



## **ORDER OF DETERMINATION**

March 12, 2013

### **DATE THE DECISION ISSUED**

May 2, 2012

LARS NYMAN v. DEPARTMENT OF PUBLIC WORKS (12011)

### **FACTS OF THE CASE**

Complainant Lars Nyman ("Complainant") alleges that the Department of Public Works ("DPW") has not adequately responded to his January 7, 2012 public records request for all public records related to the Montgomery/Alta Street tree project.

### **COMPLAINT FILED**

On February 16, 2012, Complainant filed this complaint against Frank Lee and DPW.

### **HEARING ON THE COMPLAINT**

On May 2, 2012 Complainant Mr. Nyman appeared before the Task Force and presented his claim. Respondent, Frank Lee, Department of Public Works presented the Department Public Works' defense.

The issue in the case is whether the Agency violated Sections 67.21, 67.25, 67.26, and 67.27 of the Ordinance and/or Section 6253 of the California Public Records Act.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented the Task Force finds that the testimony of Mr. Nyman to be persuasive and finds that Sections 67.21 (a), 67.26, 67.27 of the Sunshine Ordinance, and 6253.9(a) of the California Public Records Act to be applicable in this case. The Task Force does not find that testimony provided by Frank Lee, Department of Public Works persuasive to this case.

### **DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the Department of Public Works violated Sections 67.21 (a) for unreasonable delay and 67.26 based on failure to keep withholding to a minimum by redacting the contact information, 67.27 for failure to provide reason, and 6253.9(a) of the California Public Records Act for failure to provide a copy of the requested document in electronic format requested. The Department of Public Works shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on March 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 2, 2012 by the following vote: (Johnson/Costa)

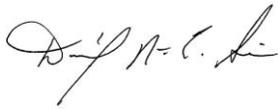
Ayes: Knee, Manneh, Washburn, Wolfe

Noes: Costa, Johnson

Absent: Chan, West



Kitt Grant, Chair  
Sunshine Ordinance Task Force



David Sims, Member Attorney  
Sunshine Ordinance Task Force

c: Lars Nyman, Complainant  
Frank Lee, Department of Public Works, Respondent  
Jerry Threet, Deputy City Attorney