Justin Phillips (Dir. Dorsey)

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

From: Dorsey, Matt (POL) <matt.dorsey@sfgov.org>
Sent: Tuesday, February 9, 2021 3:00 PM
To: Scott, William (POL) <william.scott@sfgov.org>; Moser, Bob (POL) <bob.moser@sfgov.org>; Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Subject: Fw: [EXT] SFPD and our reform initiatives

Promising news...

Nothing to schedule *yet*, but the *Chronicle's* new Sunday columnist — Justin Phillips — just replied to the introductory email I sent him yesterday, which included a link to our Jan. 27 news release on our CRI progress.

In his email (see below), Justin acknowledged that SFPD "is doing such important work and it will definitely be a priority of mine to follow it."

He is also "100 percent interested in getting some time with the Chief."

Again, no schedule request yet, but it'll be high priority. Row, if it's not too early, can you look for an hour-long time slot in the next week or two? I'm expecting to hear from Justin tomorrow.

Thanks!

Best,
MATT DORSEY
Director of Strategic Communications

SAN FRANCISCO POLICE DEPARTMENT
1245 3rd Street, 6th Floor
San Francisco, CA 94158
+1 (415) 837-7242 Desk
+1 (415) 806-2630 Mobile

Fountain, Christine (POL)

Subject: [redacted] Executive Covid Briefing
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Carroll, Maryellen (DEM)
Required Attendees: Cretan, Jeff (MYR); Howard, Kate (HRD); JoanneHayesWhite; Jue, Tyrone (MYR); Sharon Redmond; Hussey, Deirdre (PRT); Bobba, Naveena (DPH); Groffenberger, Ashley (MYR); Kelly, Naomi (ADM); SMITH, JESSE (CAT); Kelly, Jr, Harlan (PUC); Madland, Sarah (REC); Suhr, Wendy (DEM); Bechelli, Adrienne (DEM); Moore, Jamie (DPH); Scarpulla, John (PUC); Power, Andres (MYR); Redmond, Michael (POL); Degrafinried, Alaric (DPW); McSpadden, Shireen (HSA); Kittler, Sophia (MYR); Colfax, Grant (DPH); Su, Maria (CHF); Scanlon, Olivia (FIR); Young, Teresa (PUC); Miyamoto, Paul (SHF); Breed, London (MYR); Carlin, Michael (PUC); Wyrsch, Victor (FIR); Stewart-Kahn, Abigail (HOM); Engler, Joseph (SHF); Bruss, Andrea (MYR); Hayes-White, Joanne (DEM); Pojman, Natalie (DPH); Rhorer, Trent (HSA); Velo, Jose (FIR); Chu, Carmen (ASR); Sun, Selina (MYR); Stevenson, Peg (CON); Forbes, Elaine (PRT); Rosenfield, Ben (CON); Kagan, Rachael (DPH); Scott, William (POL); Tyra Fennell; Torres, Joaquin (ECN); Nicholson, Jeanine (FIR); Kirkpatrick, Kelly (MYR); Tumlin, Jeffrey (MTA); Zamora, Francis (DEM); Moser, Bob (POL); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Davis, Sheryl (HRC)
Optional Attendees: Buick, Jeanne (HRD); Isen, Carol (HRD); Bukowski, Kenneth (ADM); Rubenstein, Bryan (FIR); Kelly Jr, Harlan; Hogan, Kristin (DEM); Taupier, Anne (ECN)

Mary Ellen Carroll is inviting you to a scheduled Zoom meeting.

Topic: [redacted] Executive Covid Briefing
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting ID: [redacted]
Find your local number: [redacted]

Fountain, Christine (POL)

Subject: HOLD - Speak at Prof. Dent's Graduate Seminar (more to follow)

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: 8-Ball Association Meeting

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Meeting with Dir. Oliva-Aroche

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: JUSTIS Executive Council Meeting [redacted] via Teams
Location: Microsoft Teams Meeting

Start: [redacted]
End: [redacted]

Recurrence: [redacted]

Meeting Status: Accepted

Organizer: Legaspi, Doris (TIS)
Required Attendees Gerull, Linda (TIS); Lee, Ivy (MYR); Raju, Manohar (PDR); Fletcher, Karen (ADP); Miyamoto, Paul (SHF); Miller, Katherine (JUV); Scott, William (POL); Yee, Norman (BOS); Carroll, Maryellen (DEM); Yuen, Michael (CRT); Boudin, Chesa (DAT); Bartley, Henry (TIS); joe.siegel@gartner.com; Bukowski, Kenneth (ADM); Ellis, Kimberly (WOM); Ling, Kevin (TIS); Chu, Carmen (ADM)
Optional Attendees: Tyson, Pamela (DEM); Saenz, Johanna (SHF); Larrick, Herschell (WOM); Cowan, Sheryl (JUV); Carr, Rowena (POL); Auyong, Angela (PDR); Williams, LaShaun (ADP); Russom, Kelsey (DAT); Phan, Kay (ADM); Burke, Robyn (DAT); Zamora, Francis (DEM)

Microsoft Teams meeting

Join on your computer or mobile app
[redacted]

Or call in (audio only)
[redacted] United States, San Francisco
Phone Conference ID: [redacted]
[redacted]

Learn More | Meeting options

Fountain, Christine (POL)

Subject: Chris Fountain - Updates
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Fountain, Christine (POL)

Microsoft Teams meeting

Join on your computer or mobile app
5.b., 10., 11.

Or call in (audio only)
5.b., 10., 11. United States, San Francisco
Phone Conference ID: 5.b., 10., 11.
5.b., 10., 11.

Learn More | Meeting options

Fountain, Christine (POL)

Subject: CRI [redacted] Meeting

Start: [redacted]
End: [redacted]
Show Time As: Tentative

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Tentatively accepted

Organizer: Hilder, Candy (POL)
Required Attendees Scott, William (POL); McEachern, Greg (POL); Yee, Greg (POL); Ali, Mikail (POL); Flaherty, Denise (POL); Perea, Daniel (POL); Walsh, Peter; Altorfer, Eric (POL); Crockett, Ryan (POL); Smith, Amber (POL); Wong, Nora (POL); Thompson, Bernadette (POL)
Optional Attendees: Sanson-Mosier, William (POL); McGuire, Catherine (POL); Butler, Rosland (POL); O'Sullivan, Robert (POL); Preston, Darryelle (POL); Tran, Jimmy (POL); Sutton, Tiffany (POL); Demafeliz, Kristine (POL); Moser, Bob (POL); Medina, Chandra (POL); Ewins, Teresa (POL); Dorsey, Matt (POL); Cunningham, Jason (POL); Ford, Steve (POL); Sanchez, John (POL); Gribi, Hinde (POL); Fong, Daryl (POL); Barnes, Torrie (POL); Lazar, David (POL); Mannix, Ann (POL); Basco, Bernice (POL); Vaswani, Raj (POL); Fountain, Christine (POL); Rivera, Gabriel (POL); Endo, Kevin (POL); Cheng, Gary (POL); Nelson, Lauren (POL); Pereira, Frank (POL); Redmond, Michael (POL); Leung, Sally (POL); Oliva-Aroche, Diana (POL); Harrell, Joelle (POL)

You will be sent an email when attachments are ready to be viewed.

[redacted]

[redacted] United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams | [redacted]

Fountain, Christine (POL)

Subject: SAVE THE DATE - Stephen MR Covey to speak at all 3 LDI Cohorts

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Hello Cohort 1,

On 5.b., 10., 11., we are having Stephen MR Covey speak to all 3 cohorts of LDI (which includes the new Third Cohort also starting in March). We are expecting him to speak from 5.b., 10., 11. 5.b., 10., 11.. Mr. Covey was supposed to address LDI in October, but had to cancel 4.. Mr. Covey is the author of the book "Speed of Trust" that we read as part of our class and he has crafted a presentation specifically tailored to SFPD and the challenges facing our profession.

He is tentatively scheduled to speak at the 5.b., 10., 11., but we may seek a remote format depending on the COVID status in San Francisco.

We will send more info out as the event gets closer. Please save the date if you would like to attend.

Thanks,
Leonard

Sgt Leonard Poggio #391
San Francisco Police Department
Leadership Development Institute Coordinator
415-401-4710

Fountain, Christine (POL)

Subject: Mayor Breed's [redacted] Department Head Meeting
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Sun, Selina (MYR)
Required Attendees Sun, Selina (MYR); MYR-ALL Department Heads; MYR-All Department Head Assistant; MYR-ALL Staff List; Schedule, Room201 (MYR); Jenica Bedford-Pugh; Jones, Alexander (ECN); Miller, Katherine (JUV); Tugbenyoh, Mawuli (HRD); Boudin, Chesa (DAT)
Optional Attendees: Ginsburg, Phil (REC); Tooke, Daphne (MYR); Robbins, Susannah (ECN); Badasow, Bridget (HSA); Elsbernd, Sean (MYR); Lambert, Michael (LIB); DaSilva, Christina (MYR); Kositsky, Jeff (DEM); Power, Andres (MYR); Buckley, Jeff (MYR); Alfaro, Nancy (ADM); Dick-Endrizzi, Regina (ECN); McSpadden, Shireen (HSA); White, Staci (REC); Davis, Sheryl (HRC); Su, Maria (CHF); Murray, Ashley (MYR); Cretan, Jeff (MYR); Weiland, Maggie (ADM); Roiz, Teresa (PUC); Penick, Andrico; Henderson, Paul (DPA); Carroll, Maryellen (DEM); Gerull, Linda (TIS); Legaspi, Doris (TIS); Corvino, Denise (HSA); Scott, William (POL); McCaffrey, Edward (MYR); Mezquita, Ingrid (HSA); Cukierman, Rachel (ASR); Sonnenschein, Jenny (FAM); Fletcher, Karen (ADP); Peacock, Rebecca (MYR); Collins, Robert (RNT); Yant, Abbie (HSS); Rhorer, Trent (HSA); Raphael, Deborah (ENV); Chu, Carmen (ASR); Noguchi, John (ADM); Beck, Bob (ADM); Roye, Karen (CSS); Forbes, Elaine (PRT); Pon, Adrienne (ADM); Lee, Mason (MYR); Lindler, Nicole (MYR); Auyong, Angela (PDR); Beckett, Caroline (CSS); Wagner, Greg (DPH); Luong, Susanna (HRD); Hayes-White, Joanne (FIR); Geithman, Kyra (MYR); Tajel Shah (tajel.shah@sfgov.org); Donohue, Virginia (ADM); Cohen, Emily (HOM); Johnson, Jillian (ADM); Fiore, Nina (ADM); Burke, Robyn (DAT); Groffenberger, Ashley (MYR); Fay, Abigail (MYR); Bohn, Nicole (ADM); Kirkpatrick, Kelly (MYR); Lam, Jenny (MYR); Jackson, Jocelyne (MYR); Ivar Satero (AIR); Duning, Anna (MYR); Wong, Phillip (ECN); Huish, Jay (RET); Summers, Ashley (MYR); Mattias, Daniella (MYR); True, Judson (DPW); Rea, Diane (ADM); Bell, Marcia (LLB); Ekberg, Natalie (HSS); Xu, Jay (MYR); Patil, Lillian (MYR); Lane, Maura (CON); Farley, Clair (ADM); Ma, Annie (HOM); Nicholson, Jeanine (FIR); Rosenberg, Julie (BOA); Smith, Jasmine (CSS); Zighera, Theresa (CFC); Kelly, Naomi (ADM); Griggs, Mitchell (HSS); Howard, Kate (HRD); Colfax, Grant (DPH); Raju, Manohar (PDR); Owens, Sarah (MYR); Rodriguez, Marisa (ADM); Gosiengfiao, Rachel (ADM); Caldon, John (WAR); Barnes, Maximilian (MYR); Rosenfield, Ben (CON); Lediju, Tonia (CON); Philhour, Marjan (MYR); Gordon, Rachel (DPW); Chris Arrigale (AIR); Thomas, Kenya (DPH); Tonia Lediju; Lynch, Andy (MYR); Caldwell, James (MYR); Owens, Morgan (MYR); Bruss, Andrea (MYR); Lynn, Andrea (MYR); Bangcaya, Matthew (MYR); Seifer, Jason (FAM); ikwon@calacademy.org; Jones, De'Anthony (MYR); Torres, Joaquin (ECN); Johnston, Jennifer (ADM); Legg, Douglas (ASR); Krell, Rebekah (DEM); Tumlin, Jeffrey (MTA); Miyamoto, Paul (SHF); Cowan, Sheryl (JUV); Kurella, Sailaja (ADM); Degrafinried, Alaric (DPW); Bukowski, Kenneth (ADM); Taufic, Camilla (MYR); Liu, Adrian (MYR); Sacco, Carol (WOM); Abigail Stewart-Kahn (Abigail.Stewart-kahn@sfgov.org); Bowyer, Julie (HOM); Isen, Carol (HRD); Remington, Ralph (ART)

Fountain, Christine (POL)

Subject: Crime Trends Briefing with Chief Scott
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees: Scott, William (POL); Redmond, Michael (POL); Lazar, David (POL); McEachern, Greg (POL); Vaswani, Raj (POL); Mannix, Ann (POL); Perea, Daniel (POL); Ewins, Teresa (POL); Walsh, Peter; Dorsey, Matt (POL); Oliva-Aroche, Diana (POL); Sutton, Tiffany (POL); Andraychak, Michael (POL)
Optional Attendees: Lobsinger, Adam (POL); Maxie, Allison (POL); Fountain, Christine (POL); Rueca, Robert (POL); Basco, Bernice (POL); Garcia, Maria (POL); Thompson, Bernadette (POL); Crowder, Erika (POL)

5.b., 10., 11. 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11. 5.b., 10., 11.

5.b., 10., 11. 5.b., 10., 11.

The Crime Trends Briefing will be Teams Meeting until staff can meet in person.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Sean Elsbernd & Chief Scott
Location: Chief Scott to call Sean's [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] Meeting with Mayor Breed
Location: ZOOM MEETING

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Susanna Conine-Nakano is inviting you to a scheduled Zoom meeting.

Topic: Police Chief Scott + Mayor Breed
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]
Meeting ID: [redacted]
Passcode: [redacted]
Find your local number [redacted]

Join by SIP
[redacted]

Join by H.323
[redacted]

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.

Join by Skype for Business
5.b., 10., 11.

Susanna Conine-Nakano
Scheduling Aide
Office of Mayor London N. Breed
City Hall Room 200
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Fountain, Christine (POL)

Subject: Police Commission Meeting
Location: City Hall - Room 400

Start: Wed 3/10/21 5:30 PM
End: Wed 3/10/21 8:00 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Wednesday from 5:30 PM to 8:00 PM effective 2/1/2017. (UTC-08:00) Pacific Time (US & Canada)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Carroll, Maryellen (DEM); Chu, Carmen (ASR); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Isen, Carol (HRD); Nicholson, Jeanine (FIR); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Power, Andres; Kayhan, Dariush (HSA); Bechelli, Adrienne (DEM); Bobba, Naveena (DPH); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting to extend through the 5.b., 10., 11. **.**

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415 5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: HSOC Principals Call
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Kositsky, Jeff (DEM)
Required Attendees: Carroll, Maryellen (DEM); Colfax, Grant (DPH); Abigail Stewart-Kahn (Abigail.Stewart-kahn@sfgov.org); Degrafinried, Alaric (DPW); Scott, William (POL); Nicholson, Jeanine (FIR); Rosenfield, Ben (CON); Alfaro, Nancy (ADM); Tumlin, Jeffrey (MTA); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Fletcher, Karen (ADP); Forbes, Elaine (PRT); Miyamoto, Paul (SHF); Short, Carla (DPW); Redmond, Michael (POL); Stevenson, Peg (CON); Maimoni, Andy (ADM); Bobba, Naveena (DPH); Freeman, Matthew (SHF); Follin, Maja (REC); Johnston, Jennifer (ADM); Sawyer, Amy (MYR); Marshall, Laura (CON); Engler, Joseph (SHF); McCormick, Shawn (MTA); Lippi, Joseph (HOM)
Optional Attendees: Hogan, Kristin (DEM); Scanlon, Olivia (FIR)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Follow Up Meeting with Rahul Sidhu, SpidrTech

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

From: Rahul Sidhu <rahul@spidrtech.com>
Sent: Thursday, February 4, 2021 12:24 AM
To: Scott, William (POL) <william.scott@sfgov.org>
Cc: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>; Elon Kaiserman <elon.kaiserman@spidrtech.com>
Subject: Re: Panel w/ SF DA last night + SFPD assistance

Hi Rowena,

I spoke with Chief Scott and he would like me to schedule a follow-up meeting that will include some of his colleagues. Can you help me schedule that appropriately? I think a 30 minute block would be sufficient, but 45 would allow us to accomplish more in the meeting. Can you help me schedule accordingly? Let me know what times may work next week or the week following, thank you so much!

Rahul Sidhu / CEO & Co-Founder
rahul@spidrtech.com / 8., 10.
SPIDR Tech, Inc.
www.spidrtech.com

Fountain, Christine (POL)

Subject: [redacted] Meeting with SF Pride Alliance
Location: Conference Call until we can meet in person

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: HOLD - Meeting with Sandy Jo, Arif, and Mark

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: SFPD/Northwestern Research Project Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: 8.

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

You have been invited to the following event.

SFPD/Northwestern Research Project Meeting

When 5.b., 10., 11. Pacific Time - Los Angeles

Calendar william.scott@sfgov.org

Who
- 8. - organizer
- 8.
- michael.redmond@sfgov.org
- rowena.carr@sfgov.org
- william.scott@sfgov.org
- 8.
- kristine.demafeliz@sfgov.org
- rosland.butler@sfgov.org
- bob.moser@sfgov.org
- bernadette.t.thompson@sfgov.org
- catherine.mcguire@sfgov.org

5.b., 10., 11.

Sandy Jo,

Arif,

Mark,

It was great meeting with you today and great to see you all again. I am very interested in the SFPD engaging with Mark and his Northwestern University students for research opportunities proposed on emerging issues - to be identified.

I'd like to schedule a follow up meeting with you all and key members of our Executive leadership team.

I've copied my Executive Assisstant, Ms. Rowena Carr, Assistant Chiefs Mike Redmond and Bob Moser, and Executive Director Catherine McGuire of our Strategic Management Bureau. Executive Director McGuire will be point on this.

Let's shoot for two weeks or so from now. In the meanwhile I will brief my team on today's discussion and brainstorm with them on research ideas that would benefit our Department.

Thank you again for reaching out and talk soon!

Bill

~==========~

You have been invited to a Zoom meeting:

5.b., 10., 11. [redacted]

Meeting ID: 5.b., 10., 11. [redacted]

Password: 5.b., 10., 11. [redacted]

One tap mobile:

5.b., 10., 11. [redacted]

5.b., 10., 11. [redacted]

Dial by your location:

[redacted]

[redacted]

Find your local number:

[redacted]

~==========~

Going (william.scott@sfgov.org)? [redacted]

Invitation from Google Calendar

You are receiving this courtesy email at the account william.scott@sfgov.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://calendar.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

Fountain, Christine (POL)

Subject: Phone Meeting Check-Ins with Dir. Paul Henderson (30 min only)
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

From: Thompson, Pamela (DPA)
Sent: Tuesday, July 17, 2018 1:10 PM
To: Demafeliz, Kristine (POL) <kristine.demafeliz@sfgov.org>
Cc: Fountain, Christine (POL) <christine.fountain@sfgov.org>
Subject: RE: Confirmation

Yes, he would like them to be phone check-ins for 30 mins.
Thanks for checking in. Let me know if I should remove the 2th's meeting from the calendar.
Thanks,

Pamela Thompson
Management Assistant
Department of Police Accountability
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102
415-241-7721

From: Demafeliz, Kristine (POL)
Sent: Tuesday, July 17, 2018 10:49 AM
To: Thompson, Pamela (DPA) <pamela.thompson@sfgov.org>
Cc: Fountain, Christine (POL) <christine.fountain@sfgov.org>
Subject: Confirmation

Good morning Pam. I would like to confirm with you… Chief Scott has a meeting scheduled on his calendar to meet with Director Henderson on **Thursday, July 26 at 4:00p** with a location of TBD. We may have to cancel/reschedule that one since that's Law Enforcement Night at the ballpark. But did we super confirm to change those 5.b., 10., 11. meetings to "phone meetings" for 30 minutes only? Please advise so that I can update his calendar moving forward. Thank you Pam and happy Tuesday!

5.b., 10., 11.

Subject	Meeting with Dir. Henderson
Location	5.b., 10., 11.
Start time	5.b., 10., 11. 5.b., 10., 11. All day event
End time	5.b., 10., 11. 5.b., 10., 11.

Kristine L. Demafeliz, Executive Assistant
Office of the Chief of Staff
(415) 837-7012
(415) 837-7370 (fax)

-for-

Rowena V. Carr, Executive Assistant
Office of the Chief of Police
(415) 837-7003
(415) 837-7370 (fax)

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Fountain, Christine (POL)

Subject: [redacted]: Public Safety Meeting- Conditions in the Tenderloin Working Group
Location: Via Zoom

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL); Elsbernd, Sean (MYR); Fabbri, Carl (POL); Katherine Feinstein; Kwon, Jenny; Faigman, David; jason.elliott@gov.ca.gov; [redacted]; Carr, Rowena (POL); david.l.anderson@usdoj.gov; jennifer.hiwa@usdoj.gov; helen.gilbert@usdoj.gov; Rubino, Kevin (USACAN)
Optional Attendees: Kwon, Jenny

Attendees:

- Sean Elsbernd
- Judge Katherine Feinstein
- Chief Bill Scott
- David Anderson
- Jenny Kwon
- David Faigman
- Jennifer Hiwa
- Helen Gilbert
- Jason Elliot
- Kevin Rubino

Topic: [redacted] Public Safety Meeting- Conditions in the Tenderloin Working Group
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID [redacted]
Passcode: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
Find your local number: [redacted]

Fountain, Christine (POL)

Subject: Standing Meeting with Exec. Dir. McGuire
Location: TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Standing Meeting w/Chief Scott & E/Dir. McGuire
Location: TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: McGuire, Catherine (POL)
Required Attendees: Scott, William (POL); McGuire, Catherine (POL)
Optional Attendees: Rowena Carr; Butler, Rosland (POL)

From: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Sent: Monday, January 11, 2021 8:56 AM
To: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: Re: 2021 Chief Check In Schedule

Hi Ros,

The ED standing meetings with Chief are on 5.b., 10., 11. but subject to change.

January 15 meeting is at 2:30 pm.

Thank you,
Row

Rowena V. Carr
Office of the Chief of Police
SF Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158
415-837-7003

From: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Sent: Friday, January 8, 2021 10:06 AM
To: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: 2021 Chief Check In Schedule

Good morning Rowena,

Please confirm the [redacted] meeting with E/Dir. McGuire & Chief Scott moving forward for 2021 **starting next week Friday, December 15th**. The last two meetings were canceled due to the 12/25 Christmas & 01/01 New Years day holiday, and my calendar meeting was until 12/18/2020. **I believe the meeting for today was switched to Wed. 1/6 to discuss the budget presentation to the PC.**

Rosland Butler
Assistant to E/Dir. Catherine McGuire
San Francisco Police Department
Strategic Management Bureau: PSPP & Fiscal Division
1245 3rd St., 6th Floor
San Francisco, CA 94158

Direct Line: 415.837.7133
Work Cell: 415.964-6822
Fax SMB/PSPP: 415.575.6086
Fiscal Main:415.837.7200
Fiscal Fax: 415.575. 6085
Email: rosland.butler@sfgov.org

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Fountain, Christine (POL)

Subject: Chief's Standing Meeting with Asja Steeves
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees Scott, William (POL); Steeves, Asja (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

f

5.b., 10., 11.

Date/time subject to change.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: [redacted] Executive Covid Briefing
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Carroll, Maryellen (DEM)
Required Attendees Cretan, Jeff (MYR); Howard, Kate (HRD); JoanneHayesWhite; Jue, Tyrone (MYR); Sharon Redmond; Hussey, Deirdre (PRT); Bobba, Naveena (DPH); Groffenberger, Ashley (MYR); Kelly, Naomi (ADM); SMITH, JESSE (CAT); Kelly, Jr, Harlan (PUC); Madland, Sarah (REC); Suhr, Wendy (DEM); Bechelli, Adrienne (DEM); Moore, Jamie (DPH); Scarpulla, John (PUC); Power, Andres (MYR); Redmond, Michael (POL); Degrafinried, Alaric (DPW); McSpadden, Shireen (HSA); Kittler, Sophia (MYR); Colfax, Grant (DPH); Su, Maria (CHF); Scanlon, Olivia (FIR); Young, Teresa (PUC); Miyamoto, Paul (SHF); Breed, London (MYR); Carlin, Michael (PUC); Wyrsch, Victor (FIR); Stewart-Kahn, Abigail (HOM); Engler, Joseph (SHF); Bruss, Andrea (MYR); Hayes-White, Joanne (DEM); Pojman, Natalie (DPH); Rhorer, Trent (HSA); Velo, Jose (FIR); Chu, Carmen (ASR); Sun, Selina (MYR); Stevenson, Peg (CON); Forbes, Elaine (PRT); Rosenfield, Ben (CON); Kagan, Rachael (DPH); Scott, William (POL); Tyra Fennell; Torres, Joaquin (ECN); Nicholson, Jeanine (FIR); Kirkpatrick, Kelly (MYR); Tumlin, Jeffrey (MTA); Zamora, Francis (DEM); Moser, Bob (POL); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Davis, Sheryl (HRC)
Optional Attendees: Buick, Jeanne (HRD); Isen, Carol (HRD); Bukowski, Kenneth (ADM); Rubenstein, Bryan (FIR); Kelly Jr, Harlan; Hogan, Kristin (DEM); Taupier, Anne (ECN)

Mary Ellen Carroll is inviting you to a scheduled Zoom meeting.

Topic: [redacted] Executive Covid Briefing
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting ID: [redacted]
Find your local number: [redacted]

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Power, Andres (MYR); Carroll, Maryellen (DEM); Chu, Carmen (ADM); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Nicholson, Jeanine (FIR); Isen, Carol (HRD); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Bobba, Naveena (DPH); Bechelli, Adrienne (DEM); Kayhan, Dariush (HSA); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting through the 5.b., 10., 11. **.**

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415-5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Sean, Chief Scott & Dave/Lisa
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Elsbernd, Sean (MYR); Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] Meeting with AC Moser and IAD
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Briefing with ACs
Location: [redacted]

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] meeting with Chief Scott
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Accepted

Organizer: Tracy Watson

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

Please join my meeting by computer, tablet, or smartphone.

