

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
March 15, 2017

**DATE ISSUED**  
March 1, 2017

**CASE TITLE** – Ellen Tsang v. Director John Rahaim and the Planning Department  
(File No. 16119)

**FACTS OF THE CASE**

On December 29, 2016, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

**File No. 16119:** Complaint filed by Ellen Tsang against Director John Rahaim and the Planning Department, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.24, 67.25, and 67.26, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On January 24, 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 March 1, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Ellen Tsang (Petitioner/Complainant) provided an overview of the complaint and requested that the Task Force find violations. There were no speakers in support of the Petitioner/Complainant. Christian Silva, Planning Department (Respondent), provided a summary of the department's position. Ms. Silva acknowledged that the response was one day late. Ms. Silva stated that the requested records were provided or does not exist. At the request of the Task Force, Ms. Silva provided a summary of the Discretionary Review Process for projects before the Planning Department. 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 Task Force suggested that the Planning Department work with Ms. Tsang to provide information regarding how the Discretionary Review fee submitted by

Ms. Tsang was expended and how it was determined that a refund would not be issued.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Director John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.

#### ORDER OF DETERMINATION

Vice-Chair Hyland, seconded by Member Hinze, moved to find that Director John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to assist a requester in identifying the existence, form, and nature of any record or information maintained and failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 9 – Eldon, J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, Baranetsky

  
Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Ellen Tsang (Petitioner/Complainant)
- Director John Rahaim, Planning Department (Respondent)
- Christian Silva, Planning Department (Respondent)
- Jonis Ionin, Planning Department (Respondent)