

**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  
January 30, 2017**

**DATE ISSUED**  
January 4, 2017

**CASE TITLE – Ray Hartz v. City Librarian Luis Herrera, Sue Blackman and the Library Commission (File No. 16087)**

**FACTS OF THE CASE**

On September 13, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 16087:** Complaint filed by Ray Hartz against Luis Herrera, Sue Blackman and the Library Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On November 22, 2016, the Complaint Committee acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing

On January 4, 2017, the SOTF reviewed the recommendation from Committee and held a hearing to review the merits of the complaint.

Ray Hartz (Complainant) provided an overview of the complaint and requested that the Task Force find violations. Mr. Hartz stated that the Library Commission was not consulted prior to the transmittal of the response to the Immediate Disclosure Request (IDR). Ann Treboux spoke in support of the Complainant. Sue Blackman (Public Library) (Respondent), provided a summary of the department's position. Ms. Blackman stated that as the Commission Secretary and the Custodian of Records she responded to the IDR and did not consult the Library Commission as they are not in possession of public records. City Librarian Luis Herrera spoke 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 SOTF found that a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a), 67.26, and 67.27, occurred.

## ORDER OF DETERMINATION

The Sunshine Ordinance Task Force found that City Librarian Luis Herrera, Sue Blackman (Public Library), and the Library Commission violated Administrative Code (Sunshine Ordinance), Sections 67.25(a), 67.26, and 67.27, by failing to respond to an Immediate Disclosure Request in a timely and complete manner, failing to keep withholding of public records to a minimum and failing to provide justification for withhold public records.

The SOTF did not recommend additional actions or referrals.

The motion to find violations PASSED by the following vote:

Ayes: 7 - Eldon, J. Wolf, Maass, Cannata, Hinze, Hyland, B. Wolfe

Noes: 1 - Fischer

Absent: 2 - Chopra, Baranetsky

Excused: 1 - Tesfai



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Ray Hartz (Complainant)
- Sue Blackman, Public Library (Respondent)
- City Librarian Luis Herrera, Public Library (Respondent)