

**ORDER OF DETERMINATION**

October 23, 2013

DATE THE DECISION ISSUED

October 2, 2013

CASE TITLE – MICA RINGEL V. PLANNING DEPARTMENT (13024)

FACTS OF THE CASE

Mica Ringel ("Complainant") complains that the Planning Department via individuals Ben Fu, Don Lewis, and Lulu Hwang ("Respondents") violated the Sunshine Ordinance by failing to provide the appropriate access to various public records.

COMPLAINT FILED

On April 26, 2013, "Complainant" filed a Complaint against "Respondents", seeking assistance from the Task Force regarding his public records request to the Planning Department on March 31, 2013. "Respondents" had provided some records to "Complainant", but "Complainant" noted the lack of certain correspondence or electronic data. The Planning Department, upon notification of the Complaint, engaged in further email correspondence with "Complainant". This correspondence culminated in a notification to the Task Force from "Complainant" on May 14, 2013, that the matter was not resolved, and included a summary of records "Complainant" continues to seek from Respondent.

HEARING ON THE COMPLAINT

On October 2, 2013, "Complainant", appeared before the Task Force claiming the Planning Department did not release the complete case file of a proposed development at 480 Potrero Avenue. Lulu Hwang, Operations and IS Administrator, Planning Department ("Respondent") presented the Planning Department's defense presenting the complete case file to the Task Force for the "Complainant" on a compact disk.

The issue in the case is whether the Planning Department violated Sections, 67.21, 67.24, 67.25, 67.26, and 67.27 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" to be persuasive and finds Sections 67.21(a) and 67.29-7 to be applicable in this case. The Task Force does not find the testimony provided by the Planning Department persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Planning Department violated Sections 67.21(a) and 67.29-7 of the Sunshine Ordinance for failing to make the case file accessible and not maintaining its records associated with the case file. The Planning Department shall release the records requested, if not provided on the compact disk released to "Complainant" the day of October 2, 2013, within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on November 19, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 2, 2013 by the following vote: (Knee/Washburn)

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

Absent: Pilpel, Sims, Grant



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Mica Ringel, Complainant
Lulu Hwang, Operations and IS Administrator, Planning Department, Respondent
Fu, Don Lewis, City Planner, Planning Department
John Rahaim, Planning Director, Planning Department
AnMarie Rodgers, Manager Legislative Affairs, Planning Department