[redacted]
Meeting [redacted]

Join by Telephone

[redacted]

Join by One Touch Mobile

On your mobile device, you can connect with one tap mobile:

[redacted]

New to Zoom? Get the app now and be ready when your first meeting starts:

[redacted]

You can also test your phone, tablet or computer by joining a test meeting before your meeting starts:

[redacted]

You will be placed in a virtual waiting room until your meeting begins.

Fountain, Christine (POL)

Subject: [redacted] Executive Covid Briefing
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Carroll, Maryellen (DEM)
Required Attendees: Cretan, Jeff (MYR); Howard, Kate (HRD); JoanneHayesWhite; Jue, Tyrone (MYR); Sharon Redmond; Hussey, Deirdre (PRT); Bobba, Naveena (DPH); Groffenberger, Ashley (MYR); Kelly, Naomi (ADM); SMITH, JESSE (CAT); Kelly, Jr, Harlan (PUC); Madland, Sarah (REC); Suhr, Wendy (DEM); Bechelli, Adrienne (DEM); Moore, Jamie (DPH); Scarpulla, John (PUC); Power, Andres (MYR); Redmond, Michael (POL); Degrafinried, Alaric (DPW); McSpadden, Shireen (HSA); Kittler, Sophia (MYR); Colfax, Grant (DPH); Su, Maria (CHF); Scanlon, Olivia (FIR); Young, Teresa (PUC); Miyamoto, Paul (SHF); Breed, London (MYR); Carlin, Michael (PUC); Wyrsch, Victor (FIR); Stewart-Kahn, Abigail (HOM); Engler, Joseph (SHF); Bruss, Andrea (MYR); Hayes-White, Joanne (DEM); Pojman, Natalie (DPH); Rhorer, Trent (HSA); Velo, Jose (FIR); Chu, Carmen (ASR); Sun, Selina (MYR); Stevenson, Peg (CON); Forbes, Elaine (PRT); Rosenfield, Ben (CON); Kagan, Rachael (DPH); Scott, William (POL); Tyra Fennell; Torres, Joaquin (ECN); Nicholson, Jeanine (FIR); Kirkpatrick, Kelly (MYR); Tumlin, Jeffrey (MTA); Zamora, Francis (DEM); Moser, Bob (POL); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Davis, Sheryl (HRC)
Optional Attendees: Buick, Jeanne (HRD); Isen, Carol (HRD); Bukowski, Kenneth (ADM); Rubenstein, Bryan (FIR); Kelly Jr, Harlan; Hogan, Kristin (DEM); Taupier, Anne (ECN)

Mary Ellen Carroll is inviting you to a scheduled Zoom meeting.

Topic: [redacted] Executive Covid Briefing
Time: [redacted]

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting [redacted]
Find your local number: [redacted]

Fountain, Christine (POL)

Subject: Chris Fountain - Updates
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Fountain, Christine (POL)

Microsoft Teams meeting

Join on your computer or mobile app
5.b., 10., 11.

Or call in (audio only)
5.b., 10., 11. United States, San Francisco
Phone Conference ID: 5.b., 10., 11.
5.b., 10., 11.

Learn More | Meeting options

Fountain, Christine (POL)

Subject: [redacted] Meeting with APOA

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: Occurs [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Chief's API Forum (Capt. Yep)

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Meeting with Dir. Oliva-Aroche

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: CRI [redacted] Meeting

Start: [redacted]
End: [redacted]
Show Time As: Tentative

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Tentatively accepted

Organizer: Hilder, Candy (POL)
Required Attendees Scott, William (POL); McEachern, Greg (POL); Yee, Greg (POL); Ali, Mikail (POL); Flaherty, Denise (POL); Perea, Daniel (POL); Walsh, Peter; Altorfer, Eric (POL); Crockett, Ryan (POL); Smith, Amber (POL); Wong, Nora (POL); Thompson, Bernadette (POL)
Optional Attendees: Sanson-Mosier, William (POL); McGuire, Catherine (POL); Butler, Rosland (POL); O'Sullivan, Robert (POL); Preston, Darryelle (POL); Tran, Jimmy (POL); Sutton, Tiffany (POL); Demafeliz, Kristine (POL); Moser, Bob (POL); Medina, Chandra (POL); Ewins, Teresa (POL); Dorsey, Matt (POL); Cunningham, Jason (POL); Ford, Steve (POL); Sanchez, John (POL); Gribi, Hinde (POL); Fong, Daryl (POL); Barnes, Torrie (POL); Lazar, David (POL); Mannix, Ann (POL); Basco, Bernice (POL); Vaswani, Raj (POL); Fountain, Christine (POL); Rivera, Gabriel (POL); Endo, Kevin (POL); Cheng, Gary (POL); Nelson, Lauren (POL); Pereira, Frank (POL); Redmond, Michael (POL); Leung, Sally (POL); Oliva-Aroche, Diana (POL); Harrell, Joelle (POL)

You will be sent an email when attachments are ready to be viewed.

[redacted]

[redacted] United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams [redacted]

Fountain, Christine (POL)

Subject: [redacted] meeting with Chief Scott
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Accepted

Organizer: Tracy Watson

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

Please join my meeting by computer, tablet, or smartphone.

[redacted]

Join by Telephone

[redacted]

Join by One Touch Mobile

On your mobile device, you can connect with one tap mobile:

[redacted]

New to Zoom? Get the app now and be ready when your first meeting starts:

[redacted]

You can also test your phone, tablet or computer by joining a test meeting before your meeting starts:

[redacted]

You will be placed in a virtual waiting room until your meeting begins.

Fountain, Christine (POL)

Subject: A.P.I. (Asian Pacific Islander) Forum Meeting with Chief Scott
Location: TEAMS Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Accepted

Organizer: Wong, Gordon (POL)
Required Attendees: Scott, William (POL); Fong, Daryl (POL); Yep, Paul (POL); Lee, Kin Yau (POL); 8. ; 8. ; 8. ; 8. ; genya@sfsafe.org; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; DPH-sarahw; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8. ; 8.

Officer Gordon Wong #1478
San Francisco Police Department
Northern Police Station Captains Staff

Microsoft Teams meeting

Join on your computer or mobile app
5.b., 10., 11.

Or call in (audio only)
5.b., 10., 11. United States, San Francisco
Phone Conference ID: 5.b., 10., 11.
5.b., 10., 11.

Learn More | Meeting options

Fountain, Christine (POL)

Subject: Sean Elsbernd & Chief Scott
Location: Chief Scott to call Sean's 5 b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL)

Fountain, Christine (POL)

Subject: Crime Trends Briefing with Chief Scott
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees: Scott, William (POL); Redmond, Michael (POL); Lazar, David (POL); McEachern, Greg (POL); Vaswani, Raj (POL); Mannix, Ann (POL); Perea, Daniel (POL); Ewins, Teresa (POL); Walsh, Peter; Dorsey, Matt (POL); Oliva-Aroche, Diana (POL); Sutton, Tiffany (POL); Andraychak, Michael (POL)
Optional Attendees: Lobsinger, Adam (POL); Maxie, Allison (POL); Fountain, Christine (POL); Rueca, Robert (POL); Basco, Bernice (POL); Garcia, Maria (POL); Thompson, Bernadette (POL); Crowder, Erika (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

The Crime Trends Briefing will be Teams Meeting until staff can meet in person.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: [redacted] Meeting with Mayor Breed
Location: ZOOM MEETING

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Susanna Conine-Nakano is inviting you to a scheduled Zoom meeting.

Topic: Police Chief Scott + Mayor Breed
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]
Meeting ID: [redacted]
Passcode: [redacted]
Find your local number: [redacted]

Join by SIP
[redacted]

Join by H.323
[redacted]

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.

Join by Skype for Business
5.b., 10., 11.

Susanna Conine-Nakano
Scheduling Aide
Office of Mayor London N. Breed
City Hall Room 200
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Fountain, Christine (POL)

Subject: Chief Staff/DA Staff Meeting (AC Redmond with CS from FOB, Investigations, Dir. Sutton, Dir. Oliva-Aroche))

Location: [redacted]

Start: [redacted]

End: [redacted]

Recurrence: [redacted]

Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

AC Redmond
DC McEachern
DC Lazar
Cmdr. Walsh
Cmdr. Ewins
Cmdr. Vaswani
Dir. Sutton

Fountain, Christine (POL)

Subject: HOLD-UCSF Changemaker Series: Legislation to Disrupt Industry Practices that Disproportionately Impact Black Americans: San Francisco's Comprehensive Flavored Tobacco Ban
Location: Zoom Webinar TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Accepted

Organizer: Akers, Melissa

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

*The webinar will begin at 5.b., 10., 11. but we ask that panelists log in between 5.b., 10., 11. to test audio/video

Session Title: **Legislation to Disrupt Industry Practices that Disproportionately Impact Black Americans: San Francisco's Comprehensive Flavored Tobacco Ban**

Case Study: To illustrate these objectives, this panel will examine from multiple perspectives the first successful public health campaign to eliminate the sale of menthol and other flavored tobacco products using municipal legislation.

Learning Objectives:

- Uncover ways in which industry and the private sector use race to perpetuate existing practices
- Explore how multi-stakeholder collaborations including academic investigators and community leaders can neutralize strong industry counter-forces
- Discuss how municipal legislation can be used as a lever to address health inequities and public health priorities

Panelists:
Academic Investigator: Valerie Yerger, Professor of Health Policy, UCSF
Legislative Policy: Malia Cohen, State Board of Equalization, California
Community Leadership: William Scott, Chief of Police, San Francisco
Institutional Leadership: Robert Hiatt, Co-Leader, Cancer Control Program, UCSF Helen Diller Family Comprehensive Cancer Center

UCSF Changemaker Series
The *Changemaker Series* seeks to build the capacity of scientists and researchers to generate evidence that is responsive to the needs of real-world decision-makers. Sessions are organized around a specific story (or "case study") that illustrates key learning points for how scientists can more meaningfully inform policies, systems, and structures in order to create social change or policy change.

Each session is filmed during a 60-minute Zoom call that includes multiple panelists. Audience members for the panel are a small number of UCSF post-doctoral students and early faculty members whose work focuses specifically on advancing equity in health and health care. The panel discussion will be recorded and professionally edited into a 6-10 minute video that elevates key points and is suitable for broader dissemination

within and outside of UCSF. *Panelists will have the opportunity to review and provide feedback on the video before dissemination.*

You will receive a separate email from Zoom Webinar that contains your unique panelist log-in link. Once received, please follow the directions to save the information to your calendar.

Fountain, Christine (POL)

Subject: Police Commission Meeting
Location: City Hall - Room 400

Start: Wed 3/17/21 5:30 PM
End: Wed 3/17/21 8:00 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Wednesday from 5:30 PM to 8:00 PM effective 2/1/2017. (UTC-08:00) Pacific Time (US & Canada)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: AO Training - Force Op
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Carroll, Maryellen (DEM); Chu, Carmen (ASR); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Isen, Carol (HRD); Nicholson, Jeanine (FIR); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Power, Andres; Kayhan, Dariush (HSA); Bechelli, Adrienne (DEM); Bobba, Naveena (DPH); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting to extend through 5.b., 10., 11.

For the next phase of COVID response, this group will meet on 5.b., 10., 11. .

Please don't forward the invite without checking in.

Peg Stevenson 415 5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: [redacted] Meeting with California Partnership
Location: Teams Meeting

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees vaughn@thecapartnership.org; reygan@thecapartnership.org; david; [redacted]; Gamero, Lili (POL); Sutton, Tiffany (POL); Redmond, Michael (POL); Lazar, David (POL); McEachern, Greg (POL); Canning, Chris (POL); Scott, William (POL)
Optional Attendees: Basco, Bernice (POL); Thompson, Bernadette (POL); Crowder, Erika (POL); Azim, Yossef (POL)

[redacted]

[redacted] **A notification will be sent out prior to the date for any changes.**

[redacted]

[redacted] United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams | [redacted]

Fountain, Christine (POL)

Subject: Police Academy Graduation

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: HSOC Principals Call
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Kositsky, Jeff (DEM)
Required Attendees: Carroll, Maryellen (DEM); Colfax, Grant (DPH); Abigail Stewart-Kahn (Abigail.Stewart-kahn@sfgov.org); Degrafinried, Alaric (DPW); Scott, William (POL); Nicholson, Jeanine (FIR); Rosenfield, Ben (CON); Alfaro, Nancy (ADM); Tumlin, Jeffrey (MTA); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Fletcher, Karen (ADP); Forbes, Elaine (PRT); Miyamoto, Paul (SHF); Short, Carla (DPW); Redmond, Michael (POL); Stevenson, Peg (CON); Maimoni, Andy (ADM); Bobba, Naveena (DPH); Freeman, Matthew (SHF); Follin, Maja (REC); Johnston, Jennifer (ADM); Sawyer, Amy (MYR); Marshall, Laura (CON); Engler, Joseph (SHF); McCormick, Shawn (MTA); Lippi, Joseph (HOM)
Optional Attendees: Hogan, Kristin (DEM); Scanlon, Olivia (FIR)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

Fountain, Christine (POL)

Subject: All Hands On Meeting
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees: Yin, Dominic (POL); Ford, Steve (POL); Ali, Mikail (POL); Redmond, Michael (POL); Moser, Bob (POL); Mannix, Ann (POL); O'Sullivan, Robert (POL); McEachern, Greg (POL); Walsh, Peter; Perea, Daniel (POL); Ewins, Teresa (POL); Lazar, David (POL); Yee, Greg (POL); Fong, Daryl (POL); McGuire, Catherine (POL); Hart, Jack (POL); Rainsford, Nicholas (POL); Jaimerena, John (POL); Caltagirone, Gaetano (POL); Fabbri, Carl (POL); Yick, Robert (POL); Vaswani, Raj (POL); Pedrini, Christopher (POL); Vintero, Eric (POL); Mar, Gregory (POL); Pagano, Renee; Flaherty, Denise (POL); O'Brien, Alexa (POL); Yep, Paul (POL); Williams, Yulanda (POL); Cota, Mark (POL); Dangerfield, Troy (POL); Cherniss, Jason (POL); Sanchez, John (POL); Sutton, Tiffany (POL); Falvey, Timothy (POL); Chin, Sergio (POL); Mannina, Steven (POL); Schiff, Frederick (POL); Wearing, Trenia (POL); Woon, Chris (POL); Yee, Henry (POL); Escobar, William (POL); Sanson-Mosier, William (POL); Dorantes, Jennifer (POL); Dorsey, Matt (POL); Falzon, Dave (POL); Preston, Darryelle (POL); Oliva-Aroche, Diana (POL); Altorfer, Eric (POL); Lozada, Aaron (POL); Conley, William (POL); Leung, Patrick (POL); 8. ; Lee, Kin Yau (POL); Lam, Henry (POL); Marquez, Marcial (POL); Buckley, Nicholas (POL); 8. tony@sfpoa.org; Scott, William (POL); Jones, Nicole (POL); Aherne, James (POL); Daniels, Juan (POL)
Optional Attendees: Williams, Wilfred (POL); Knoble, Kevin (POL); Fountain, Christine (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

This will be a Teams Meeting until staff can meet in person. 5.b., 10., 11. ; time start subject to change.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: MLB Street Conditions Meeting (Staff: Sean Elsbernd [redacted])
Location: Via Zoom

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Sawyer, Amy (MYR); Kositsky, Jeff (DEM); Sun, Selina (MYR); Carroll, Maryellen (DEM); Scott, William (POL); Nicholson, Jeanine (FIR); Degrafinried, Alaric (DPW); Stewart-Kahn, Abigail (HOM); Colfax, Grant (DPH); Lippi, Joseph (HOM)
Optional Attendees: Murray, Ashley (MYR); Ludwig, Theresa (FIR); Hervey, Myisha (DPW); Bowyer, Julie (HOM); Varisto, Michaela (DPH); Tyson, Pamela (DEM); Conine-Nakano, Susanna (MYR)

Topic: Street Conditions Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]

One tap mobile
[redacted]

Attendees:
Sean Elsbernd
Jeff Kositsky
MaryEllen Carroll
Chief Bill Scott
Chief Jeanine Nicholson
Alaric Degrafinried
Abigail Stewart Kahn
Joe Lippi
Grant Colfax
Amy Sawyer

Fountain, Christine (POL)

Subject: Standing Meeting with Dir. Sutton
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: Occurs 5 b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Lunch Meeting with DA Boudin

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: DGO Concurrence Meetings 5.b., 10., 11.
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Butler, Rosland (POL)
Required Attendees: Scott, William (POL); Carr, Rowena (POL) (rowena.carr@sfgov.org); JASON CUNNINGHAM; Mannix, Ann (POL); Garcia, Maria (POL); Redmond, Michael (POL); Thompson, Bernadette (POL); McEachern, Greg (POL); Crowder, Erika (POL); Yee, Greg (POL); Wong, Nora (POL); Lazar, David (POL); Basco, Bernice (POL); Ali, Mikail (POL); Padilla, Sylvia (POL); Rosalejos, Gloria (POL); Bardsley, William (POL); Harrell, Joelle (POL); Fountain, Christine (POL); Moser, Bob (POL); Demafeliz, Kristine (POL); McGuire, Catherine (POL); Preston, Darryelle (POL)
Optional Attendees: Oliva-Aroche, Diana (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

Reoccurring meeting invite being sent on behalf of Jason Cunningham

This meeting will take place on the 5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams | [redacted]

Fountain, Christine (POL)

Subject: Standing Meeting with Exec. Dir. McGuire
Location: TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Standing Meeting w/Chief Scott & E/Dir. McGuire
Location: TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11. .

Meeting Status: Tentatively accepted

Organizer: McGuire, Catherine (POL)
Required Attendees Scott, William (POL); McGuire, Catherine (POL)
Optional Attendees: Rowena Carr; Butler, Rosland (POL)

From: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Sent: Monday, January 11, 2021 8:56 AM
To: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: Re: 2021 Chief Check In Schedule

Hi Ros,

The ED standing meetings with Chief are on 5.b., 10., 11. but subject to change.

January 15 meeting is at 2:30 pm.

Thank you,
Row

Rowena V. Carr
Office of the Chief of Police
SF Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158
415-837-7003

From: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Sent: Friday, January 8, 2021 10:06 AM
To: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: 2021 Chief Check In Schedule

Good morning Rowena,

Please confirm the [redacted] meeting with E/Dir. McGuire & Chief Scott moving forward for 2021 **starting next week Friday, December 15th**. The last two meetings were canceled due to the 12/25 Christmas & 01/01 New Years day holiday, and my calendar meeting was until 12/18/2020. **I believe the meeting for today was switched to Wed. 1/6 to discuss the budget presentation to the PC.**

Rosland Butler
Assistant to E/Dir. Catherine McGuire
San Francisco Police Department
Strategic Management Bureau: PSPP & Fiscal Division
1245 3rd St., 6th Floor
San Francisco, CA 94158

Direct Line: 415.837.7133
Work Cell: 415.964-6822
Fax SMB/PSPP: 415.575.6086
Fiscal Main:415.837.7200
Fiscal Fax: 415.575. 6085
Email: rosland.butler@sfgov.org

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Fountain, Christine (POL)

Subject: Chief's Standing Meeting with Asja Steeves
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees Scott, William (POL); Steeves, Asja (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

Date/time subject to change.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: [redacted] y Executive Covid Briefing
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Carroll, Maryellen (DEM)
Required Attendees: Cretan, Jeff (MYR); Howard, Kate (HRD); JoanneHayesWhite; Jue, Tyrone (MYR); Sharon Redmond; Hussey, Deirdre (PRT); Bobba, Naveena (DPH); Groffenberger, Ashley (MYR); Kelly, Naomi (ADM); SMITH, JESSE (CAT); Kelly, Jr, Harlan (PUC); Madland, Sarah (REC); Suhr, Wendy (DEM); Bechelli, Adrienne (DEM); Moore, Jamie (DPH); Scarpulla, John (PUC); Power, Andres (MYR); Redmond, Michael (POL); Degrafinried, Alaric (DPW); McSpadden, Shireen (HSA); Kittler, Sophia (MYR); Colfax, Grant (DPH); Su, Maria (CHF); Scanlon, Olivia (FIR); Young, Teresa (PUC); Miyamoto, Paul (SHF); Breed, London (MYR); Carlin, Michael (PUC); Wyrsch, Victor (FIR); Stewart-Kahn, Abigail (HOM); Engler, Joseph (SHF); Bruss, Andrea (MYR); Hayes-White, Joanne (DEM); Pojman, Natalie (DPH); Rhorer, Trent (HSA); Velo, Jose (FIR); Chu, Carmen (ASR); Sun, Selina (MYR); Stevenson, Peg (CON); Forbes, Elaine (PRT); Rosenfield, Ben (CON); Kagan, Rachael (DPH); Scott, William (POL); Tyra Fennell; Torres, Joaquin (ECN); Nicholson, Jeanine (FIR); Kirkpatrick, Kelly (MYR); Tumlin, Jeffrey (MTA); Zamora, Francis (DEM); Moser, Bob (POL); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Davis, Sheryl (HRC)
Optional Attendees: Buick, Jeanne (HRD); Isen, Carol (HRD); Bukowski, Kenneth (ADM); Rubenstein, Bryan (FIR); Kelly Jr, Harlan; Hogan, Kristin (DEM); Taupier, Anne (ECN)

Mary Ellen Carroll is inviting you to a scheduled Zoom meeting.

Topic: [redacted] Executive Covid Briefing
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting ID: 5.b., 10., 11.
5.b., 10., 11.

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Power, Andres (MYR); Carroll, Maryellen (DEM); Chu, Carmen (ADM); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Nicholson, Jeanine (FIR); Isen, Carol (HRD); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Bobba, Naveena (DPH); Bechelli, Adrienne (DEM); Kayhan, Dariush (HSA); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting through the 5.b., 10., 11.

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415 5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Sean, Chief Scott & Dave/Lisa
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Elsbernd, Sean (MYR); Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11 Meeting with AC Moser and IAD
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Fountain, Christine (POL)

Subject: [redacted] Briefing with ACs
Location: [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: ACs, DCs, and E/Director Meeting with Chief
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: HOLD - Wealth and Disparity in the Black Community

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Chris Fountain - Updates
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Fountain, Christine (POL)

5.b., 10., 11.

Join on your computer or mobile app
5.b., 10., 11.

Or call in (audio only)
5.b., 10., 11. United States, San Francisco
Phone Conference ID: 5.b., 10., 11.
5.b., 10., 11.

Learn More | Meeting options

Fountain, Christine (POL)

Subject: HOLD - Meeting with Sandy Jo, Arif, and Mark

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Meeting with Dir. Oliva-Aroche

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: CRI [redacted] Meeting

Start: [redacted]
End: [redacted]
Show Time As: Tentative

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Tentatively accepted

Organizer: Hilder, Candy (POL)
Required Attendees Scott, William (POL); McEachern, Greg (POL); Yee, Greg (POL); Ali, Mikail (POL); Flaherty, Denise (POL); Perea, Daniel (POL); Walsh, Peter; Altorfer, Eric (POL); Crockett, Ryan (POL); Smith, Amber (POL); Wong, Nora (POL); Thompson, Bernadette (POL)
Optional Attendees: Sanson-Mosier, William (POL); McGuire, Catherine (POL); Butler, Rosland (POL); O'Sullivan, Robert (POL); Preston, Darryelle (POL); Tran, Jimmy (POL); Sutton, Tiffany (POL); Demafeliz, Kristine (POL); Moser, Bob (POL); Medina, Chandra (POL); Ewins, Teresa (POL); Dorsey, Matt (POL); Cunningham, Jason (POL); Ford, Steve (POL); Sanchez, John (POL); Gribi, Hinde (POL); Fong, Daryl (POL); Barnes, Torrie (POL); Lazar, David (POL); Mannix, Ann (POL); Basco, Bernice (POL); Vaswani, Raj (POL); Fountain, Christine (POL); Rivera, Gabriel (POL); Endo, Kevin (POL); Cheng, Gary (POL); Nelson, Lauren (POL); Pereira, Frank (POL); Redmond, Michael (POL); Leung, Sally (POL); Oliva-Aroche, Diana (POL); Harrell, Joelle (POL)

You will be sent an email when attachments are ready to be viewed.

[redacted]

[redacted] United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams | [redacted]

Fountain, Christine (POL)

Subject: Judge Giorgi/Chief Scott Meeting
Location: 5.b., 10., 11. [redacted]

Start: 5.b., 10., 11. [redacted]
End:

Recurrence: (none)

Meeting Status: Accepted

Organizer: Mark Culkins

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

Rowena V. Carr
Office of the Chief of Police
SF Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158
415-837-7003

From: Mark Culkins <mculkins@sftc.org>
Sent: Wednesday, January 13, 2021 6:18 PM
To: Lazar, David (POL) <David.Lazar@sfgov.org>; Carr, Rowena (POL) <Rowena.Carr@sfgov.org>; Loretta Giorgi <LGiorgi@sftc.org>
Subject: Judge Giorgi/Chief Scott Meeting
When: Occurs 5.b., 10., 11. [redacted]
5 b., 10., 11. [redacted] Pacific Standard Time
Where 5.b., 10., 11. [redacted]

Hi Rowena,

Here is the recurring meeting invite.

Thanks,

Mark Culkins
Chief Operations Officer, Criminal|Traffic
Superior Court of California, County of San Francisco
850 Bryant St. 3rd Floor Room 3C
San Francisco, CA 94103
(415) 551-0350 email: mculkins@sftc.org

"To assure equal access, fair treatment, and the just and efficient resolution of disputes for all people asserting their rights under the law."

Topic: Judge Giorgi/Chief Scott Meeting
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11
5.b., 10., 11.
)

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.
Find your local number: 5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Chief Scott & Grant Colfax - new 5.b., 10., 11. call time
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Varisto, Michaela (DPH)
Required Attendees Colfax, Grant (DPH); Scott, William (POL); Carr, Rowena (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

New 5.b., 10., 11. check in time starting in 5.b., 10., 11.

Rowena and I will figure out a call time for September, 5.b., 10., 11. doesn't work for the Chief. Thank you.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Crime Trends Briefing with Chief Scott
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

The Crime Trends Briefing will be Teams Meeting until staff can meet in person.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Sean Elsbernd & Chief Scott
Location: Chief Scott to call Sean's [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] Meeting with Mayor Breed
Location: ZOOM MEETING

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Susanna Conine-Nakano is inviting you to a scheduled Zoom meeting.

Topic: Police Chief Scott + Mayor Breed
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]
Meeting ID: [redacted]
Passcode: [redacted]
Find your local number: [redacted]

Join by SIP
[redacted]

Join by H.323
[redacted]

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.

Join by Skype for Business
5.b., 10., 11.

