

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
May 16, 2011

DATE THE DECISION ISSUED

April 21, 2011

JASON GRANT GARZA V HAIGHT-ASHBURY FREE CLINIC (CASE NOS. 11010 - 11012)

FACTS OF THE CASE

Jason Grant Garza ("Complainant") alleges that the Haight-Ashbury Free Clinic ("HAFC") has failed to adequately respond to his Immediate Disclosure Requests ("IDRs") made on December 22, 2010, January 12, 2011 and January 21, 2011.

COMPLAINT FILED

On March 2, 2011, the complaint forms were finalized and a hearing date set.

HEARING ON THE COMPLAINT

On April 21, 2011, Mr. Garza presented his case to the Task Force. HAFC was represented by its Chief Executive Officer, Dr. Vitka Eisen. As a procedural matter, cases 11010, 11011 and 11012 were combined without objection among Task Force members. Mr. Garza protested the Task Force hearing three complaints simultaneously. He said that although all the complaints involved IDRs, the occurrences happened over a period of time. He said he is entitled to everything he has asked for and has yet to receive anything from a City-funded organization.

Dr. Eisen said she has put together everything that she believes Mr. Garza has requested and the documents have been emailed to him. She said she was surprised that Mr. Garza had not received the documents. Dr. Eisen also told the Task Force that non-profits are told when they sign their contracts that the Sunshine Ordinance applies to them. She said it was in the master contract with the Department of Public Health. Dr. Eisen was asked why it had taken HAFC four months to respond to an IDR. Dr. Eisen said she was appointed CEO in January and had sent a representative with the documents to an earlier meeting but the matter was tabled and she did not know what to do next.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the evidence presented, including HAFC's acknowledgment that it took four months to respond to an IDR, which generally requires a response within 24 hours, the Task Force finds that the HAFC did not respond to an IDR properly.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Sunshine Ordinance Section 67.25 by not responding to the IDR before the end of the next business day. HAFC is to appear before the Education, Outreach and Training Committee on June 9, 2011.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 21, 2011, by the following vote: (Cauthen / Manneh)
Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, West, Knee
Excused: Washburn, Knoebber, Chan, Johnson



Richard A. Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

- c: Jason Grant Garza, Complainant
- Dr. Vitka Eisen, Respondent
- Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.