

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

September 26, 2014

DATE DECISION ISSUED

August 26, 2014

CASE TITLE – Jonathan Germain v. Edgar Lopez, Paul Travis, and Frank Lee,
Department of Public Works (File No. 14062)

FACTS OF THE CASE

Jonathan Germain (Complainant) made a complaint alleging that Edgar Lopez, Paul Travis, and Frank Lee, Department of Public Works (Respondent), violated provisions of the Sunshine Ordinance by failing to respond to a request for public records in a timely and complete manner.

COMPLAINT FILED

On June 13, 2014, Mr. Germain filed a complaint with the Sunshine Ordinance Task Force regarding the Respondent's alleged willful failure to respond to records requests in an accurate and timely manner.

HEARING ON THE COMPLAINT

On August 26, 2014, Mr. Germain appeared before the Task Force and presented his claim. Frank Lee, Department of Public Works, appeared before the Task Force and presented the department's defense.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.24, 67.25(a), and 67.34 were violated.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Germain to be persuasive and finds Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.24(a)(e), 67.25(a), 67.26, and 67.27 to be applicable to this case. The Task Force does not find the testimony provided by Frank Lee, Department of Public Works, persuasive to this case.

DECISION AND ORDER OF DETERMINATIONS


The Task Force finds Edgar Lopez, Paul Travis, and Frank Lee, Department of Public Works, in violation of Sunshine Ordinance, Sections 67.21(b), 67.24(a)(e), 67.25(a), 67.26, and 67.27. The Department of Public Works is ordered to provide all documents that have been withheld, including but not limited to documents originally requested by Mr. Germain, communications among city employees and third parties, written notes and other records regarding the project at 2111-2115 Jennings Street within 5 business days. The Department of Public Works is further ordered to appear at the Compliance and Amendments Committee to report on the status of compliance with this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 26, 2014, by the following vote:

Ayes: 6 - Rumold, Winston, Wolf, Oka, Hyland, Washburn

Noes: 0 - None

Absent: 4 - Pilpel, Hepner, David, Fischer

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style with a large initial 'A'.

Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Jonathan Germain, Complainant
- Frank Lee, Department of Public Works
- Edgar Lopez, Department of Public Works
- Paul Travis, Department of Public Works