Susanna Conine-Nakano
Scheduling Aide
Office of Mayor London N. Breed
City Hall Room 200
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Fountain, Christine (POL)

Subject: Police Commission Meeting - Dark
Location: City Hall - Room 400

Start: Wed 3/24/21 5:30 PM
End: Wed 3/24/21 8:00 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Wednesday from 5:30 PM to 8:00 PM effective 2/1/2017. (UTC-08:00) Pacific Time (US & Canada)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Carroll, Maryellen (DEM); Chu, Carmen (ASR); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Isen, Carol (HRD); Nicholson, Jeanine (FIR); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Power, Andres; Kayhan, Dariush (HSA); Bechelli, Adrienne (DEM); Bobba, Naveena (DPH); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting to extend through the 5.b., 10., 11. **.**

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415- 5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: [redacted] Meeting with OFJ
Location: Virtual (Zoom)

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Fountain, Christine (POL)

Subject: HSOC Principals Call
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Kositsky, Jeff (DEM)
Required Attendees Carroll, Maryellen (DEM); Colfax, Grant (DPH); Abigail Stewart-Kahn (Abigail.Stewart-kahn@sfgov.org); Degrafinried, Alaric (DPW); Scott, William (POL); Nicholson, Jeanine (FIR); Rosenfield, Ben (CON); Alfaro, Nancy (ADM); Tumlin, Jeffrey (MTA); Ginsburg, Phil (REC); Elsbernd, Sean (MYR); Fletcher, Karen (ADP); Forbes, Elaine (PRT); Miyamoto, Paul (SHF); Short, Carla (DPW); Redmond, Michael (POL); Stevenson, Peg (CON); Maimoni, Andy (ADM); Bobba, Naveena (DPH); Freeman, Matthew (SHF); Follin, Maja (REC); Johnston, Jennifer (ADM); Sawyer, Amy (MYR); Marshall, Laura (CON); Engler, Joseph (SHF); McCormick, Shawn (MTA); Lippi, Joseph (HOM)
Optional Attendees: Hogan, Kristin (DEM); Scanlon, Olivia (FIR)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Chief's Meeting re Equity and Inclusion (ACs, ED and Dir. Sutton)
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11. .

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees: Moser, Bob (POL); Redmond, Michael (POL); McGuire, Catherine (POL); Scott, William (POL); Sutton, Tiffany (POL)
Optional Attendees: Demafeliz, Kristine (POL); Butler, Rosland (POL); Thompson, Bernadette (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

Dates are subject to change and will send notification prior to scheduled date until December 2020.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: DO NOT SCHEDULE ANYTHING - ETHICS TRAINING

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted]: Public Safety Meeting- Conditions in the Tenderloin Working Group
Location: Via Zoom

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL); Elsbernd, Sean (MYR); Fabbri, Carl (POL); Katherine Feinstein; Kwon, Jenny; Faigman, David; jason.elliott@gov.ca.gov; [redacted]; Carr, Rowena (POL); david.l.anderson@usdoj.gov; jennifer.hiwa@usdoj.gov; helen.gilbert@usdoj.gov; Rubino, Kevin (USACAN)
Optional Attendees: Kwon, Jenny

Attendees:

- Sean Elsbernd
- Judge Katherine Feinstein
- Chief Bill Scott
- David Anderson
- Jenny Kwon
- David Faigman
- Jennifer Hiwa
- Helen Gilbert
- Jason Elliot
- Kevin Rubino

Topic: [redacted] Public Safety Meeting- Conditions in the Tenderloin Working Group
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted] 71
One tap mobile
[redacted]

Dial by your location
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
Find your local number [redacted]

Fountain, Christine (POL)

Subject: 2021 UC Hastings Symposium (more to follow)

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Invitation: BGCSF Board Retreat @ [redacted] (william.scott@sfgov.org)

Start: [redacted]
End:
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: BGCSF Board

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

You have been invited to the following event.

BGCSF Board Retreat

When [redacted]

Joining info Join with Google Meet
[redacted]

Join by phone
[redacted]

[redacted]

Calendar william.scott@sfgov.org

Who
- [redacted] creator
- Doug Tom
- [redacted]
- Eric Prosnitz
- [redacted]

- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- william.scott@sfgov.org
- 8. [redacted]
- 8. [redacted]
- lrosete@kidsclub.org
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- Coffer, Heidi
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- Hilary Burdge
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- 8. [redacted]
- Love, Harold
- rconnolly@kidsclub.org
- karen.roye@sfgov.org
- 8. [redacted]
- 8. [redacted]
- Denise Wang-Kline
- 8. [redacted]
- Wilson, Maxine
- 8. [redacted]
- 8. [redacted]
- Lachman, Joni
- 8. [redacted]

- 8. [redacted]

5.b., 10., 11. [redacted]

Going (william.scott@sfgov.org)? 5.b., 10., 11. [redacted]

Invitation from Google Calendar

You are receiving this courtesy email at the account william.scott@sfgov.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

Fountain, Christine (POL)

Subject: Standing Meeting w/Chief Scott & E/Dir. McGuire
Location: TBD

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11. .

Meeting Status: Tentatively accepted

Organizer: McGuire, Catherine (POL)
Required Attendees Scott, William (POL); McGuire, Catherine (POL)
Optional Attendees: Rowena Carr; Butler, Rosland (POL)

From: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Sent: Monday, January 11, 2021 8:56 AM
To: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: Re: 2021 Chief Check In Schedule

Hi Ros,

The ED standing meetings with Chief are on 5.b., 10., 11. but subject to change.

January 15 meeting is at 2:30 pm.

Thank you,
Row

Rowena V. Carr
Office of the Chief of Police
SF Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158
415-837-7003

From: Butler, Rosland (POL) <rosland.butler@sfgov.org>
Sent: Friday, January 8, 2021 10:06 AM
To: Carr, Rowena (POL) <Rowena.Carr@sfgov.org>
Cc: McGuire, Catherine (POL) <catherine.mcguire@sfgov.org>
Subject: 2021 Chief Check In Schedule

Good morning Rowena,

Please confirm the [redacted] meeting with E/Dir. McGuire & Chief Scott moving forward for 2021 **starting next week Friday, December 15th**. The last two meetings were canceled due to the 12/25 Christmas & 01/01 New Years day holiday, and my calendar meeting was until 12/18/2020. **I believe the meeting for today was switched to Wed. 1/6 to discuss the budget presentation to the PC.**

Rosland Butler
Assistant to E/Dir. Catherine McGuire
San Francisco Police Department
Strategic Management Bureau: PSPP & Fiscal Division
1245 3rd St., 6th Floor
San Francisco, CA 94158

Direct Line: 415.837.7133
Work Cell: 415.964-6822
Fax SMB/PSPP: 415.575.6086
Fiscal Main:415.837.7200
Fiscal Fax: 415.575. 6085
Email: rosland.butler@sfgov.org

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Fountain, Christine (POL)

Subject: Chief's Standing Meeting with Asja Steeves
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: Weekly
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)
Required Attendees Scott, William (POL); Steeves, Asja (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

Date/time subject to change.

5.b., 10., 11.

5.b., 10., 11. 9 United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: Policy Group
Location: Microsoft Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.
Show Time As: Tentative

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Tentatively accepted

Organizer: Stevenson, Peg (CON)
Required Attendees Power, Andres (MYR); Carroll, Maryellen (DEM); Chu, Carmen (ADM); Colfax, Grant (DPH); Elsbernd, Sean (MYR); Forbes, Elaine (PRT); Rhorer, Trent (HSA); Rosenfield, Ben (CON); Scott, William (POL); SMITH, JESSE (CAT); Stewart-Kahn, Abigail (HOM); Bukowski, Kenneth (ADM); Su, Maria (CHF); Nicholson, Jeanine (FIR); Isen, Carol (HRD); Yant, Abbie (HSS)
Optional Attendees: Howard, Kate (HRD); Yeung, Linda (DEM); Bobba, Naveena (DPH); Bechelli, Adrienne (DEM); Kayhan, Dariush (HSA); Marks, Jim (UCSF); Woods, David (DPH); Yu, Albert (DPH); Tang, Katy (DPH); Patterson, Kate (LIB)

Updating this meeting through the 5.b., 10., 11.

For the next phase of COVID response, this group will meet on 5.b., 10., 11.

Please don't forward the invite without checking in.

Peg Stevenson 415- 5.b., 10.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID: 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11. s

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Fountain, Christine (POL)

Subject: Sean, Chief Scott & Dave/Lisa
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Elsbernd, Sean (MYR); Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11 Meeting with AC Moser and IAD
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11 Briefing with ACs
Location: 5.b., 10., 11.

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: HOLD - Wealth and Disparity in the Black Community

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: 5.b., 10., 11. Meeting with Dir. Oliva-Aroche

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: CRI [redacted] Meeting

Start: [redacted]
End: [redacted]
Show Time As: Tentative

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Tentatively accepted

Organizer: Hilder, Candy (POL)
Required Attendees Scott, William (POL); McEachern, Greg (POL); Yee, Greg (POL); Ali, Mikail (POL); Flaherty, Denise (POL); Perea, Daniel (POL); Walsh, Peter; Altorfer, Eric (POL); Crockett, Ryan (POL); Smith, Amber (POL); Wong, Nora (POL); Thompson, Bernadette (POL)
Optional Attendees: Sanson-Mosier, William (POL); McGuire, Catherine (POL); Butler, Rosland (POL); O'Sullivan, Robert (POL); Preston, Darryelle (POL); Tran, Jimmy (POL); Sutton, Tiffany (POL); Demafeliz, Kristine (POL); Moser, Bob (POL); Medina, Chandra (POL); Ewins, Teresa (POL); Dorsey, Matt (POL); Cunningham, Jason (POL); Ford, Steve (POL); Sanchez, John (POL); Gribi, Hinde (POL); Fong, Daryl (POL); Barnes, Torrie (POL); Lazar, David (POL); Mannix, Ann (POL); Basco, Bernice (POL); Vaswani, Raj (POL); Fountain, Christine (POL); Rivera, Gabriel (POL); Endo, Kevin (POL); Cheng, Gary (POL); Nelson, Lauren (POL); Pereira, Frank (POL); Redmond, Michael (POL); Leung, Sally (POL); Oliva-Aroche, Diana (POL); Harrell, Joelle (POL)

You will be sent an email when attachments are ready to be viewed.

[redacted]

[redacted] United States, San Francisco (Toll)

Conference ID: [redacted]

[redacted] | [redacted] | Learn more about Teams | [redacted]

Fountain, Christine (POL)

Subject: Crime Trends Briefing with Chief Scott
Location: Teams Meeting

Start: 5.b., 10., 11.
End: 5.b., 10., 11.

Recurrence: 5.b., 10., 11.
Recurrence Pattern: 5.b., 10., 11.

Meeting Status: Accepted

Organizer: Carr, Rowena (POL)

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

5.b., 10., 11.

The Crime Trends Briefing will be Teams Meeting until staff can meet in person.

5.b., 10., 11.

5.b., 10., 11. United States, San Francisco (Toll)

Conference ID 5.b., 10., 11.

5.b., 10., 11. | 5.b., 10., 11. | Learn more about Teams | 5.b., 10., 11.

Fountain, Christine (POL)

Subject: DO NOT SCHEDULE ANYTHING - ETHICS TRAINING

Start: [redacted]
End: [redacted]

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Fountain, Christine (POL)

Subject: Sean Elsbernd & Chief Scott
Location: Chief Scott to call Sean's [redacted]

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Accepted

Organizer: Elsbernd, Sean (MYR)
Required Attendees Scott, William (POL)

Fountain, Christine (POL)

Subject: [redacted] Meeting with Mayor Breed
Location: ZOOM MEETING

Start: [redacted]
End: [redacted]

Recurrence: [redacted]
Recurrence Pattern: [redacted]

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)
Required Attendees Scott, William Chief (POL)

Susanna Conine-Nakano is inviting you to a scheduled Zoom meeting.

Topic: Police Chief Scott + Mayor Breed
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting
[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
One tap mobile
[redacted]

Dial by your location
[redacted]
Meeting ID: [redacted]
Passcode: [redacted]
Find your local number: [redacted]

Join by SIP
[redacted]

Join by H.323
[redacted]

5.b., 10., 11.

Meeting ID: 5.b., 10., 11.
Passcode: 5.b., 10., 11.

Join by Skype for Business
5.b., 10., 11.

Susanna Conine-Nakano
Scheduling Aide
Office of Mayor London N. Breed
City Hall Room 200
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Fountain, Christine (POL)

Subject: Police Commission Meeting - Dark
Location: City Hall - Room 400

Start: Wed 3/31/21 5:30 PM
End: Wed 3/31/21 8:00 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Wednesday from 5:30 PM to 8:00 PM effective 2/1/2017. (UTC-08:00) Pacific Time (US & Canada)

Meeting Status: Meeting organizer

Organizer: Scott, William (POL)

Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, February 26, 2021 10:51 AM
To: dpa.legalteam@sfgov.org; Hawkins, Sarah (DPA)
Cc: SOTF, (BOS); Supervisor Records (CAT)
Subject: DPA must release audio/video SB 1421 records ; petition ; SOTF 19144

DPA: You cannot charge me anything for public records in San Francisco - except the cost of any physical media provided to me, which, since you are releasing electronically on NextRequest, is zero. Your argument that audio and video records are expensive to redact is not an exemption. You must produce the video and audio records in Production 0658-08, and all other responses you have given to me that withhold such records.

Supervisor of Records / 67.21(d) petition: Please determine the video and audio records in Production 0658-08, and all video and audio records in other SB 1421 responses given to 83876-31149286@requests.muckrock.com, public and order them released. Just like SFPD, DPA must produce them, for free, with a key identifying which redaction is for which justification. I will not pay anything for them. See Admin Code 67.26, and also (though it is not needed locally due to 67.26) National Lawyers Guild v. City of Hayward.

SOTF - please file in SOTF 19144.

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

Buta, Odaya (CAT)

From: 101738-08172271@requests.muckrock.com
Sent: Wednesday, February 24, 2021 10:47 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Attachments: thread-b.pdf

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

February 25, 2021

This is a follow up to a previous request:

Supervisor of Records,

City Attorney's Office has refused to comply to the request from this email address dated Sept 26, 2020.
They gave themselves multiple extensions until Dec 10, 2020 and still refuse to respond.
Herrera has already accepted that some of the email metadata is public and disclosable and now cannot go back.
Furthermore, DT has a system to produce that metadata automatically.

This is a petition under 67.21(d) for a written determination that some or all of the records not provided are public and an order for their disclosure.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 101738-08172271@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%252Fsan-francisco-city-attorney-797%252Fherrera-text-messages-immediate-disclosure-request-101738%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAuFCORweM1NfQd1jfaYvfawL4%3A1lFAQW%3AWJOdJadKuISDXjnE4MhGlQoHBvc
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 101738
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 Feb. 25, 2021:
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
It's been months and there has been no response. Further complaints will be filed. And you've already seen that last time you argued that COVID allowed you to withhold metadata, SOTF compliance turned the argument around and argued COVID requires more disclosure, not less.

On Nov. 19, 2020:
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Can your office be honest? What is taking so long to review 2-3 pages of documents? In far less time than it has taken you to review a single email, DPW - an organization that presumably lacks the expertise of DT - has produced dozens of redacted emails in metadata format...

On Nov. 19, 2020:
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 12/10/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>
Sincerely,

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

Find us on: Facebook<https://www.facebook.com/sfcityattorney/> Twitter<https://twitter.com/SFCityAttorney>
Instagram<https://www.instagram.com/sfcityattorney/>

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On Nov. 5, 2020:
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Then we will file complaints. This is a redaction of a 2-3 page document, tops. It can't take this long. DPW figured out how to do this for a single email in a matter of days after it was discussed. Dragging your feet won't help turn legally disclosable information into secret information.

--Anonymous

On Nov. 5, 2020:
Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 11/19/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,
[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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Instagram<https://www.instagram.com/sfcityattorney/>

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On Sept. 3, 2020:
Subject: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Request
Dennis Herrera and City Attorney's Office:

Below are Immediate Disclosure Requests (SF Admin Code 67.25(a)). Your initial response is required by Sept 3, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce all records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not or print and scan electronic records or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). 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)). You must do all of this in your response, and you cannot wait until we file complaints. If you wait to comply with the Sunshine Ordinance until after we file complaints, we will not withdraw any complaints and request SOTF find you in violation, regardless of what you do after filing.

****** 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 your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. The full text/chat message thread between Dennis Herrera and London Breed and William Scott on May 30-31 and June 1, 2020. Include all messages, timestamps, and attachments/images. Please search all text/chat apps including but not limited to SMS/MMS/Messages/iMessage/Messenger/Hangouts. This thread has been partially disclosed to us by other city agencies, so we know it is not completely attorney-client privileged, and we know it exists. Please search both

personal accounts/devices of Herrera, and, as your Good Govt Guide requires, search Herrera's deleted messages, trash, or similar folders.

Please indicate "no responsive records" for each request if that is true.

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.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 101738-08172271@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%252Fsan-francisco-city-attorney-797%252Fherrera-text-messages-immediate-disclosure-request-101738%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAuFCORweM1NfQd1jfaYvfawL4%3A1lFAQW%3AWJOdJadKuISDXjnE4MhGlQoHBvc
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For mailed responses, please address (see note):
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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 Person 09/26/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Thank you. This is a new immediate disclosure request:

7. An exact copy of the entire original email record, including but not limited to all email headers (names and values), for the single oldest email received by your office from requests@muckrock.com to cityattorney@sfcityatty.org . Please be sure to preserve (at least, but not only) email header names and at least the timestamps in the "Received" headers. Consult your own City CISO if you believe I'm wrong. If you claim GC 6255(a), it will be SOTF not you who still decides whether the interest in non-disclosure "clearly outweighs" the interest in disclosure. If you do not provide this single record with minimal redactions and footnotes or other clear references for justifications for each and every withheld portion of the record, an additional willful violation and official misconduct complaint will be filed against Dennis Herrera as department head on the basis of prior order SOTF 19044.

Please indicate "no responsive records" for each request if that is true.

Above are Immediate Disclosure Requests (SF Admin Code 67.25(a)). Your initial response is required by Sept 29, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce all records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not or print and scan electronic records or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). 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)). You must do all of this in your response, and you cannot wait until we file complaints. If you wait to comply with the Sunshine Ordinance until after we file complaints, we will not withdraw any complaints and request SOTF find you in violation, regardless of what you do after filing.

****** 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 your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

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.

--Anonymous

From: San Francisco City Attorney 10/13/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We would like to send an update that we need additional time to complete your request, and currently expect to have our review completed by 11/03/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,
Odaya

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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image001
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From: Anonymous Person 10/13/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

This is a violation not just of the Sunshine Ordinance but of the CPRA as well.
You were asked for a single email record on Sep. 26 (which is treated as if you received it on Sep. 28, Monday).
The CPRA, and Sunshine Ordinance, required a response in 10 days. You failed to provide me one. It is now the 15th day.
Under Gov Code 6253(a) you owed me in 10-days either a determination or an extension for 14 days. You failed to provide such determination and violated the law. You also unlawfully failed to state what unusual circumstance warrants an extension.

Your extension lasts until Oct 23, 2020 - 14 days from 10 days from constructive receipt of my request, and no further.

From your response in 19044 and from now multiple other City agencies' production of email metadata, I know that a single email worth of metadata is 2-3 pages to produce at even a large font. It's just not a lot.

If Dennis Herrera is willfully refusing to comply with the SOTF's orders [illegible]

metadata, say so clearly, and don't waste time.

Sincerely,
Anonymous

From: San Francisco City Attorney 10/15/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We apologize for not sending a response to your email last week. Please accept this email as our acknowledgment that we do have a document that is responsive to your request. You asked us to produce an email from 101881-requests@muckrock.com, including certain metadata. We do have such an email, but we are invoking a 14-day extension to confer with other interested departments under Government Code § 6253 and Administrative Code § 67.25. We will send you a response by October 22, 2020.

Sincerely,

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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From: San Francisco City Attorney 10/22/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We would like to send an update that we need additional time to complete your request, and currently expect to have our review completed by 11/05/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org%3cmailto:cityattorney@sfcityatty.org>

Sincerely,
Odaya

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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From: Anonymous Person 11/02/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Good morning,

We will expect your compliant production of the single email metadata by Nov. 5.

We have now received mostly-compliant (though we have some disputes) responses from DPW: https://sanfrancisco.nextrequest.com/documents/5817767 and from DT: https://sanfrancisco.nextrequest.com/documents/5577453

Sincerely,

Anonymous

From: San Francisco City Attorney 11/05/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 11/19/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,
[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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image001
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From: Anonymous Person 11/05/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Then we will file complaints. This is a redaction of a 2-3 page document, tops. It can't take this long. DPW figured out how to do this for a single email in a matter of days after it was discussed. Dragging your feet won't help turn legally disclosable information into secret information.

--Anonymous

From: San Francisco City Attorney 11/19/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 12/10/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>
Sincerely,

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From: Anonymous Person 11/19/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Can your office be honest? What is taking so long to review 2-3 pages

Can your office be honest? What is taking so long to review 2-3 pages of documents? In far less time than it has taken you to review a single email, DPW - an organization that presumably lacks the expertise of DT - has produced dozens of redacted emails in metadata format...

From: Anonymous Person 02/25/2021

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... None

It's been months and there has been no response. Further complaints will be filed. And you've already seen that last time you argued that COVID allowed you to withhold metadata, SOTF compliance turned the argument around and argued COVID requires more disclosure, not less.

Buta, Odaya (CAT)

From: 98376-38688291@requests.muckrock.com
Sent: Wednesday, February 24, 2021 6:30 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-4354

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

February 24, 2021

This is a follow up to request number 20-4354:

Supervisor of Records Herrera,

PUC has failed, refused, or incompletely complied with my requests from this email address of July 17, 2020 and August 7, 2020 (attached).
Please determine the records - or any parts thereof - public and order them disclosed.

Most interestingly, they have not replied in any way to request #1 for various text messages of Harlan Kelly. He was a city employee on July 17 and August 7.

If the City failed to search for government and personal records of Kelly, and preserve the records, at the time of my request, because the records were in the constructive possession of the City's employee when I requested them (City of San Jose v Superior Court), the City is deemed to have effectively withheld the records in violation of the PRA (Community Youth Athletic Center v. City of National City).

I requested records and petitioned them - and you determine whether they are public and order them disclosed if so. The fact that the City may find it impossible to comply with the law due to their own fault is not your problem and not relevant to a determination.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 98376-38688291@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%252Fwalter-wong-mlok-consulting-rdj-enterprises-young-community-developers-jaidin-consulting-and-other-records-immediate-disclosure-request-sf-puc-98376%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABcOvcgKY8Kp2249Biuij8PPBY%3A1lF6Pn%3AW4oGzOqZue-mL7fYWI4QhUSLE5c
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 98376
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 Jan. 4, 2021:
Subject: [External Message Added] City and County of San Francisco public records request #20-4354
City and County of San Francisco

****

Hi there

A message was sent to you regarding record request #20-4354:

Dear Requester,

Below is a link that contains files that are responsive to your request for:

☒ 8. All payments, invoices, or transactions from the City, your agency, or your department head to any of the Named Parties, or vice-versa, from Jan 1, 2010 to present. In addition to government accounts, you must search personal accounts subject to City of San Jose v Superior Court (2017).

https://sfpuc.sharefile.com/d-s9b2e4b80099f44a0a466c93d7ffa5b6f

If you have any issues with accessing the link, please let us know.

Best regards,

SFPUC Public Records

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Nov. 16, 2020:
Subject: Your City and County of San Francisco public records request #20-4539 has been closed.
City and County of San Francisco

****

Hi there

Record request #20-4539 has been closed. The closure reason supplied was:

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Nov. 16, 2020:
Subject: [External Message Added] City and County of San Francisco public records request #20-4539
City and County of San Francisco

****

Hi there

A message was sent to you regarding record request #20-4539:

Dear Requester,

Please use the link below to access records that are responsive to your request.

https://sfpuc.sharefile.com/d-s3205dd3eacbe499

Due to privacy concerns, the files have been redacted. Please be advised that information in certain records responsive to your request have been redacted because these records contain information, the disclosure of which would constitute an unwarranted invasion of personal privacy. Specifically, we have redacted personal email addresses, phone numbers, and IP addresses, based on the California Constitution, article I, section 1, and California Government Code section 6254(c). These provisions guard against disclosure of information that would invade personal privacy.

We now consider your request closed.

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, not Citywide.

Best regards,

SFPUC Public Records

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Nov. 16, 2020:
Subject: Your City and County of San Francisco public records request #20-4539 has been opened.
City and County of San Francisco

****

Hi there

Your record request #20-4539 has been submitted.
It is currently under review and is not available for the general public to view.

As the requester, you can always see the status of your request
by signing in to the City and County of San Francisco Public Records Request
site here.
If you haven't already signed in to your account, you may need
to activate your account to sign in.

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On Nov. 5, 2020:
Subject: [ACTION REQUIRED] Your City and County of San Francisco public records portal account
Use this to confirm your account. The link is only valid for 24 hours.

City and County of San Francisco

****
Hello Anonymous via Muckrock!
****

You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: http://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=wqGD8n8oGv3n6Aeyfcsz

****
Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.
****

Powered by NextRequest (https://www.nextrequest.com).

On July 17, 2020:
Subject: California Public Records Act Request: Walter Wong, Mlok Consulting, RDJ Enterprises, Young Community Developers, Jaidin Consulting, and other Records - Immediate Disclosure Request - SF PUC
Public Utilities Commission and Harlan Kelly Jr.,

Attached are new Immediate Disclosure Requests under the Sunshine Ordinance and CPRA.

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
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Upload documents directly:
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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.

Buta, Odaya (CAT)

From: 105574-62708219@requests.muckrock.com
Sent: Tuesday, February 23, 2021 7:35 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #P020722-120720
Attachments: P20722_-_2021.02.23_sfpd_response201.pdf

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

February 23, 2021

This is a follow up to request number P020722-120720:

Supervisor of Records,

Sfpd has failed to comply with my request from this email described in the attached exhibit.

They have unreasonably delayed any response, and have also not complied with Gov Code 6253c. There is one 14 day extension they can notice me with , within 10 days. Not infinite 14 day extensions.

Under 67.21d please determine the requested records or parts thereof are public and order then disclosed.

