

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
December 7, 2022

DATE DECISION ISSUED
April 6, 2022

CASE TITLE: Marc Norton v. Department of Public Health
File No. 21124

File No. 21124: Complaint filed by Marc Norton against the Department of Public Health (DPH) for violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide guidance on locating records; 67.25 by failing to respond to an Immediate Disclosure Request in a timely manner; 67.26 by failing to keep withholding to a minimum and 67.27 by failing to provide justification for withholding.

HEARING AND ACTION ON THE COMPLAINT

On November 9, 2021, the Education, Outreach and Training Committee (EOTC) acting in its capacity to hear petitions/complaints made the following motion:

The EOTC found that the Sunshine Ordinance Task Force (SOTF) has jurisdiction, that the requested records are public and referred the matter to the SOTF for hearing with the recommendation that they find violations of 67.21 by failing to provide guidance on locating records; 67.25, failing to respond to an Immediate Disclosure Request in a timely manner; 67.26, failing to keep withholding to a minimum and 67.27, failing to provide justification for withholding

On April 6, 2022, SOTF) held a hearing to review the merits of the petition/complaint.

Based upon the testimony and evidence presented the SOTF made the following Findings and issued their determination:

The SOTF found that the Department of Public Health violated California Public Records Act 6253(b) by failing to make the records promptly available to any person upon payment of fees covering direct costs of duplication and 6253(c) by failing to respond within 10 days from receipt of the request with a determination on whether the public records are disclosable; and Administrative Code, Sunshine Ordinance, Section 67.26, by failing to key by footnote the redactions and failing to provide additional Giant's records.

The motion was passed by the following vote:

Ayes: 7 - Padmanabhan, Hyland, Yankee, Wolfe, Schmidt, Stein, Neighbors

Noes: 0 - None

Absent: 2 - Wong, LaHood

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

cc. Marc Norton (Petitioner)
Dierdre Hussey, Department of Public Health (Respondent)