

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
June 8, 2021**

**DATE DECISION ISSUED**  
April 7, 2021

**CASE TITLE – Ann Treboux v. Margaret Baumgartner**  
(File No. 19115)

**FACTS OF THE CASE**

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

**File No. 19115:** Complaint filed by Ann Treboux against Margaret Baumgartner for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On February 16, 2021, the Complaint Committee acting in its capacity to hear petitioner/complaints heard the matter.

Ann Treboux (Complainant) provided a summary of the complaint and request the SOTF to find a violation. Ms. Treboux stated she provide a written timeline of her request and that a request may be sent to individual employees. Ms. Treboux stated that Ms. Baumgartner was the attorney involved in the case and that Ms. Baumgartner was not response to the request and various reminders.

John Cote (Office of the City Attorney) (Respondent); provided a summary of the departments position. Mr. Cote request that the matter be table due to violation of SOTF procedures. Mr. Cote referenced the departments written response. Mr. Cote provided a summary of the case which involves Ms. Treboux and therefore Ms. Treboux has access to all of the records as a party to the court case.

Action: Moved by Member Yankee, seconded by Member Wolfe, to find jurisdiction, the records are public and the referred the matter to the SOTF for hearing.

On April 7, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux provided a timeline of the events and requested an amendment to the complaint. Ms. Treboux noted that the wrong documents were provided and she has not yet received the requested documents. Ms. Treboux stated that Ms. Baumgartner is the responsible party who was required to respond.

John Cote (City Attorney's Office) (Respondent), provided a summary of the department's position. Mr. Cote reference the department's written response and stated that at the time of the request it was an active court case against Ms. Treboux. Mr. Cote stated that Ms. Treboux has ignored the request to use the correct email address for public records request to the Office of the City Attorney. Mr. Cote noted that Ms. Baumgartner was out of the office with appropriated out of office information provided. Mr. Cote stated that all non-privileged documents have been provided to Ms. Treboux. Mr. Cote stated that the court system has a specific practice for all parties to get documents related to the court case. Mr. Cote requested the complaint be against the Office of the City Attorney and not Ms. Baumgartner.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Margaret Baumgartner and the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.26 .

#### DECISION AND ORDER OF DETERMINATIONS

On April 7, 2021, moved by Vice Chair Yankee, seconded by Member Padmanabhan, to find that Margaret Baumgartner and the Office of the City Attorney violated Administrative Code, Section 67.26, by not releasing disclosable records under presumption that Ms. Treboux was already in possession of the documents.

The motion PASSED by the following vote:

Ayes: 8 - Hyland, Frazier, Padmanabhan, Neighbors, Stein, Wong,  
Yankee, LaHood

Noes: 3 - Forsley, Schmidt, Wolfe

A handwritten signature in blue ink, appearing to read 'Bruce Wolfe', enclosed within a hand-drawn oval.

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Ann Treboux (Petitioner/Complainant)  
Margaret Baumgartner, John Cote (Respondents)