Filed via MuckRock.com
E-mail (Preferred): 105574-62708219@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%252Fsan-francisco-police-department-367%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-sfpd-105574%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lEkxK%3AtKbHWRmg0Lpe-vFSRAKFy8zqk80
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 105574
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 Feb. 23, 2021:
Subject: Public Records Request :: P020722-120720
Attachments:
P20722_-_2021.02.23_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhnTTpgo7SZhEUnSx2V-2B7gMD111FYqU9ZXkNpG1Qcxmo7RS-2Fb-2BNQ-2BJ5jvI1JZjaZF3yAgGOaXApBgpEkSOqTGJNQfZmMTXAlVAsyTsMSzCmXE1GJREUyJD-2FnwHlSDjyB10-3Dm8XX_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGi-2BVVLla8fn4j-2F5FTYLTXr2cYaQX6tK9GvTxJ9h1hQl1smFB06llNPeBLDYYwow6vEGLK9jJ7rDoHy1Q7L5oNo42tJml7lQR7QBMioa-2FLcKn5XIn2kk3deoNQLIfVMaMKfprMHsJRJioJL385U1kljuilA6Q-2B8-2Bc38LMXhsCsP-2BWzBDm8XrVoBBeonfx72PwvtdPdZQH1j0T8TAr2LaAtqyZHE3D5uMhuWOriOKmGEPN8XGCG-2FQfaMCpg5jEoQeI5uuCa-2F3r8-2B91qCtoUZSnXHKAiKPbHvQU2UYiYv6il-2B71wA25p-2FihjwdvAa8tH9Uytw-3D-3D)

--- Please respond above this line ---

February 23, 2021 Via email 105574-62708219@requests.muckrock.com
San Francisco, CA
RE: Public Records Request, dated December 07, 2020, Reference # P020722-120720
Dear Anonymous:
In response to your request, please see attached document.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw22a5Vhi6S4ChnWb-2Fet58LcdYpUFLl8QyQlttNDcAcLX7a0yc_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGi-2BVVLla8fn4j-2F5FTYLTXr2cYaQX6tK9GvTxJ9h1hQl1smFB06llNPeBLDYYwow6vEGLK9jJ7rDoHy1Q7L5oNo42tJml7lQR7QBMioa-2FLcKn5XIn2kk3deoNQLIfVMaMKfprMHsJRJioJL385U1kljuilA6Q-2B8-2Bc38LMXhsCsP-2BW8qiQGZnvqcXnkO5ko7opoojJ9aKOKJD2twkb5FyjGQc-2BjHEp3PMnl89KALz396qqeGtG2Fg7ZZwjvnygeB6Q5lWAa76tBhWPi6aAX292jnltirZVHQKg35utleryrLct1ZgAnA5kAHi6PZOcZqSFsQ-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Feb. 9, 2021:
Subject: Public Records Request :: P020722-120720
Attachments:
P20722_-_2021.02.09_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhnTTpgo7SZhEUnSx2V-2B7gMVahwummIQ1SGcYFhyExiBqnf6oERTsO91bMsICcflgOoUZvxIwt7-2BM2OFJ0xbLlSP2Nv2lEJkzhMdoCWltSOyVeHGh7cS1RsoEwxj8okknw-3DPVAY_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGvYofZ-2BcZEOK83MWdxTbWRexXJxCZG11FDiGg1Iz2c-2ByGKWh09PsoX5N0NxfdcVmWPpxJCX3XZpKSK0bYYphtVPsUWAvI-2B-2F1siFWkuF-2BtyM9ooZfb-2F1DFrIqSl7Gh2BjhCDL6YvwJAgOEyS-2FL3vNyXpV4mkqV6wC1RCvhNXyzysFUwl2D4ay-2FuJDg0s-2Ff0z7o3WjhzjsCpw4ox2M9kCxKP-

2F1rlnCKTMjK18XiYww6XI9Pnp37IiOlvmANF7biSkAYJQ7EbZKYgqlM9q4hHBsCc4wn8p1AL2zL82Vj-2BZzs031JAMdAa2mADuEVhoe4Z2sVw-3D-3D)

--- Please respond above this line ---

February 09, 2021 Via email 105574-62708219@requests.muckrock.com
San Francisco, CA
RE: Public Records Request, dated December 07, 2020, Reference # P020722-120720
Dear Anonymous:
In response to your request, please see attached document.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw22a5Vhi6S4ChnWb-2Fet58LcdYpUFLl8QyQlttNDcAcLX7zs8y_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGvYofZ-2BcZEOK83MWdxTbWRexXJxCZG11FDiGg1Iz2c-2ByGKWh09PsoX5N0NxfdcVmWPpxJCX3XZpKSK0bYYphtVPsUWAvI-2B-2F1siFWkuF-2BtyM9ooZfb-2F1DFrIqSl7Gh2BjhCDL6YvwJAgOEyS-2FL3vNyXpV4mkqV6wC1RCvhNXyzysFK-2BRNxCkNDH4t-2FIR9ssLa64t0p0b3GQLQQXA1xC1Pv2san0Ou3glC0X2Z1iEXN3zebfAjl-2Ft4Nxm4dYkfvUcEPYw7n1KiUt5uKx8rWUS6RKoS7Lc1-2FVOr1aucPHLfwVg08m0R0XLoguXmzRkuc9GrGg-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Jan. 26, 2021:
Subject: Public Records Request :: P020722-120720
Attachments:
P20722_-_2021.01.26_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhnTTpgo7SZhEUnSx2V-2B7gMOtBWpjYnF80JabuE0Trdvk3rHCg-2F583cpkWEiRKMQamZFarCMJSx8dL1oXvMdOa06XoRH-2B104MaXbmfyDJAt3LWMpq28fr4P1IgZQZ3ehMc-3DQwM0_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGi81W5Vle8W0FDTdIj4X8QHU417GO8lpdA3wKPpFwijgWvZGDv-2BY29n6L9ApVKLt7DqtF9P92IC3YNgY-2FooqR8K4MJMs4gDwLkXvg-2FoVQzONdWIA92AKA2brQekLT9XjySiljN93AstetZRTXoSkbo4XJ-2B1dLgmo-2BxWbkUXSqRR0aoz8wHdCJRDBBsumwhURr8HBaLMgsbnlKJPO2LinQyl4INkNw1c0hTU-2B06BONmwo351aoN3KYZRQbVMcE0RJ5QwVd18Hy74vd-2BxuhxvghZYyBl0CDZTULA6OZVT2wzIz39lyiJk-2BhdmTWWK-2FJ7e0bg-3D-3D)

--- Please respond above this line ---

January 26, 2021 Via email 105574-62708219@requests.muckrock.com
San Francisco, CA
RE: Public Records Request, dated December 07, 2020, Reference # P020722-120720
Dear Anonymous:
In response to your request, please see attached document.
If you have any questions, please contact Briseida Walton at 415-837-7180.
Thank you for your attention.
Sincerely,

Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw22a5Vhi6S4ChnWb-2Fet58LcdYpUFLl8QyQlttNDcAcLX7nm1l_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGi81W5Vle8W0FDTdIj4X8QHU417GO8lpdA3wKPpFwijgWvZGDv-2BY29n6L9ApVKLt7DqtF9P92IC3YNgY-2FooqR8K4MJMs4gDwLkXvg-2FoVQzONdWIA92AKA2brQekLT9XjySiljN93AstetZRTXoSkbo4XJ-2B1dLgmo-2BxWbkUXSqRR0C2LXddds-2BZtTbbVWRk2uj0pEhJ13p7us61SIBX-2FDAJIxoIu-2BA-2Fn3B4pnNwK95dYLBzguFVG1ckVkR65VEDk0X35ss8OSajgSI-2FERzTTMNRNpVKZxoGOnVwpowTQ-2Bimnf03txykp5As0y9x5vuKwVfQ-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Jan. 12, 2021:
Subject: Public Records Request :: P020722-120720
Attachments:
P20722_-_2021.01.12_sfpd_response.pdf
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddhTktxCQo3dAEL3UN6JwjbrIOEhWaSG1hipJN4KjQBAhnTTpgo7SZhEUnSx2V-2B7gM84e17KZ1XwSBXoe4uXSAvLySCKo6vtFWyI6MDJATVn2UjR5-2FJFvaEzebGkyF4D0bX4TZCCrdnU2tiNy4TSlRcUzUon79XnA76r59FuIujaY-3Dhqjg_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGpWJLZkK696vbHY5NYhjPGV2-2FRTrVnWah-2BhpGEXQzkxrvfSKsKYM5-2F-2FvTO37znFuaecXJiG67II-2B656BnHLWJZv1A4iBEq5Ug3ZWPpPxzAl327uD-2F3mx0yE3qVTXIVC0eY2jV8viU5z64Auo66ADODcV3CfgtxUFk-2FIzUb3yuyXIPUNSeU87ne9y92nxhheuRF07yW4ju71YFllKxR3DdT2mB1ijoH1C-2BRof59B3ElUf45qctYzoZMwTavypNSOnbYkus0IY-2BIwAqqXCbQZbZGrBgGEQgbip0TQnurTK1V4JD5zOcvi3VBn9fZsMhHZbsg-3D-3D)

--- Please respond above this line ---

January 12, 2021 Via email 105574-62708219@requests.muckrock.com
RE: Public Records Request, dated December 07, 2020, Reference # P020722-120720
Dear Anonymous:
In response to your request, please see attached document.
Thank you for your attention.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KguIDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgddHZionDPZxe8o-2F99A9Uuw22a5Vhi6S4ChnWb-2Fet58LcdYpUFLl8QyQlttNDcAcLX788fV_PO-2FROb5YdTeufCanFSmIkL2739USwi6DgymXZBARcpXr-2FjUjsj9lj2bIXeKDUg1faxs78XpJtOSeOiwT56DGGpWJLZkK696vbHY5NYhjPGV2-2FRTrVnWah-2BhpGEXQzkxrvfSKsKYM5-2F-2FvTO37znFuaecXJiG67II-2B656BnHLWJZv1A4iBEq5Ug3ZWPpPxzAl327uD-2F3mx0yE3qVTXIVC0eY2jV8viU5z64Auo66ADODcV3CfgtxUFk-2FIzUb3yuyXI5aHtLEb-2BwkfUx7ZejyHLIaF5U1eFvacm5G12YI97juC6OdRA9mwEic9Kk-2FjtYeXiM46SiSz397Ev1nE1Rjjs1z8sLOr-2BwYuhZE0pFN-

2FjwgQSmwvl-2BQXhS0AM6TkPz2SQaLMCC7K-2BQobcCVj0MivWkw-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Dec. 29, 2020:
Subject: RE: California Public Records Act Request #P020722-120720
Lt. Cox and SFPD: You will provide your response on Dec 31 - which is 24 days (the CPRA maximum) after Dec 7 receipt of my request - or immediate complaints will be filed. You don't get more than 24 days to consult.

On Dec. 5, 2020:
Subject: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (SFPD)
To San Francisco Police Department and its Department Head or Elected Official:

** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. ** Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to

produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by 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 above 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 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. ******

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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): 105574-62708219@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%252Fsan-francisco-police-department-367%252Ftext-and-chat-messages-immediate-disclosure-request-san-francisco-universal-search-sfpd-105574%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1lEkxK%3AtKbHWRmg0Lpe-vFSRAKFy8zqk80
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 105574
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.

February 23, 2021

Via email 105574-62708219@requests.muckrock.com

RE: Public Records Request, dated December 07, 2020, Reference # P020722-120720

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 05, 2020, on December 07, 2020.

On December 7, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

You requested, *"To San Francisco Police Department and its Department Head or Elected Official:*

*** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. ** Immediate Disclosure Request.*

*Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.*

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by 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 above 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 to publish records, please make them completely public without any login or sign-in."

On December 15, 2020, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to consult with another division of the agency.

On December 29, January 12, 2021, January 26, and February 9, SFPD informed you that we were still consulting with other divisions for responsive records.

SFPD is still in the process of consulting with another division for responsive records. We will continue to be in contact with you and provide you with an update by March 9.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, February 18, 2021 12:45 PM
To: Andraychak, Michael (POL); Supervisor Records (CAT)
Subject: 67.21(d) petition - Re: Re: Privacy rights failure by Herrera re: Bryan Carmody Warrants - Complaint

Sgt. Andraychak:
I've already spoken to Carmody's attorneys re: Herrera's release of similar documents without any redactions; I am not sure how that affects this records request.
But what about the rest of the record *without* his id number? Why isn't that being provided to me? You can't blame Carmody for SFPD not complying with its own CPRA requirements.

Supervisor of Records Herrera:
This is a 67.21(d) petition by 84031-44127205@requests.muckrock.com for the entire unredacted record known as P00995_f2_Redacted which was disclosed by SFPD on Jan 16, 2020 and then requested retracted on Aug 5, 2020 by the SFPD when I informed them there was an id number in it. It is now Feb 18, 2021. Please determine in writing that some or all of the record is public and order it disclosed. I already have parts of similar records from non-SFPD sources and will verify any alleged withholdings by corroborating the records.

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

------- Original Message -------
On Thursday, February 18th, 2021 at 12:07 PM, Andraychak, Michael (POL) <michael.andraychak@sfgov.org> wrote:

> Hello,
>
> Thank you for the email. I am working on this. I also reached out to Mr. Carmody and explained the situation.
>
> Best,
>
> Michael Andraychak #457
> OIC/Sergeant of Police
> Public Information Officer
> Media Relations Unit
> San Francisco Police Department
> 1245 - 3rd Street, 6th Floor

San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Sat & Sun
http://www.sanfranciscopolice.org/

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Anonymous
Sent: Wednesday, February 17, 2021 10:32 PM
To: Andraychak, Michael (POL)
Subject: Re: Re: Privacy rights failure by Herrera re: Bryan Carmody Warrants - Complaint

Its been over a month....

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 Mon, Jan 11, 2021 at 4:44 PM, Andraychak, Michael (POL) <michael.andraychak@sfgov.org> wrote:

> Hi,
>
> I'm reviewing the document and will also need to consult with our Legal Division and City Atty.
>
> Sorry,

Michael Andraychak #457
Sergeant of Police
Public Information Officer
Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Sat & Sun
http://www.sanfranciscopolice.org/

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Sunday, January 10, 2021 1:38 PM
To: Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Scott, William (POL) <william.scott@sfgov.org>
Subject: Fw: Re: Privacy rights failure by Herrera re: Bryan Carmody Warrants - Complaint

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

Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, February 12, 2021 6:38 PM
To: Supervisor Records (CAT)
Cc: SOTF, (BOS); Hawkins, Sarah (DPA); Henderson, Paul (DPA); Oldfather, Newton (DPA)
Subject: Add'l SB 1421 Sup of Records petition (and for SOTF File 19144)

This is a distinct Supervisor of Records 67.21(d) petition regarding DPA's production of case 0164-16; please determine in writing the information or parts thereof are public and order them disclosed. No redaction key was provided. However, the following written justification was provided:

"The DPA has redacted graphic photographs and autopsy reports of decedent, Luis Demeterio Gongora. The DPA has concluded that the privacy of Mr. Gongora's family outweighs the public's interest in seeing graphic photographs and autopsy reports. If you obtain a notarized release from Mr. Gongora's parents to release the photographs and/or autopsy reports, we will do so."

Contrary to the requirements of SF Admin Code 67.27, there is no legal citation nor a court ruling that would create civil liability for the City. What court ruling allows a decedent's parents to control access to public records *when the decedent was not a minor at the time of death which are not exempt under a specific law* (Marsh v. County of San Diego)? Mr. Gongora's parents have no authority over what the City must release. This condition is stated nowhere in the CPRA or SB 1421 or Sunshine Ordinance. The DPA has simply invented its own legal justifications.

Some of these records may in fact be exempt under CCP sec 129 but ONLY the portions which are "photograph, negative, or print, including instant photographs and video recordings, of the body, or any portion of the body, of a deceased person, **taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy**." That does not include *all* gruesome photographs, nor *all* autopsy *report* information. Pursuant to Prop 59, the City cannot broaden this exemption beyond exactly what it says. Photos or bodycam footage taken by the SFPD that are not "for the coroner" are not exempt.

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

Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, February 12, 2021 3:57 PM
To: Supervisor Records (CAT); SOTF, (BOS)
Cc: Henderson, Paul (DPA); Hawkins, Sarah (DPA); Oldfather, Newton (DPA); dpa.legalteam@sfgov.org
Subject: 67.21(d) petition, and for SOTF File 19144 - against DPA for SB 1421 records - PART 1 of 2
Attachments: 67.21(d) petition and SOTF 19144 - DPA 20210212-min copy 2 Z.pdf; signature.asc

Supervisor of Records: This is a 67.21(d) petition against DPA for a written determination that records or parts thereof are public and an order for their disclosure.
SOTF: DPA has, now on February 12, 2021, appeared to start producing redaction keys on a single record. These keys and written justifications and withholdings however are still not compliant with the law.

1. Redaction justifications and keys are not compliant
2. Records not generated as part of the complaint investigation but physically located in the complaint file must not use PC 832 justifications as they are not police personnel records under *Eureka* and *LBPOA*
3. Audio and video records must be produced
4. Indices (whatever that means) must be produced

The full petition and exhibits are attached (PART 1 of 2 due to attachment size. You need both parts).

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

Supervisor of Records: This is 67.21(d) petition that some or all of the parts of records withheld below are public and an order against DPA for their disclosure, re: DPA file 0658-08.

SOTF re File 19144: On Feb 12, 2021, the DPA for the first time produced written justifications and redaction keys for a single record, however they remain non-compliant for the following reasons.

I. Redaction justifications and keys are not compliant

Every redaction must be keyed to a *specific* written justification. It is unclear why DPA is using a more vague redaction key than the Police Commission. DPA is for unknown reasons grouping together Attorney-Client and Attorney-Work Product privileges - which are different exemptions under different sections in the Evidence Code; SOTF has previously held this to be unlawful violating SFAC 67.27. DPA is for unknown reasons grouping together CLETS and CORI which are exempt under different sections of law. DPA also groups together California Penal Code § 832.7(b)(5)(C) and Welfare and Institutions Code § 5328 which are distinct justifications.

Some of the redactions are keyed to a non-existent key, like redaction "O" on Bates #000360 which is challenged.

II. Records not generated as part of the discipline/complaint process are not redactable or withholdable under the police personnel file rules

The mere physical presence of a public record in a police complaint file does not make the record a police personnel record subject to the heightened confidentiality of Penal Code 832.7, unless that record was "***generated in connection with***" the complaint investigation.

The Court of Appeal considered this issue in *City of Eureka v. Superior Court of Humboldt Cnty.* (2016), and the Supreme Court considered it in *Long Beach Police Officers Assn. v. City of Long Beach* (2014). As the Court of Appeal held in *Eureka* (pp 763-64, the emphasis on "generated" comes from the original decision; bold and underline is mine):

> The arrest video does not come within section 832.8, subdivision (d), which defines "personnel records" as those relating a police officer's "advancement, appraisal, or discipline." *Long Beach Police Officers Assn. v. City of Long Beach (2014)* 59 Cal.4th 59, 172 Cal.Rptr.3d 56, 325 P.3d 460 (*LBPOA*) supports our conclusion. There, our high court considered a public records act request for the identities of police officers involved in various shootings. (Id. at p. 71, 172 Cal.Rptr.3d 56, 325 P.3d 460.) The California Supreme Court concluded the information was not covered by the *Pitchess* statutes, explaining: "Although the *Pitchess* statutes limit public access to personnel records [citation], including officer names if they are *linked* to information in personnel records [citation], **many records routinely maintained by law enforcement agencies are not personnel records. For example, the information contained in**

> **the initial incident reports of an on-duty shooting are typically not 'personnel records' as that term is defined in ... section 832.8.** It may be true that such shootings are routinely investigated by the employing agency, resulting eventually in some sort of officer appraisal or discipline. **But only the records *generated* in connection with that appraisal or discipline would come within the statutory definition of personnel records [citation.]** We do not read the phrase 'records relating to ... [¶] ... [¶] ... [e]mployee ... appraisal[ ] or discipline' [citation] so broadly as to include every record that might be *considered* for purposes of an officer's appraisal or discipline, for such a broad reading of the statute would sweep virtually all law enforcement records into the protected category of 'personnel records' [citation]." (*Ibid* .)
>
> **Here as in *LBPOA*, the City has not demonstrated the arrest video was "*generated* in connection" with Sergeant Laird's appraisal or discipline.**

In this case, the appropriate portion of Penal Code 832.8 defining a personnel record is (a)(5) "Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties." Many of the records withheld/redacted were **not** generated in connection with the complaint or the investigation of the complaint. Therefore, DPA unlawfully redacted at least the following documents in record 0658-08:

1. Starting on Bates #000163, a public court case document has been redacted. This document was not submitted under seal and does not constitute a police officer personnel record and therefore is not subject to Penal Code 832.7(a) restrictions. All redactions are challenged. Moreover the POBRA and CI redactions therein cannot even apply to such a record. In fact, by performing a PACER and Internet search, I identified the improperly redacted document as Case 4:09-cv-00174-PJH, Document 29, which is completely publicly available on the N.D. Cal's public court website. The court's record is attached as Exhibit B. That analysis indicates that the purportedly confidential identity of Charles Haynes is also not actually confidential. Furthermore, such a record is not subject at all to the Penal Code 832.7(a) restrictions because the court document was not created by the City in connection with the complaint. The document was created by the City's legal opponent's attorney, Mr. Burris. It cannot possibly be part of the City's police personnel records.

2. Incident report on Bates #000060 and 61. Such incident reports are explicitly called out by the Supreme Court in *Long Beach*. The incident report number cannot be redacted. The name of the person arrested cannot be redacted (Gov Code 6254(f)). The two "POBRA"-keyed redactions are invalid because the POBRA does not in fact include incident reports pursuant to *Long Beach*. Whatever is behind those two redactions was not generated in connection with the complaint - it was generated for

the arrest which is just normal police business and not a police personnel record.

3. The “Unsealed Portion” of the officer’s deposition on Bates #000305 through #000597. All redactions are challenged since these records are unsealed and publicly available. Moreover, the CI and POBRA-keyed redactions are challenged because those portions of the Penal Code do not apply to this record, which was created by an outside party as part of a civil suit not generated by the City’s complaint investigation process.

III. Audio and video recordings must be produced and are not exempt due to cost of production

The DPA has withheld video recordings (instead producing some still photographs) and withheld audio recordings (instead producing some transcripts). DPA has no authority to produce only a different set of records because it is cheaper to do so - that justification does not comply with SFAC 67.27 because it does not constitute an exemption. Per local law and the state Supreme Court, the City must bear the entire cost of properly redacting the records (Admin Code 67.26; *Natl Lawyers Guild v City of Hayward (2020)*) and may charge me solely the physical cost of a copy, which is $0 since the records are being provided online via NextRequest. Furthermore, videos of the incident are not even subject to the limited disclosure requirements of Penal Code 832.7, because such video footage does not constitute a police personnel record (unless it is a video-taped interview of the officers during the complaint process), because it could not possibly have been generated as part of the investigation into the officer (see *Eureka* and *LBPOA* above).

IV. Indices have been withheld for unknown reasons.

"Several indices" were withheld. It is unclear what this refers to and no legal justification for withholding was given. They must be produced.

Sincerely,

Anonymous
arecordsrequestor@protonmail.com

EXHIBIT A

Portions of 0658-08 release to me on Feb 12, 2021

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
ONE SOUTH VAN NESS AVENUE, FLOOR EIGHT
SAN FRANCISCO, CA 94103

LONDON BREED
MAYOR

PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

Public Records Release

The Department of Police Accountability ("DPA") is producing records in response to a public records request made under California Penal Code § 832.7.

The responsive records in this production include documents related to SF DPA Case No. 0658-08. The case files are available to view or download on **https://sfdpa.nextrequest.com/requests/20-5** in a folder labeled "0658-08."

As a preliminary matter, some of the above referenced file contains allegations of misconduct that are not subject to disclosure. Penal Code § 832.7 requires that peace officer personnel files be confidential except for four categories: (1) officer involved shootings, (2) uses of force that cause great bodily harm, (3) sustained findings of sexual assault, or (4) sustained findings of dishonesty. If a file therefore qualifies for disclosure under one of those four categories but also contains additional, unrelated misconduct, the unrelated conduct remains confidential pursuant to Penal Code § 832.7 and is redacted.

Redactions have been made to these records pursuant to the following exemptions:

Redaction Code		Description
1	PII	Personally Identifiable Information. California Penal Code § 832.7(b)(5)(A). Government Code 6254.3 §§ (a), (b)(1). Personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers. Personal employee information such as social security numbers, birth dates, personal email addresses, and confidential law enforcement identification numbers.
2	ID	Identity of Complainants and Witnesses. California Penal Code § 832.7(b)(5)(B); SF Admin. Code §§ 67.24(d)(1), (3) – To preserve the anonymity of complainants, witnesses, and confidential sources.
3	CI	Confidential Information. California Penal Code § 832.7(b)(5)(C). Welfare and Institutions Code § 5328. To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
4	SD	Significant Danger. California Penal Code § 832.7(b)(5)(D) – Disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
5	POBRA *(also NDCM)*	Public Safety Officers Procedural Bill of Rights Act. California Penal Code § 832.7(a) - Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.

6	PIND	Public Interest in Non-Disclosure. California Penal Code § 832.7(b)(6) – Information, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.
7	CSD/CLETS	Confidential State Database. California Penal Code §§ 11105, 11145, 13100 et seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
8	LEI/M	Law Enforcement Information and Police Investigatory Files. California Government Code § 6254(f). SF Admin Code Chapter 16, §§ 67.24(d)(4), (5). Records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local agencies. Confidential law enforcement information, including investigative techniques, procedures, and information whose disclosure would endanger law enforcement personnel.
9	CCP129	California Code of Civil Procedure § 129. Photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.
10	PP	Personal Privacy. California Government Code § 6250, 6254(c). Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
11	WI5328	California Welfare & Institutions Code § 5328. Confidential mental health records.
12	J	Juvenile Records. California Welfare & Institutions Code § 827, California Government Code § 6254(k). Juvenile records.
13	P	Attorney Privilege. California Government Code §§ 254(k), 6254.25, 6276.04, Evidence Code § 954. Attorney-client privilege, attorney work product privilege.
14	E1040	Official Information Privilege. California Evidence Code § 1040 (a) - Information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made.

Please note that the DPA has elected to produce transcripts in lieu of audio recordings. The DPA has taken this approach because redacting and producing audio files is time consuming and expensive. If you remain interested in certain recorded materials after reviewing the transcripts, please identify the materials and the DPA will provide you with a cost sheet for reproducing the recordings. You may then select which recordings you would like produced.

Please note that the DPA has elected to produce still images in lieu video recordings. The DPA has taken this approach because redacting and producing video files is time consuming and expensive. If you remain interested in certain recorded materials after reviewing the images, please identify the materials and the DPA will provide you with a cost sheet for reproducing the recordings. You may then select which recordings you would like produced.

Please note that several indexes were withheld for expediency purposes and are available upon request.

