

**ORDER OF DETERMINATION**

August 9, 2013

DATE THE DECISION ISSUED

July 9, 2013

*RAY HARTZ VS. CONTROLLER BEN ROSENFELD (13014)***FACTS OF THE CASE**

Ray Hartz ("Complainant") alleges that the City Controller, Ben Rosenfeld (the "Controller") violated the Ordinance by failing to adequately respond to his February 8, 2013 Immediate Disclosure Request ("IDR") for all filings by the City Librarian reporting gifts received during 2008-2012, including from the Friends of the San Francisco Public Library.

COMPLAINT FILED

On March 4, 2013, Complainant filed a complaint with the Task Force alleging a violation of Section 67.21 of the Ordinance.

HEARING ON THE COMPLAINT

On July 9, 2013, Complainant Mr. Hartz appeared before the Task Force and presented his claim. Respondent Monique Zmuda, Deputy Controller presented the City Controller's defense.

The issue in the case is whether Ben Rosenfield, the Controller, violated Sections 67.21 and 67.25 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 67.21 (b) and 67.25(a) to be applicable in this case. The Task Force does not find testimony provided by Ms. Zmuda persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds Ben Rosenfield, Controller violated Section 67.21 (b) of the Sunshine Ordinance for failure to comply with Mr. Hartz's request within 10-days following receipt of the request and 67.25(a) for failure to respond in a timely matter. The Controller's Office shall appear before the Education, Outreach and Training Committee on September 9, 2013, for a hearing on the adequacy of the Controller's policies and processes for responding to public records requests.



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

A handwritten signature in cursive script that reads "Kitt Grant".

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Ray Hartz, Jr., Complaint
Ben Rosenfield, Controller, Respondent
Monique Zmuda, Deputy City Controller, Respondent