

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
March 30, 2015**

DATE DECISION ISSUED

March 4, 2015

**CASE TITLE - Michael Petrelis v. George Gascon and the Office of the District Attorney
(File No. 14117)**

FACTS OF THE CASE

Michael Petrelis (Complainant) made a complaint alleging that District Attorney George Gascon and the Office of the District Attorney (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 December 11, 2014, Mr. Petrelis filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding the alleged violation.

HEARING ON THE COMPLAINT

On February 17, 2015, the Complaint Committee heard the matter.

Mr. Petrelis appeared before the Task Force and presented his claim. Mr. Petrelis does not believe that the Office of the District Attorney has provided all requested documents. Alex Bastian, District Attorney's Office (Respondent), provided a summary of the department's position. Mr. Bastian surveyed the members of the District Attorney's Office in question as to whether or not they had any documents responsive to the request for public records and provided the results to the Complainant.

However, the Committee believes that the Respondent failed to justify the reason for withholding certain records as required by the Sunshine Ordinance.

On March 4, 2015, the Sunshine Ordinance Task Force reviewed the recommendation of the Complaint Committee.

Mr. Bastian appeared and objected to the Complaint Committee's recommendation and answered questions from the Task Force.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the Complaint Committee found the testimony of the Complainant to be persuasive and found that a violation of Administrative Code (Sunshine Ordinance), Section 67.27, occurred for failing to justify the reason for withholding specific records.

RECOMMENDATION

The Complaint Committee recommends that the Task Force accept the determination that the Task Force has jurisdiction and find that a violation of Administrative Code (Sunshine Ordinance), Section 67.27, occurred for failing to justify the reason for withholding specific records.

The Committee suggested that research be performed in the future to determine if the City Attorney's privilege log is available for public disclosure.

DECISION AND ORDER OF DETERMINATIONS

On March 4, 2015, the Task Force reviewed and accepted the Complaint Committee's recommendation to find George Gascon and the Office of the District Attorney in violation of Administrative Code (Sunshine Ordinance), Section 67.27, for failing to justify the reason for withholding specific records.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on March 4, 2015, by the following vote:

Ayes: 7- Rumold, Wolf, Pilpel, Hepner, Hinze, Hyland, Washburn

Noes: 2 - David, Fischer

Absent: 2 - Winston, Chopra



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Members, Sunshine Ordinance Task Force
 - Nicholas Colla, Deputy City Attorney
 - Michael Petrelis, Complainant
 - George Gascon, District Attorney, District Attorney's Office
 - Alex Bastian, District Attorney's Office