

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
March 28, 2020

DATE DECISION ISSUED
March 4, 2020

CASE TITLE – Mo Green v. Office of the City Attorney
(File No. 19084)

FACTS OF THE CASE

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

File No. 19084: Complaint filed by Mo Green against the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On December 17, 2019, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that on July 31, 2019, he submitted a public records request to the City Attorney's Office. Mr. Green stated that they have submitted over 8,000 records that were not responsive to his request.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote stated the City Attorney's Office is in litigation with Mr. Green. Mr. Cote stated that Mr. Green has submitted interrogatories and requests for production of records which have been overseen by the Court. Mr. Cote stated that the City Attorney's Office has complied with Mr. Green's original records requests. Mr. Cote stated that on October 23, 2019, Mr. Green submitted another records request to the City Attorney's Office, which concerned pending litigation. Mr. Cote stated that the City Attorney's Office responded on November 4, 2019, regarding attorney/client privileged records. Mr. Cote stated that all responsive records, except those that are privileged, have been provided. Mr. Cote stated that this matter should be closed.

Action: Moved by Member J. Wolf, seconded by Member Yankee, to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

On March 4, 2020, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Mo Green (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Green stated that the records he received were irrelevant to his request. Mr. Green noted that there are discrepancies with the provided records and that the redactions are not justified.

The Respondent was not present at the hearing.

Upon discussion the SOTF noted that a request for records via the Public Records Act (PRA) was not initially submitted with the complaint as the records were provided via a discovery process. Upon the petitioner's request for record via PRA the same documents were provided.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.24(c).

DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Yankee, seconded by Member Martin, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.24(c) by inappropriately redacting public records.

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Hinze, LaHood, Tesfai, J. Wolf, Martin, Yankee,
B. Wolfe

Noes: 0 - None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Mo Green, (Petitioner/Complainant)
John Cote, Office of the City Attorney (Respondent)