

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 29, 2016**

DATE DECISION ISSUED
May 4, 2016

CASE TITLE – Shawn Mooney v. Assessor/Recorder's Office. (File No. 15139)

FACTS OF THE CASE

On September 25, 2015, Shawn Mooney (Complainant) made a complaint alleging that the Assessor/Recorder's Office violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On February 3, 2015, and May 4, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Mr. Mooney provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Edward McCaffrey, Assessor/Recorder's Office (Respondent), presented the department's position and stated that due to the voluminous and nature of the records in question has caused delays. Mr. McCaffrey requested clarification of the nature of any additional records requested. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainants were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that there was a violation of Administrative Code (Sunshine Ordinance), Section 67.21(b).

DECISION AND ORDER OF DETERMINATIONS

The Sunshine Ordinance Task Force finds that the Assessor/Recorder's Office violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a public records request in a timely manner.

The motion PASSED by the following vote:

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

Noes: 0 - None

Absent: 2 - Chopra, Haines

Chair Washburn referred the matter to the Compliance and Amendments Committee and requested that Mr. Mooney provide a detailed and specific list of records that he believes has not yet been provided. It is suggested that the Assessor/Recorder's Office provided a summary of the responsive documents/responses provided for each of the requested records. *(Provide a list documents provided, documents that are not available and explanations as needed)* Communication regarding the requested records between the parties should be copied to the Task Force.

A handwritten signature in black ink, appearing to read "Bruce Wolfe". The signature is fluid and cursive, with a large loop at the end.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Shawn Mooney (Complainant)
Edward McCaffrey, Assessor/Recorder's Office (Respondent)