

Date: June 22, 2010

Item No. 910  
File No. 10016

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Ray Hartz against the Rent Board**
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Completed by: Chris Rustom

Date: June 17, 2010

**\*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.

SUNSHINE ORDINANCE  
TASK FORCE



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**ORDER OF DETERMINATION**

June 1, 2010

**DATE THE DECISION ISSUED**

May 25, 2010

*RAY HARTZ V. RENT BOARD (10016)*

**FACTS OF THE CASE**

Complainant Ray Hartz alleges that the Rent Board violated the Sunshine Ordinance by failing to respond fully to his Immediate Disclosure Request of January 21, 2010. Mr. Hartz's complaint identifies Administrative Code Section 67.24 as being violated.

**COMPLAINT FILED**

On April 10, 2010, Mr. Hartz filed a complaint with the Task Force alleging a violation.

**HEARING ON THE COMPLAINT**

On May 25, 2010, Mr. Hartz presented his claim before the Task Force. Respondent agency was represented by Timothy Lee, a senior hearing officer with the Rent Board. Mr. Hartz said he filed an Immediate Disclosure Request on January 21 asking for information about a Rent Board employee. The questions, he said, were based on what Section 67.24 of the Ordinance enumerated. He said he received a response on January 22 that lacked some details he sought. He said he met with Delene Wolf, the Rent Board's executive director, on April 23 and told her which parts of the response were deficient. He said he wanted to know the exact gross salary and benefits of a certain deputy city attorney but was given a one-page chart that included the salaries of all deputy city attorneys. He also said he asked for professional information related to that individual under Section 67.24(c)(1)(i) & (ii) and received an inadequate response. He said he was later informed that the City Attorney's Office had advised the Rent Board that it had provided everything. He said Ms. Wolf and Mr. Lee stated at the May 11 Complaint Committee hearing that they wanted to help him but have yet to contact him.

Mr. Lee said the Rent Board responded in a timely manner to the IDR. He said the Rent Board was aware that Mr. Hartz had some objections to the responses and had been trying to find out what they were. He said Mr. Hartz's complaint also does not specify what the issues were. He said he inquired about the nature of the objections during the May 11 hearing and did not receive a response. Only today, he said, he was made aware that Mr. Hartz wanted to know the gross salary of a hearing officer. Mr. Lee said if Mr. Hartz had indicated what he wanted it would have been provided. Mr. Lee added that the Rent Board

**ORDER OF DETERMINATION**

has to disclose information to the public but must withhold personal and confidential information about its employees. The Rent Board does the best it can, he said.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented, the Task Force finds that the agency violated the Ordinance.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that the agency violated Section 67.24(c)(1)(i) and (ii) of the Sunshine Ordinance for not releasing personnel information. The agency shall release the records requested within five business days of the issuance of this Order and appear before the Task Force on June 22, 2010.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 25, 2010, by the following vote: ( Knoebber / Wolfe )

Ayes: Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

Noes: Snyder, Cauthen



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

- c: Jerry Threet, Deputy City Attorney
- Ray Hartz, Complainant
- Delene Wolf, Timothy Lee, Respondents