

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
March 31, 2015**

DATE DECISION ISSUED
February 4, 2015

CASE TITLE - Ray Hartz v. Ben Rosenfield and the Office of the Controller (File No. 14096)

FACTS OF THE CASE

Ray Hartz (Complainant) made a complaint alleging that Ben Rosenfield and the Office of the Controller (Respondent) violated provisions of the Sunshine Ordinance by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

COMPLAINT FILED

On October 7, 2014, Mr. Hartz filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the alleged failure to adequately respond to an Immediate Disclosure Request.

HEARING ON THE COMPLAINT

On February 4, 2015, Mr. Hartz appeared before the Task Force and presented his complaint. Todd Rydstrom, Controller's Office (Respondent), presented the department's position and stated that all available requested documents have been provided to the Complainant.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, and California Government Code, Section 6253, were violated.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

DECISION AND ORDER OF DETERMINATION

On February 4, 2015, the Task Force found Ben Rosenfield and the Office of the Controller, in violation of Administrative Code (Sunshine Ordinance) Sections 67.21(c), failure to assist the Complainant in identifying the existence, form, and nature of any record requested and 67.25(a)

failure to respond to an Immediate Disclosure Request in a timely and complete manner. The motions PASSED by the following votes:

Violation of Administrative Code (Sunshine Ordinance), Section 67.21(c), for failure to assist the requester in identifying the existence, form, and nature of any records requested.

The motion PASSED by the following vote:

Ayes: 6 - Rumold, Winston, Wolf, Chopra, Hyland, Washburn

Noes: 4 - Pilpel, David, Fischer, Hinze

Absent: 1 - Hepner

Violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), for failure responded to an Immediate Disclosure Request in a timely and complete manner.

The motion PASSED by the following vote:

Ayes: 9 - Rumold, Winston, Wolf, Chopra, David, Fischer, Hinze, Hyland, Washburn

Noes: 1 - Pilpel

Absent: 1 - Hepner

Chair Washburn referred the matter to the Education, Outreach, and Training Committee and requested that the Controller's Office attend to discuss their policies and procedures regarding the processing of public records request and methods of logging/tracking public records request. It is further requested that the Controller's Office provide a copy of the referenced policy.



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c: Members, Sunshine Ordinance Task Force
- Nicholas Colla, Deputy City Attorney
- Ray Hartz, Complainant
- Ben Rosenfield, Controller, Respondent
- Todd Rydstom, Controller's Office, Respondent
- Maura Lane, Controller's Office, Respondent