



ORDER OF DETERMINATION

June 24, 2013

DATE THE DECISION ISSUED

June 5, 2013

ALLEN GROSSMAN VS. JOHN ST. CROIX, ETHICS COMMISSION (CASE NO. 12056)

FACTS OF THE CASE

Allen Grossman ("Complainant") alleges that John St. Croix, in his role as Executive Director of the Ethics Commission ("CAO"), violated public records laws by failing to fully respond to his public records request dated October 3, 2012.

COMPLAINT FILED

On November 19, 2012, Complainant filed this complaint against St. Croix, alleging violations of the public records laws, including specifically Sunshine Ordinance ("Ordinance") Sections 67.21(b), 67.27(a) & (b), and 67.24(b)(1)(i) & (iii).

HEARING ON THE COMPLAINT

On June 5, 2013, Complainant Allen Grossman appeared before the Task Force and presented his claim. Respondent, John St. Croix, Executive Director, Ethics Commission, presented the Ethics Commission's defense.

The issue in the case is whether the Respondent violated Sections 67.21, 67.24, and 67.27 of the Ordinance and/or Sections 6253 and 6254 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Grossman to be persuasive and finds Sections 67.21(b) and 67.24(b)(1) of the Ordinance to be applicable in this case. The Task Force does not find the testimony provided by John St. Croix, Executive Director, Ethics Commission, persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the records requested from the Ethics Commission are disclosable public records and finds that Respondent has violated Section 67.21(b) of the Sunshine Ordinance for failure to provide the records within ten days following receipt of a request and Section 67.24(b)(1) of the Sunshine Ordinance for withholding records subject to disclosure. John St. Croix, Executive Director, Ethics Commission, shall release the records requested within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on August 20, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 5, 2013, by the following vote:

(Washburn/Knee) (Violation 67.21(b))

Ayes: Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, David

Absent: Grant

(Fischer/David) (Violation 67.24(b)(1))

Ayes: Knee, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, David

Absent: Grant



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Allen Grossman, Complaint
John St. Croix, Executive Director Respondent