

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

March 3, 2009

**DATE THE DECISION ISSUED**

February 24, 2009

*ANONYMOUS (RAY HARTZ) v. SAN FRANCISCO POLICE COMMISSION (09008)*

**FACTS OF THE CASE**

Anonymous person checked the City's website and looked for the Index of Records for the San Francisco Police Commission ("Commission"). The website did not have a listing for the Commission.

**COMPLAINT FILED**

On December 4, 2009, Anonymous person filed a Sunshine Ordinance Complaint against the Commission for failure to comply with Section 67.29 of the Ordinance.

**HEARING ON THE COMPLAINT**

On February 24, 2009, Complainant Anonymous appeared before the Task Force and presented his case. Complainant identified himself as Ray Hartz and requested that in this and future complaints he be identified by name. Respondent Agency was not present but had submitted a letter that said the Department was responsible for including and posting the Commission's Index of Records, that the Commission, therefore, should not separately be found in violation of the Ordinance, and that the Commission was working with the San Francisco Police Department and the City Administrator's Office to list its records in the Department's Index of Records and post that document on line.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented the Task Force finds that the Commission failed to ensure that its records were included and posted in an Index of Records as required by Sec. 67.29. The Task Force also found a violation of Sec. 67.21 (e) for failure to appear.

## ORDER OF DETERMINATION

## DECISION AND ORDER OF DETERMINATION

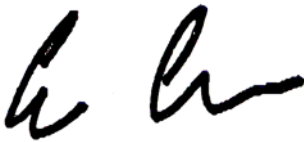
An Order of Determination finding the Commission in violation of 67.29 for failure to ensure its records were included in an Index of Records posted online and 67.21(e) for failure to send a representative to the Task Force hearing was adopted by the Sunshine Ordinance Task Force on February 24, 2009, by the following vote: ( Knee / Goldman )

Ayes: Knee Washburn, Knoebber, Johnson, Goldman, Williams, Craven

Excused: Cauthen, Chu

Absent: Chan

The enforcement of this Order of Determination is referred to the Education, Outreach and Training Committee to work with the appropriate entities to make sure the Commission's records (as well as other entities who are under the direction or control of the Commission) are listed in an Index of Records that is posted online.



Erica Craven, Vice Chair  
Sunshine Ordinance Task Force

c: Ray Hartz, Complainant  
Lt. Joe Reilly, Police Commission  
Lt. Daniel J. Mahoney, Police Department  
Ernie Llorente, Deputy City Attorney