Date: March 24, 2009

Item No. 16
File No. 09004

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- [x] **Ray Hartz's appeal**
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Completed by: Chris Rustom **Date:** March 19, 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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Honorable Members
Sunshine Ordinance Task Force

Attention: Frank Darby, Jr and Chris Rustom
Office of the Clerk, Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Wednesday, February 25, 2009

Request for Reconsideration of finding for SOTF Case #09004

Members of the Task Force:

I am filing this request based on the admissions, at the hearing, of at least two members that they had not viewed the evidence central to my entire argument. That key piece was a 146 page document provided to me by the City Attorney's Office and was represented by a single sheet of paper, which the Task Force had difficulty even locating at the hearing. The City Attorney's representative at the hearing, Matt Dorsey, based the entire argument on the "voluminous" nature of the request. I submit that it was impossible to understand most of my argument before the Task Force without having seen the document. I would also submit that, if each member of the Task Force were asked, few if any had seen this document at the time of the hearing.

This request for reconsideration is based on the fact that "information exists which was not available at the time of the hearing." The 149 page document was not present in the hearing, in the materials presented to the members of the Task Force, or, in the document folder presented for public scrutiny at the hearing.

I further request that if a rehearing is granted, my name be placed on the complaint.

I wish to thank the members of the Task Force, in advance, for their honest reconsideration of this request.

Sincerely,

Ray W. Hartz, Jr.

SUNSHINE ORDINANCE
TASK FORCE

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
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ORDER OF DETERMINATION
March 3, 2009

DATE THE DECISION ISSUED
February 24, 2009

ANONYMOUS (RAY HARTZ) V. CITY ATTORNEY'S OFFICE PIO MATT DORSEY (09004)

FACTS OF THE CASE

Complainant filed an Immediate Disclosure Request on January 12, 2009, requesting attorney timesheets for DCA Ernest Llorente for the period of January through December, 2008.

COMPLAINT FILED

Complainant filed a complaint on January 23, 2009, (incorrectly dated 1/23/07), alleging the City Attorney's Office impermissibly invoked an extension to the Immediate Disclosure Request. The Complainant also alleged that the Office failed to provide a specific justification for the extension, and that the responsive documents were not produced by the date of the extension.

HEARING ON THE COMPLAINT

On February 24, 2009, Complainant Anonymous appeared before the Task Force and presented his claim. Complainant identified himself as Ray Hartz and subsequently asked that he be identified by name on this and future complaints. Responding agency was represented by PIO Matt Dorsey of the City Attorney's Office.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

At the hearing, Mr. Hartz clarified that the basis of his complaint was the CAO's failure to respond to his request within the timeframe allowed for an IDR. The CAO responded that the extensions of time invoked by the CAO were necessary because the office needed to review DCA Llorente's time sheets and make redactions (based on attorney-client privilege, privacy, etc.) before the records could be released. Based on the testimony and evidence presented the Task Force voted on a motion for no violation. That motion failed on a 4-3 vote. No other motion was made and no further action will be taken by the Task Force. .

DECISION AND ORDER OF DETERMINATION

The Task Force was unable to reach a majority vote and no further action will be taken.

ORDER OF DETERMINATION

The Motion to find the City Attorney's Office not in violation presented by Craven/ Goldman failed on the following vote:

Ayes: Washburn, Knoebber, Goldman, Craven
Noes: Knee, Johnson, Williams
Excused: Cauthen, Chu
Absent: Chan

No further action was taken.

Erica Craven, Vice Chair
Sunshine Ordinance Task Force

c: Ray Hartz, Complainant
Matt Dorsey, City Attorney's Office
Rosa Sanchez, Deputy City Attorney
Ernie Llorente, City Attorney's Office

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