



ORDER OF DETERMINATION
July 22, 2014

DATE THE DECISION ISSUED
July 2, 2014

CASE TITLE – CARLOS GRACIAS V. SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
(File No. 14015)

FACTS OF THE CASE

Carlos Gracias (Complainant) made a complaint alleging that the San Francisco Municipal Transportation Agency (Respondent), violated provisions of the Sunshine Ordinance by failing to adequately respond to a request for public records dated September 10, 2012.

COMPLAINT FILED

On February 10, 2014, Mr. Gracias filed a complaint against the San Francisco Municipal Transportation Agency (SFMTA), alleging that the SFMTA failed to adequately respond to his request for public records.

HEARING ON THE COMPLAINT

On July 2, 2014, Mr. Gracias appeared before the Task Force and presented his claim. Donald Ellison, SFMTA (Respondent) presented the department's defense.

The issue in the case was whether the SFMTA violated unspecified public records laws.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Gracias to be persuasive and finds Sunshine Ordinance Section 67.21(a) to be applicable to this case. The Task Forces does not find the testimony provided by Mr. Ellison persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds the San Francisco Municipal Transportation Agency, in violation of Sunshine Ordinance Section 67.21(a) for failing to provide procedures regarding the release of probationary employees in a timely manner.


The San Francisco Municipal Transportation Agency is ordered to provide the Standard Operation Procedures and/or other documents regarding the release of probationary employees within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on a date to be determined.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 2, 2014, by the following vote: (Pipel/Hyland)

Ayes: 8 – Rumold, Wolf, Washburn, Pipel, Hepner, Hyland, Oka, Fischer

Noes: 1 – David

Absent: 1 - Winston

A handwritten signature in blue ink that reads "Allyson M. Washburn".

Allyson Washburn, Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
Carlos Gracias, Complainant
Donald Ellison, SFMTA
Roberta Boomer, SFMTA
Caroline Celaya, SFMTA