

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER of DETERMINATION  
September 18, 2015**

**DATE RECOMMENDATION ISSUED**  
September 2, 2015

**CASE TITLE – Anonymous v. Karen Strauss and the Public Library (File No. 15098)**

**FACTS OF THE CASE**

On June 16, 2015, Anonymous (Complainant) filed a complaint with the Sunshine Ordinance Task Force (SOTF) alleging that the Public Library violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On September 2, 2015, the SOTF heard the matter.

Anonymous (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. Sue Blackman, Commission Secretary, and Michael Lambert, Deputy City Librarian, Public Library (Respondent), provided a summary of the department's position that they did not have any responsive records. Ms. Blackman acknowledged that the Library's response was late due to a miscommunication and the lack of the Complainant's contact information (phone or email). The Complainant is only available via U.S. mail. In addition, the Library stated that they did not search the Library's borrowing records in conducting the search for records due to their privacy policy.

The SOTF stated that borrowing information is considered a record. However, it may be considered confidential or private and the Complainant should have been informed that the records exist, stated why the records was not provided, and offered an alternative means to obtain the records.

Member Pilpel expressed interest in a future discussion regarding the Public Library's Privacy Policy.

## 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), Sections 67.21(c) and 67.25(a) occurred.

## DECISION AND ORDER OF DETERMINATION

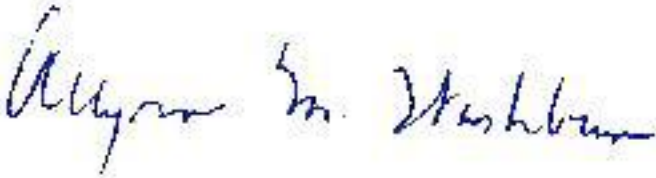
The Sunshine Ordinance Task Force finds that Karen Strauss and the Public Library violated Administrative Code (Sunshine Ordinance), Section 67.21(a), for failure to assist a requester in identifying the existence, form and nature of any records maintained by, available to, or in the custody of the department and whether or not the content of those records are exempt from disclosure and 67.25(a) for failure to respond to an Immediate Disclosure Request in a timely manner and complete manner.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 2, 2015, by the following vote:

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

Noes: 0 - None

Absent: 3 – Chopra, Hyland, Haines

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

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Anonymous, Complainant
- Sue Blackman, Public Library
- Michael Lambert, Public Library
- Luis Herrera, Public Library
- Karen Strauss, Public Library