

**SUNSHINE ORDINANCE
TASK FORCE**



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

August 15, 2011

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

George Gascón, District Attorney
San Francisco District Attorney's Office
Hall of Justice, 855 Bryant Street, Room 322
San Francisco, CA 94103

**Re: Referral for Enforcement of Order and Notice of Official Misconduct
Sunshine Complaint No. 11014
Patrick Monette-Shaw v. Ethics Commission**

The Sunshine Ordinance Task Force ("Task Force") hereby provides notification of willful failure and official misconduct findings against John St. Croix of the Ethics Commission for failure to comply with the Order of Determination ("Order") issued on June 7, 2011 in Sunshine Complaint No. 11014, Patrick Monette-Shaw v. Ethics Commission.

This willful failure and official misconduct finding is noticed for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby 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" and
- (2) San Francisco City Charter Section 15.105(e) (Official Misconduct).

The Task Force further refers the Order for enforcement, and requests Mr. St. Croix be required to produce the public information and documents requested by complainant Patrick Monette-Shaw.

This enforcement referral is made pursuant to:

- (1) Sunshine Ordinance Section 67.21(e) whereby the "Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance" when a custodian of records refuses to comply with an order; and

- (2) Sunshine Ordinance Section 67.30(c) whereby “the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act . . . whenever it concludes that any person has violated any provisions of this ordinance or the Acts.”

Background

Patrick Monette-Shaw filed a complaint with the Task Force on March 6, 2011 alleging the Ethics Commission failed to provide records responsive to his Immediate Disclosure Request made on February 6, 2011.

Task Force Hearing on Complaint

On May 18, 2011, the Task Force held a hearing on the complaint.

A description of the Task Force hearing on the complaint, violations found, and decision are embodied in the Order, a copy of which is attached.

Thank you for your attention to this matter. Please contact the Task Force Administrator at sotf@sfgov.org or (415) 554- 7724 for any additional information.



Hope Johnson, Chair
Sunshine Ordinance Task Force



David Snyder, Esq., Member, Seat No. 1*
Sunshine Ordinance Task Force

Encl.

cc: Mayor Edwin M. Lee
San Francisco Civil Grand Jury
Patrick Monette-Shaw, Complainant
John St. Croix, Respondent
Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat No. 1 is a voting seat held by an attorney specializing in sunshine law.