

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
February 27, 2017**

DATE ISSUED
February 1, 2017

CASE TITLE – Library Users Association v. Director Ed Reiskin, San Francisco
Municipal Transportation Agency (SFMTA) (File No. 16107)

FACTS OF THE CASE

On October 28, 2016, the following complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 16107: Complaint filed by the Library Users Association against Director Ed Reiskin, San Francisco Municipal Transportation Agency (SFMTA), for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On December 20, 2016, the Complaint Committee (Committee) acting in its capacity to hear complaints heard the matter and referred it to the Task Force for hearing.

On February 1, 2017, the SOTF reviewed the recommendation from Committee and held a hearing to review the merits of the complaint.

Peter Warfield (Library Users Association) (Petitioner/Complainant) provided an overview of the complaint and requested that the SOTF find violations. There were no speakers in support of the Petitioner/Complainant. Will Tabojonda, SFMTA (Respondent), provided a summary of the department's position. Mr. Tabojonda acknowledged that the response to Mr. Warfield's verbal request for documents was delayed. Louis Montoya, Tom Folks, Dustin White and Mike Hanrahan (SFMTA) spoke in support of the Respondent. A question and answer period followed. The Respondent and Complainant were provided the opportunity for rebuttals.

Chair Wolfe expressed concern that the complaint named Director Ed Reiskin, SFMTA, who was not a party to the complaint and did not name the parties specifically involved in the public records request. Member Tesfai stated that the

Complaint Committee was concerned that there was no written evidence to review as the requests for records were verbal.

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), Section 67.21(c) did not occur.

ORDER OF DETERMINATION

Member Cannata, seconded by Member Hinze, moved to find Will Tabojonda, SFMTA, violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a verbal request for public records in a timely manner.

The motion FAILED by the following vote:

Ayes: 4 - Baranetsky, Tesfai, Cannata, Hinze
Noes: 3 - Fischer, Hyland, B. Wolfe
Absent: 1 - Chopra
Excused: 3 - Eldon, J. Wolf, Maass


Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Peer Warfield, Library Users Association (Petitioner/Complainant)
- Director Ed Reiskin, SFMTA (Respondent)
- Caroline Celaya, SFMTA (Respondent)
- Will Tabojonda, SFMTA (Respondent)
- Luis Montoya, SFMTA (Respondent)
- Tom Folks, SFMTA (Respondent)
- Dustin White, SFMTA (Respondent)
- Mike Hanrahan, SFMTA (Respondent)