Please note that this is the first in a series of productions related to this case.

EXHIBIT B

Public court record through California Northern District federal court

JOHN L. BURRIS, Esq./ State Bar #69888
BENJAMIN NISENBAUM, Esq./State Bar #222173
LAW OFFICES OF JOHN L. BURRIS
Airport Corporate Centre
7677 Oakport Street, Suite 1120
Oakland, California 94621
Telephone: (510) 839-5200 Facsimile: (510) 839-3882
Email: john.burris@johnburrislaw.com
bnisenbaum@gmail.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES HAYNES,

Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; HEATHER FONG, in her capacity as Chief of Police for the CITY AND COUNTY OF SAN FRANCISCO; PAULO MORGADO, individually, and in his capacity as a police officer for the CITY AND COUNTY OF SAN FRANCISCO; and, San Francisco police officers DOES 1-25, inclusive,

Defendants.
/

Case No. C 09 00174 PJH

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Time: 9:00 a.m.
Date: July 7, 2010
Courtroom: 3, 3rd Floor

Honorable Judge Phyllis Hamilton

I. INTRODUCTION

Plaintiff Charles Haynes opposes Defendants' Motion for Partial Summary Judgment of his claim of civil rights violations pursuant to 42 U.S.C. section 1983, and also alleging state law causes of action. This Court should reject Defendants Motion for Partial Summary Judgment as it relies upon this Court resolving disputed material factual questions in favor of the Defendants.

In conjunction with this Opposition, Plaintiff has filed the Declaration of Benjamin Nisenbaum (hereinafter cited as the "Nisenbaum Declaration"), which includes: excerpts of the

Deposition testimony of Plaintiff Haynes, percipient witness Kellen Greathouse, and Defendant Officer Paulo Morgado, as well an authenticated videotape of the subject-incident, Defendant Morgado's police report of the subject incident, multiple other complaints and civil dockets of other lawsuits alleging civil rights violations committed by members of the San Francisco Police Department, and the Stipulation of the Parties for Purposes of the Motion for Partial Summary Judgment—references to which are filed under seal. In addition, Plaintiff asks the Court to take judicial notice of pleadings and orders filed in the other lawsuits alleging civil rights violations against other San Francisco Police Department members that are under seal.

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MEMORANDUM OF POINTS AND AUTHORITIES

IV. STATEMENT OF FACTS

On March 8, 2008, Plaintiff Charles Haynes assisted his friend, Kellen Greathouse, a DJ, to provide music at a party held at Zeke's nightclub in San Francisco. (See Deposition Testimony of Charles Haynes 56:23, 63:21-64:5, attached as Exhibit A to the Nisenbaum Declaration, hereinafter cited as "Haynes Depo".) Plaintiff Haynes is an MC and served as a "hype man" and performed crowd control by speaking to the partygoers, while Mr. Greenhouse, actually played the music. (Haynes Depo at 72:12-14) Through the course of the night, Plaintiff Haynes recalled drinking two (and possibly a third) alcoholic drinks. (Haynes Depo at 73:18-23.) Plaintiff Haynes was not drunk, and did not feel "buzzed" or any other effects of alcohol upon consuming the drinks. (Haynes Depo at 77:21-78:6.)

Between approximately 1 a.m. and 2 a.m., after the party ended, Plaintiff Haynes crossed the street directly in front of the nightclub, walked a woman partially to her car, and then headed back to the nightclub. (Haynes Depo at 56:23, 82:9-15.) As Plaintiff Haynes approached the crosswalk, he observed two police officers walking towards him. (Haynes Depo at 91:6, 92:3.) Plaintiff Haynes and the officers walked past each other while in the crosswalk and there was no physical contact between him and the officers. (Haynes Depo at 93:3-10, 94:9-18.) As Plaintiff Haynes passed the officers, Defendant San Francisco Police Officer Paulo Morgado, who was the officer nearest him and was only a few feet away, told Plaintiff, "to get off the fucking street, boy." (Haynes Depo at 97:2-98:19.) Plaintiff Haynes heard Defendant Morgado's comment very clearly, was instantly upset and offended and reacted by saying, "fucking faggot." (Haynes Depo at 99:7-23, 100:7-101:11.) Plaintiff Haynes then continued to walk across the street and approached the nightclub. (Haynes Depo at 102:15, 103:1-4.)

Defendant Morgado turned to follow Plaintiff Haynes and yelled and cursed at him as approached. (Haynes Depo at 103:6-14.) When Plaintiff Haynes reached the entrance of the nightclub he turned to face Defendant Morgado who then shoved him in his chest causing the Plaintiff to stumble backwards, hit the wall behind him and fall to the ground. (Haynes Depo at 107:3-20.) Plaintiff hit the back of his head, arms and back against the wall, fell and landed on his

bottom and stood back up. (Haynes Depo at 108:2-22.) During this time Defendant Morgado continue to yell at and berate Plaintiff Haynes, including calling him a "piece of shit." (Haynes Depo at 110:12-25.) Plaintiff suffered a scrape to his hand and bump on the back of head as well as some emotional consequences as a result of this incident. (Haynes Depo at 116:3, 119:19-120:16.) Defendant Morgado arrested Plaintiff without cause to believe Plaintiff had committed any crime whatsoever, and instead falsely claimed that Plaintiff was drunk and a danger to himself. (See Deposition Testimony of Paulo Morgado 195:6-12, 216:12-18, attached as Exhibit B to the Nisenbaum Declaration, hereinafter cited as "Morgado Depo.")

Just as Plaintiff Haynes walked past the officers, Mr. Greathouse had begun videotaping his helpers load his DJ equipment and captured the entire incident between Plaintiff Haynes and Defendant Morgado on video.[1] (See Deposition Testimony of Kellen Greathouse 22:1-8, attached as Exhibit C to the Nisenbaum Declaration, hereinafter cited as "Greathouse Depo.") Mr. Greathouse provided the original tape of the incident to San Francisco Police investigators upon their request. (Greathouse Depo at 20:24-21:10, 27:14-18.)

V. ARGUMENT

A. STANDARD FOR SUMMARY JUDGMENT

Summary judgment is proper when the "pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed.R.Civ.P. §56(c). Material facts are those which may affect the outcome of the case. *Anderson v. Liberty Lobby, Inc.*, 447 U.S. 242, 248 (1986). A dispute as to a material fact is "genuine" if there is sufficient evidence for a reasonable trier of fact to return a verdict for the nonmoving party. *Id*. at pp. 248-249.

When considering a motion for summary judgment, the court may not weigh disputed evidence with respect to a disputed material fact, or make credibility determinations, and is required

[1] Plaintiff has attached an authenticated video of the subject-incident as Exhibit D to the Nisenbaum Declaration (hereinafter referred to as Exhibit C). Contrary to Defendants' claim and as discussed *infra*, Plaintiff submits that the video footage of the arrest is relevant to Plaintiff's *Monell* claim against Defendant City. The video footage stands in stark contrast to the representations Defendant Morgado made in his incident report and is illustrative of the type of dishonesty that he routinely employs.

to draw all inferences in a light most favorable to the non-moving party. *Nelson v. City of Davis*, 571 F.3d 924, 928-929 (9th Cir 2009). In addition, the Court should not grant summary judgment where there are undisputed facts which reasonably lend themselves to different inferences. *Sankovich v. Life Ins. Co. of N. Am.* 638 F.2d 136 (9th Cir. 1981). The court must evaluate the evidence and reasonable inferences to determine whether there is sufficient probative evidence to permit "a finding in favor of the opposing party based on more than mere speculation, conjecture, or fantasy." *O.S.C. Corp. v. Apple Computer, Inc.,* 792 F.2d 1464, 1466-1467 (9th Cir. 1986), quoting *Barnes v. Arden Mayfair, Inc.,* 759 F.2d 676, 681 (9th Cir. 1985).

A principal purpose of the summary judgment procedure is to identify and dispose of factually unsupported claims. *Celotex Corp. v. Cattrett,* 477 U.S. 317, 323-24 (1986). The party seeking summary judgment bears the initial burden of identifying those portions of the pleadings, discovery, and affidavits which demonstrate the absence of a genuine issue of material fact. *Celotex, supra,* at p. 323. Where the moving party will have the burden of proof on an issue at trial, it must affirmatively demonstrate that no reasonable trier of fact could find other than for the moving party. *Id.*; *Southern California Gas Co. v. City of Santa Ana*, 336 F.3d 885, 888 (9th Cir. 2003). Once the moving party meets this initial burden, the nonmoving party must go beyond the pleadings and by its own evidence "set forth specific facts showing that there is a genuine issue for trial." Fed.R.Civ.P. 56(e). The nonmoving party must "identify with reasonable particularity the evidence that precludes summary judgment." *Keenan v. Allan,* 91 F.3d 1275, 1279 (9th Cir.1996) (quoting *Richards v. Combined Ins. Co.,* 55 F.3d 247, 251 (7th Cir.1995)).

B. DEFENDANT CITY'S MOTION FOR SUMMARY JUDGMENT MUST FAIL

Defendants claim that Plaintiff lacks evidence to prove that Defendant City fails to effectively monitor its officers' conduct and to address officer conduct appropriately and urges that Plaintiff's *Monell* claim must fail. Plaintiff maintains that Defendant City is liable pursuant to *Monell v. Department of Social Services,* 436 U.S. 658 (1978).

Factual Background

After the subject-incident Defendant Morgado prepared an incident report including the following narrative:

> "On the above date and time, Ofc. Forneris #2106 and I responded to 3rd St./Brannan for a report of shot fired. Upon arrival, we saw a large crowd of unknown people. When trying to disperse the crowd, I was approached by (B) Haynes in the middle of the crosswalk at 3rd St./Brannan.
>
> Haynes said something to me that I could not understand so I asked him what he needed. At that time, Haynes said, "Fuck you little bitch." I then told Haynes to get on the sidewalk for his safety so that he would not get hit by passing vehicles. Haynes said, "Fuck you little bitch." While talking to Haynes I could smell a strong odor of alcoholic beverage on his breath. It should be noted that Haynes had slurred speech and was very aggitated (sic). It was unclear what else he had said to me because he appeared to be extremely intoxicated. I then tried to detain Haynes for his own safety for fear that he would be struck by passing vehicles. Haynes then walked away back towards the sidewalk. I told Haynes to stop several times at which point he turned around and came towards me in an aggressive manner. In an attempt to detain Haynes I pushed Haynes up against a wall where I then took him into custody.
>
> Haynes was booked at CJ9 for 647(f) PC RWS with the approval of Sgt. Roualdes #1551."

(See San Francisco Police Department incident report no. 080-219-447, dated 3/1/08, attached to Nisenbaum Declaration as Exhibit E, hereinafter cited as "Incident Report.") This representation of the subject-incident stands in stark contrast to the video footage of Plaintiff Haynes' arrest which shows that there was no repeated back and forth between Plaintiff Haynes and Defendant Morgado, that Plaintiff Haynes' speech was not slurred, that he was not extremely agitated but calm, and that there was no imminent traffic danger. (See Incident Report, narrative portion.)

Plaintiff alleges that Defendant Morgado also made false statements in the incident report and during his deposition testimony pertaining to the wrongful death of Asa Sullivan which occurred on June 6, 2006 at 2 Garces Drive in San Francisco, CA. (See *Espinosa, et al. v. City and County of San Francisco, et al.* Northern District case no. C 06 04686 JSW attached as Exhibit F to the Nisenbaum Declaration.) In that case, Defendant Morgado claimed security guards authorized his warrantless entry into a residence after they confirmed with property management that the owners on the lease had moved out the previous weekend. However, the evidence revealed that the property management

told the security guards that the unit was still rented as the owners had given notice but had not yet moved out of the apartment, and the security guards told Defendant Morgado that the unit was still rented and no one had moved out; and that Defendant Morgado never sought or received consent to search the property. (See Order Re Parties' Cross-Motion for Summary Judgment at 7:7-14, Document 175 in *Espinosa, et al. v. City and County of San Francisco, et al. c*ase no. C 06 04686 JSW, attached to the Nisenbaum Declaration as Exhibit G.)

In *James Henry Washburn, Jr. v. San Francisco Police Officers Paulo Morgado, et al.* USDC Northern District Case No. C 03 02973 JSW (MEJ), Defendant Morgado was accused of yelling at a man "You bitch!" and using excessive force and falsely arresting the man. Defendant Morgado claimed in his incident report that Mr. Washburn pulled and broke his little finger which caused Mr. Washburn to face felony charges of battery on an officer. However, Defendant Morgado admitted in the preliminary hearing in that case, that he had concealed an earlier injury to the same finger, and that his punching Mr. Washburn may have caused the fracture to his finger. (See Reporter's Transcript of Proceedings (Preliminary Hearing Transcript), *People v. James Washburn,* Court No. 2047359 at 26:23-28:28, 32:22-33:3, attached to Nisenbaum Declaration as Exhibit H, hereinafter cited as "Preliminary Hearing.")

Moreover, Plaintiff alleges that on numerous occasions other members of the San Francisco Police Department have used false claims of public intoxication as a cover for arresting people without probable cause to arrest. Notably, several lawsuits filed against San Francisco Police Department Officer Jesse Serna have alleged that Officer Serna falsely claimed that people he arrested and/or used force against were publicly intoxicated in violation of Penal Code section 647(f) (see, e.g., *Marco Maestrini v. City and County of San Francisco, Jesse Serna, et al.* Northern District case no. C 07 2941 PJH, among many other cases) which is similar to underlying facts of the subject-incident.

According to the Stipulation of the Parties for Purposes of the Motion for Partial Summary Judgment, FILED UNDER SEAL (See Stipulation of

the Parties for Purposes of the Motion for Partial Summary Judgment ¶¶ 2 and 3, attached as Exhibit I to Nisenbaum Declaration, hereinafter cited as "Stipulation.") FILED UNDER SEAL (See Stipulation at ¶¶ 4 and 5.)

Legal Analysis

Pursuant to *Monell v. Department of Social Services, supra*, "Congress did not intend for municipalities to be held liable unless action pursuant to official municipal policy of some nature cause a constitutional tort." Id. at p. 691. In order to establish that Defendants City and Chief Fong are liable, Plaintiff must show that he: "(1) possessed a constitutional right of which he was deprived; (2) that the County had a policy; (3) that the policy 'amounts to deliberate indifference' to the constitutional right; and (4) that the policy is the 'moving force behind the constitutional violation.'" *Anderson v. Warner,* 451 F.3d 1063, 1070 (9th Cir.2006) (quoting *Oviatt v. Pearce,* 954 F.2d 1470, 1474 (9th Cir.1992) (in turn quoting *City of Canton v. Harris,* 489 U.S. 378, 389-91 (1989)). "There also must be a 'direct causal link' between the policy or custom and the injury," and Plaintiff "must be able to demonstrate that the injury resulted from a 'permanent and well settled practice.'" (*Ibid.* (quoting *McDade v. West,* 223 F.3d 1135, 1141 (9th Cir.2000) (internal quotations omitted)). A municipality may not be held liable under Section 1983 where no injury or constitutional violation has occurred. *Jackson v. City of Bremerton,* 268 F.3d 646, 653 (9th Cir.2001). The failure to train or supervise may give rise to a "policy or custom" sufficient to impose liability on the City. *City of Canton, supra,* 489 U.S. at 389- 90.

A plaintiff may prove the existence of a custom or informal policy with evidence of repeated constitutional violations for which the errant municipal officials were not discharged or reprimanded. See *Gillette v. Delmore*, 979 F.2d 1342, 1348 (9th Cir. 1992); *Nadell v. Las Vegas Metro Police Dept.*, 979 F.3d 924, 930 (9th Cir. 2001) (finding no municipal liability because there was no evidence at trial establishing that the use of excessive force was a formal policy, that there was a widespread practice of the police department or that previous violations had occurred for which there was no reprimand or discharge); *Gomez v. Vernon*, 255 F.3d 1118, 1127 (9th Cir. 2001) (holding that

correctional department administrators may not take "blind-eye" approach and that condoning unconstitutional acts by the failure to investigate or correct the repeated violations constitutes a policy or custom under *Monell*). In *Fiacco v. City of Rensselaer, N.Y.,* 783 F.2d 319, 328 (Cir. 2nd 1986), the Second Circuit Court stated:

> We have no doubt that, in the context of a theory that the City negligently supervised its officers in their use of force, the evidence that a large number of claims of police brutality had been made by other persons against the City, together with evidence as to the City's treatment of these claims, was relevant. Whether or not the claims had validity, the very assertion of a number of such claims put the City of notice that there was a possibility that its police officers had used excessive force. The City's knowledge of these allegations, and the nature and extent of its efforts to investigate and record the claims were pertinent to Fiacco's contention that the City had a policy of nonsupervision of its policemen that reflected a deliberate indifference to their use of excessive force. **The fact that none of the claims had yet been adjudicated in favor of the claimant was not material; if the City's efforts to evaluate the claims were so superficial as to suggest that its official attitude was one of indifference to the truth of the claim, such an attitude would bespeak an indifference to the rights asserted in those claims….** Proof that other claims were met with indifference for their truth may be one way of satisfying the plaintiffs' burden.

The Ninth Circuit stated in *Henry v. County of Shasta*, 132 F.3d 512, 519 (9th Cir. 1997), that when a municipality "turn[s] a blind eye to severe violations of inmates' constitutional rights—despite having received notice of such violations—a rational fact finder may properly infer the existence of a previous policy or custom of deliberate indifference."

Plaintiff asserts that the focus of the Defendant City's system of review of its officers' behavior focuses on excessive force and does not focus on dishonesty and perjury in incident reports.

FILED UNDER SEAL (See Stipulation at ¶5.)

(See Preliminary Hearing Transcript at 28:15-28.) FILED UNDER SEAL (See Morgado Depo at 114:4-11.)

Given Defendant Morgado's brazen and audacious misrepresentations in the incident report of the subject-incident and history of dishonesty and penchant for providing perjuries and false testimony under oath, a reasonable fact finder can determine that it is unreasonable for Defendant City to have never disciplined this officer on these types of offenses. Moreover, a reasonable fact finder may conclude that Defendant City has a policy or custom of authorizing or permitting false incident reporting by its officers. Defendant City cannot claim that it was unaware of Defendant Morgado's penchant for misrepresenting, exaggerating, and/or outright falsifying statements to justify unlawful arrests or unlawful courses of action, such as the warrantless entry leading to the killing of Asa Sullivan, as some of these abuses have been exposed through other litigation. Strikingly, Defendant Morgado testified in deposition that no investigating agent of the San Francisco Police Department has questioned the credibility of his statements concerning what information security guards either did (according to Morgado) or did not (according to the security guards) provide him leading to the warrantless entry into 2 Garces Drive.

This Court must reject Defendants' argument on this point.

C. PLAINTIFF'S CLAIMS PURSUANT TO THE CALIFORNIA CIVIL CODE ARE PROPERLY ADVANCED, SUPPORTED BY THE EVIDENCE AND MUST GO FORWARD

Defendants also contend that they are entitled to judgment as a matter of law as to Plaintiff's claims of violation of California Civil Code sections 51.7 and 52.1, claiming that these claims are not supported by the evidence. Defendants are mistaken.

1. California Civil Code Section 51.7

Defendants argue that Plaintiff has no evidence to support the claim that Officer Morgado's actions against Plaintiff were motivated by racial animus. Defendants are mistaken. The record reveals that the underlying impetus for the amount of force used and animus directed at ***and*** ultimately the false arrest of Plaintiff Haynes was due to his race as of an African American Man.

California Civil Code section 51.7 protects against the use of "violence, or intimidation by threat of violence, committed against their persons or property. . . on account of" a protected

characteristic. Cal. Civil Code § 51.7(a). The characteristics protected by Civil Code section 51.7 include those characteristics identified under Civil Code section 51(b), which states: "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, ***race, color***, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." (Emphasis added.)

Here, Plaintiff is readily recognizable as an African American man. Without provocation or reason, Defendant Morgado told him, "to get out of the fucking street, boy?" (See Haynes Depo at 97:2-7.) The term "boy" has a long and commonly-known history of being a racial epithet—especially when uttered, as under these circumstances, by a Caucasian law enforcement officer to a fully grown and mature black man. A reasonable finder of fact can determine that by making this remark, Defendant Morgado invoked the historic, most offensive and racially charged usage of the term "boy." Moreover, given that Defendant Morgado's use of this epithet was completely unprovoked, a reasonable finder of fact can also determine that Plaintiff's race was the motivating reason for defendant use of the term and resulting use of excessive force on *and* false arrest of Plaintiff Haynes.

Defendants' claim that Officer Morgado arrested Plaintiff Haynes due to his comment "fucking faggot" is disingenuous and is a dizzying attempt to split hairs. According to Plaintiff Haynes, as he passed the two officers in the crosswalk, Defendant Morgado for no reason at all told him to "get out of the fucking street, boy," and Plaintiff Haynes instinctively and without thinking *reacted* by calling Defendant Morgado a "fucking faggot." (Haynes Depo at 100:7-17) As Plaintiff Haynes testified and the videotape reveals, he did not act aggressively toward the Defendant officer. In addition, according to Defendant Morgado he did not arrest Plaintiff Haynes because of his comment but rather because Plaintiff was obviously intoxicated and was a danger to himself and others. Indeed, Defendant Morgado claimed to not be fazed by Plaintiff Haynes' comment as he used to insults being hurled at him. (Morgado Depo at 203:2-10.) Officer Morgado also testified that what Plaintiff said to him was not a basis to arrest him. (Morgado Depo at 236:23-237:9.).

Clearly, the evidence supports Plaintiff's claims of violation of California Civil Code section 51.7 based on racial discrimination.

2. California Civil Code section 52.1

Defendants argue that Plaintiff's claim under California Civil Code section 52.1 should fail because there is no evidence that Defendant Morgado's use of force was intended to interfere with a separate right. In so arguing, Defendants reveal a mistaken understanding of the requirements of the statute; as such, this argument must be rejected.

Citing *Jones v. Kmart Corp.*, 17 Cal.4th 329, 334 (1998), Defendants argue that California Civil Code section 52.1 violations require that Plaintiff show "*both* 'threats, intimidation and coercion' and an interference or attempted interference with a constitutional right," and Plaintiff, somehow, impermissibly conflates these separate elements into one. California Civil Code section 52.1 provides for the institution of a civil action against a person who "interferes by threats, intimidation, or coercion, or attempt to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual . . . of rights secured by the Constitution or laws of the United States, or . . . of this state." Defendants' reliance on *Jones* is misplaced here, because the *Jones* Court found that the plaintiffs failed to prove a California Civil Code section 52.1 claim because there was no state action, and thus, there was no attempted or completed interference with a constitutional right. *Jones, supra,* at pp. 333-34. In addition, Defendants' discourse on CACI No. 3025, while interesting, is not persuasive, as jury instruction are no substitute for statutory and case law directly on point as Plaintiff presents here. The clear language of California Civil Code section 52.1 is that the "threats, intimidation, or coercion" refers to the manner in which the violation is committed.

To establish a claim under California Civil Code section 52.1, a plaintiff needs to establish that the defendants "interfered with the plaintiff['s] constitutional rights by the requisite threats, intimidation, or coercion." *Austin v. Escondido Union School Dist.*, 149 Cal.App.4th 869, 882 (2007). The word "interferes" under this statute means "violates." *Id.* at p. 883. "The essence of [this] claim is that the defendant, by the specified improper means (i.e., "threats, intimidation or coercion'), tried to or did prevent the plaintiff from doing something that he or she had the right to do under the law or

force the plaintiff to do something that he or she was not required to do under the law." *Ibid.* Use of law enforcement authority to effectuate a seizure and a search can constitute interference by "threats, interference, or coercion" if the police officer lacked a justification to seize and search a person. *Cole v. Doe 1 thru 2 Officers of City of Emeryville Police Dept.*, 387 F.Supp.2d 1084, 1102-1103 (N.D. Cal. 2005).

Here, Defendant Morgado used excessive force by pushing and shoving Plaintiff Haynes, used excessive force to violate Plaintiff's First Amendment rights and intimidate him from calling Defendant Morgado an insulting name (although it was only in response to Morgado's use of a racially charged epithet), and ultimately to affect the false arrest of Plaintiff.

Defendants are mistaken that Plaintiff Haynes comment is not protected by the guarantees of the First Amendment right to free speech. The First Amendment to the United States Constitution protects the rights of citizens to verbally oppose and even challenge police action so long as that challenge does not involve a threat or fighting words. *Gulliford v. Pierce County*, 136 F.3d 1345, 1349 (9th Cir. 1998) (citing *City of Houston, Texas v. Hill*, 482 U.S. 451, 461-63, 107 S.Ct. 2502, 2509-11, 96 L.Ed.2d 398 (1987)(internal quotations omitted)(finding "[t]he Supreme Court has consistently held that the First Amendment protects verbal criticism, challenges, and profanity directed at police officers unless the speech is "'shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance or unrest.'") This protection includes opprobrious language and gestures. See *Guillford, supra*, at p. 1349 (holding that yelling "…get the fuck off the island." Did not constitute fighting words and did not rise to the level of probable cause for arrest); *Duran v. City of Douglas, Arizona*, 904 F.2d 1372, 1374-75 (9th Cir. 1990) (finding that yelling obscenities and making obscene gestures did not constitute fighting words). In *U.S. v. Poocha*, 259 F.3d 1077, 1082 (9th Cir. 2001), the Ninth Circuit Court found that "[c]riticism of the police, profane or otherwise, is not a crime," and determined that "speech is not stripped of its constitutional protection simply because it is accompanied by [] aggressive gestures…."

Here, Plaintiff Haynes reacted to Defendant Morgado's racial insult by making his comment and continuing to walk away. Plaintiff was not aggressive or confrontational but responsive to being

insulted by Defendant Morgado. Notably, he did not yell the insult, he merely spoke it. (Morgado Depo at 195:3-4; Haynes Depo at 100:23.) Defendant Officer Morgado had insulted him first, and Plaintiff merely responded in a calm and controlled manner, and then walked away, *toward the sidewalk as Defendant Morgado had ordered him to do*. The exchange was over from Plaintiff's perspective. As the Ninth Circuit rationalized, "while police, no less than anyone else, may resent having obscene words and gestures directed at them, they may not exercise the awesome power at their disposal to punish individuals for conduct that is not merely lawful, but protected by the First Amendment." *Duran, supra*, 904 F.2d at 1378. Defendant Morgado then charged at, berated, shoved and injured, and ultimately falsely arrested Plaintiff Haynes merely because of something he mistakenly thought Plaintiff had said (a different insult, "Little Bitch" which Morgado might have taken to reference his height. Officer Morgado is 5'7"). As shown on video, Plaintiff is significantly shorter than Officer Morgado. Plaintiff in fact is 5'00". (See Morgado Depo at 182:7-10, 183:22-23.)

