

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

May 5, 2009

DATE THE DECISION ISSUED

April 28, 2009

RAYMOND BANKS v. SAN FRANCISCO HIV HEALTH SERVICES PLANNING COUNCIL (09015)

FACTS OF THE CASE

Complainant Raymond Banks is a member of the San Francisco HIV Health Services Planning Council. The Council is a federally mandated and supported program made up of volunteers who are appointed by the Mayor of San Francisco. The authority for the Council comes from Title I and II of the Ryan White CARE Act of 2006. From November 2008 up until the time that Raymond Banks filed his complaint with the SOTF, Raymond Banks requested information about the Council's contract with Veronica Neal of VAKN Consulting.

COMPLAINT FILED

On March 18, 2009, Raymond Banks filed a complaint against the Council alleging violations of the Sunshine Ordinance and the Public Records Act.

HEARING ON THE COMPLAINT

On April 28, 2009, Complainant Raymond Banks appeared before the Task Force and presented his claim. Respondent Agency was represented by Mark Molnar who presented the HIV Health Services Planning Council's defense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the HIV Planning Council took about six months to respond to the request for a copy of the Neal/VAKN contract. The council was urged to improve its responsiveness and comply with the deadlines for production of public records as well as the other San Francisco open government laws in the future.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated section 67.21 (b) for failure to produce documents in a timely manner. The agency shall appear before the Education and Outreach and Training Committee on May 14, 2009, to discuss ways to improve its responsiveness to Sunshine requests.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 28, 2009, by the following vote: (Cauthen / Goldman)
Ayes: Craven-Green, Knee, Cauthen, Washburn, Knoebber, Goldman, Williams, Chu
Excused: Johnson, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Raymond Banks, complainant
Mark Molnar, HIV Health Services Planning Council
Michelle Long, Health Department
Ernie Llorente, Deputy City Attorney