

**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**

ORDER OF DETERMINATION

July 3, 2009

DATE THE DECISION ISSUED

June 23, 2009

ALVIN XEX v DEPARTMENT OF HUMAN RESOURCES (09028)

FACTS OF THE CASE

On May 8, 2009, Complainant Alvin Xex alleges that he made a Public Records Request with the Department of Human Resources ("DHR"). He requested the number of employees hired for all City Departments and agencies for years 2007, 2008 and 2009. He also requested the number of and the positions (classified and professional) of black men for the same time periods. To his request, Alvin Xex claims that he did not get a response.

COMPLAINT FILED

On May 14, 2009, Alvin Xex filed a complaint against DHR alleging violations of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On June 23, 2009, Complainant Alvin Xex did not appear before the Task Force (he had, however, been present for the hearing on a prior complaint). No one was present to give evidence in support of the Complainant. Respondent Agency was represented by Paul Greene of the Dept. of Human Resources.

The Task Force was told that although Alvin Xex allegedly made the request on May 8, the first contact the Department had with him was on May 13 when he left a message for Director Micki Callanhan requesting a meeting. Ms. Callanhan's assistant, Jessica Williams, returned Alvin Xex's call the next day. When it became clear that he was interested in making a request for records, the call was forwarded to Jennifer Johnston. During that conversation Alvin Xex asked to whom he should address a Sunshine request but, according to DHR, he never did make a records request. The Department became aware of the request only when it received the complaint notification from the Task Force. Upon notification, the Department gathered the responsive documents but

because the Department did not have Alvin Xex's contact information, the Department sent the responsive documents to the Task Force.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that there was no violation of the Sunshine Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency did not violate the Sunshine Ordinance.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 23, 2009, by the following vote: (Knoebber / Goldman)

Ayes: Craven-Green, Knee, Cauthen, Washburn, Knoebber, Johnson, Chan, Goldman, Chu

Excused: Williams

A handwritten signature in black ink, appearing to read "Kristin M. Chu". The signature is fluid and cursive.

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Alvin Xex, complainant
Paul Greene, respondent