As such, Defendants' arguments must fail and this issue should be decided by the trier of fact.

VI. CONCLUSION

Defendants' Motion for Partial Summary Judgment should be denied. This Court should reject the Defendants' argument that Plaintiff's causes of action only serve to obfuscate the legal issues for the trier of fact. Plaintiff's claims are properly pleaded and supported by the evidence and should go forward.

Dated: June 16, 2010

The Law Offices of John L. Burris

/s/ Benjamin Nisenbaum
Benjamin Nisenbaum
Attorney for Plaintiffs

Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, February 12, 2021 3:57 PM
To: Supervisor Records (CAT); SOTF, (BOS)
Cc: Henderson, Paul (DPA); Hawkins, Sarah (DPA); Oldfather, Newton (DPA); dpa.legalteam@sfgov.org
Subject: Re: 67.21(d) petition, and for SOTF File 19144 - against DPA for SB 1421 records - PART 2 of 2

Part 2 won't fit. You'll have to get the original record from DPA.

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

------- Original Message -------
On Friday, February 12th, 2021 at 3:56 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> **Supervisor of Records:** This is a 67.21(d) petition against DPA for a written determination that records or parts thereof are public and an order for their disclosure.
> **SOTF:** DPA has, now on February 12, 2021, appeared to start producing redaction keys on a single record. These keys and written justifications and withholdings however are still not compliant with the law.
>
> 1. Redaction justifications and keys are not compliant
> 2. Records not generated as part of the complaint investigation but physically located in the complaint file must not use PC 832 justifications as they are not police personnel records under *Eureka* and *LBPOA*
> 3. Audio and video records must be produced
> 4. Indices (whatever that means) must be produced
>
> The full petition and exhibits are attached (PART 1 of 2 due to attachment size. You need both parts).
>
> ***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

From:	Anonymous
To:	SOTF, (BOS); Boudin, Chesa (DAT)
Cc:	Givner, Jon (CAT); Supervisor Records (CAT)
Subject:	DA"s Brady Lists/SB 1421 appeal - New Complaint
Date:	Saturday, January 16, 2021 3:11:39 PM
Attachments:	Request-Response.pdf SOR_petition_response_Brady-Giglio_1.12.21_FINAL.pdf Anonmyous_Muckrock_11.24.pdf

---

Thank you Mr. Givner for the detailed SoR response. DA's office: you have not *yourself* ever completely responded to this request (attached). You cannot rely on the SoR for your records responses.
Supervisor of Records - in part C below, I further petition you under SFAC 67.21(d) to determine parts of records are public and order them disclosed.

SOTF:

Please file a new complaint *Anonymous (*104501-34643874@requests.muckrock.com) *vs Chesa Boudin and Office of District Attorney*, under SFAC 67.21(b) incomplete response, 67.26 failure to keep withholding to a minimum, 67.26 failure to provide footnote or other clear reference to justification for redactions, 67.27 withholding without written justification, 67.24(g,i) prohibited public interest balancing test, and CPRA Gov Code 6253(c) untimely response.

A. Request:

I requested Nov 3, 2020 from the DA (among other records not at issue in this complaint):

> 1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).
>
> 2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).
>
> 3. In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any misconduct records you must release your own copies, regardless of what SFPD/DPA/SFSD do. But here's the full request: (*see attachment*)

B. Complaint for Request #3 (SFAC 67.26, 67.27, 67.24(g,i)):
Respondents have begun producing rolling responses to #3 for me as they are doing for the public at large, but their responses lack specific written justification and footnotes or keys for redactions. They claim as an overall justification:

"Records of attorney work product have been withheld in accordance to Cal. Govt. Code § 6254(k); Cal. Code Civ. Proc. §2018.030. Appropriate redactions have also been made pursuant to Penal Code Section 832.7(b)(5) and (6)."

First, Penal Code 832.7(b)(5) is not a single justification - it has 4 different subparts, A, B, C, and D, which exempt completely different information. They must cite which subsections are bring used. See SOTF *19140 Malloy vs Dept of Human Resources*.

Second, redactions must be keyed to specific justifications. No keys for any redaction are evident in the productions provided by DA. Respondents should look to the Police Commission - every redaction in an SB1421 record is keyed with a number to an index indicating exactly which subsection of Penal Code 832.7(b)(5) (there are 4 of them) or other exemption is used. (SFPD has begun correctly producing their records as all new SB1421 SFPD records have redaction keys; DPA claims to both SOTF and Police Commission that DPA is correcting its practices but I have seen no evidence as of yet.)

Third, PC 832.7(b)(6) is a prohibited public-interest balancing test. Like the Police Commission (who had the same problem), DA should find other specific explicit justifications instead of using this catch-all. Furthermore, even if you consider such a balancing test applicable, you should conclude that the balance weighs in favor of disclosure. Sadly, we have no idea what the DA has withheld/redacted under this provision. The Police agencies claim to use this exemption for gruesome photos, but such subjective censorship has no place in San Francisco. (If a photo is a specific photo of a **deceased** body taken **for** the coroner, there is a separate, valid, exemption to be used, Code Civ. Proc., § 129. But subjectively gruesome photos of injured - but not dead - people have no exemption.)

Fourth, it is very likely that this written justification is actually incomplete and wrong. SFPD, Police Commission, and DPA correctly note various other justifications: CLETS, attorney-client privilege, Constitutional personal privacy, coroner photography, and much more. It is almost certain that such exemptions also apply to the DA but were not provided in the written justifications.

Because the justification was incorrect or prohibited and no redaction keys were provided at the time of the complaint, you should find a violation of 67.26, 67.27, and/or 67.24(g,i).

C. Complaint for Request #1 and 2 (67.21(b), GC 6253(c), 67.26, 67.27):

Background:

Brady/Giglio lists refer to lists of certain persons, like police officers, whose involvement in a criminal case the District Attorney must notify defendants of, pursuant to SCOTUS ruling *Brady v. Maryland* (1963) holding that prosecutors must disclose exculpatory evidence to defendants and their attorneys, because not doing so would violate due process under the Fourteenth Amendment. *Giglio v United States* (1972) expanded the ruling in *Brady* to include a requirement for prosecutors to disclose information about dishonest witnesses.

A sustained determination of dishonesty against a peace officer causes ***all*** related records to be disclosable under SB 1421 (Penal Code 832.7(b)(1)(C)). Specifically, these records are disclosable ***notwithstanding*** other exemptions, most importantly Penal Code 832.7(a) (police

personnel records) and Gov Code 6254(f) (police investigations).

Narrative:

On Nov 24, 2020 the DA indefinitely extended the response to these requests 1 and 2, but has never given a final written response. (There is a third request in this set, but that request, for SB1421 material, is being responded to, and not at issue here.)

Instead the only response I've ever gotten is from the Supervisor of Records, denying all access to the DA's records. Please note that this failure by DA to make their own decision is not compliant with the CPRA or the Sunshine Ordinance, and constitutes an incomplete response and a failure to justify withholding in writing. Without a DA response, all I have to go on is the SoR response. I can only hope that the DA does, as the law requires, provide me a legal written justification themselves, and

My complaint challenges the following portions of this SoR reply, specifically for #2 (lists produced by other agencies and in the custody of DA). I do not, in this complaint, but without conceding the point, challenge the SoR's determination that records responsive to #1 constitute privileged attorney work-product.

- SoR Response A. "The only lists in the requested categories that are created by an outside agency and maintained by the SFDA's office are lists provided to the SFDA by the San Francisco Police Department ("SFPD"), and such lists are exempt from disclosure in their entirety under Government Code sections 6254.5(e) and 6254(k), and under Evidence Code 1040(b)(2) (the official information privilege), as the lists were provided to the SFDA by the SFPD with an explicit confidentiality designation, and the public interest in withholding the records outweighs the public interest in disclosure because disclosure of the requested lists would impede the SFDA's ability to comply with its Brady and Giglio obligations while protecting the integrity of ongoing and future investigations."
    - Gov Code 6254.5(e) does not exempt information - it merely prevents specific types of inter-agency disclosure from constituting a waiver of *other* exemptions. So let's put that aside.
    - Evid Code 1040(b)(2) (used under Gov Code 6254(k)) requires not only that information be received in confidence and that disclosure be "against public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure ***in the interest of justice***; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the public interest, ***the interest of the public entity as a party in the outcome of the proceeding may not be considered***." This is not a "plain" public interest balancing test. Respondents must show that disclosure would harm the ***interest of justice***. Justice is improved, not harmed, by the fact that the public knows which police officers cannot be relied upon to give honest testimony in Court. However, it will make it harder for the DA to use dishonest/unethical police officers to prosecute members of the public - but that interest of the DA in the outcome of its proceedings cannot be considered. The very notion that the SCOTUS requires disclosure of the presence of such persons in criminal proceedings to be disclosed indicates that justice requires disclosure.

SoR Response B. "Information in the lists that reflects peace officer personnel record information under Penal Code section 832.7 is protected from disclosure under that section, under Government Code section 6254(c), under Government Code section 6254(k), and under Article I, Section 1 of the California constitution because disclosure would constitute an unwarranted invasion of personal privacy. To the extent certain responsive information falls within the categories of peace officer information covered by SB 1421, which amended Penal Code section 832.7 to remove the confidentiality restrictions over specific categories of peace officer personnel records relating to several types of officer misconduct, that information is nonetheless subject to withholding on the bases set forth above. California courts have recognized that SB 1421 did not abrogate other exemptions available under the CPRA with regard to records made public by that bill. See Becerra v. Superior Ct., 44 Cal. App. 5th 897, 923-29 (2020). • Records that reflect complaints to and investigations conducted by a law enforcement agency, or are maintained in the investigative files of a law enforcement agency, are protected from disclosure under Government Code section 6254(f), even after the investigation is completed, as disclosure may impede ongoing or future investigations and prosecutions. See also Rivero, 54 Cal. App. 4th 1048."

- Penal Code 832.7(b) ***explicitly*** **prohibits** reliance on Gov Code 6254(f) if the matter is regarding the four SB 1421 issues (shootings, great-bodily injury/death, sexual assault, dishonesty).
- The knowledge that a police officer - because they shot, injured, sexually assaulted, or lied - cannot be trusted on the stand has no relationship to their personal privacy. Police officers' testimony at Court is certainly the conduct of public business, as is alleged or sustained misconduct. Furthermore, SB 1421 modifies the personal privacy exemption as it applies to SB 1421-disclosable records, under: Penal Code 832.7(b)(5)(C) requires that information be withhold on the basis of unwarranted invasion of personal privacy if that invasion "clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers."
- Note also that Penal Code 832.7(b)(5)(A) specifically does *not* exempt "names and work-related information of peace and custodial officers" - the name of an officer on this list is thus not exempt.
- Thus, in so far as peace officers are on Brady/Giglio lists for acts covered by Penal Code 832.7(b) (i.e. SB 1421), the portions of the lists identifying those officers and their SB 1421-related acts should be produced. SF Admin Code 67.26 require those potions of the lists be disclosed even if the other officers' info is not disclosable under Penal Code 832.7(b)(4) (and they may be redacted).

--Anonymous

NOTE: 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 (signature.asc attachment), 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 government all be disclosable public records.

CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE DISTRICT ATTORNEY

Chesa Boudin
District Attorney

November 20, 2020

Anonymous
104501-34643874@requests.muckrock.com

Re: Your Public Record Act request received on November 3, 2020.

To whom it may concern:

This letter is in response to your Public Record Act request received by our office via email on November 3, 2020, making the following request:

> *"1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).*
>
> *2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).*
>
> *3. In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any misconduct records you must release your own copies, regardless of what SFPD/DPA/SFSD do. But here's the full request: Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception*

that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i)."

Under the Public Records Act and the Sunshine Ordinance, a "public record" is broadly defined to include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics." Cal. Govt. Code §6252(e). If the department has no records responsive to the specific request, the department has no duty to create or recreate one.

Given the new laws and regulations we are consulting with an outside agency who has substantial interest in the request. We will be back to you with a response as soon as possible.

Sincerely,
San Francisco District Attorney's Public Records

From: Anonymous Person 11/03/2020

Subject: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / ... Email

District Attorney Boudin and Office of the District Attorney:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Nov 4, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (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 to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints. We have and will continue to file appeals and complaints for every public records violation committed by the city (see rulings in our favor in SOTF 19044 Anonymous v City Attorney's Office, 19047 Anonymous v Breed, 19091 Anonymous v Office of the Mayor, 19098 Anonymous v SFPD, 19108 Anonymous v Herrera, 19112 Anonymous v Scott).

****** 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. ******

1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

3. In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any misconduct records you must release your own copies, regardless of what SFPD/DPA/SFSD do. But here's the full request: Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure. "

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

From: San Francisco District Attorney's office 11/03/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Thank you for your email. We cite Mayor London Breed's March 13, 2020 declaration suspending Administrative Code sections 67.25(a) and 67.25(b) and her March 30, 2020 Temporary Modification of Public Records Law During COVID-19 Local Emergency for additional time to respond in light of the pandemic. Our estimate is that we will respond within fourteen additional days, but this may change. We but we will keep you informed and encourage you to check in.

image001

Download

From: Anonymous Person 11/03/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Good evening,

SFAC 67.25(d) (rolling responses) is not suspended. You must provide records no more than 1 business day after you have reviewed those specific records. Namely, you may not wait until all of the records have been received and redacted.

Thanks,
Anonymous

From: Muckrock Staff 11/19/2020

From: San Francisco District Attorney's office 11/24/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Please see the attached response.
Thank you.

Anonmyous Muckrock 11.24

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~WRD0002

Download

From: Anonymous Person 11/25/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Good evening. You received the request on Nov. 3.
You had until Nov 13 under Gov Code 6253 to reply within 10 days either determining that you the records are disclosable or not (you failed to do this) or declaring a maximum of 14 day extension to consult this other agency.

You have a total of 24 days, which is Nov. 27, to determine whether or not these records are disclosable. An appeal will be filed immediately if you fail to comply.

Sincerely,
Anonymous

From: San Francisco District Attorney's office 11/25/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Thank you for your response. As we mentioned in our response yesterday, we are conferring with another agency and will send you a final response as soon as possible.

As we stated in our original email response, "We cite Mayor Breed's March 30, 2020 Temporary Modification of Public Records Law During COVID-19 Local Emergency for additional time to respond in light of the pandemic".

That being said, we are moving to process this as expeditiously as possible given the circumstances. Thank you for your patience and cooperation.
Sincerely,
SFDA Public Records

~WRD0005

Download

From: Anonymous Person 11/25/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

I'm referring to the CPRA, not the Sunshine Ordinance, deadlines. The Mayor has no authority to suspend any portion of the CPRA, which is state law. Because Nov. 27 is a holiday, your response determining which of these records are disclosable will be due the next business day.

If you have a good reason, like who is being consulted and why, then I'm happy to extend the deadline by my discretion, but I'll expect something more specific than what you have stated.

Thank you for your expected compliance with the law.

Sincerely,
Anonymous

From: San Francisco District Attorney's office 11/25/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Thank you for the clarification. We will hopefully have a response to you by Monday. If it looks like it will take longer, we will let you know.

~WRD2836

Download

From: San Francisco District Attorney's office 11/30/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Please find an updated response to your request. Thank you again for your patience.
Sincerely,
SFDA Public Records.

Anonmyous Muckrock 11.30
Download

~WRD1719
Download

From: Anonymous Person 11/30/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

1) THe hyperlinks to your SB 1421 do not work in your pdf - please provide the full URLs in the email.
2) Since you have refused to within 24 days provide notice of disclosable public records for requests 1 and 2, appeals will be filed immediately.

--Anonymous

From: San Francisco District Attorney's office 11/30/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Here are the hyperlinks you requested: https://app.box.com/folder/82573004142?s=7pj7dwzxm7025vjxmv24a1xfrpvtnpm9

https://sfdistrictattorney.org/policy/independent-investigations-bureau/

~WRD1839
Download

From: Anonymous Person 11/30/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Thank you. Since you have denied access to some portions of records (i.e the SB 1421 redactions),
1) you must provide me the name and title of the person responsible for the denial pursuant to CPRA.
2) you must key each redaction by footnote or clear reference to a lawful justification, pursuant to SFAC 67.26

For example, the Police Commission uses https://cdn.muckrock.com/foia_files/2020/11/12/Commission_Redaction_Index.pdf as the key, and then puts the associated key number on every redaction in their SB 1421 records.

Have you forgotten to provide me this key, or has the DA not complied with that law?

--Anonymous

From: Anonymous Person 12/10/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Since you have violated the law (SFAC 67.26) and refused to answer, further appeals will be filed.

From: Anonymous Person 12/10/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Supervisor of Records Dennis Herrera,

This is a 67.21(d) petition for a determination in writing whether any part of the following records not produced by the DA (which is "your office" below) are public and an order for their disclosure.

1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

--Anonymous

From: Muckrock Staff 12/28/2020

From: San Francisco District Attorney's office 12/30/2020

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Thank you for your inquiry. We will respond to your Supervisor of Records petition dated December 10, 2020, no later than January 15, 2021.

~WRD000

Download

From: San Francisco District Attorney's office 01/12/2021

Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 14... Email

Please see the attached response to your petition.

SOR petition response_Brady-Giglio_1.12.21_FINAL

View Embed Download

~WRD000

January 12, 2021

Sent via email (104501-34643874@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your December 10, 2020, petition to the Supervisor of Records seeking a determination whether the San Francisco District Attorney ("SFDA") unlawfully withheld "Brady, Giglio, potential impeachment, or unreliable witness lists" created by the San SFDA, or created by another party but in the SFDA's possession, in response to your November 3, 2020, request.

We have reviewed the SFDA's response to your request and the categories of responsive records withheld by the SFDA, and we determine that the SFDA properly withheld all Brady, Giglio, potential impeachment, or unreliable witness lists in the SFDA's possession because all responsive records are exempt from disclosure under California Public Records Act, Government Code 6250, *et seq.* and the San Francisco Sunshine Ordinance.

The Requested Lists Are Exempt from Disclosure in Their Entirety.

The requested lists created by the SFDA's office are exempt from disclosure in their entirety as attorney work product under Government Code section 6254(k), Penal Code section 1054.5, and Code of Civil Procedure section 2018.030. The only lists in the requested categories that are created by an outside agency and maintained by the SFDA's office are lists provided to the SFDA by the San Francisco Police Department ("SFPD"), and such lists are exempt from disclosure in their entirety under Government Code sections 6254.5(e) and 6254(k), and under Evidence Code 1040(b)(2) (the official information privilege), as the lists were provided to the SFDA by the SFPD with an explicit confidentiality designation, and the public interest in withholding the records outweighs the public interest in disclosure because disclosure of the requested lists would impede the SFDA's ability to comply with its Brady and Giglio obligations while protecting the integrity of ongoing and future investigations. For the same reasons, the lists are exempt from disclosure in their entirety under Government Code section 6255 based on the fact that the interest in withholding these materials outweighs the public interest in disclosure. To the extent disclosure of the requested lists would impede the SFDA's core state law prosecutorial function, the SFDA is not bound by any provision in the Sunshine Ordinance that would compel disclosure of these lists. *See Rivero v. Superior Ct*., 54 Cal. App. 4th 1048 (1997). In addition, the Mayor's Fifth Supplement to the Proclamation of Local Emergency, dated March 23, 2020, at Section 7(d), waived the prohibition in Administrative Code section 67.24(g) and (i) on withholding records in reliance on the general balancing test in Government Code Section 6255.

//

Additional Privileges or Exemptions Apply to Much or All Included Information.

Much or all of the content of the lists are also exempt from disclosure on the following bases:

- Information in the lists that reflects peace officer personnel record information under Penal Code section 832.7 is protected from disclosure under that section, under Government Code section 6254(c), under Government Code section 6254(k), and under Article I, Section 1 of the California constitution because disclosure would constitute an unwarranted invasion of personal privacy. To the extent certain responsive information falls within the categories of peace officer information covered by SB 1421, which amended Penal Code section 832.7 to remove the confidentiality restrictions over specific categories of peace officer personnel records relating to several types of officer misconduct, that information is nonetheless subject to withholding on the bases set forth above. California courts have recognized that SB 1421 did not abrogate other exemptions available under the CPRA with regard to records made public by that bill. *See Becerra v. Superior Ct*., 44 Cal. App. 5th 897, 923-29 (2020).

- Records that reflect complaints to and investigations conducted by a law enforcement agency, or are maintained in the investigative files of a law enforcement agency, are protected from disclosure under Government Code section 6254(f), even after the investigation is completed, as disclosure may impede ongoing or future investigations and prosecutions. *See also Rivero*, 54 Cal. App. 4th 1048.

- Criminal offender record information is protected from disclosure under Penal Code section 13102.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Jon Givner

JON GIVNER
Deputy City Attorney

From:	Anonymous
To:	Andraychak, Michael (POL); Supervisor Records (CAT)
Cc:	Scott, William (POL); Rodriguez, Brian (POL); SOTF, (BOS)
Subject:	Re: SOTF 19128 - Please respond - 67.21(d) petition
Date:	Friday, January 15, 2021 5:52:26 PM
Attachments:	CARMODY-PRIOR-F.pdf

Supervisor of Records Dennis Herrera,

This is a 67.21(d) petition against Sgt. Rodriguez and SFPD. I requested:
"All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account brodriguez@rcfl.gov ".
SFPD responded:
"There are responsive records in Sgt. Rodriguez's rcfl.gov email account. The documents pertain to an open investigation and are exempt from release under 6254(f) GC / Open Investigation. "

First I would argue that this investigation is no longer actually open.
Second, even if currently open, SFPD waived any applicable exemptions for at least some of the records at issue in the instant request through prior voluntary disclosure, and thus must disclose them here pursuant to Gov Code 6254.5.
In earlier records request P8985, SFPD disclosed an email from Lt. Torres to Chief Moser, attached. That email included a forward of a body and partial headers of the email at issue in this request from Sgt. Rodriguez. Therefore, the SFPD must release at least that single email sent by Rodriguez to Torres, even if it wishes to for example withhold attachments and other documents allegedly exempt under 6254(f) that were not previously disclosed.

(the remainder of the requests are not at issue in this 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. 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

------- Original Message -------
On Wednesday, January 13th, 2021 at 5:39 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

> Thank you for the written response.
>
> As you know, I argued that you have previously waived any available

exemptions, including Gov Code 6254(f), for at least the original email from Rodriguez to Torres with the subject line "190149152 / Carmody / SVRCFL Lab # SV-19-0033", and I believe SOTF agreed with me, **but** I don't have the final motion noted down about exactly what they ordered you to disclose, so I will follow up with you as soon as SOTF posts the minutes online. I believe the motion was, 6yes - 1no, to find that Police Department, Sgt. Rodriguez, Sgt. Andraychak, and Chief Scott violated SF Admin Code 67.27 for failing to justify withholding in writing, [another violation I did not catch], and order you to disclose the email thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033".

Please review Gov Code 6254.5 with your attorneys re: waiver of exemption due to prior disclosure. Your prior disclosure has been shared publicly for a very long time, including with the media, and cannot be retracted at this time.

NOTE: 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 (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. If you are a public official: I intend that these communications all be disclosable public records, and will not hold in confidence any of your messages.

Sincerely,

Anonymous

------- Original Message -------
On Wednesday, January 13th, 2021 at 4:10 PM, Andraychak, Michael (POL) <michael.andraychak@sfgov.org> wrote:

> Mr. Anonymous,
>
> Thank you for your patience.
>
> Please see responses below in red.
>
> (1) All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account brodriguez@rcfl.gov
>
> There are responsive records in Sgt. Rodriguez's rcfl.gov email account. The documents pertain to an open investigation and are exempt from release under 6254(f) GC / Open Investigation.
>
> (2) All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the

original email in the email account brian.rodriguez@sfgov.org

There are no responsive records on Sgt. Rodriguez's sfgov.org email.

(3) All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account bdrodriguez@fbi.gov

There are no responsive records on Sgt. Rodriguez's fbi.gov email.

Michael Andraychak #457
Sergeant of Police
Public Information Officer
Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Sat & Sun
http://www.sanfranciscopolice.org/

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, January 12, 2021 2:26 PM
To: Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Scott, William (POL) <william.scott@sfgov.org>; Rodriguez, Brian (POL) <Brian.Rodriguez@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>
Cc: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
Subject: Re: SOTF 19128 - Please respond

This is a *DIFFERENT* records request that proves the records requested here exist.

From: Torres, Pilar (POL)
To: Moser, Bob (POL)
Cc: Obidi, Joseph (POL)
Subject: Fw: 190149152 / Carmody / SVRCFL Lab # SV-19-0033
Date: Tuesday, May 28, 2019 10:49:48 AM

Chief Moser,

Can you provide some direction regarding Sgt. Rodriguez's email?

Also, there are other loose odds and ends that need to be addressed regarding Sgt. Obidi's case. We will not do anything further without your direction.

Thank you,

Lieutenant Pilar E. Torres #597
San Francisco Police Department
Investigative Services Detail
1245 3rd Street
San Francisco, Ca. 94158
Desk- 415.882.8425
Cell- 415.638.0366

From: Brian Rodriguez <brodriguez@rcfl.gov>
Sent: Tuesday, May 28, 2019 10:26 AM
To: Obidi, Joseph (POL)
Cc: Torres, Pilar (POL); Braconi, William (POL); Kwok, Sherman (SF) (FBI); Penni Price
Subject: 190149152 / Carmody / SVRCFL Lab # SV-19-0033

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

Hi Joe-

In light of all the stuff going on with this case, we have not gone any further with this first request with the two laptops. All that happened here is that I forensically imaged both laptops and Penni prepared to process them. We stopped once we heard the evidence was being picked up. As you know, all submitted evidence was returned to SFPD on 5/20/19. Nothing at all was done on the second request (SV-19-0033-2) with the tower PC and loose

HDDs - a written report is forthcoming detailing that.

I do have a question on this first request (with the two laptops)...since I forensically imaged both laptops, we have a couple of options:

1) Close our exam (which hasn't really started) and return the master copy tape (containing the forensic images of the laptops) along with a written report in case you/someone wants to examine these laptops for evidence at a later date.
2) Close our exam (which hasn't really started) and DESTROY the master copy tape (containing the forensic images of the laptops), which means the laptops can never be examined unless they are seized from the subject again.
3) Hold - since we have forensic images of the two laptops (only) and wait for further instruction to possibly examine them.

Please advise!

Thanks!

