

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
October 24, 2016**

DATE ISSUED
October 5, 2016

CASE TITLE – Tom Borden v. John Rahaim and the Planning Department
(File No. 16071)

FACTS OF THE CASE

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

File No. 16071: Complaint filed by Tom Borden against John Rahaim and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.27, by failing to respond to a public records request in a timely and/or complete manner and failing to justify the withholding of information.

HEARING ON THE COMPLAINT

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

Tom Borden (Complainant) provided an overview of the complaint and requested the Task Force to find violations. Mr. Borden stated that the provided records were redacted and that an explanation for the redactions was not provided. There were no speakers in support of the Complainant. Jonas Ionin, Planning Department (Respondent), provided a summary of the department's position. Mr. Ionin acknowledged that a response was not provided in a timely manner and that the Planning Department is currently working on providing justification for redactions pursuant to Administrative Code, Section 67.24 (a), which allows for the redaction of recommendations in draft documents. 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) and 67.27, occurred.

DECISION AND ORDER OF DETERMINATION

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 possibly revised the request to a manageable level prior to invoking the Rule of Reason.

On October 5, 2016, the Task Force found that John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.21 (c) and 67.27, by failing to provide assistance in identifying the existence, form, and nature of any record and failing to provide justification for withhold/redacting records.

The Task Force referred the matter to the Compliance and Amendments Committee to ensure that the Planning Department provided the requested justification for redactions.

The motion PASSED by the following vote:

Ayes: 8 - Baranetsky, J. Wolf, Tesfai, Maass, Cannata, Fischer, 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
- Tom Borden, Complainant
- John Rahaim, Planning Department, Respondent
- Jonas Ionin, Planning Department, Respondent
- Christine Silva, Planning Department, Respondent