



ORDER OF DETERMINATION
May 8, 2014

DATE THE DECISION ISSUED
April 30, 2014

CASE TITLE – ANONYMOUS V. SHERYL COWAN, THERESA SPARTS, LUPE ARREOLA AND MULLANE AHERN, HUMAN RIGHTS COMMISSION (13002)

FACTS OF THE CASE

Anonymous (Complainant) made a complaint alleging that the Sheryl Cowan, Theresa Sparks, Lupe Arreola and Mullane Ahern of the Human Rights Commission (Respondent) violated provisions of the Sunshine Ordinance by failing to respond to an immediate disclosure request in a timely manner.

COMPLAINT FILED

On January 16, 2013, and January 24, 2013, Anonymous filed a complaint against various members of the staff of the Human Rights Commission alleging violations of Sunshine Ordinance Sections 67.25 and 67.29.

HEARING ON THE COMPLAINT

On April 30, 2014, Anonymous appeared before the Task Force via teleconference and presented his/her claim. Mullane Ahern, Human Rights Commission (Respondent), presented the department's defense.

The issue in the case was whether the Human Rights Commission violated Sunshine Ordinance Section 67.25 and 67.29, by failing to provide public records in a timely manner and failing to maintain an index of records.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Anonymous to be persuasive and finds Sunshine Ordinance Section 67.25(a) regarding the immediacy of the response to be applicable in this case. The Task Forces does not find the testimony provided by Ms. Ahern, Human Rights Commission, persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that Sheryl Cowan, Theresa Sparks, Lupe Arreola and Mullane Ahern, Human Rights Commission, violated Sections 67.25(a) of the Sunshine Ordinance by failing to respond in an immediate disclosure request in a timely manner. The Human Rights Commission shall provide all information including investigatory information which would

include all information from the City Attorney's Office, the name of the City Attorney who provided input on the case and appear before the Compliance and Amendments Committee at a meeting to be determined.

This Determination was adopted by the Sunshine Ordinance Task Force on April 30, 2014, 2014, by the following vote: (Hyland/Knee)

Ayes: Knee, Sims, Hyland, Oka, Fischer, Grant

Noes: None

Absent: Washburn

Recused: Pilpel

On May 1, 2014, the Human Rights Commission transmitted the entirety of the case file in question to the SOTF and Anonymous and stated that they do not have any documents from the Office of the City Attorney.

On May 2, 2014, Anonymous expressed disagreement that the file transmitted was complete and further request the name of the City Attorney that the Human Rights Commission spoke with, names of Human Rights Commissions employees with access to the case file and hard copies of the documents with a chronology to the case file. A variety of other questions regarding the matter were also provided.



Louise Fischer, Vice-Chair
Sunshine Ordinance Task Force

c: Nicolas Colla, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Anonymous, Complainant
Mullane Ahern, Human Rights Commission