SUNSHINE ORDINANCE TASK FORCE

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ORDER OF DETERMINATION
October 24, 2016 - REVISED (10/28/16)*

DATE ISSUED
October 5, 2016

CASE TITLE – Michael Petrelis v. Supervisor Aaron Peskin, Board of Supervisors (File No. 16067)

FACTS OF THE CASE

On July 26, 2016, Michael Petrelis (Complainant) filed the following complaint:

> **File No. 16067:** Complaint filed by Michael Petrelis against Supervisor Aaron Peskin, Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On October 5, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

> Michael Petrelis (Complainant) provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Lee Hepner, Office of Supervisor Aaron Peskin, Board of Supervisors (Respondent), provided a summary of the department's position. Mr. Hepner stated that the request for records was overly broad, did not provide any records and invoked the rule of reason. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation Administrative Code (Sunshine Ordinance), Section(s) 67.21 (c), occurred.

DECISION AND ORDER OF DETERMINATION

On October 5, 2016, the Task Force found that Supervisor Aaron Peskin, Board of Supervisors, violated Administrative Code (Sunshine Ordinance), Section 67.21 (c), by failing to assist a requester in identifying records that could be provided.

The Task Force opined that if the Respondent believed that the Immediate Disclosure Request was too broad and extensive they could have attempted to work with the Complainant to possible revised the request to a manageable level prior to invoking the Rule of Reason.

The Task Force did not refer the matter to Committee and concluded the matter.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 5, 2016 by the following vote:

The motion PASSED by the following vote:

Ayes: 8 - Baranetsky, J. Wolf, Fischer, Tesfai, Maass, Cannata, Hinze, B. Wolfe *
Noes: 0 - None*
Absent: 1 - Chopra
Excused 2 - Eldon, Hyland

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

c. Nicholas Colla, Deputy City Attorney
Michael Petrelis, Complainant
Supervisor Aaron Peskin, Board of Supervisors
Lee Hepner, Office of Supervisor Aaron Peskin