

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

September 26, 2014

DATE DECISION ISSUED

September 3, 2014

CASE TITLE – Jason Grant Garza v. Ross Mirkarimi, Paul Miyamoto, Kathy Gorwood, and Raymond Winters, Office of the Sheriff (File No. 14056)

FACTS OF THE CASE

Jason Grant Garza (Complainant) made a complaint alleging that Ross Mirkarimi, Paul Miyamoto, Kathy Gorwood, and Raymond Winters, Office of the Sheriff (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 May 31, 2014, Mr. Garza filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the Respondent's alleged failure to timely and adequately respond to a request for public records.

HEARING ON THE COMPLAINT

On September 3, 2014, Mr. Garza appeared before the Task Force and presented his claim. Mark Nikko, Office of the Sheriff, 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, 67.25, 67.26, and 67.27 were violated.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Garza to be persuasive and finds Administrative Code (Sunshine Ordinance), Sections 67.21(a) and 67.29 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 Ross Mirkarimi, Paul Miyamoto, Kathy Gorwood, and Raymond Winters, Office of the Sheriff (Respondent), in violation of Administrative Code (Sunshine Ordinance), Sections 67.21(a) and 67.29 for failure to provide the video retention policy to the Complainant and failure to maintain the index of records. A knowledgeable representative from the Office of the Sheriff is ordered to appear before the Education, Outreach and Training Committee to provide information regarding departmental procedures for maintaining the index of records.

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

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

Noes: 1 – Pilpel

Absent: 1 – Winston

A handwritten signature in blue ink that reads "Allyson Washburn". The signature is written in a cursive style and is positioned above the printed name of the signatory.

Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Jason Grant Garza, Complainant
- Mark Nicco, Office of the Sheriff
- Sheriff Ross Mirkarimi, Office of the Sheriff
- Paul Miyamoto, Office of the Sheriff
- Kathy Gorwood, Office of the Sheriff
- Raymond Winters, Office of the Sheriff