

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
May 2, 2017**

**DATE ISSUED**  
April 5, 2017

**CASE TITLE – Michael Petrelis v. Suzy Loftus, Police Commission (File No. 16101)**

**FACTS OF THE CASE**

On October 20, 2016, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 16101:** Complaint filed by Michael Petrelis against Suzy Loftus, Police Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.15(d), by abridging or prohibiting public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities.

**HEARING ON THE COMPLAINT**

On February 21, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the Task Force for hearing.

On April 5, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Michael Petrelis (Petitioner/Complainant) provided an overview of the complaint and requested that the Task Force find violations. Mr. Petrelis stated that Former Commissioner Suzy Loftus should have been required to attend the meeting even though she is no longer with the Police Commission. Mr. Petrelis stated that the Police Commission guidelines (Rule 3.2) violates his First Amendments rights to free speech and that he should have been allowed to provide public comment without interruptions. There were no speakers in support of the Petitioner/Complainant. The SOTF noted that Ms. Loftus was not present at the meeting and is no longer associated with the Police Commission. Sgt. Rachel Kilshaw, speaker as a witness for the Respondent, provided a summary of the department's position. Sgt. Kilshaw stated that the interruption of Mr. Petrelis' public comment did not count towards his public comment time. Sgt. Kilshaw read into the record the transcriptions of the meeting and stated that the interruptions were to request that Mr. Petrelis address the Commission and not a specific person. Sgt. Kilshaw stated that Police Commission, Rule 3.2 which

requires that public comment be address to the commissions and not an individual was approved by the Office of the City Attorney. 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.

The SOTF opined that Police Commission, Rule 3.2 is incomplete and does not provide comprehensive information or justification. The SOTF believes that sections from the California Public Records Act and the Sunshine Ordinance should be referenced in order to provide comprehension information. In addition, the SOTF believes that the request to comply with Police Commission, Rule 3.2 forced Mr. Petrelis to amend and abridge his public comment in violation of Sunshine Ordinance, Section 67.15(d).

### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Suzy Loftus, Police Commission, violated Administrative Code (Sunshine Ordinance), Section 67.15(d).

### ORDER OF DETERMINATION

Member Eldon, seconded by Member Hinze, moved to find that Suzy Loftus, Police Commission, violated Administrative Code (Sunshine Ordinance), Section 67.15(d), by interrupting and abridging public comment by requesting that public commenters not address or state the names of a specific person and to address all comments directly to the commission.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hinze, Hyland, B. Wolfe  
Noes: 1 – Fischer  
Absent: 3 – Chopra, Baranetsky, J. Wolf

In addition, the SOTF suggests that the Police Commission consider revising Rule 3.2 to coincide with the California Public Records Act and the Sunshine Ordinance. The SOTF requests that the Police Commission provide a response regarding the suggestion to amend Rule 3.2.

Bruce Wolfe, Chair   
Sunshine Ordinance Task Force

- c. Michael Petrelis (Petitioner/Complainant)  
Sgt. Rachel Kilshaw, Police Commission (Respondent)  
Suzy Loftus (Respondent)