

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
October 24, 2014**

DATE DECISION ISSUED
October 1, 2014

CASE TITLE- Thomas Picarello v. Mayor Edwin Lee and the Office of the Mayor (File No. 14064)

FACTS OF THE CASE

Thomas Picarello (Complainant) made a complaint alleging that Mayor Edwin Lee and the Office of the Mayor (Respondent), violated provisions of the Sunshine Ordinance by failing to timely respond to an Immediate Disclosure Request.

COMPLAINT FILED

On June 13, 2014, Mr. Picarello filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the Mayor's Office alleged failure to respond to the Complainant's June 10, 2014, Immediate Disclosure Request.

HEARING ON THE COMPLAINT

On October 1, 2014, Mr. Picarello appeared before the Task Force and presented his claim. Kristen Macaulay, Deputy Communications Director, Mayor's Office (Respondent), appeared before the Task Force and presented the department's defense.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Section 67.25(a) was violated.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Picarello to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.21(a) to be applicable to this case.

Ms. Macaulay acknowledged that an error did occur resulting in the forwarding of the emailed request from the Complaint to be delayed. Ms. Macaulay stated that updates to their procedure and website have been implemented that will prevent similar errors from occurring. The Mayor's Office has added additional information to the Mayor's website so that the instruction on where to send public records request now appears on

two different web-pages within the site - the "Contract the Mayor" page and the Press Office page.

DECISION AND ORDER OF DETERMINATIONS

The Task Force finds Mayor Edwin Lee and the Office of the Mayor in violation Administrative Code (Sunshine Ordinance), Section 67.21(a) for failure to respond to an Immediate Disclosure Request in a timely manner.

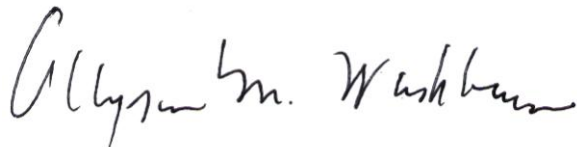
The Task Force is satisfied that the Office of the Mayor has improved their process for responding to public records request and concluded the matter.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 1, 2014, by the following vote:

Ayes: 7 - Wolf, Pilpel, Hepner, Fischer, Oka, Hyland, Washburn

Noes: 0 - None

Absent: 3 - David, Rumold, Winston

A handwritten signature in cursive script that reads "Allyson M. Washburn".

Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nick Colla, Deputy City Attorney
Thomas Picarello, Complainant
Kirsten Macaulay, Mayor's Office
Mayor Edwin Lee, Mayor's Office