

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
September 15, 2016**

**DATE ISSUED**  
August 3, 2016

**CASE TITLE – Ray Hartz v. Mark Dwight, the Office of Small Business, and the Small Business Commission (File No. 16047)**

**FACTS OF THE CASE**

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

**File No. 16047:** Complaint filed by Ray Hartz against Mark Dwight, the Office of Small Business, and the Small Business Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.9 (a) and 67.15 (c), by failing to make the April 25, 2016, meeting agenda available in a timely manner and failing to accept public comment on Agenda Items Nos. 7, 8, 9 and 10.

**HEARING ON THE COMPLAINT**

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

Chair Bruce Wolfe disclosed his association with Regina Dick-Endrizzi and stated that it would not affect his ability to adjudicate the matter impartially.

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. Ms. Dick-Endrizzi acknowledged that public comment was abridged even though the printed agenda has a statement which allows public comment on each item listed in their agenda. Also, Ms. Dick-Endrizzi stated that agenda for the meeting were made available but due to an unanticipated number of public attendees they ran out of agenda. Ms. Dick-Endrizzi stated that in the future they will bring binders with the meeting packet for public use and print additional agendas as may be needed. There were no speakers in support of the Respondent. A question and answer period followed. 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), Sections 67.9 (a) and 67.15 (c), occurred.

## DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force finds that Mark Dwight, the Office of Small Business, and the Small Business Commission violated Administrative Code (Sunshine Ordinance), Sections 67.9 (a) and 67.15 (c), by failing to make meeting agendas and any other documents on file related to a matter anticipated for discussion or consideration at public meeting available to the public and failing to provide an opportunity for each member of the public to address the body concerning agenda items prior to action thereupon.

### **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