

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

April 1, 2009

DATE THE DECISION ISSUED

March 24, 2009

CHARLES PITTS V HEALTH DEPARTMENT (09009)

FACTS OF THE CASE

On February 5, 2009, Complainant Charles Pitts made an Immediate Disclosure Request under Section 67.25 of the Sunshine Ordinance. Charles Pitts requested information regarding "Why Quintin Mecke of the Shelter Monitoring Committee can hold on to his chair position after his term expired."

On February 6, 2009, under the letterhead of Mitchell H. Katz, M.D., Director of Health, a note was issued that stated the following: "According to Ordinance 283.04 Section 20.305(b) and Ordinance 150.07 Section 20.305(b) Officer elections, unless there is a vacancy, occur in the even-numbered calendar years. Mr. Mecke was voted in as chair, in January of 2008 and that the term will not end until January 2010, unless Mr. Mecke leaves the Committee."

COMPLAINT FILED

On February 9, 2009, Charles Pitts filed a complaint against the DPH alleging violations of the Sunshine Ordinance. Specifically, Charles Pitts stated that DPH did not provide all of the information requested, that DPH did not identify the author of the note, that there may be an Ethics violation and that the information provided was incorrect.

HEARING ON THE COMPLAINT

On March 24, 2009, Complainant Charles Pitts appeared before the Task Force and presented his claim. Respondent Agency was not represented at the hearing, instead PIO Eileen Shields sent a letter to the Task Force stating that the department did not dispute jurisdiction and explaining the Department's position that all information requested had been provided to Mr. Pitts.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force found that the department provided Mr. Pitts all the information that was requested and, in fact, went beyond what was necessary and created a new document to answer Mr. Pitts' question.

DECISION AND ORDER OF DETERMINATION

While the department did not violate the Sunshine Ordinance in responding to Mr. Pitts' request and the Task Force commends the department for going beyond what was required and creating a document to answer Mr. Pitts' question, the department was found in violation of Section 67.21 (e) of the Sunshine Ordinance for not sending an authorized representative to the hearing.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on March 24, 2009, by the following vote: (Cauthen / Goldman)

Ayes: Knee, Cauthen, Washburn, Knoebber, Johnson, Chan, Goldman, Williams, Chu
Noes: Craven



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Rosa Sanchez, Deputy City Attorney
Ernie Llorente, Deputy City Attorney
Charles Pitts, complainant
Eileen Shields, respondent