

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
March 15, 2017

DATE ISSUED
March 1, 2017

CASE TITLE – Ray Hartz v. Commissioner Quentin Kopp and the Ethics Commission
(File No. 16116)

FACTS OF THE CASE

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

File No. 16116: Complaint filed by Ray Hartz against Commissioner Quentin Kopp and the Ethics Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d) and 67.17, by abridging or prohibiting public criticism of the policy, procedures, programs or services of the City (Ethics Commission December 20, 2016, meeting).

HEARING ON THE COMPLAINT

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

On March 1, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Ray Hartz provided an overview of the complaint and requested that the Task Force find violations. Mr. Hartz stated that he is entitled to three minutes of uninterrupted public comment and that interruptions are violations of his free speech. There were no speakers in support of the Petitioner/Complainant. Jessica Blome, Ethics Commission (Respondent), provided a summary of the department's position. Ms. Blome acknowledged that there was an interruption of Mr. Hartz's public comment which lasted approximately 8 seconds. Ms. Blome stated that Ethics Commission staff has been informed that the public comment timer should be paused during any interruptions by members of the Ethics Commission. There were no speakers in support of the Respondent. The Respondent and Petitioner/Complainant were provided the opportunity for rebuttal.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Commissioner Quentin Kopp and the Ethics Commission violated Administrative Code (Sunshine Ordinance), Section 67.15.

ORDER OF DETERMINATION

Member Cannata, seconded by Member Tesfai, moved to find that Commissioner Quentin Kopp and the Ethics Commission violated Administrative Code (Sunshine Ordinance), Section 67.15, by not providing the full allotment of time for public comment.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze,
B. Wolfe

Noes: 1 – Hyland

Absent: 2 – Chopra, Baranetsky



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Ray Hartz (Petitioner/Complainant)
Director LeeAnn Pelham, Ethics Commission (Respondent)
Jessica Blome, Ethics Commission (Respondent)