B-Rod

Sgt. Brian Rodriguez # 4075
San Francisco Police Department
Deputy Director / TFO - Silicon Valley Regional Computer Forensics Laboratory
Desk Phone (650) 289-3012 / Cell Phone (415) 971-7223
brodriguez@rcfl.gov / brian.rodriguez@sfgov.org / bdrodriguez@fbi.gov

This communication contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents or attachments are not to be distributed outside your agency.

Buta, Odaya (CAT)

From: 76435-93915115@requests.muckrock.com
Sent: Sunday, October 11, 2020 10:20 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #P008260-071519
Attachments: 2020-10-1120-20Supervisor20of20Records20-20SFPD20P008260-071519-f.pdf

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

October 12, 2020

This is a follow up to request number P008260-071519:

Supervisor of Records Dennis Herrera,

Attached is a new 67.21(d) petition against SFPD.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@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%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1kRqFt%3Afh0kgKn3kGbl16bAESl0XZ3DvLU
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 76435
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 Oct. 12, 2020:
Subject: RE: California Public Records Act Request #P008260-071519
Re: P008260-071519

Please also provide, as an immediate disclosure request, a copy of the communications you sent to these persons asking them to perform a corrected City of San Jose search and all of their replies.

--Anonymous

On Oct. 8, 2020:
Subject: P008260-071519
Greetings:

The following members replied that they have no responsive documents from personal phone devices (SMS, etc.) or personal email or messenger accounts.
Chief of Police
Chief of Staff
Asst. Chief Operations
DC Operations
DC Airport
DC Special Ops
DC Investigations
Commander GG
Cdr. Metro
Cdr. Risk Management
Cdr. MTA
Cdr. Investigations
Cdr. Air
Dir. Strategic Planning/PSPP
Dir Crime Strategies
Dir. Forensics

Dir Pub Policy - left department
Dir. Communications - left department
Dir. IT - left department

DC Admin - (Yee) provided responsive documents that he sent from his personal email to his SFgov email. I am working on those now.
Commander Admin - (O'Sullivan) provided responsive documents that he sent from his personal email to his SFgov email. I am working on those now.

Michael Andraychak #457

Sergeant of Police

Public Information Officer

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

http://www.sanfranciscopolice.org/

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

On Oct. 2, 2020:
Subject: SOTF - Sunshine Ordinance Task Force 10/07/20 Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force 10/07/20 - 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_100720_agenda.pdf

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

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

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org

<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 Oct. 2, 2020:
Subject: SOTF - Sunshine Ordinance Task Force 10/07/20 Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force 10/07/20 - 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_100720_agenda.pdf

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

Cheryl Leger

Assistant Clerk, Board of Supervisors

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

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On Sept. 25, 2020:
Subject: SOTF - Notice of Appearance, October 7 2020 - Sunshine Ordinance Task Force; 4:00 PM; remote meeting
Good Morning:

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

Date: October 7, 2020

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. 19080: Complaint filed by Paul A. Vander Waerdt against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failing to respond to an Immediate Disclosure Request in a timely manner.

File No. 19109: Complaint filed by Stephen Malloy against Dept. of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner; failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 19098: Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19145: Complaint filed by Chris Kohrs against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

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

For inclusion in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, September 30, 2020.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<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 July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.
Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.
If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records,

judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).
Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

G.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police

2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

H.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

I.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

J.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry,

remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

K.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

L.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@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%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAIho6-kUH0n-qo3T6PAL_wX5Q%3A1kRqFt%3Afh0kgKn3kGbl16bAESl0XZ3DvLU
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 76435
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.

76435-93915115@requests.muckrock.com
October 11, 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@sfcityatty.org

RE: SFPD Request P008260-071519

Supervisor of Records Dennis Herrera,

This is an SFAC 67.21(d) petition against the SFPD. Please determine, in writing, within 10 days, whether each of the contested records or parts of records enumerated below are public, and order their disclosure.

On Oct. 7, 2020, in *SOTF 19098 Anonymous v. SFPD*, the Sunshine Ordinance Task Force unanimously (with the support of the new commissioners) ruled against SFPD in this request on four violations:

- SFAC 67.21(b) for failing to provide copies of electronic records by printing and scanning them instead,
- 67.21(k) (which requires complying with the CPRA), by failing to search for all personally-held public records within the scope of *City of San Jose v. Superior Court (2017),*
- 67.26 by withholding partially text message records namely the *To* and *From* of each message and also by withholding all email metadata namely email headers, and
- 67.26 (again) by failing to key each redaction with a footnote or other clear reference to a justification.

I present three issues for you to determine:

ISSUE 1. On Oct. 8, 2020, SFPD admitted that there were in fact "responsive documents that he sent from his personal email to his SFgov email" for two of the custodians (then-DC Admin., and Commander Admin.). You previously stated on Nov. 12, 2019 that this *City of San Jose* issue was beyond your jurisdiction. However, SFAC 67.21(d), which describes your jurisdiction, applies not only when records or parts thereof are withheld, but instead states "If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public." In failing to search for and provide all personally-held public records pursuant to *City of San Jose*, SFPD failed to comply or incompletely complied with my request. You must determine that these personally-held records about the conduct of public business are public and order them disclosed. As of this petition filing they have not been disclosed. Determining whether or not a record about the conduct of public business but stored on personal property is a public record falls squarely within 67.21(d).

ISSUE 2. In the same Oct. 8 email, SFPD stated that three of the custodians for this July 2019 request are no longer with SFPD. It appears the SFPD is refusing to provide *San Jose* records for those custodians and/or did not retain them when I made the request last year. However, per your Good Government Guide, even if there is no general retention requirement for such records, once I requested them they must be retained by SFPD: "Even if a document does not meet the definition of "record" for retention purposes, if the department receives a public records request for the document, it may not destroy it or otherwise dispose of it." (Good Govt Guide, p. 124). You must determine that the records for the then-Directors of Public Policy,

Communication, and IT are public and order them disclosed. The SFPD may have made it impossible for it to now lawfully comply with my request due its unlawful handling of my request last year (i.e. by not retaining the responsive records when I requested them), but that does not absolve you of the responsibility to issue a written determination of whether the records are public.

ISSUE 3. Determine that the *To* and *From* for text messages is public, and order that information disclosed. Here is an example of the text message records that they provided in a "Tab Separated Value" database format. Note the columns of various metadata and also content. The "To" and "From" columns - indicating which government official is speaking to which other official - are not exempt under any law, and SFPD has in fact provided the To and From in response to other text message requests.

```
ThreadId        MessageId       Date (UTC)      Network Message Type    AttachmentCount Body
2854114307      6459506228      7/15/19 19:29   AT&T    Message 0       """Chief... FYI ONLY.. I'm leaving at 2:30pm for
a DMV appointment in Daly City. I'm applying for that REAL ID as my CDL expires on Aug 1, 2019.👍"""
2854114307      6459600652      7/15/19 19:49   AT&T    Message 0       """Got it. Hopefully you won't be waiting to
long. """
2854114307      6459988492      7/15/19 23:18   AT&T    Message 0       """I'm finally done with applying for my REAL
ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!😇😇"""
2854114307      6459988497      7/15/19 23:18   AT&T    Message 0       """I'm finally done with applying for my REAL
ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!😇😇"""
2855989828      6459496351      7/15/19 19:24   AT&T    Message 0       """I saw your target and knew we were in trouble.
Good shooting!  But beware, I'm on your heals."""
2855989828      6459506242      7/15/19 19:29   AT&T    Message 0       """LOL, thank you.  With my eye sight these days
the distance shooting is a challenge. """
2855989828      6459507264      7/15/19 19:31   AT&T    Message 0       """Obviously a challenge you overcome."""
2856065950      6459006418      7/15/19 15:47   AT&T    Message 0       """FYI I went to the Lake by mistake. Going to
the Airport now. I may be  late """
2863928440      6459938034      7/15/19 22:54   AT&T    Message 0       """S: Other (Suspicious Package) - Oracle Park
(3rd St/Berry St)      Current Time: 15:53:58         UPDATED -Notification Status: Update       REDACTED 6254(F) GC OPEN
INVESTIGATION AND/OR RECORD OF INTELLIGENCE"
2876610504      6460172256      7/16/19 0:22    AT&T    Message 0       """Chief tomorrow we will be assisting Concord PD
in serving an arrest and search warrant on a REDACTED  6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"
2876610504      6460172258      7/16/19 0:22    AT&T    Message 0       """Chief tomorrow we will be assisting Concord PD
in serving an arrest and search warrant on a REDACTED  6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"
2876610504      6460172257      7/16/19 0:23    AT&T    Message 0       """Copy"""
2876610504      6460174676      7/16/19 0:24    AT&T    Message 0       """Copy. Thanks"""
```

Note that your prior "reasonable segregation" arguments have no bearing on this request. I issued a request for a copy of a record, not for inspection of a record in person. Only inspections of records are held to a "reasonable segregation" standard - which, as you cited, is in Gov Code 6253(a), not 6253(b, c) which apply to requests for copies. This is common sense - when inspecting a record in person redaction is not possible, but it is on a copy. Your own Good Government Guide teaches that these are separate rights which may be invoked (pg. 92). In fact, given that the City has clearly easily redacted small portions of these databases (note above the redaction "REDACTED 6254(F) GC OPEN INVESTIGATION" replacing some parts of the messages), your "reasonable segregation" arguments would not hold water *even if it was relevant (which it is not)*, as the To/From columns were clearly "segregated" from the other ones already (by deleting them).

Sincerely,

Anonymous

NOTE: 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 (signature.asc attachment), 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 government all be disclosable public records.

Buta, Odaya (CAT)

From: 88551-86881685@requests.muckrock.com
Sent: Friday, October 2, 2020 9:47 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff

Follow Up Flag: Follow up
Flag Status: Flagged

October 3, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera,

This is a new 67.21(d) petition against SFSD. SFSD in response to a records request for certain SB 1421/Becerra v Superior Court records made on Feb 22, 2020 from this email address produced, among other records, the following 41 page document on July 20, 2020:
https://cdn.muckrock.com/foia_files/2020/07/20/A2012-0073_FINAL_.pdf

They stated:
"1. A2012-0073
- Deputy E. Gonzales #1103: currently employed with SFSO
- Incident occurred on 9/10/2012 in Oakland, CA
- Officer involved shooting (off-duty)"

As SFSD refuses to comply with SFAC 67.27 and has not justified their withholding of information in writing and refuses to comply with SFAC 67.26 and has not provided footnotes or other clear references to justifications for their redactions, we challenge all of the redactions and also all documents withheld in entirety in case A2012-0073. Please determine in writing that one or more parts of these records are public, and order them disclosed.

Presumably, as an attorney who is also sworn to uphold the law, you will comply with your duty under the Sunshine Ordinance to independently review all 41 pages of documents and pass judgment on each of withheld part to identify if *any part* of the record is public.

If you choose to shirk your full obligations, here are some examples (not exhaustive) of unlawful redactions:
- Page 2, Location of incident - GC 6254(f)(2)(A)
- Page 2, Officer in Charge
- Page 3, first sentence, location
- Page 4 and throughout - name of suspect. Because the suspect was arrested, their name is public. GC 6254(f)(1)
- Page 7, 0800 hrs - unclear what was redacted
- Page 8 - all redactions in final table column
- Page 16 - location of incident publicly disclosed by Oakland PD PIO
- Page 18 - full para redacted
- Page 25 - location
- Page 26, all locations, firearm serial #
- Page 31 - location of incident report 6254(f)(2)(A)
- Page 31-39 - incident report: unredact all except private info of persons, under 6254(f)(2)(A). Note that the deputy's

girlfriend, who is alleged as a victim, is not private, unless it qualifies as follows: "The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor."

Remember however that we are challenging *all* redactions in the linked document.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88551-86881685@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%252Fsan-francisco-sheriffs-department-5169%252Fpolice-misconduct-records-sb-1421-becerra-v-superior-court-immediate-disclosure-request-sf-sheriff-88551%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AlRJfNVpXQ%3A1kOZRg%3AAkLmtNSywgdWjtzgwZlSBfJw2lo
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 88551
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 July 20, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
The Sheriff's office is providing you with the following responsive record. Multiple emails are being sent to you due to the size limitations of attachments.
1. A2012-0073
- Deputy E. Gonzales #1103: currently employed with SFSO
- Incident occurred on 9/10/2012 in Oakland, CA
- Officer involved shooting (off-duty)

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780
Alison.Lambert@sfgov.org<mailto:Alison.Lambert@sfgov.org>

On July 20, 2020:
Subject:
The Sheriff's office is providing you with the following responsive records:
1. A2012-0073
- Deputy E. Gonzales #1103: currently employed with SFSO
- Incident occurred on 9/10/2012 in Oakland, CA
- Officer involved shooting (off-duty)

2. A2015-0064
- Deputy F. Lu #2113: currently employed with SFSO
- Incident occurred on 10/23/2015 at County Jail #1
- Use of force
- Injury is fractured arm
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio and video evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

3. A2017-0011
- Deputy J. Barnes #1723, Deputy S. Castillo #1785 and Deputy M. Hodgers #2200: all are currently employed with SFSO
- Incident occurred on 12/16/2016 at County Jail #1
- Use of force
- Injury is fractured arm
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

4. A2018-027
- Senior Deputy K. Lewis #1187: currently employed with SFSO
- Incident occurred on 3/21/2018 at San Francisco General Hospital
- Use of force
- Injury is fractured arm

5. A2012-0012
- Deputy Doug Jones #1696: no longer employed with SFSO
- Incidents occurred from January 1, 2012 through February 4, 2012 and in March 2012
- Sustained on allegations of sexual assault and untruthfulness
- Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

6. A04092
- Deputy Rafael Cabrera #1218: currently employed with SFSO
- Incident occurred on 6/23/2004 in San Francisco
- Officer involved shooting
- Medical records have been excluded from disclosure pursuant to Penal Code 832.7(b)(5)(C).
- Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

7. A06082
- Deputy Scott Neu #1823: no longer employed with SFSO
- Incident occurred on 5/26/2006 at County Jail #1 (6th floor facility at the Hall of Justice)

- Use of force
- Injury is a fractured rib
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

8. A09098
- Lt. John Casey #339: no longer employed with SFSO
Senior Deputy Matthew Wong #1360: currently employed by SFSO
Sgt. Kevin Macksoud #1698: currently employed by SFSO
Deputy Melvin Song #1269: no longer employed with SFSO
Deputy Tonyette Smith Al-Ghani #1576: currently employed by SFSO
Deputy Edward Gutierrez #1928: currently employed by SFSO
Deputy Juan Guitron #1894: currently employed by SFSO
Deputy Daniel White #2115: no longer employed with SFSO
Deputy Kenneth Lomba #2074: currently employed by SFSO
- Incident occurred on 9/7/2009 at County Jail #3 (6th floor facility at the Hall of Justice)
- Use of force: resulting in death
- Floor plans of the facility have been excluded from disclosure due to safety and security
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)
- Photographs have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

9. A10071
- Deputy Samuel Lou #1812: currently employed by SFSO
- Incidents occurred on April 6, 2010, May 7, 2010 and July 7, 2010
- Sustained on allegation of untruthfulness
- Records have been excluded from disclosure pursuant to Penal Code section 851.8.

On July 17, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
You have cited no legal justification for your desire to restrict who can access these public records - neither a statute nor a court case. What "security reasons" would stop anyone in the public from lawfully accessing and viewing copies of these records? Is it not the case that every single person has an equal right to access these SB 1421-disclosable public records?

You cannot in fact impose any end-user conditions on access to these public records - Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301.

If you refuse to provide a completely open, public link to the records, imposing no end-user conditions, by CoB Monday, we will file further complaints. You may want to consult your peers in SFPD, Police Commission, etc. and ask why they have not tried to restrict access to their SB 1421 records.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

--Anonymous

On July 17, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
Dear Anonymous:
Thank you for your patience with this matter. In response to your email dated July 10, 2020, for security reasons, the Sheriff's office unable to provide you with "a completely open/public share link."

In order to provide the documents to you that were previously shared with you with our OneDrive link on March 9, 2020, the Sheriff's office is willing to mail a flash drive to you via the United States Postal Service. However, the Sheriff's office requires that any flash drive that will be mailed to you be password protected in the event that the flash drive becomes lost in the mail. The Sheriff's office will then email the password to the flash drive to you in a separate email if you choose this option.

Please respond to this letter to let the Sheriff's office know if you would like a password protected flash drive mailed to you care of MuckRock News, or to an address of your designation.

If you have any other requests, please contact us at sfso.foia@sfgov.org. We again thank you for your continued courtesy and cooperation with this matter.

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780
Alison.Lambert@sfgov.org<mailto:Alison.Lambert@sfgov.org>

On July 10, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
When you provide the files PLEASE use a fully public link where I don't have to sign-in.
I am not required to sign-in or agree to any end-user agreement to get any records (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301).

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

On Feb. 22, 2020:
Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
Sheriff's Department:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency.
Your initial response is required by Feb 25, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (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 to publish records, please make them completely public without any login or sign-in or Terms of Service.

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. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any SB 1421 records you must release your own copies, regardless of what any other agency does. Here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or

its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure. "

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88551-86881685@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%252Fsan-francisco-sheriffs-department-5169%252Fpolice-misconduct-records-sb-1421-becerra-v-superior-court-immediate-disclosure-request-sf-sheriff-88551%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AlRJfNVpXQ%3A1kOZRg%3AAkLmtNSywgdWjtzgwZlSBfJw2lo
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 88551
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

Buta, Odaya (CAT)

From: 82814-07144940@requests.muckrock.com
Sent: Tuesday, September 15, 2020 4:38 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-881

September 15, 2020

This is a follow up to request number 20-881:

Supervisor of Records,

This is a 67.21(d) petition against Sean Elsbernd and the Office of the Mayor regarding the following records production: https://cdn.muckrock.com/foia_files/2020/09/15/March_-_April_SE_Calendars_Redacted.pdf

We are challenging specifically those redactions which fall under this justification from Hank Heckel: " Further, information relating to negotiations concerning labor issues and hotel procurement has been redacted because it constitutes bargaining information, the disclosure of which would place the city at a competitive disadvantage, and because the balance of the public interest disfavors production regarding such sensitive contracting and procurement information. See SF Admin Code 67.23(a)(2), (e); Cal. Gov. Code 6254(a); 6255(a). " Note that Heckel believes which redactions fall under this category are self-evident, so while I cannot be certain which ones fall under that justification, perhaps you can be.

Please determine one or more parts of records currently withheld are public and order Sean Elsbernd and Office of Mayor to disclose those parts.

Sincerely,
--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 82814-07144940@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%252Foffice-of-the-mayor-3891%252Fpermanent-calendar-archive-immediate-disclosure-request-82814%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1kIKWZ%3A2iNFq-xCLJNPrB9jxkyvvbC3pDU
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 82814
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 Sept. 15, 2020:
Subject: RE: California Public Records Act Request #20-881
Please clearly identify all 67.23(a)(2) (e), 6254(a), 6255(a) redactions in https://cdn.muckrock.com/foia_files/2020/09/15/March_-_April_SE_Calendars_Redacted.pdf - we are challenging them all.

Furthermore this is an immediate disclosure request for (please indicate "no records" if that is the case)
a) all Outlook meeting invites or calendar entries currently in the Trash, Deleted Items, or similar feature (whether in a server or local deleted area) for Sean Elsbernd, London Breed, Andrea Bruss.

Remember you have to preserve any documents that exist as of the time I make a request. You cannot destroy requested records that run out of a retention time period during the pendency of my request or any appeals thereof.

This is also a regular records request for:
b) the full 2020 calendar, (future and past): specifically, each calendar item individually printed from Outlook *not the timeline view you just gave*, for Sean Elsbernd, London Breed, and Andrea Bruss (including ALL calendars, Prop G or non Prop G, personal or . Your output should look like:
https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf
c) all entries in (a) but in ICS format per SFAC 67.21(l). To be clear, even if you refuse to provide these ICS records, intentionally violating SOTF's order 19047, you must still preserve the original Outlook calendar entries because I will appeal.

On Sept. 15, 2020:
Subject: RE: California Public Records Act Request #20-881
Anonymous,

Please see the attached calendars of Sean Elsbernd responsive to your request below.

Please note that personal contact information, dial-in numbers, conference call pass codes, web and video conference links and access codes and the like have been redacted pursuant to the official information privilege. Cal. Evid. Code Sec. 1040(b)(2). Attorney/Client privileged information has been redacted as indicated in the document. See Gov Code §§ 6254(k), 6276.04; Admin Code 67.23(k); Cal. Evid. Code § 950 et seq. Further, information relating to negotiations concerning labor issues and hotel procurement has been redacted because it constitutes bargaining information, the disclosure of which would place the city at a competitive disadvantage, and because the balance of the public interest disfavors production regarding such sensitive contracting and procurement information. See SF Admin Code 67.23(a)(2), (e); Cal. Gov. Code 6254(a); 6255(a). Those redactions are clearly indicated by the topic headings of certain entries.

Moreover, where entire entries have been redacted this is because the entries relate to personal and other non-city business related matters, the disclosure of which would constitute an unwarranted invasion of personal privacy. Gov Code § 6254(c), California Constitution, Art. I, Sec. 1.

As you can see, such calendar information is currently retained for at least 37 days, which is our current practice. If you have any questions, please let us know.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor

City and County of San Francisco

On Aug. 21, 2020:
Subject: Your City and County of San Francisco public records request #20-881 has been closed.
City and County of San Francisco

****

Hi there

Record request #20-881 has been closed and published. The closure reason supplied was:

We have finished conducting a diligent search and identified documents responsive to your request.

As we wrote to you previously, due to Sandra Zuniga's suspension, we do not have access to her personal calendar. Further,

As we previously noted, Public Works staff devoted a significant amount of time trying to determine how to release records in the format you have requested. Our IT team said they are unaware of a way to edit an .ics file or convert an .ics file to a format that can be edited. These documents require extensive review for redaction of personal information and potential security issues, requiring additional staff time. We worked with you to determine if there was a format that would allow us to redact information and followed your instructions on some test files. You told us, however, that those documents did not contain the information you requested. Our IT team was unable to identify any way to either personal information or information that may pose a security concern from ics files. For that reason, we have withheld records responsive to your request on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. (Cal. Govt. Code 6254.19). In addition, we have withheld records on the basis of personal privacy (Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. I).

Please note that pdf versions of these files have been produced in response to your request #20-880.

We now consider your request closed.

Regards,

David A. SteinbergCustodian of RecordsSan Francisco Public Works

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On July 23, 2020:
Subject: Your City and County of San Francisco public records request #20-880 has been closed.
City and County of San Francisco

****

Hi there

Record request #20-880 has been closed and published. The closure reason supplied was:

As we wrote to you on Feb. 28 and March 9, we have been unable to search for additional potentially responsive documents because we were unable to access Sandra Zuniga or her personal device(s).

Because the department still does not have access to Ms. Zuniga's devices at this time, we now consider your request closed. If, however, the department comes into possession of the device(s) and has the ability to extract the information, we will reopen your request.

Regards,

David A. SteinbergCustodian of RecordsSan Francisco Public Works

****
Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco.
</br>Technical support: See our help page

On June 5, 2020:
Subject: RE: California Public Records Act Request #20-881
Anonymous,

We have received your recent correspondence noting that you were lifting your voluntary waiver of certain request deadlines during the pandemic response. Note that we are continuing to process your pending requests. We will begin providing responsive records on a rolling basis, beginning tomorrow.

Regarding this specific request, please note that it is neither simple nor routine nor readily answerable and requires consultation with other departments. Accordingly, we will respond within the full 10 day period for a regular request, barring the need for a further extension. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On Nov. 2, 2019:
Subject: California Public Records Act Request: Permanent Calendar Archive - Immediate Disclosure Request
Mayor Breed, Andrea Bruss, Sean Elsbernd, and the Office of the Mayor,

** NOTE: Redact your records correctly. This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

This is a new immediate disclosure request under the Sunshine Ordinance and under the CPRA for:

1) IMMEDIATE DISCLOSURE: an electronic copy of all of London Breed's, Andrea Bruss's and Sean Elsbernd's ("Named Custodians") government calendars (all of them, Prop G and non-Prop G, including but not limited to 'PropG, Mayor (MYR)', 'Calendar, Mayor (MYR)', 'Breed, London (MYR)', 'Elsbernd, Sean (MYR)', 'Bruss, Andrea (MYR)' and all successors to or renames of these accounts), scheduling entries, appointments, and meeting invitations from the Requested Dates: October 27, 2019 to November 9, 2019 (inclusive). For calendars, you may provide this by directly exporting to PDF any Outlook view that shows for each and every event at least Subject, Location, Start, End, Recurrence, Meeting Status, Organizer, Show Time As, Required/Optional Attendees, Categories, Importance, Description/Body/Message, and preserving full color, formatting and text-searching. For meeting invitations, you should convert the invitations directly and individually to PDF. This includes declined or not-yet-accepted invitations, and those both sent and received for events on those days. Printing and scanning will be appealed. Use of PDF images as opposed to selectable text will be appealed. For examples of proper production, see DPW's PDF provision here: https://sanfrancisco.nextrequest.com/requests/19-4150 - they provide PDFs of each item, and a screenshot of all of the attendee status. I am explicitly asking for those same parts of these records. All Attachments should also be provided and in their original electronic format.

2) IMMEDIATE DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of each Named Custodian to provide: calendar items, scheduling entries, and meeting invitations for the Requested Dates that are present on their personal calendars/email or on personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business). Any electronic format easily generated by the Named Custodian is acceptable here. Notwithstanding Gov Code 6253.3(b)(1), you may redact the Named Custodian's personal email addresses "used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication."

3a) regular disclosure: Furthermore, I request .ICS copies of each record identified in #1.

3b) regular disclosure: Finally, the following information, regardless of format, for each record identified in #1:
i) creation timestamp,
ii) modification timestamp,
iii) creator identity,
iv) timezone,
v) name, email address, and acceptance status of each attendee
vi) categories
vii) importance
viii) organizer name and email address
ix) subject
x) location
xi) description/body
If you provide all of (i)-(xi) in 3a, you may disregard this 3b. For 3b you may use whichever format you wish as long as this public information, which is not an information security record, is not withheld.

It is likely that you will refuse some portion, and I will appeal all withholdings, exemptions, delays, and refusals. Preserve originals of all records during my appeals.

All records must be provided in rolling fashion. Every withholding (including redactions) must be justified with clear reference to a statute or case law.

Provide only those records without fees.

My purpose is to maintain a permanent record of the Mayor's business, including through her top surrogates, regardless of how you wish to destroy records internally. Such requests will be made continually and periodically to retain this permanent record, both forward- and backward-looking. If you would like to suggest a change in the form of future

periodic requests that would provide *all* of the same information I've requested, with less work, I may consider such suggestions - however that will not affect this request.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 82814-07144940@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%252Foffice-of-the-mayor-3891%252Fpermanent-calendar-archive-immediate-disclosure-request-82814%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1kIKWZ%3A2iNFq-xCLJNPrB9jxkyvvbC3pDU
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 82814
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.

