

Complaint Summary

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 24042

Rosa L. v. Office of the Mayor

Date filed with SOTF: 7/2/24

Contact information Com plainant information listed first):

Rosa L. ([REDACTED]) Complainant)

Hank Heckel ([REDACTED]) Office of the Mayor (Respondent)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Complaint

Leger, Cheryl (BOS)

From: Rosa L <[REDACTED]>
Sent: Monday, July 8, 2024 9:24 PM
To: MayorSunshineRequests, MYR (MYR); SOTF (BOS)
Subject: Re: Immediate Disclosure Request

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

Dear SOTF, can you please open a complaint for the public records request below for failing to respond to an Immediate Disclosure Request in a timely manner? Thanks.

On Sat, Jun 29, 2024 at 10:31 AM Rosa L <[REDACTED]> wrote:
Immediate Disclosure Request

This is an immediate disclosure public records request for the most recent text message, signal chat, Microsoft Teams message, Telegram message, and Whatsapp message sent from Mayor Breed (to anyone at all) on the Mayor's work and personal devices (in the case of personal devices of course the subject of the most recent message should be limited to city business). The request is only for the most recent message for each application- this should constitute a simple, routine, or otherwise readily answerable request as it constitutes no more than a few messages readily available at the top of each application. Reminder of the city's legal obligation to respond by the close of the next business day after the Immediate Disclosure Request is received.

Thanks.

Complainant's Supporting Documents

Leger, Cheryl (BOS)

From: Rosa L <[REDACTED]>
Sent: Thursday, July 11, 2024 10:53 AM
To: MayorSunshineRequests, MYR (MYR)
Cc: SOTF (BOS)
Subject: Re: Immediate Disclosure Request

It was sent to mayorsunshinerequests@sfgov.org per <https://www.sf.gov/departments/office-mayor>. Maybe check spam? I'll forward it again.

On Thu, Jul 11, 2024 at 10:37 AM MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Dear Rosa L.,

We cannot locate a record of the original request you reference from June 29. Where did you send that request?

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Rosa L <[REDACTED]>
Sent: Monday, July 8, 2024 9:24 PM
To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>; SOTF (BOS) <sotf@sfgov.org>
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Thanks.

Leger, Cheryl (BOS)

From: Rosa L <[REDACTED]>
Sent: Thursday, July 25, 2024 11:04 AM
To: SOTF (BOS)
Cc: Heckel, Hank (MYR)
Subject: Re: SOTF - Request for Supporting Documents - Rosa L. v. Mayor's Office (File No. 24042)

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I re-sent it on July 15th and Hank Heckel confirmed receipt of it then. I'm pasting it below again for the convenience of all parties. Please note I have still not received a response,

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Date: Sat, Jun 29, 2024 at 10:31 AM
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Thanks.

On Tue, Jul 23, 2024 at 10:45 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Good Afternoon, Rosa L. --

The Sunshine Ordinance Task Force (SOTF) is in receipt of your complaint submitted 7/8/2024, alleging a failure by the Office of the Mayor to respond to an Immediate Disclosure Request for public records. Hank Heckel in the Office the Mayor indicated that a record of your original request could not be located, and you responded that that you would forward your request again (see attached email thread).

If you wish to continue to pursue a complaint the SOTF requires the following document(s) before we can proceed further and open a complaint file:

- Copy of the original public records request you submitted to a San Francisco body/agency.

Please provide the requested document(s) within five (5) business days.

We will be unable to open a complaint file for you and will close the matter if a response is not received in a timely manner. However, you may re-file your complaint when you have the required documents ready to submit.

Thank you.

Patricia Petersen (she/her)

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone [REDACTED] | Fax [REDACTED]

[REDACTED] | www.sfbos.org



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Leger, Cheryl (BOS)

From: Rosa L <[REDACTED]>
Sent: Friday, August 2, 2024 2:39 PM
To: MayorSunshineRequests, MYR (MYR)
Cc: SOTF (BOS)
Subject: Re: Immediate Disclosure Request

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Thanks.

On Mon, Jul 15, 2024 at 6:31 PM MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Rosa,

The Office of the Mayor has no record of receiving your original request. Perhaps there was some issue with the server receiving it. We will deem it received when you forwarded it on July 11. Your request was characterized as an Immediate Disclosure Request under San Francisco Administrative Code Section 67.25(a). However, the expedited response time in that section is reserved for requests that are "simple, routine and readily answerable." Your request requires inquiring into the potential use of several different platforms. Accordingly, it is not simple and routine. We are processing our response and will further respond within the normal statutory 10 day period.

