

Date: May 14, 2009

Item No. 3

File No. 09013

SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST*

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Completed by: Chris Rustom

Date: May 11, 2009

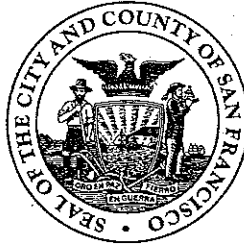
***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

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**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
May 6, 2009

DATE THE DECISION ISSUED
April 28, 2009

STEVE LAWRENCE v. SAN FRANCISCO PUBLIC UTILITIES COMMISSION
(09013)

FACTS OF THE CASE

On February 2, 2009, Steven Lawrence sent to the SFPUC records section a Sunshine request to review nine documents or categories. Later that day, Steven Lawrence received back from Public Records acknowledging his request. However, 15 days passed and Steven Lawrence did not receive the records. Steven Lawrence then contacted Tony Winnicker, director of communications at SFPUC. Tony Winnicker stated that he would look into the matter. Another 3 days passed and Steven Lawrence still did not receive the documents.

COMPLAINT FILED

On February 27, 2009, Steven Lawrence filed a complaint against the SFPUC alleging violations of Section 67.21 of the Sunshine Ordinance because of the agency's failure to timely respond to a Public Records request.

HEARING ON THE COMPLAINT

On April 28, 2009, Complainant Steven Lawrence was not present at the hearing. Suzanne Gautier of the SFPUC presented the Agency's defense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Respondent Suzanne Gautier of the SFPUC admitted that the agency violated Sec. 67.21 (b) and had no plans to contest it. She noted that the Agency had already produced the records that were requested.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Sec 67.21 (b) for failure to produce documents in a timely manner. The agency shall appear before the Education, Outreach and Training Committee on May 14, 2009.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 28, 2009, by the following vote: (Goldman / Cauthen)

Ayes: Knee, Cauthen, Knoebber, Goldman, Williams, Chu

Recused: Craven-Green

Excused: Washburn, Johnson, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Steve Lawrence, complainant
Suzanne Gautier, respondent
Ernie Llorente, Deputy City Attorney