

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

September 26, 2014

DATE DECISION ISSUED

August 26, 2014

CASE TITLE – Charles Grisham v. Frank Lee, Department of Public Works (File No. 14067)

FACTS OF THE CASE

Charles Grisham (Complainant) made a complaint alleging that Frank Lee, Department of Public Works (Respondent), violated provisions of the Sunshine Ordinance by willfully failing to adequately respond to Complainant's request for public records.

COMPLAINT FILED

On June 30, 2014, Mr. Grisham filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the Respondent's alleged willful failure to respond to Complainant's public records request in an adequate manner.

HEARING ON THE COMPLAINT

On August 26, 2014, Mr. Grisham 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 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. Grisham to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.21(c) 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 Frank Lee, Department of Public Works, in violation of Administrative Code (Sunshine Ordinance), Section 67.21(c) for failure to assist the requester in identifying the existence, form and nature of a requested record. A knowledgeable representative from the Department of Public Works is ordered to appear before the Education, Outreach and Training Committee, on a date to be determined, and provide written procedures regarding how the Department of Public Works processes public records requests. In addition the Task Force requests any additional information regarding training provided to staff regarding assisting the public in finding requested records.

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. Nick Colla, Deputy City Attorney
- Charles Grisham, Complainant
- Frank Lee, Department of Public Works