

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

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:

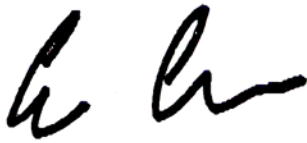
Ayes: Washburn, Knoebber, Goldman, Craven

Noes: Knee, Johnson, Williams

Excused: Cauthen, Chu

Absent: Chan

No further action was taken.

A handwritten signature in black ink, appearing to be 'h h' or similar stylized initials.

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