

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
July 15, 2015**

**DATE DECISION ISSUED:**  
July 1, 2015

**CASE TITLE - Alex Aldrich v. Phil Ginsburg and the Recreation and Park Department  
(File No. 15087)**

**COMPLAINT FILED**

On May 21, 2015, Alex Aldrich (Complainant) filed a complaint with the Sunshine Ordinance Task Force (SOTF) alleging that General Manager Phil Ginsburg and the Recreation and Park Department violated Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to a request for public records in a complete manner.

**HEARING ON THE COMPLAINT**

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

Mr. Aldrich provided a summary of the complaint and requested the SOTF to find violations. Eric Pawlowsky, Recreation and Park Department (Respondent), provided a summary of the department's position and stated that there were no records responsive to the request for the policy related to park restriction of bicycles in certain area. Mr. Pawlowsky further stated that the Recreation and Park Department has a long standing policy/regulation that bicycling is not allowed on earthen trails except for the interior greenbelt and a certain section of the Oak Woodland in Golden Gate Park, but the regulation is not codified or written. The Committee was informed by both parties that the Complainant was not previously informed that there are no written regulations regarding bicycling in the parks.

The Committee expressed concern that the Recreation and Park Department is enforcing a policy that cannot be provided in a written form and that the policy has never been formally approved/adopted. The question as to how the policy was developed and the authority to implement the policy has not been addressed.

The Committee recommended that the SOTF accept the determination that the SOTF has jurisdiction and find a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b), for failing to provide a public record or justify the withholding of the record within 10 days.

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

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF finds the testimony of the Complainant be persuasive and finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b), occurred.

#### DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force accepts the recommendation of the Complaint Committee and finds that General Manager Phil Ginsburg and the Recreation and Park Department violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely and/or complete manner.

Member Pilpel shall draft a memo to the Recreation and Park Department, to be approved by the SOTF, expressing the concerns of the SOTF in regards to the lack documentation and approval of the policies of the Recreation and Park Department.

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
- Alex Aldrich, Complainant
- Eric Pawlowsky, Recreation and Park Department
- Phil Ginsburg, General Manager, Recreation and Park Department