

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 15, 2015**

DATE DECISION ISSUED:
July 1, 2015

CASE TITLES - Patrick Monette-Shaw v. Olson Lee, Maria Benjamin, and Eugene Flannery, Mayor's Office of Housing and Community Development (MOHCD) (File No. 15053)

FACTS OF THE CASE

On April 20, 2015, Patrick Monette-Shaw (Complainant) filed a complaint alleging that Olson Lee, Maria Benjamin, Eugene Flannery (MOHCD), had violated Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24(a)(1), 67.25(a), 67.26, 67.27(a) and 67.29-7(a), for failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On June 16, 2015, the Complaint Committee (Committee) heard the matter.

Mr. Monette-Shaw provided a summary of the complaint and requested the Sunshine Ordinance Task Force (SOTF) to find violations. Sophie Hayward and Eugene Flannery (MOHCD) (Respondent), provided a summary of the department's positions and acknowledged that the department's response to the request was not timely.

Upon review of testimony and documentation, the Committee determined that MOHCD did respond to the public records request and provided responsive documents that were available. However, the large volume of information provided made it difficult for the Complainant to find specific information in the documentation. It was determined that the information requested either does not exist or is in a format that makes it difficult to find. The Committee suggests that the parties work together in the future to determine the exact nature of the information desired in order to assist MOHCD to produce a user-friendly response/document.

The Committee recommended that the SOTF accept the determination that the SOTF has jurisdiction and find a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a), for failing to respond to an Immediate Disclosure Request in a timely manner.

On July 1, 2015, the SOTF, reviewed the recommendations of the Committee.

Mr. Monette-Shaw provided a summary of his complaint and requested the SOTF to find violations.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF finds the testimony of both the Complainant and the Respondent to be persuasive and finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a) occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force accepts the recommendation of the Complaint Committee and finds that Olson Lee, Maria Benjamin, and Eugene Flannery, Mayor's Office of Housing and Community Development (MOHCD), violated Administrative Code (Sunshine Ordinance), Sections 67.25(a), for failing to respond to an Immediate Disclosure Request in a timely manner.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 1, 2015, by the following vote:

Ayes: 6 - Wolf, Pilpel, Hepner, Haines, Fischer, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Hinze, Hyland



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
Patrick Monette-Shaw, Complainant
Sophie Hayward, Mayor's Office of Housing and Community Development
Eugene Flannery, Mayor's Office of Housing and Community Development
Maria Benjamin, Mayor's Office of Housing and Community Development
Olson Lee, Mayor's Office of Housing and Community Development