Regards,

Hank Heckel

Legal Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Rosa L <[REDACTED]>
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Leger, Cheryl (BOS)

From: Rosa L <[REDACTED]>
Sent: Friday, August 2, 2024 6:49 PM
To: MayorSunshineRequests, MYR (MYR)
Cc: SOTF (BOS)
Subject: Re: Immediate Disclosure Request

In the meantime can you please explain why it is taking almost a month? I'm requesting a single message for each mode of communication, so in sum it should only be a few messages total and they should all be readily available at the top of each application.

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On Fri, Aug 2, 2024 at 6:42 PM MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Dear Rosa L.,

We are continuing to process your request, which requires sufficient time to complete our inquiry. We will further respond next week.

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Respondent's Supporting Documents

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From: Heckel, Hank (MYR)
Sent: Thursday, July 25, 2024 1:06 PM
To: Rosa L; SOTF (BOS)
Subject: RE: SOTF - Request for Supporting Documents - Rosa L. v. Mayor's Office (File No. 24042)

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Telephone [REDACTED] | Fax [REDACTED]

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Other Documents

(Notice of Hearing, Communications, etc.)

Leger, Cheryl (BOS)

From: SOTF (BOS) on behalf of SOTF, (BOS)
Sent: Tuesday, July 23, 2024 10:45 AM
To: [REDACTED]
Cc: Heckel, Hank (MYR)
Subject: SOTF - Request for Supporting Documents - Rosa L. v. Mayor's Office (File No. 24042)
Attachments: Re: Immediate Disclosure Request

Categories: Purple Category

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Cc: Somera, Alisa (BOS); Petersen, Patricia (BOS); Young, Victor (BOS)
Subject: RE: SOTF - Request for Supporting Documents - Rosa L. v. Mayor's Office (File No. 24042)

Categories: CC to File

Hello Hank: Have you provided Rosa L. with their requested records? Thank you.

Cheryl Leger
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Board of Supervisors
phone [REDACTED] | fax [REDACTED]
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We are processing our response to this request and will get back to you shortly.

Thank you,

Hank Heckel
Legal Compliance Officer
Office of the Mayor
City and County of San Francisco

From: Rosa L <[REDACTED]>
Sent: Thursday, July 25, 2024 11:04 AM
To: SOTF (BOS) <sotf@sfgov.org>
Cc: Heckel, Hank (MYR) <[REDACTED]>
Subject: Re: SOTF - Request for Supporting Documents - Rosa L. v. Mayor's Office (File No. 24042)

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

I re-sent it on July 15th and Hank Heckel confirmed receipt of it then. I'm pasting it below again for the convenience of all parties. Please note I have still not received a response,

----- Forwarded message -----

From: Rosa L <[REDACTED]>

Date: Sat, Jun 29, 2024 at 10:31 AM

Subject: Immediate Disclosure Request

To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Immediate Disclosure Request

This is an immediate disclosure public records request for the most recent text message, signal chat, Microsoft Teams message, Telegram message, and Whatsapp message sent from Mayor Breed (to anyone at all) on the Mayor's work and personal devices (in the case of personal devices of course the subject of the most recent message should be limited to city business). The request is only for the most recent message for each application- this should constitute a simple, routine, or otherwise readily answerable request as it constitutes no more than a few messages readily available at the top of each application. Reminder of the city's legal obligation to respond by the close of the next business day after the Immediate Disclosure Request is received.

Thanks.

On Tue, Jul 23, 2024 at 10:45 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Good Afternoon, Rosa L. --

The Sunshine Ordinance Task Force (SOTF) is in receipt of your complaint submitted 7/8/2024, alleging a failure by the Office of the Mayor to respond to an Immediate Disclosure Request for public records. Hank Heckel in the Office the Mayor indicated that a record of your original request could not be located, and you responded that that you would forward your request again (see attached email thread).

If you wish to continue to pursue a complaint the SOTF requires the following document(s) before we can proceed further and open a complaint file:

- Copy of the original public records request you submitted to a San Francisco body/agency.

Please provide the requested document(s) within five (5) business days.

We will be unable to open a complaint file for you and will close the matter if a response is not received in a timely manner. However, you may re-file your complaint when you have the required documents ready to submit.

Thank you.

Patricia Petersen (she/her)

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone [REDACTED] | Fax [REDACTED]

[REDACTED] | www.sfbos.org



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