

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
June 5, 2017**

DATE ISSUED
May 3, 2017

CASE TITLE – Carol Lau v. Office of the Treasurer and Tax Collector
(File No. 17011)

FACTS OF THE CASE

On February 24, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17011: Complaint filed by Carol Lau against the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a complete manner.

HEARING ON THE COMPLAINT

On March 28, 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.

Carol Lau (Petitioner) provided a summary of the complaint and answered questions from the Committee. Ms. Lau stated that at a minimum, a copy of her own letter to the department should have been found and provided. Debra Lew and Alexander Delvner (Treasurer and Collector's Office) provided a summary of the department's position and stated the various sections of the office were surveyed regarding the request and no documents responsive to the request were found.

Member Hinze, seconded by Chair Tesfai, moved to refer the matter to the Task Force with the recommendation to find Jurisdiction and find the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21.

On May 3, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Due to work issues the Petitioner was forced to leave the meeting and was not able to provide testimony. There were no speakers in support of the Petitioner.

Debra Lew, Treasurer/Tax Collector (Respondent) provided a summary of the department's position. Ms. Lew stated that due to a strict interpretation of the original request for public records the department did not have any records responsive to the request. Ms. Lew stated that upon receipt of subsequent clarifications and requests, many documents have now been provided to the Petitioner. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21(c).

ORDER OF DETERMINATION

Chair Wolfe, seconded by Member Tesfai, moved to find that the Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21(c), by failing to assist a requester in identifying the existence, form, and nature of any record or information maintained by, available to, or in the custody of the custodian.

The motion PASSED by the following vote:

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

Noes: 0 – None

Absent: 2 – Chopra, Cannata



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Carol Lau (Petitioner/Complainant)
Debra Lew, Treasurer/Tax Collector's Office (Respondent)