



ORDER OF DETERMINATION  
March 14, 2014

DATE THE DECISION ISSUED  
March 5, 2014

CASE TITLE – GONZALO JAVIER FERRER V. SUPERVISOR OF RECORDS (13082)

*FACTS OF THE CASE*

Gonzalo Javier Ferrer (Complainant) made a complaint alleging that the Supervisor of Records, City Attorney's Office (Respondent) violated provision of the Sunshine Ordinance related by failing to timely respond to the Complainant's petition to Respondent to determine whether records he had requested from the General Services Agency (GSA) were public records.

*COMPLAINT FILED*

On November 1, 2013, Mr. Ferrer filed a complaint against the Supervisor of Records alleging violations of Sunshine Ordinance Sections 67.21(d) and 67.34.

*HEARING ON THE COMPLAINT*

On March 5, 2014, Mr. Ferrer appeared before the Task Force and presented his claim. Gabriel Zitrin, City Attorney's Office (Respondent), presented the department's defense.

The issue in the case was whether the Supervisor of Records violated Section 67.21(d) of the Sunshine Ordinance

*FINDINGS OF FACT AND CONCLUSIONS OF LAW*

Based on the testimony and evidence presented the Task Force finds the testimony of Mr. Ferrer to be persuasive and finds Sunshine Ordinance Section 67.21(d) to be applicable in this case. The Task Forces does not find the testimony provided by Mr. Zitrin, City Attorney's Office, persuasive to this case.

*DECISION AND ORDER OF DETERMINATION*

The Task Force finds that the Supervisor of Records violated Sections 67.21(d) of the Sunshine Ordinance by failing to respond in a timely manner to a request for determination of the status of certain records being public or not. The Supervisor of Records shall appear before the Education, Outreach and Training Committee at a meeting to be determined for additional training on this matter.

This Determination was adopted by the Sunshine Ordinance Task Force on March 5, 2014,  
by the following vote: (Knee/Hyland)

Ayes: Knee, Washburn, Sims, David, Hyland, Fischer, Grant

Absent: Pilpel, Oka



Kitt Grant, Chair  
Sunshine Ordinance Task Force

c: Nicolas Colla, Deputy City Attorney  
Jerry Threet, Deputy City Attorney  
Gonzalo Javier Ferrer, Complainant  
Gabriel Zintrin, City Attorney's Office, Respondent  
Paula Jesson, City Attorney's Office, Respondent