



ORDER OF DETERMINATION

August 19, 2013

DATE THE DECISION ISSUED

July 9, 2013

RAY HARTZ VS. CITY LIBRARIAN LUIS HERRERA (13013)

FACTS OF THE CASE

Ray Hartz ("Complainant") alleges that the City Librarian, Luis Herrera (the "Librarian") violated the Ordinance by failing to provide equal access to members of the public to Library audiovisual equipment for use during public comment at Library Commission meetings, thereby abridging their speech.

COMPLAINT FILED

On March 4, 2013, Complainant filed a complaint with the Task Force alleging a violation of Section 67.15 of the Ordinance.

HEARING ON THE COMPLAINT

On July 9, 2013, Complainant, Mr. Hartz appeared before the Task Force and presented his claim. Respondents Sue Blackman, Library Commission Secretary and Roberto Lombardi, Library Logistics presented the Library's defense.

The issue in the case is whether the Agency violated Section 67.15 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Complainant Mr. Hartz to be persuasive and finds that Sections 67.15(a) and 67.15(d) to be applicable in this case. The Task Force does not find testimony provided by the Library persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Library Commission violated Section 67.15(a) and 67.15(b) of the Sunshine Ordinance for abridging public comment by not providing equal access to audio visual equipment by invited parties and the public. The Library Commission shall provide equal access to its audio visual equipment and appear before the Compliance and Amendments Committee on September 17, 2013 for a hearing on its compliance with this Order.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 9, 2013 by the following vote: (Sims/Oka)
Ayes: Knee, Washburn, Sims, David, Hyland, Oka, Fischer, Grant
Noes: Pilpel



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Ray Hartz, Jr., Complaint
Sue Blackman, Library Commission Secretary, Respondent
Roberto Lombardi, Library Logistics, Respondent