

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
February 19, 2020

DATE DECISION ISSUED
November 4, 2019

CASE TITLE – Alex Koskinen v. Dept. of Public Health
File No. 19052

FACTS OF THE CASE

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

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On August 27, 2019, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Alex Koskinen (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Koskinen stated that he requested certain email records that have not been provided in a complete manner to date. Mr. Koskinen stated the he only received one email which was not was responsive to his request.

Veronica Vein (Department of Public Health) (Respondent), provided a summary of the department's position. Ms. Vein stated the due to the complexity, need for redactions and time to consult with the City Attorney's Office the response has been delayed. Ms. Vein stated that her office requested clarification on certain requests and that they are still working on provide the requested records. Ms. Vein stated that there was a request for emails and a separate request for job announcements.

The Compliance and Amendments Committee referred the matter to the SOTF for hearing.

The Committee referred the matter to the SOTF. On November 6, 2019, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Member LaHood provided a summary Committee hearing and that the Committee found jurisdiction and referred the matter to the SOTF.

Alex Koskinen (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Koskinen stated that he sent an Immediate Disclosure Request (IDR) to the Department of Public Health (DPH) on May 13, 2019. Mr. Koskinen was notified late that DPH would invoke a 14-day extension of time to respond. Mr. Koskinen stated that DPH responded to the IDR ten weeks later and that the issue has been resolved. Mr. Koskinen stated that he sent a second request to DPH containing four parts of which the first two were responded to. Mr. Koskinen stated that DPH's response to the final two parts was that they do not have responsive records. Mr. Koskinen stated that he requested DPH provide verification of employment records. Mr. Koskinen stated that he requested a copy of DPH's records retention policy which was not provided.

Linda Acosta (Department of Public Health (DPH)) (Respondent), provided a summary of the department's position. Ms. Acosta stated that the documents DPH is obligated to provide, per the advice of their City Attorney, is their records retention policy and employee records; not applicant records. Ms. Acosta stated that DPH provided a calculation of hours required to review the information Mr. Koskinen requested which is cumbersome and a burden on DPH. Ms. Acosta stated that an excel spreadsheet containing a certain employee's information was provided to Mr. Koskinen. Ms. Acosta stated that they do not have records of applicants and that Human Resources may be able to provide the information requested. Ms. Acosta stated that DPH requested an extension of time to respond and that they would provide the information on a rolling basis, but that it needs to be redacted.

Chair Wolfe stated that Mr. Koskinen needs to narrow the scope of his request due to voluminous nature of work providing information. Chair Wolfe stated that both parties should meet and negotiate a fair period of time to respond with information on successful applicants and that DPH provide their records retention policy.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Department of Public Health violated Administrative Code (Sunshine Ordinance), Sections 67.25(a)(b)(d) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, invoking an incorrect extension of time to respond to the request and failing to provide documents on a rolling basis.

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Martin, seconded by Member Yankee, to find that the Department of Public Health violated Administrative Code (Sunshine Ordinance), Sections 67.25(a)(b)(d), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, invoking an incorrect extension of time to respond to the request and failing to provide documents on a rolling basis.

Public Comment:
None.

The motion PASSED by the following vote:

Ayes: 7 - Martin, Yankee, J. Wolf, Tesfai, LaHood, Hyland, B. Wolfe
Noes: 0 - None
Absent: 1 - Chopra
Excused: 1 - Hinze

A handwritten signature in blue ink, appearing to be 'B. Wolfe', enclosed within a circular scribble.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Alex Koskinen (Petitioner/Complainant)
Veronica Vien, Department of Public Health (Respondent)