

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

January 29, 2010

DATE THE DECISION ISSUED

January 5, 2010

ELLEN TSANG v. DEPARTMENT OF BUILDING INSPECTION (09083)

FACTS OF THE CASE

Complainant Ellen Tsang said that on December 8, 2009, at 3:47 p.m., she sent an Immediate Disclosure Request (IDR) to William Strawn of the Department of Building Inspection (DBI) requesting that building permit application No. 200910229545 for 2650-52 Hyde Street be provided by email to her in digital format. Ms. Tsang further said Mr. Strawn had previously communicated that this document would be available in digital format as of December 8, 2009, after 2 p.m. Ms. Tsang further said that Mr. Strawn failed to respond to this request by the close of business on December 9, 2009.

COMPLAINT FILED

On December 10, 2009, Ms. Tsang filed a complaint with the Task Force alleging a violation of public records and public meeting laws.

HEARING ON THE COMPLAINT

On January 5, 2010, Ms. Tsang presented her case. Mr. Strawn represented the respondent agency.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ms. Tang said the document exists in electronic format because another person had seen it on a DBI computer. She also said Mr. Strawn's letter to the Task Force is a response to somebody else's request and not intended for her. She said Mr. Strawn had said a summary of the case was available on the website but the Board of Appeals accepts only copies of permit applications and not summaries.

DECISION AND ORDER OF DETERMINATION

The Task Force found that the agency violated Sections 67.21 and 67.25. The respondent is hereby directed to provide the requested building permit application copy to the complainant within 5 business days after receiving this Order of Determination. The matter is referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting, to which the respondent is directed to send a knowledgeable representative.

ORDER OF DETERMINATION

This Order of Determination was adopted by the Sunshine Ordinance Task Force on Jan. 5, 2010, by the following vote: (Washburn / Goldman)

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.



Richard A. Knee
Chair, Sunshine Ordinance Task Force

- c: Jerry Threet, Deputy City Attorney
- Ellen Tsang, Complainant
- William Strawn, Respondent