



ORDER OF DETERMINATION

June 12, 2013

DATE THE DECISION ISSUED

May 1, 2013

DOMINIC MAIONCHI V. RECREATION AND PARKS DEPARTMENT (CASE NO. 12058)

FACTS OF THE CASE

Complainant Dominic Maionchi ("Complainant") alleges that the Recreation and Parks Department ("the Department") failed to timely respond to his November 22, 2012 records request, and that they also failed to provide unredacted copies of the records requested.

COMPLAINT FILED

On December 12, 2012, Complainant filed this complaint against the Department, alleging violations of Sections 67.21 (b), 67.24(e)(1), and 67.24(i) of the Ordinance.

HEARING ON THE COMPLAINT

On May 1, 2013, Complainant, Dominic Maionchi appeared before the Task Force and presented his claim. Respondent, Olive Gong, Custodian of Records, Recreation and Park Department presented Recreation and Park Department's defense.

The issue in the case is whether Recreation and Park Department violated Sections 67.21 and 67.24 of the Ordinance and/or Sections 6253 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the testimony of Complainant, Dominic Maionchi to be persuasive and finds that Section 67.26 of the Sunshine Ordinance to be applicable in this case. The Task Force does not find the testimony provided by Respondent, Olive Gong persuasive with regard to alleged violation of Section 67.26.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that Recreation and Park Department violated Section 67.26 of the Sunshine Ordinance for illegal redaction of personal information contained in public records. The agency shall release the unredacted records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on July 16, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 1, 2013, by the following vote: (Knee / Hyland)

Ayes: Knee, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: David

Absent: Washburn



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Dominic Maionchi, Complaint
Olive Gong, Recreation and Park Department, Respondent