

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**

September 26, 2014

**DATE DECISION ISSUED**

September 3, 2014

**CASE TITLE** – Jason Grant Garza v. Barbara Garcia and Faye DeGuzman, Department of Public Health (DPH) (File No. 14084 (Divided from File No. 14056))

**FACTS OF THE CASE**

Jason Grant Garza (Complainant) made a complaint alleging that Barbara Garcia and Fay DeGuzman, 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.

**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. Nancy Sariah, Department of Public Health, 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)(e), 67.29, and 67.29-7 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 Barbara Garcia and Faye DeGuzman, Department of Public Health (Respondent), in violation of Administrative Code (Sunshine Ordinance), Sections 67.21(a)(e), 67.29, and 67.29-7 for failure to provide the requested San Francisco General Hospital video recording, failure to maintain the index of records, and failure to send a knowledgeable representative to the Task Force meeting. The Department of Public Health is ordered to appear before the Education, Outreach and Training Committee to present the department's policy regarding the maintenance of video records at San Francisco General Hospital and provide information regarding departmental procedures for maintaining the index of records. It is further requested that that a person knowledgeable of the video retention policy and the reason why the requested video at San Francisco General Hospital is missing attend the meeting.

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

**The motion passed to find the Department of Public Health in violation of Sunshine Ordinance, Sections 67.21(a), 67.29, and 67.29-7:**

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

Noes: 1 – Pilpel

Absent: 1 – Winston

**The motion passed to find the Department of Public Health in violation of Sunshine Ordinance, Section 67.21(e):**

Ayes: 7 – Rumold, Wolf, Pilpel, Hepner, Oka, Hyland, Washburn

Noes: 2 – David, Fischer

Absent: 1 – Winston



Allyson Washburn, Chair  
Sunshine Ordinance Task Force

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