

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER of DETERMINATION  
September 18, 2015**

**DATE RECOMMENDATION ISSUED**  
August 5, 2015

**CASE TITLE – Richard Denton v. Office of the City of the City Attorney (File No. 15077)**

**FACTS OF THE CASE**

On May 15, 2015, Richard Denton (Complainant) filed a complaint with the Sunshine Ordinance Task Force (SOTF) alleging that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21(d), by failing to provide a determination as to whether a record is public in a timely manner.

**HEARING ON THE COMPLAINT**

On July 21, 2015, the Complaint Committee heard the matter.

Richard Denton (Complainant) provided a summary of the complaint and requested the Sunshine Ordinance Task Force (SOTF) find violations. There were no speakers in support of the Complainant. Matt Dorsey, Office of the City Attorney (Respondent), provided a summary of the department's position that the SOTF does not have jurisdiction to review or rule on determinations made by the Office of the City Attorney in the performance of their duties as Supervisor of Records. Mr. Dorsey further stated that the SOTF does not have the authority to compel the attendance of an authorized representative in the matter as the City Attorney is not the custodian of records and refused to respond to questions related to the complaint. Mr. Denton departed from the meeting and was not available to answer questions.

Member Pilpel expressed concern that the question as to whether or not the City Attorney responded to the request to provide a determination as to whether a record is public or not in a timely manner was not answered.

The Complaint 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(d), for failing to provide a determination as to whether a record is public in a timely manner.

On August 5, 2015, the SOTF reviewed the recommendation of the Complaint Committee. Mr. Denton provided a summary of his complaint and requested the SOTF to find violations. The Office of the City Attorney did not attend the meeting.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

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

#### DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force accepts the recommendation of the Complaint Committee and finds that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21(d), by failing to provide a determination as to whether a record is public in a timely manner.

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that the Office of the City Attorney send a representative to discuss the role of the Supervisor of Record, the timeliness of the response provided in regards to File No. 15077, and provide a copy of any written procedures for the Supervisor of Records.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on August 5, 2015, by the following vote:

Ayes: 6 - Pilpel, Hepner, Haines, Fischer, Hinze, Washburn  
Noes: 2 - Wolf, Hyland  
Absent: 1 - Chopra

A handwritten signature in blue ink that reads "Allyson Washburn". The signature is written in a cursive, flowing style.

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney  
Richard Denton, Complainant  
Matt Dorsey, Office of the City Attorney