

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 29, 2016**

DATE ISSUED
June 1, 2016

CASE TITLE – Michael Petrelis v. District Attorney George Gascon and the Office of the District Attorney District (File No. 16029)

FACTS OF THE CASE

On March 16, 2016, Michael Petrelis (Complainant) filed a complaint alleging that District Attorney George Gascon and the Office of the District Attorney (Respondent), violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to make documents available in any form requested which is available to or easily generated by the department and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On April 19, 2016, the Compliance and Amendments Committee heard the matter.

Mr. Petrelis provided a summary of the complaint and requested the Task Force to find a violation. There were no speakers in support of the Complainant. Alex Bastian and Nikesh Patel, District Attorney's Office (Respondent), provided a summary of the department's position. Mr. Patel stated that it was determined that the request did not qualify as an Immediate Disclosure Request and applied the standards for a public records request due to the voluminous nature of the request. In addition, Mr. Patel stated that the response to Mr. Pretrelis' request was not segregated due to the volume of documents and the overlapping responsive documents. Silvia Johnson spoke in support of the Respondent. A question and answer period followed. The Complainant and Respondent were allowed to provide rebuttals.

The Committee opined that if a department determines that a public records request does not qualify as an Immediate Disclosure Request the requester must be informed by the end of the next business day. In addition, the Committee stated that the City Attorney's Good Government Guide is only the opinion of the City Attorney in which there are certain portions disputed by the Sunshine Ordinance Task Force.

On June 1, 2016, the Sunshine Ordinance Task Force (Task Force) reviewed the recommendation of the Compliance and Amendments Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that violations of Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.25 (a) and (b), occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force adopted the Compliance and Amendments Committee's recommendation that the Task Force has jurisdiction and to find that District Attorney George Gascon and the Office of the District Attorney violated Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.25 (a) and (b), by failing to assist a requester in identifying the existence, form and nature of any records or information maintained and failure to respond to an Immediate Disclosure Request in a timely and/or complete manner.

The motion PASSED by the following vote:

Ayes: 3 - Pilpel, Washburn, Eldon

Noes: 0 - None

Absent: 1 - Haines

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Michael Petrelis, Complainant
- George Gascon, District Attorney (Respondent)
- Alex Bastian, District Attorney's Office (Respondent)
- Nikesh Patel, District Attorney's Office (Respondent)