

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

January 29, 2009

**DATE THE DECISION ISSUED**

January 5, 2009

*ANONYMOUS TENANTS v. PLANNING DEPARTMENT (09078)*

**FACTS OF THE CASE**

Complainant, Anonymous Tenants (Tenants), said he requested public records from the Planning Department (Planning) on October 21, 2009, and that Planning has yet to fully respond to that request. In particular, Tenants said that Planning has failed to provide (1) each and every material that Mr. Robert Middlestadt submitted to Planning Commission;" and (2) the label photos, 3-R reports, and similar (non-plan) documents with the project address."

**COMPLAINT FILED**

On November 17, 2009, Tenants filed a Sunshine Complaint against Planning for its alleged violations of §§67.21, 67.26, and 67.27.

**HEARING ON THE COMPLAINT**

On January 5, 2010, Anonymous Tenants presented his claim. The respondent was not represented and no one in the audience spoke or presented facts or evidence on behalf of the respondent.

Complainant Anonymous Tenants said the two documents he requested were in the Planning Department's possession. The documents were requested because he wanted to use it at a permit application hearing. As of date, no documents had been provided.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Task Force found that the department failed to respond. However, it was unclear whether documents request existed.

**DECISION AND ORDER OF DETERMINATION**

The Task Force found that the agency violated Sections 67.21 ( b ), ( e ) and ( l ), and 67.26. All withheld documents should be provided within five days of the date of this Order

**ORDER OF DETERMINATION**

of Determination. The matter was referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting.

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

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



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

- c: Jerry Threet, Deputy City Attorney
- Anonymous Tenants, Complainant
- John Rahaim, Respondent
- Linda Avery, Respondent
- Brian Smith, Respondent