

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

August 4, 2008

DATE THE DECISION ISSUED

July 22, 2008

KIMO CROSSMAN v. CITY ATTORNEY'S OFFICE (08032)

FACTS OF THE CASE

On or about June 4, 2008, Kimo Crossman contacted Matt Dorsey, Public Information Officer for the City Attorney's Office ("CAO") and asked that the CAO provide Kimo Crossman with a "Word Version" of a record that he had in PDF format. The record is a September 25, 2007 letter to the Board of Supervisors and Ethics Commission from the Mayor, transmitting written charges of official misconduct "In the Matter of Charges Against Edmund Jew". Matt Dorsey responded and declined to provide the "Word Version". Matt Dorsey referred Kimo Crossman to the City Attorney's Office Website and to a particular letter that stated the CAO's position on the release of information in "Word Version".

COMPLAINT FILED

On June 6, 2008, Crossman filed a complaint with the Sunshine Ordinance Task Force ("Task Force"), alleging that the CAO violated Sections 67.21(L), 67.21-1, 67.26 and 67.27 of the Sunshine Ordinance and Sections 6253(b) and 6253.9 of the State Government Code by refusing to release the record in a "Word Version".

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his Complaint. Respondent was represented by Deputy City Attorney Paul Zarefsky who presented the Department's defense.

The issue in the case is whether the Department violated Section(s) 67.21, 67.21-1, 67.26 & 67.27 of the Ordinance and Sections 6253.9 & 6253 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case is similar in its facts and on the law to the previously decided case of Crossman v. Clerk of the Board of Supervisors in which a document was also requested to be released in Word Format. To be consistent with our earlier decision, and as the policy and legal justifications provided by the Department are not persuasive in light of the clear legal requirements of the Ordinance and Government Code, the following decision is issued.

ORDER OF DETERMINATION

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department violated Section(s) 67.21 (1) of the Sunshine Ordinance and 6253.9 (a) (i) & (ii) of the California Public Records Act for failure to provide a copy of the requested document in Word format as requested. The Department shall release the record in Word format as requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2009, by the following vote: (Knee / Goldman)

Ayes: Craven, Knee Washburn, Knoebber, Chu, Goldman

Noes: Pilpel

Excused: Cauthen, Gokhale, Chan, Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Paul Zarefsky, Deputy City Attorney
City Attorney's Office