



ORDER OF DETERMINATION

June 24, 2013

DATE THE DECISION ISSUED

June 5, 2013

SUPREET PABLA VS. HUMAN SERVICES AGENCY (CASE NO. 12059)

FACTS OF THE CASE

Supreet Pabla ("Complainant") alleges that the Human Services Agency ("HSA") has violated public records laws by failing to fully respond to her public records request dated September 26, 2012.

COMPLAINT FILED

On November 27, 2012, Complainant filed this complaint against HSA, without specifying specific statutory provisions violated.

HEARING ON THE COMPLAINT

On June 5, 2013, Complainant Supreet Pabla appeared before the Task Force and presented her claim. A Respondent from HSA was absent, therefore unable to present HSA's defense.

The issue in the case is whether HSA violated Sections 67.21, 67.26, 67.27 of the Ordinance and/or Sections 6253 and 6254 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Supreet Pabla to be persuasive and finds Sections 67.21(b), 67.21(e), 67.26(c), 67.27 and 67.29-7 to be applicable in this case. Due to the absence of the Respondent the Task Force could not consider testimony of HSA in this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that HSA violated Sections 67.21(b) for failing to comply with a public records request within the required timeframe; 67.21(e) for failure to send a representative to the hearing and explain the basis for its decision to withhold the records requested; 67.26(c) for failing to keep withholding of public records to a minimum; 67.27 for failing to justify withholding of public records; 67.29-7 for failing to maintain its records in a professional and business-like manner. HSA shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 20, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 5, 2013, by the following vote: (Knee/David)

Ayes: Knee, Washburn, Pilpel, Sims, David, Hyland, Oka, Fischer

Absent: Grant



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Supreet Pabla, Complaint
Pamela Tebo, Human Services Agency, Respondent