

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
June 8, 2021**

**DATE DECISION ISSUED**  
February 2, 2021

**CASE TITLE – Patrick Monette-Shaw v. Office of the City Attorney**  
File No. 20010

**FACTS OF THE CASE**

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

**File No. 20010:** Complaint filed by Patrick Monette-Shaw against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(d), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On February 3, 2021, the Sunshine Ordinance Task Force acting in its capacity to hear petitions/complaints heard the matter.

Patrick Monette-Shaw (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Monette-Shaw noted that Cal. Government Code 6253.9(a)(2) provides that any agency must make the requested information available. Mr. Monette-Shaw stated that Mr. Cote's defense during the Complaint Committee asserted that his Immediate Disclosure Request was converted to a standard records request because "the City Attorney's Office is not required to produce new records." Mr. Monette-Shaw stated that the City Attorney staff invoked a 14-day extension even though no attorney/client information was requested. Mr. Monette-Shaw requested the SOTF find violations of 67.25(d) for failure to respond to an Immediate Disclosure Request and for not providing records on a rolling basis and 67.21 for failure to respond to a records request in a timely and/or complete manner.

The Respondent was not present for the hearing and did not inform the SOTF Administrator of their absence.

Action: Moved by Member Hyland, second by Member Forsley motion for to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.25(b), by failing to provide requested records in a timely and complete manner.

The motion PASSED by the following vote:

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

On February 3, 2021, the SOTF held a hearing to review the merits of the petition/complaint.

Patrick Monette-Shaw (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Monette-Shaw noted that Cal. Government Code 6253.9(a)(2) provides that any agency must make the requested information available. Mr. Monette-Shaw stated that Mr. Cote's defense during the Complaint Committee asserted that his Immediate Disclosure Request was converted to a standard records request because "the City Attorney's Office is not required to produce new records." Mr. Monette-Shaw stated that the City Attorney staff invoked a 14-day extension even though no attorney/client information was requested. Mr. Monette-Shaw requested the SOTF find violations of 67.25(d) for failure to respond to an Immediate Disclosure Request and for not providing records on a rolling basis and 67.21 for failure to respond to a records request in a timely and/or complete manner.

The Respondent was not present for the hearing and did not inform the SOTF Administrator of their absence.

#### 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), Sections 67.21 and 67.25(b).

#### DECISION AND ORDER OF DETERMINATIONS

On February 3, 2021, Moved by Member Hyland, second by Member Forsley to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.25(b), by failing to provide requested records in a timely and complete manner.

The motion PASSED by the following vote:

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

On February 3, 2021, Moved by Chair Wolfe, second by Member Yankee, to find that the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to send a representative to the SOTF hearing.

The motion PASSED by the following vote:

Ayes: 10 - Wolfe, Yankee, Hyland, Forsley, Stein, Frazier,  
Padmanabhan, Neighbors, Schmidt, Wong  
Noes: 0 – None  
Absent: 1 - LaHood

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

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Patrick Monette-Shaw (Petitioner/Complainant)  
John Cote, Office of the City Attorney (Respondent)