

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

July 3, 2009

DATE THE DECISION ISSUED

June 23, 2009

*ALVIN XEX v MAYOR'S OFFICE OF ECONOMIC AND WORKFORCE
DEVELOPMENT (09027)*

FACTS OF THE CASE

On May 2009, Complainant Alvin Xex made a Public Records Request with the Mayor's Office of Economic and Workforce Development ("MOEWD"). He requested the names programs/efforts and number of employees within this government department. He also requested the number of and the names or efforts and programs for women and black males.

Alvin Xex claims that he did not get a response to his request.

COMPLAINT FILED

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

HEARING ON THE COMPLAINT

On June 23, 2009, Complainant Alvin Xex appeared before the Task Force and presented his claim. Respondent Agency was represented by Kriztina Palone. She presented the Agency's defense.

Alvin Xex said he made a verbal request but did not follow up. However, he said he was going to submit a new detailed request and leave the proper contact addresses with Kriztina Palone.

Kriztina Palone said she did receive a verbal request but did nothing to it because she believed the request had to be in writing. She said she responded immediately when the City Attorney told her of her obligation under the Ordinance to respond to oral requests.

However, because she was unable to send the information to Alvin Xex, she sent it to the Task Force which forwarded it to Alvin Xex.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force advised the Agency that oral requests are legitimate under the Ordinance and need a response. If it is an IDR, the response must be by the close of the next business day and other public document requests have to be responded to as soon as possible but no later than 10 days.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Sec. 67.21 (b) of the Sunshine Ordinance for untimely response. The agency is to appear before the Education, Outreach and Training Committee on July 9, 2009, in Room 406 at 4 p.m.

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

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

Excused: Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Alvin Xex, complainant
Kriztina Palone, respondent