

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
September 15, 2016**

DATE ISSUED
August 3, 2016

**CASE TITLE – Ray Hartz v. Regina Dick-Endrizzi and the Small Business Commission
(File No. 16046)**

FACTS OF THE CASE

On May 9, 2016, Ray Hartz (Complainant) filed the following complaint:

File No. 16046: Complaint filed by Ray Hartz against Regina Dick-Endrizzi and the Small Business Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 (a), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner and failing to request an extension of time to respond.

HEARING ON THE COMPLAINT

On August 3, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Ray Hartz (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Regina Dick-Endrizzi, Office of Small Business (Respondent), provided a summary of the department's position and provided a description of the department's structure in an effort to show that the Office of Small Business is not the custodian of the requested record. Ms. Dick-Endrizzi stated that the records request was forwarded to the appropriate party for processing. However, the custodian of the requested records had not previously processed personnel records requests and was unaware of the proper compliance procedures which resulted in a delayed/incorrect response. There were no speakers in support of the Respondent. A question and answer period followed. The Task Force opined that a department cannot invalidate an Immediate Disclosure Request but may request, by the end of the next business day, an extension 10 day pursuant to Administrative Code, Section 67.25 (a). The Respondent and Complainant were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.25 (a), occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force finds that find Regina Dick-Endrizzi and the Small Business Commission violated Administrative Code (Sunshine Ordinance), Section 67.25 (a), by failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 8 - Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused 1 - Hyland

Bruce Wolfe, Chair 
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
Ray Hartz, Complainant
Regina Dick Endrizzi, Small Business Commission, Respondent