Buta, Odaya (CAT)

From: 84184-60623262@requests.muckrock.com on behalf of '84184-60623262@requests.muckrock.com' <84184-60623262@requests.muckrock.com>
Sent: Tuesday, August 25, 2020 8:39 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)

Fine Arts Museums Of San Francisco
PRA Office
de Young Museum
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

August 25, 2020

This is a follow up to a previous request:

Supervisor of Records,

Thank you for your reply. Under SFAC 67.21(d), please determine that some or all of the following records or parts thereof are public, and order FAMSF to disclose them.

Issues (by Exhibit letter, with links at the bottom):
1. Row B-1: please order the "Email 1 - fully withheld" disclosed with minimal redaction.
2. Page A-1 through A-4, and A-6: These documents were sent by FAMSF to someone outside of City employment. It is not a draft - it is in fact the email that was sent. Please order everything except personal non-City phone numbers, email addresses, or physical addresses on these pages disclosed.
3. Attachments on pages A-2 and A-4: These are also not drafts, and were sent to someone outside of the City. Please order them disclosed (along with their names).
4. Pg C-13 - This meeting is on City property, and thus the topic and attendees must be recorded. If they are recorded on the redacted line, they must be disclosed (SFAC 67.29-5).
5. Pg C-25, 29 - If the first redaction is the physical location of the meeting (as opposed to a virtual conference pin code etc.), it must be disclosed (SFAC 67.29-5, and SOTF 19108 Anonymous v City Attorney).
6. Pg C-49, 53, 61, 77, 83 - If this meeting is on City property or with one of the specified persons listed in SFAC 67.29-5 or in their home or business, the details must be disclosed.
7. Pg C-63 - Unredact the issue discussed if it is in the title (SFAC 67.29-5).
8. Pg D-1 - Unredact the second redaction about what they discussed.
9. Each email listed as fully withheld in Exhibit E "Set 1" and "Set 2" should instead by minimally redacted.

The issues above are in reference to:
Exhibit A: https://cdn.muckrock.com/foia_files/2020/02/11/2.8.2020_-_FR_Public_Records_Request_-_bcc_Department_Head_Emails.pdf
Exhibit B: https://cdn.muckrock.com/foia_files/2020/02/11/2.8.2020_-_Public_Records_Request_-_Redaction_Log.xlsx
Exhibit C: https://cdn.muckrock.com/foia_files/2020/08/14/003_-_R_-_12.7.19_-_Nov_10_-_17_Calendar.pdf
Exhibit D: https://cdn.muckrock.com/foia_files/2020/08/14/001_-_R_-_12.7.19_-_5_RECEIVED_Emails.pdf
Exhibit E: https://cdn.muckrock.com/foia_files/2020/08/14/12.7.19_-_Public_Records_Request_-_Redaction_Log.xlsx

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84184-60623262@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%252Ffine-arts-museums-of-san-francisco-18604%252Fcalendars-and-emails-immediate-disclosure-request-sf-famsf-84184%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABjfIFuSW_fpJr3i9m3gI-ek3s%3A1kAmGu%3AVfEdPuYCYpXY88m0Zr26ShIHGj0
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 84184
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. 25, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To Whom It May Concern -

We understand that FAMSF has produced records responsive to this request. If you have complaints about their response that are within Supervisor of Records jurisdiction, please let us know. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

On Aug. 14, 2020:
Subject: Re: California Public Records Act Request - December 7, 2019
To Whom it May Concern:

Thank you for contacting the Fine Arts Museums of San Francisco. This email is in response to your public records request submitted on Saturday, December 7, 2019, for:

*1. the specific calendar required to be kept by SF Admin Code 67.29-5 (aka "Prop G calendar") for your Department Head (whether an employee or elected

official, defined pursuant to SF Charter 2A.30 para 1), with each and every meeting/item for Nov 10 - Nov 17, 2019 (inclusive). Since these dates are more than 3 business days prior to this request, you must immediately provide them. You may use any format to provide this calendar as long as it provides at least the location, exact start and end times, general description of topics, and (as required by 67.29-5) identity of meeting participants for every meeting. If all 67.29-5 information is not visible in a summary view, you must print out the individual meeting entries*.

Attached you will find the responsive records pertaining to your request.

2. every meeting/entry on every calendar for your Department Head for Nov 10-17, 2019 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

There are no additional responsive records for this request. All records have been provided in our response to Item 1.

3. every meeting/entry on every calendar for your Department Head for future dates Dec 16-23 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

Attached you will find the responsive records pertaining to your request.

4. the most recent 5 emails sent by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Attached you will find the responsive records pertaining to your request.

*5. the most recent 5 emails received by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and

metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.*

Attached you will find the responsive records pertaining to your request.

6. the most recent 5 emails relating to the conduct of public business, subject to City of San Jose v Superior Court (Smith, 2017), sent by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

There are no responsive records for this request.

7. the most recent 5 emails relating to the conduct of public business, subject to City of San Jose v Superior Court (Smith, 2017), received by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

There are no responsive records for this request.

Additionally, you will find the redaction log for this request, per Admin. Code § 67.26 and Admin. Code § 67.27. At this time, FAMSF has provided all its responsive documents for this request.

Thank you,

Fine Arts Museums of San Francisco

On Feb. 11, 2020:
Subject: RE: BCC Emails - Immediate Disclosure Request
To Whom it May Concern,

Thank you for contacting the Fine Arts Museums of San Francisco. This email is in response to your public records request submitted on Saturday, February 8, 2020, for:

"An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting, hyperlinks, images, and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account."

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

Thank you,

Fine Arts Museums of San Francisco

On Feb. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and the department head. Your response is required by Feb 11, 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 record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints (which I have now already won, see ruling in SOTF 19044).

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 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. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting, hyperlinks, images, and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account . Note that you will have to search directly from the person's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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 Jan. 13, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To Whom It May Concern:

We write to provide an update on the status of our consideration of your petitions. You have submitted twenty-six separate petitions to the Supervisor of Records and numerous other follow up communications concerning prior petitions. We have already responded to eighteen of your petitions.

Due to the volume of petitions and the complexity of the issues raised, we are continuing to invoke the rule of reason and will respond to your petitions within a reasonable time period with the goal of addressing each petition within 30 days of submission. We understand you disagree with this basis. As we recently explained in response to one of your complaints with the Sunshine Ordinance Task Force, we strive to respond to petitions within the 10-day period specified in Section 67.21(d), but we don't view it as an absolute deadline. Particularly here, where you have submitted numerous petitions over a short time period, responding within 10 days is not feasible because doing so would unreasonably impinge on our ability to perform our other responsibilities. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To the Department Head (Director Thomas P. Campbell),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 2019. Rolling records responses are requested (67.25(d)).

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 public records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84184-60623262@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%252Ffine-arts-museums-of-san-francisco-18604%252Fcalendars-and-emails-immediate-disclosure-request-sf-famsf-84184%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABjfIFuSW_fpJr3i9m3gI-ek3s%3A1kAmGu%3AVfEdPuYCYpXY88m0Zr26ShIHGj0
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 84184
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.

SUPERVISOR OF RECORDS RESPONSE TO ANONYMOUS PETITIONS

Buta, Odaya (CAT)

From: Kimberlin, Kate (CAT)
Sent: Friday, September 29, 2023 10:57 AM
To: 'arecordsrequestor@protonmail.com'
Cc: Supervisor Records (CAT); 'sf.sunshine.requests@gmail.com'; '105584-70579615@requests.muckrock.com'; '111478-55598386@requests.muckrock.com'; '109912-45425417@requests.muckrock.com'; '81856-14311352@requests.muckrock.com'; '94992-15550486@requests.muckrock.com'; '100103-97805901@requests.muckrock.com'; '94535-90402488@requests.muckrock.com'; '84491-02900968@requests.muckrock.com'; '94992-15550486@requests.muckrock.com'; '86781-10951840@requests.muckrock.com'; '101873-82886409@requests.muckrock.com'; '84166-59035583@requests.muckrock.com'; '84162-44435865@requests.muckrock.com'; '84182-48147675@requests.muckrock.com'; '84168-39742724@requests.muckrock.com'; '94425-31123144@requests.muckrock.com'; '94374-74128043@requests.muckrock.com'; '88878-67394299@requests.muckrock.com'; '98255-36312589@requests.muckrock.com'; '98251-27428784@requests.muckrock.com'; '84181-53996453@requests.muckrock.com'; '84164-62563184@requests.muckrock.com'; '84174-46370490@requests.muckrock.com'; '81953-03405492@requests.muckrock.com'; '101738-08172271@requests.muckrock.com'; '98376-38688291@requests.muckrock.com'; '105574-62708219@requests.muckrock.com'; '88551-86881685@requests.muckrock.com'; '82814-07144940@requests.muckrock.com'; '84184-60623262@requests.muckrock.com'
Subject: Scheduled Closure of Petitions
Attachments: LTR 2023.09.29-signed.pdf; 2021.03.10 Ltr.pdf; Pending Petitions.pdf

To Whom it May Concern:

Please find the attached correspondence regarding your pending petitions to the Supervisor of Records.

Very truly,

Kate Kimberlin (she/her)
Deputy City Attorney
Office of City Attorney David Chiu

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.

CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

Direct Dial: (415) 554-4700
Email: supervisorofrecords@SFCITYATTY.ORG

September 29, 2023

Sent via email (arecordsrequestor@protonmail.com)

Re: Scheduled Closure of Petitions

To Whom it May Concern:

We write concerning your pending petitions to the Supervisor of Records. On March 10, 2021, our office wrote to you regarding your then-outstanding petitions. A copy of that correspondence is attached. When we issued that letter, you had filed 135 petitions in less than two years. Given the unprecedented number of petitions, we informed you that, beginning in 2022, our office would respond to six of your petitions per calendar year.

Following our March, 2021 letter, you filed an additional 54 petitions. There are still 93 petitions currently outstanding, ranging in date from August 25, 2020 through October 20, 2022, with 68 of those petitions dating from more than two years ago. A chart listing the dates and topics of the 93 open petitions is attached. The last petition we received from you was on October 20, 2022.

In late 2022, you publicly announced your retirement from your practice of seeking public records from the City and County of San Francisco. At around the same time, you asked the Sunshine Ordinance Task Force to dismiss 50 pending complaints you had filed against various City departments and officials. The Task Force dismissed those complaints. While you did not ask our office to similarly close the 93 pending Supervisor of Records petitions, closing those petitions would be consistent with closing the Task Force complaints.

At the rate of 6 petition responses per year, it will take our office more than 15 years to respond to your 93 outstanding petitions. Because of the age of the majority of your outstanding petitions, the anticipated time and resources it will take our office to respond, the likelihood that our response already is or will be moot by the time of issuance, and because of your dismissal of the pending Task Force complaints earlier this year, we believe it prudent to close all of the 93 outstanding petitions. However, if you would like our office to keep any of your pending petitions open, please notify us at supervisorofrecords@SFCITYATTY.org by no later than October 31, 2023. Otherwise, we will close all of your pending petitions.

Very truly yours,

DAVID CHIU
City Attorney
Kate Kimberlin

Kate G. Kimberlin
Deputy City Attorney

cc:
sf.sunshine.requests@gmail.com
105584-70579615@requests.muckrock.com
111478-55598386@requests.muckrock.com
109912-45425417@requests.muckrock.com
81856-14311352@requests.muckrock.com
94992-15550486@requests.muckrock.com
100103-97805901@requests.muckrock.com
94535-90402488@requests.muckrock.com
84491-02900968@requests.muckrock.com
94992-15550486@requests.muckrock.com
86781-10951840@requests.muckrock.com
101873-82886409@requests.muckrock.com
84166-59035583@requests.muckrock.com
84162-44435865@requests.muckrock.com
84182-48147675@requests.muckrock.com
84168-39742724@requests.muckrock.com
94425-31123144@requests.muckrock.com
94374-74128043@requests.muckrock.com
88878-67394299@requests.muckrock.com
98255-36312589@requests.muckrock.com
98251-27428784@requests.muckrock.com
84181-53996453@requests.muckrock.com
84164-62563184@requests.muckrock.com
84174-46370490@requests.muckrock.com
81953-03405492@requests.muckrock.com
101738-08172271@requests.muckrock.com
98376-38688291@requests.muckrock.com
105574-62708219@requests.muckrock.com
88551-86881685@requests.muckrock.com
82814-07144940@requests.muckrock.com
84184-60623262@requests.muckrock.com

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DENNIS J. HERRERA
City Attorney

Direct Dial: (415) 554-4700
Email: supervisor.records@SFCITYATTY.ORG

March 10, 2021

Sent via email (arecordsrequestor@protonmail.com)

Re: Further Invocation of the Rule of Reason

To Whom It May Concern:

We write concerning your petitions to the Supervisor of Records. You have filed approximately 135 petitions with the Supervisor of Records since May 2019. In the past three months alone you have filed 64 petitions. This is an unprecedented quantity of petitions from any single person and far outpaces the number of petitions we typically receive from all sources combined on an annual basis. Indeed, in the ten-year period between October 2008 and December 2018, we received a total of 161 petitions for an average of 16 petitions per year. At your current rate of submission, you will have submitted more petitions in two years than we received from all sources over a ten-year period.

The burden you have placed on this office is unreasonable, and undermines the City Attorney's ability to devote time and resources to its other duties under the Charter, Municipal Codes, and State law. Responding to each petition typically involves communications with departments, review of records and redactions, and legal analysis, and it requires attorneys in our office to defer their other obligations providing advice and representation to City departments. While approximately 70 of your petitions are resolved, there are still many outstanding. Addressing your outstanding petitions in a timely manner will be so burdensome and time consuming that it will unreasonably impinge on our other duties.

On September 16, 2019, we wrote to you to invoke the rule of reason due to the complexity and volume of your petitions, and we informed you our goal was to address your petitions within 30 days. In light of your excessive submission of petitions over the past year and a half and the burden it has imposed, we now further specify how we will handle your petitions going forward. We have already responded to 25 of your petitions since January 1, and we plan to review and respond to six more of your petitions this year. Beginning in 2022, we will respond to six of your petitions per calendar year, which will allow our office capacity to dedicate time to petitions submitted by other petitioners while also carrying out our many other duties for the people of the City and County of San Francisco. You may provide us a list identifying your preferred prioritization of outstanding petitions. If you prefer to withdraw any of your petitions, please let us know that as well. Thank you.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE, CITY HALL ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-4682
RECEPTION: (415) 554-4700 • FACSIMILE: (415) 554-4699

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	A	B	C	D
1	**Date & Time Received**	***From***	***Via***	***Requested Documents***
2	10/20/2022	Anonymous	Email	". . . all records, in whole or in part, of archives, databases, or backups of Harlan Kelly Jr's mobile phones or text messages on them . . . and . . . the full names of such files, in whole or in part, in the constructive possession of PUC."
3	10/5/2022	Anonymous	Email	Re: Animal Care and Control and Virginia Donohue
4	8/11/2022	Anonymous	Email	Mayor's office – various meeting entries
5	7/5/2022	arecordsrequestor@proton me	Email	May 24, 2022 requests to the Mayor's Office.
6	6/20/2022	Anonymous arecordsrequestor@protonmail com	Email	Mayor's Office -Summer Together - all communications or documents of any form including meeting plans or notes within the Mayor's Office discussing the above-named behest payments ordinance, or the Office's strategy or response with regards to the ordinance
7	6/15/2022	Anonymous arecordsrequestor@protonmail com	Email	Mayor's Office - all communications between anyone in the Mayor's office and the Ethics Commission in the last 2 months.
8	4/19/2022	Anonymous	Email	Re: Ditka Reiner to produce records pursuant to Admin Code 67 21(d). R
9	4/14/2022	Anonymous (sf texts research)	Email	Re:Taskforce members to disclose their communications.
10	4/11/2022	Anonymoose (3)	Email	DPH – Aragon texts Supervisor of Records Chiu: Determine in writing that one or more redacted portions of https://www.documentcloud.org/documents/21581515-me_tom_s_arag_n_redacted which have been unlawfully withheld are public and order Colfax to disclose them.
11	4/11/2022	Anonymoose (2)	Email	Re: Ben Rosenfield and the Controller's Office. Records regarding the Goldman Tennis Center Parks Alliance
12	4/11/2022	Anonymous (4)	Email	Redistrict Task Force members Townsend, Ho, Reiner and Castillon re communications
13	4/11/2022	Anonymous	Email	Re: Elections Commissioner Charles Jung for 67.25 failure to respond to an immediate disclosure request.
14	3/28/2022	Anonymous (2)	Email	Re: Boudin and the DA's Office. SOTF complaint has been filed.
15	3/28/2022	Anonymous	Email	Re: Mayor's Office. SOTF complaint has been filed.
16	1/21/2022	Anonymous	Email	Re: DT + Mayor's Office . Requested for the list of account contained within the mailing list.
17	12/23/2021	Anonymous	Email	Re: SFPD (PRA P057134-121521)
18	12/22/2021	Anonymous	Email	Re: DPW (NextRequest 21-6975).
19	12/21/2021	Anonymous	Email	Re: Mayor's Office. I am petitioning for a written determination that the text message between London Breed and Mohammed Nuru on page 3 of the attached production is public and an order for its production
20	12/20/2021	Anonymous	Email	Re: Mayor's Office and two redactions made in the records they received.
21	12/16/2021	Anonymous	Email	Re: DPW, Carla Short, and Darlene Frohm. To disclose four pieces of info (or the maximum non-exempt portions) withheld as personnel records (and determine in writing they are at least in part public)
22	12/9/2021	Anonymous	Email	Re: Police Commission. I have a request for all SB 1421 records against the Police Commission from 88550-29784388@requests.muckrock.com
23	12/6/2021	Anonymous	Email	Re: SFPD, Mayor's Office, and DA's Office.
24	12/1/2021	Anonymous	Email	Re: SFPD requests from August 2021. No substantive response complying with either the CPRA or the Sunshine Ordinance has ever been received.
25	9/27/2021	Anonymoose	Email	Re: 67 21(d) petition vs Mayor Breed – request for emails, ref: M116629SR
26	9/13/2021	Anonymous	Email	Mayor's Office – records regarding police reform, black lives matter, George Floyd protests
27	8/27/2021	Anonymous	Email	Anonymous v City Attorney Dennis Herrera and the Office of City Attorney. On February 27/28, I made four IDRs for communications with opposing legal counsel, etc. in 4 pieces of litigation/claims against the City
28	8/25/2021	Anonymous	Email	DA – Twitter block list of Kate Chatfield
29	8/24/2021	Anonymous 2	Email	Preston/SFPD re: Christin EvansOn July 27 and July 28 I emailed the attached request to prestonstaff@sfgov org and dean preston@sfgov org , respectively (the attachment on MuckRock is in UTC not Pacific time) No response was ever received as of this August 24, 2021 complaint
30	8/24/2021	Anonymous	Email	Mayor Breed, DPW Head Short, DEM Head Carroll and SFPD Chief Scott:"Disclose FOR EACH OF YOU each meeting on your calendars or on your aides' calendars in the following 3 months (from today, 8/11) where Breed, Herrera, Carroll, Degrafinried, or Scott is about homeless/HSOC/street conditions or COVID."
31	7/19/2021	Anonymous	Email	As part of the below SOR complaint that was filed by Anonymous for two SOR complaints against Chesa Boudin and DA's Office
32	7/19/2021	Anonymous	Email	Chesa Boudin and DA's Office.DA's office On the first request (comms with judges and Mayor's Office).The second request (comms with Dion Lim and Radley Balko):
33	7/6/2021	Anonymous	Email	Rec Park – communications with Parks Alliance (three PRA requests)
34	6/18/2021	Anonymous	Email	Re: SF Public Library, Michael Lambert, Margot Shaub, Ashley Carskaddon. Alleged violation: 67.26 non-minimum withholding, 67.27 failure to provide written justification for withholding, 67.24(g and i) impermissible balancing test.
35	6/15/2021	Anonymous	Email	RE: Mayor's office (Jesse Mainardi and my twitter)
36	6/14/2021	Anonymous	Email	Re: Dept of Elections and John Arntz

	A	B	C	D
37	6/10/2021	Muckrock	Email	Re: (OEWD) Office of Economic and Workforce Development. PRA submitted on Dec. 5, 2020. Several follow up email were received. All moved to the Anonymous pending folder (latest follow up email received on 03/30/22).
38	5/26/2021	Anonymous	Email	Anonymous re Mayor's Office
39	5/26/2021	Anonymous	Email	Anonymous re DPA
40	5/24/2021	Anonymous (Muckrock)	Email	A request to SOTF to reconsider its no violation ruling in SOTF 19145. Police Commission - to disclose the Kohrs Police Commission records.
41	5/12/2021	Anonymous (Muckrock)	Email	BOS – Supervisor Ronen's records regarding the ferris wheel
42	5/10/2021	Anonymous (2) (Muckrock)	Email	PUC – redactions to text messages between Harlan Kelly and Melanie Lok
43	5/7/2021	Anonymous (Muckrock)	Email	DPH – requests 21-80 and 20-2942
44	5/3/2021	Anonymous (Muckrock)	Email	PUC – records regarding an audit
45	4/30/2021	Anonymous (Muckrock)	Email	DA – Records re David Campos and DCCC
46	4/23/2021	Anonymous (Muckrock)	Email	Ethics – records re sunshine request tracking and complaint tracking
47	4/12/2021	Anonymous (Muckrock)	Email	36 departments – rehash of metadata issues
48	3/25/2021	Anonymous (Muckrock)	Email	BOS – future calendar entries
49	3/19/2021	Anonymous (Muckrock)	Email	Mayor's Office – unclear what records at issue
50	3/18/2021	Anonymous (2) (Muckrock)	Email	SFPD – texts between the Chief and the Mayor
51	3/18/2021	Anonymous (Muckrock)	Email	DPW – redaction of an email for attorney client privilege
52	3/15/2021	Anonymous (Muckrock)	Email	DPA – redactions of sb1421 files
53	3/12/2021	Anonymous (Muckrock)	Email	BOS – Preston and Mar future calendar entries
54	3/11/2021	Muckrock (Anonymous)	Email	PUC – redactions of text messages
55	3/10/2021	Anonymous (3) (Muckrock)	Email	PUC – Texts between Mayor and Harlan Kelly
56	3/10/2021	Anonymous (2) (Muckrock)	Email	Mayor's Office – Emails between Hank and Sean
57	3/9/2021	Anonymous (Muckrock)	Email	City Administrator and Mayor's Office – records re. Vallie Brown
58	3/5/2021	Anonymous (2) (Muckrock)	Email	SFPD – two incident reports
59	3/5/2021	Anonymous (Muckrock)	Email	Mayor's Office – all records requested in June 2020
60	3/4/2021	Anonymous (2) (Muckrock)	Email	DPW – re request 21-951
61	3/4/2021	Anonymous (Muckrock)	Email	DPA – SB 1421 records
62	3/2/2021	Anonymous (3) (Muckrock)	Email	OEWD – Joaquin text messages redactions
63	3/2/2021	Anonymous (2) (Muckrock)	Email	PUC - text messages
64	3/2/2021	Anonymous (Muckrock)	Email	PUC – Harlan Kelly text messages
65	3/1/2021	Anonymous (16) (Muckrock)	Email	City Administrator – Request from Jan 28, 2020 for the index to records
66	3/1/2021	Anonymous (15) (Muckrock)	Email	SFPD – Request from Sept 6, 2020 for calendar entries
67	3/1/2021	Anonymous (14) (Muckrock)	Email	City Hall Building Management – Request from Dec 7, 2019 for calendar entries
68	3/1/2021	Anonymous (13) (Muckrock)	Email	TTX – Request from Dec 7, 2019 for calendar entries
69	3/1/2021	Anonymous (12) (Muckrock)	Email	City Administrator – request for email sent from SOTF to Naomi Kelly
70	3/1/2021	Anonymous (11) (Muckrock)	Email	Sheriff – Calendar entries for 2/14/21-2/28/21
71	3/1/2021	Anonymous (10) (Muckrock)	Email	DEM – Request from June 4, 2020 for department head texts with various people
72	3/1/2021	Anonymous (9) (Muckrock)	Email	DPH – Request 20-2942, from June 4, 2020, re Aragon records
73	3/1/2021	Anonymous (8) (Muckrock)	Email	DPH – Request Nos 20-1076 and 20-1078
74	3/1/2021	Anonymous (7) (Muckrock)	Email	City Administrator – Request from July 15, 2020 for Naomi Kelly emails
75	3/1/2021	Anonymous (6) (Muckrock)	Email	OCA – Request from July 15, 2020 for Walter Wong related documents
76	3/1/2021	Anonymous (5) (Muckrock)	Email	DEM – Request from Feb 8, 2020 for BCC emails
77	3/1/2021	Anonymous (4) (Muckrock)	Email	MTA – Request from Feb 8, 2020 for BCC emails
78	3/1/2021	Anonymous (3) (Muckrock)	Email	OEWD – Request from Feb 8, 2020 for BCC emails
79	3/1/2021	Anonymous (2) (Muckrock)	Email	Mayor's Office – request from Oct 21, 2019
80	2/26/2021 (3)	Anonymous (Muckrock)	Email	SFPD – Redactions to calendar
81	2/26/2021 (2)	Anonymous (Muckrock)	Email	DPA – audio and video files
82	2/25/2021	Anonymous (2) (Muckrock)	Email	City Attorney – failure to respond to request for texts
83	2/24/2021	Anonymous (Muckrock)	Email	PUC – requests for various text messages
84	2/23/2021	Anonymous (Muckrock)	Email	SFPD – failure to respond to request for text messages with Mayor's staff and others
85	2/18/2021	Anonymous (Muckrock)	Email	SFPD – A record related to Carmody
86	2/12/2021	Anonymous (3) (Muckrock)	Email	DPA – Autopsy photos
87	2/12/2021	Anonymous (2) (Muckrock)	Email	DPA – various issues with 1421 records
88	1/18/2021	Anonymous (4) (Muckrock)	Email	DA – More complaints about Brady lists, etc.
89	1/18/2021	Anonymous (5) (Muckrock)	Email	SFPD – an email re Carmody
90	10/13/2020	Muckrock	Email	SFPD – more complaints about email productions
91	10/5/2020	Muckrock	Email	SFSD – SB1421 redactions
92	9/15/2020	Muckrock	Email	Mayor – redactions from COS calendar re. bargaining information about hotels
93	8/25/2020	Anonymous (Muckrock)	Email	FAMSF – contesting various redactions in production of Prop G calendar