



ORDER OF DETERMINATION
September 4, 2014

DATE THE DECISION ISSUED
August 6, 2014

CASE TITLE – CECILIA HAIRSTON-OMONDI V. DONALD ELLISON AND THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (File No. 14048)

FACTS OF THE CASE

Cecilia Hairston-Omondi (Complainant) made a complaint alleging that Donald Ellison and the San Francisco Municipal Transportation Agency (SFMTA) (Respondent), violated provisions of the Sunshine Ordinance by failing to respond to an Immediate Disclosure Request in a timely manner.

COMPLAINT FILED

On August 6, 2014, Ms. Hairston-Omodi filed a complaint against Donald Ellison and the San Francisco Municipal Transportation Agency, alleging that the department failed to respond to an Immediate Disclosure Request.

HEARING ON THE COMPLAINT

On August 6, 2014, Ms. Hairston-Omondi appeared before the Task Force and presented her claim. Kathy Fowlis, SFMTA, presented the department's defense.

The issue in the case was whether the SFMTA violated Sunshine Ordinance Sections 67.1, 67.21, 67.25, 67.26 and 67.27, California Government Code Section 6250 and California Labor Code Section 1198.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Ms. Hairston-Omondi to be persuasive and finds Sunshine Ordinance Sections 67.21(b) and 67.21(e) to be applicable to this case. The Task Forces does not find the testimony provided by Ms. Fowlis, SFMTA, persuasive to this case.

DECISION AND ORDER OF DETERMINATION


The Task Force finds Donald Ellison and the SFMTA in violation of Sunshine Ordinance Sections 67.21(b), 67.21(e) and 67.29-7 for failure to comply with a request for public records and failure to provide a knowledgeable representative to respond to questions. The Task Force requests that Donald Ellison, SFMTA, appear before the Compliance and Amendments Committee at a meeting date to be determined. In addition, it is requested that the Respondent review the request from the Complainant, provide any outstanding requested records and provide a summary of the response to each of the requests from the Complainant. At the minimum the summary shall include: 1) statement as to how each of the request or questions were addressed and what documents were provided; 2) statement as to why a document, if any, was withheld; and 3) statement as to what documents do not exist.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 6, 2014, by the following vote: (David/Fischer)

Ayes: Winston, Wolf, Hepner, David, Fischer, Oka, Hyland, Washburn

Noes: Rumold

Absent: Pilpel



Allyson Washburn, Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
Cecilia Hairston-Omondi, Complainant
Donald Ellison, SFMTA
Kathy Fowles, SFMTA
Roberta Boomer, SFMTA