

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
RECOMMENDATION
March 22, 2016**

DATE ISSUED
March 2, 2016

CASE TITLE – Daniel Tomasevich v. Public Works (File No. 15095)

FACTS OF THE CASE

On June 2, 2015, Daniel Tomasevich (Complainant) made a complaint alleging that Public Works (Respondent), 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 January 11, 2016, the Education, Outreach and Training Committee heard the matter.

Daniel Tomasevich (Complainant) provided a summary of the complaint and requested the Task Force to find a violation. Mary Miles spoke in support of the Complainant. Jeremy Spitz, Public Works (Respondent), provided a summary of the department's position. Mr. Spitz stated that the department overlooked the Immediate Disclosure Request portion of the public records request and assumed they were allowed 10 days to respond instead of the next business day. If it was known that it was an Immediate Disclosure Request, Public Works would have requested an extension due to the nature of the request. Mr. Spitz further stated that all available records have been provided to the Complainant. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provide rebuttals.

On March 2, 2016, the Sunshine Ordinance Task Force (Task Force) reviewed the recommendation of the Education, Outreach and Training Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the recommendation of the Education, Outreach and Training Committee and the testimony presented, the Task Force finds that there were violations of Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.

DECISION AND ORDER OF DETERMINATIONS

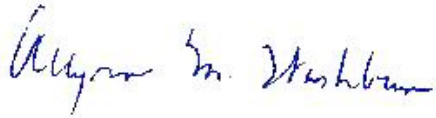
The Sunshine Ordinance Task Force adopted the Education, Outreach and Training Committee's recommendation that the Task Force has jurisdiction and finds that Public Works violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failure to request an extension of time to respond to an Immediate Disclosure Request.

The motion PASSED by the following vote:

Ayes: 7 - Rumold, Eldon, Wolf, Pilpel, Fischer, Hyland, Washburn

Noes: 0 - None

Absent: 3 - Chopra, Haines, Hinze



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Daniel Tomasevich, Complainant
Frank Lee, Public Works
Director Mohammed Nuru, Public Works