

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

May 5, 2009

DATE THE DECISION ISSUED

April 28, 2009

ANONYMOUS TENANTS v. DEPARTMENT OF BUILDING INSPECTION (09018)

FACTS OF THE CASE

Anonymous Tenants filed a complaint with the Task Force regarding whether DBI could appropriately charge \$6.50 per page for copies of public records under the Sunshine Ordinance.

COMPLAINT FILED

On March 27, 2009, the tenants filed a complaint against DBI and alleged that DBI allegedly violated the Sunshine Ordinance Section 67.28 for failure to provide an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent as the case may be.

HEARING ON THE COMPLAINT

On April 28, 2009 Complainant Anonymous Tenants appeared before the Task Force and presented his claim. William Strawn, Communications Manager for the Department of Building Inspection, presented the Agency's defense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Task Force members indicated they were concerned about imposing requirements on enterprise departments that attempt to cover their cost by fee structures. However, the Task Force found that the Department had failed to conduct or provide an "itemized cost analysis" justifying the \$6.50 per page cost as required by section 67.28 or the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated section 67.28 (d) of the Sunshine Ordinance by failing to prepare and post an itemized cost analysis justifying the \$6.50per page charged by the department. The agency shall appear before the Compliance and Amendments Committee on May 12, 2009, to discuss steps it will take to come into compliance with this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 28, 2009, by the following vote: (Chu / Knee)

Ayes: Knee, Cauthen, Knoebber, Goldman, Williams, Chu

Recused: Craven-Green

Excused: Washburn, Johnson, Chan

A handwritten signature in black ink, appearing to read "Kristin M. Chu". The signature is written in a cursive, flowing style.

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Anonymous Tenants, complainant
William Strawn, Dept of Bldg Inspection
Ernie Llorente, Deputy City Attorney