



ORDER OF DETERMINATION

March 12, 2013

DATE THE DECISION ISSUED

May 2, 2012

LARS NYMAN v. DEPARTMENT OF PUBLIC WORKS (12012)

FACTS OF THE CASE

Complainant Lars Nyman ("Complainant") alleges that the Department of Public Works ("DPW") has not adequately responded to his January 4, 2012 Immediate Disclosure Request ("IDR") for "any and all public records... with respect to... any mentioning of [his] 4/12/2011 request for answers."

COMPLAINT FILED

On February 16, 2012, Complainant filed this complaint against Frank Lee and DPW.

HEARING ON THE COMPLAINT

On May 2, 2012 Complainant Mr. Nyman appeared before the Task Force and presented his claim. Respondent, Frank Lee, Department of Public Works presented the Department Public Works' defense.

The issue in the case is whether the Agency violated Sections 67.21, 67.25, 67.26, and 67.27 of the Ordinance and/or Section 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 Mr. Nyman to be persuasive and finds that Sections 67.21 (e), 67.25(b), 67.25(d) of the Sunshine Ordinance, and 6253(c) of the California Public Records Act to be applicable in this case. The Task Force does not find that testimony provided by Frank Lee, Department of Public Works persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department of Public Works violated Sections 67.21 (e) for failure to comply with public records request, and 67.25(b) for failure to provide record, 67.25(d) for failure to provide record on rolling basis, and 6253(c) of the California Public Records Act for failure to respond within 14-day extension. The Department of Public Works shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on March 19, 2013.

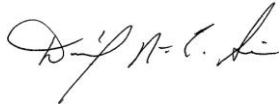
This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 2, 2012 by the following vote: (Johnson/Manneh)

Ayes: Costa, Knee, Manneh, Washburn, Wolfe, Johnson

Absent: Chan, West



Kitt Grant, Chair
Sunshine Ordinance Task Force



David Sims, Member Attorney
Sunshine Ordinance Task Force

c: Lars Nyman, Complainant
Frank Lee, Department of Public Works, Respondent
Jerry Threet, Deputy City Attorney