

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 14, 2016**

DATE ISSUED
July 6, 2016

**CASE TITLE – Martin Langeveld v. Department of Emergency Management
(File No. 16032)**

FACTS OF THE CASE

On March 30, 2016 Martin Langeveld (Complainant) filed the following Complaint:

File No. 16032: Complaint filed by Martin Langeveld against the Department of Emergency Management for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On July 6, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Martin Langeveld (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Francis Zamora, Department of Emergency Management (Respondent), Chris Chamberland, Department of Technology, and Lt. Mike Dealy, Police Department, provided a summary of the departments' position in regards to the authority to withhold the requested public records. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainants were provided the opportunity for rebuttals.

Deputy City Attorney Colla provided comments and responded to questions from the Task Force.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that violations of Administrative Code (Sunshine Ordinance), Sections 67.21 (a) and (b), occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force finds that the Department of Emergency Management violated Administrative Code (Sunshine Ordinance), Sections 67.21 (a) and (b), by failing to respond to a public records request in a timely manner and failing to justify withholding any record by demonstrating, in writing that the record in question is exempt from disclosure.

The Task Force requested that the Department of Emergency Management provide written evidence of the authority in code or statute that allows for the withholding of the records requested by the Complainant. The Task Force suggest referencing existing law or written policy that has be formally adopted specific to the documents in question. Release of the requested records may be warranted if justification for the withholding the records cannot be provided.

The motion PASSED by the following vote:

Ayes: 6 - J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Hinze

Noes: 1 - Fischer

Absent: 2 - Chopra, Eldon, Hyland

Chair Wolfe referred the matter to the Compliance and Amendments Committee in order to determine if the Respondent has complied with the request of the Task Force and to determine if any additional action are needed.



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
Martin Langeveld, Complainant
Francis Zamora, Department of Emergency Management (Respondent)