

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
May 21, 2019**

DATE DECISION ISSUED
May 1, 2019

CASE TITLE – Yolanda Jones v. Officer Rick Yick and the Police Department
(File No. 18093)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 18093: Complaint filed by Yolanda Jones against Officer Rick Yick and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On January 15, 2019, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Yolanda Jones (Petitioner) provided a summary of the complaint and requested the Committee find a violation. Ms. Jones stated that she was seeking records from police logs and emails between Officer Rick Yick and his immediate supervisor, Christopher Pedrini and his Captain. Ms. Jones stated that these materials are incident to a breach of contract within the City and indicate wrong doing by the Police Department. Ms. Jones said that she has received some emails and logs, not everything. Ms. Jones stated that the activity logs between Officer Yick and the vendor are necessary and that she was told that he had destroyed logs which Ms. Jones believes is a violation of city policy.

Lieutenant Kathryn Waaland, Police Department (Respondent); provided a summary of the Department's position. Lt. Waaland stated that the Police Department received the Immediate Disclosure Request on March 19, 2018, and on March 29, 2018, and the Police Department invoked an extension of time to respond. On April 12, 2018, the Department provided a response to the Petitioner. Lt. Waaland stated that Ms. Jones has made 13 requests in total and that everything has been turned over and cited with a letter. Lt. Waaland stated that the logs referred to are used for reconciling receipts for car washes and

there is no reason to keep the logs, that they were destroyed once Mr. Yick was promoted and that they fall outside the scope of Sunshine.

Member Yankee, seconded by Member Hinze, moved to find that the SOTF has jurisdiction, the records are public and referred the matter to the SOTF for hearing.

On May 1, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Yolanda Jones (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Jones stated that she requested car washing logs were kept by Officer Rick Yick, Police Fleet Manager, of the Police Department. Ms. Jones stated that they were told that those records were destroyed. Ms. Jones stated that they wanted to find out what different vendors charged for their services. Ms. Jones stated that she still needs records from March 2018 through March 2019. Armand Johnson spoke in support of the Petitioner.

Steven Betz, Police Department (Respondent), provided a summary of the department's position. Mr. Betz stated that at the time the logs were requested, the Police Department was between contracts with vendors. Mr. Betz stated that Mr. Yick created personal logs and that when the logs were completed the information was given to the Fiscal Department who reported payments. Mr. Betz stated that when Officer Yick was transferred out of his job, those logs were destroyed because they were his own records and were the equivalent of a draft. Mr. Betz stated that the information Ms. Jones requested is available through receipts paid by Fiscal. Mr. Betz stated that the Police Department complied with Ms. Jones request for records last week and that this matter should be dismissed. Lt. Kathryn Waaland, Police Department, spoke in support of the Respondent.

Action: Moved by Member Hyland, seconded by Member Tesfai, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to make documents available in a complete and timely manner.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Police Department violated Administrative Code (Sunshine Ordinance), Section 67.25.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Hyland, seconded by Member Tesfai, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to make documents available in a complete and timely manner.

The motion PASSED by the following vote:

Ayes: 9 - Hyland, Tesfai, Yankee, Martin, J. Wolf, Cannata, LaHood, Cate,
B. Wolfe

Noes: 0 - None

Absent: 2 - Hinze, Chopra



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Yolanda Jones (Petitioner/Complainant)
Lt. Kathryn Waaland, Police Department (Respondent)
Steven Betz, Police Department (Respondent)