

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
February 14, 2023**

DATE DECISION ISSUED
November 3, 2021

CASE TITLE: Jarmee Thieu v. Kimberly Ackerman and the Municipal Transportation Agency
File No. 21007

Complaint filed by Jarmee Thieu against Kimberly Ackerman and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On June 8, 2021, the Education, Outreach and Training Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Member Padmanabhan, seconded by Chair Hyland to find jurisdiction, that the records are public and to forward the matter to the SOTF with no recommendation for hearing.

The motion PASSED by the following vote:

Ayes: 2 - Padmanabhan, Hyland
Noes: 0 - None
Absent: 1 - Frazier

On November 3, 2021, the SOTF held a hearing to review the recommendation form committee and/or to review the merits of the petition/complaint.

Moved by Member Padmanabhan seconded by Member Neighbors to find that the SFMTA and Kimberly Ackerman violated Administrative Code (Sunshine Ordinance) Sections 67.21(e) by failing to designate a person most knowledgeable to attend the hearing, 67.21(b) for unreasonable delay in providing the records in a complete and/or timely manner; 67.21(c) by failing to assist the Petitioner in locating records and 67.26 by failing to keep withholding to a minimum.

The motion PASSED by the following vote:

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

Absent: 1 - B. Wolfe

Moved by Member Hyland, seconded by Member Neighbors to find that the SFMTA and Kimberly Ackerman violated Administrative Code (Sunshine Ordinance), Section 67.29-7(a) by failing to maintain and preserve in a professional and business-like manner all documents and correspondence including letters, emails, drafts, memoranda and shall disclose all such records in accordance with this Ordinance.

The motion PASSED by the following vote:

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

Absent: 1 - B. Wolfe

The Order of Determinations was approved
by the Sunshine Ordinance Task Force
on: February 1, 2023

Matthew Yankee, Chair
Sunshine Ordinance Task Force

cc. Jarmee Thieu, (Petitioner)
Caroline Celaya, Public Records Manager, San Francisco Municipal
Transportation Agency (Respondent)