

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
April 7, 2023

DATE DECISION ISSUED
May 5, 2021

CASE TITLE – File No.:19144

File No. 19144: Complaint filed by Anonymous against the Department of Police Accountability, Paul Henderson, Diana Rosenstein, Stephanie Wargo-Wilson, and Mary Polk for allegedly violating Administrative Code (Sunshine Ordinance), Sections, 67.21, 67.24, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner, failing to assist in a timely or complete manner, failing to cite lawful justification for exemption, failing to key redactions by footnotes or other clear references to justifications, and failing to withhold the minimal portion of records.

HEARING AND ACTION ON THE COMPLAINT

On December 20, 2020, Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

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

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Wong, Hinze
Noes: 0 - None

The Committee referred the matter to the SOTF. On May 5, 2021, the SOTF held a hearing to review the recommendation from the Committee and/or to review the merits of the petition/complaint.

Action: Moved by Member Neighbors, seconded by Member Stein, to find that the Department of Police Accountability violated Administrative Code, Sunshine Ordinance Sections 67.27 by failing to justify withholding; 67.26 by failing to key justifications; 67.24(i) by failing the impermissible balancing test; 67.21(k) by failing to state the name and title of every person denying access and Government Code 6253(d) requiring the disclosure of records that relate to electronically collected personal information.

The motion PASSED by the following vote:

Ayes: 11 - Neighbors, Stein, Hyland, Frazier, Yankee, LaHood,
Padmanabhan, Forsley, Schmidt Wong, Wolfe
Noes: 0 - None

This Order of Determination was approved
by the Sunshine Ordinance Task Force
on: April 5, 2023

cc. Petitioner
Respondent