

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

September 26, 2014

**DATE DECISION ISSUED**

September 3, 2014

**CASE TITLE – Philip Carleton v. Richard Lee and the Department of Public Health (DPH) (File No. 14054)**

**FACTS OF THE CASE**

Philip Carleton (Complainant) made a complaint alleging that Richard Lee (DPH) and the Department of Public Health (Respondent), violated provisions of the Sunshine Ordinance by failing to respond to a request for public records in a timely and complete manner and failing to properly post public meeting agendas and minutes.

**COMPLAINT FILED**

On May 27, 2014, Mr. Carleton filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the Respondent's alleged failure to adequately respond to a request for public records and failure to properly post meeting agendas and minutes.

**HEARING ON THE COMPLAINT**

On September 3, 2014, Mr. Carleton appeared before the Task Force and presented his claim. Richard Lee (DPH) appeared before the Task Force and presented the department's defense.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.4, 67.7, 67.16, 67.21, and 67.25 were violated.

**FINDINGS OF FACT AND CONCLUSION OF LAW**

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Carleton to be persuasive and finds Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a) to be applicable to this case. The Task Force does not find the testimony provided by the Respondent to be persuasive to this case.

## DECISION AND ORDER OF DETERMINATIONS

The Task Force finds Richard Lee (DPH) and the Department of Public Health in violation of Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(a) for failure to respond to a request for public records in a timely manner.

The Department of Public Health is ordered to appear before the Education, Outreach and Training Committee to review the department's procedure for processing public records requests.

This Order of Determination was adopted by the Task Force on September 3, 2014, by the following vote:

Ayes: 9 - Rumold, Wolf, Pilpel, Hepner, David, Fischer, Oka, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Winston

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

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Philip Carleton, Complainant
- Richard Lee, Department of Public Health
- Barbara Garcia, Department of Public Health
- Nancy Sarieh, Department of Public Health