

July 15, 2020

Agency: Department of Public Works

City and County of San Francisco

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

via email

Department of Public Works and agency head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head, pursuant to the Sunshine Ordinance and California Public Records Act.

Please provide rolling responses (SFAC 67.25(d)), starting with the most recent records going backwards.

Exact copies of every responsive record are requested (Gov Code 6253(b)). You must provide all attachments and embedded images. 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).

Please preserve, and do not destroy, all original responsive records, regardless of whether you believe they are disclosable or exempt. We intend to appeal all withholdings, redactions, or violations of the Sunshine Ordinance or CPRA. All dates are inclusive.

We request:

1. All text or chat messages, including group or direct messages (of any form, in any application, including but not limited to SMS, MMS, iMessage, Slack, Teams, Signal, Telegram, Twitter, Instagram, Facebook, Hangouts, Discord, Meet, WhatsApp, WeChat, Skype, Viber, Tango, KakaoTalk, BBM, Line, Snapchat, Messenger, Houseparty, Band, GroupMe, Voxer, Dust, Wire, Wickr Me, Threema, Silent Phone, Kik) where (a) any party is the head of your agency (whether or not that person is deemed a “department head”) and (b) any party is any of Walter Wong, Melanie Lok, Irene Lok, Washington Wong, Florence Kong, Michael Tracy, Kwan Wo Ironworks (CA Entity C1522456), SFR Recovery Inc. (CA Entity C4029688), Mlok Consulting (CA Entity C2435085), Alternate Choice LLC (CA Entity 200108610070), Green Source Trading LLC (former CA Entity 201002010311), Jaidin Consulting Group or Jaidin Associates (CA Entity 199501910014), W. Wong Construction Co. (CA Entity C0896111), Barry L. White d/b/a Western Estates Contracting, CSI General Contracting (CA Entity C3811109) (the “Named Parties”), between Jan 1, 2010 and present
2. All draft, executed, terminated, and/or expired contracts (including all versions thereof) where one or more parties or signatories is any of the Named Parties
3. All text or chat messages, including group or direct messages (of any form, in any application, including but not limited to SMS, MMS, iMessage, Slack, Teams, Signal, Telegram, Twitter, Instagram, Facebook, Hangouts, Discord, Meet, WhatsApp, WeChat, Skype, Viber, Tango,

KakaoTalk, BBM, Line, Snapchat, Messenger, Houseparty, Band, GroupMe, Voxer, Dust, Wire, Wickr Me, Threema, Silent Phone, Kik) where any party is any of the Named Parties and any of the parties is any employee of your agency (whether or not that head is a “department head”) between Jan 1, 2015 and present

4. All calendar or meeting entries in all calendars, including government or personal accounts (subject to *City of San Jose v Superior Court* (2017)), where any organizer, invitee or attendee is any of the Named Parties, from Jan. 1, 2010 to present. Note that you must search and provide all calendars, even if you possess multiple calendars in addition to a Proposition G calendar. See SOTF 19047, *Anonymous v. Breed*.
5. An organizational chart of your agency
6. A staff directory showing at least the name, official email address, and title of all employees of your agency

Pursuant to SF Admin Code 67.21(l), we request the following electronic formats. You must provide any electronic format we request, as long as the format is either available to your agency or easily generated (see also SOTF 19044, *Anonymous v. Herrera*):

- For any type of document not otherwise listed below: provide an exact copy of the original, native electronic file format as stored on your computer systems. Do not print and scan any record -- that is not an exact copy of the record.
- For text messages: all timestamps, text content, images and attachments, and the identity of all participants
- For calendar/meeting entries: Outlook calendar entries exported in .ICS (iCalendar) format
- For email messages: All timestamps, headers (including the BCC), metadata, images, and attachments must be preserved. If you convert to a PDF, you must use PDFMaker, and not print out the email.

Remember your department head has an obligation to maintain in a professional and businesslike manner the correspondence and documents 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 us (*Santa Clara Co. vs Superior Ct*, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest, OneDrive, etc. to publish records, please make the link completely publicly accessible 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