

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
July 24, 2017

DATE ISSUED
July 5, 2017

CASE TITLE – Jerry Dratler v. Ben Rosenfield and the Office of the Controller
(File No. 17016)

FACTS OF THE CASE

On April 20, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17016: Complaint filed by Jerry Dratler against Ben Rosenfield and the Office of the Controller 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 May 23, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Jerry Dratler (Petitioner), provided a summary of the complaint and stated that work papers are not protected records and should be provided. Mr. Dratler stated that he has not received Appendix A and has not received the draft/final report regarding General Hospital. There were no speakers on behalf of the Petitioner. Tonia Lediju, Office of the Controller (Respondent), provided a summary of the department's position and stated that the Controller's Office complies with all yellow book standards in regards to auditing practices. Ms. Lediju stated that the Controller's Office is not hiding any findings or recommendations and all records have been provided and/or posted online. Ms. Lediju stated that the contractor is working in conjunction with the Controller's Office and all documents created by the contractor are consider work papers of the Controller's Office. Ms. Lediju stated that a final/draft documents was not created for the General Hospital report and only a final report was issued. There were no speakers on behalf of the Respondent. A question and answer period followed. The parties were provided an opportunity for rebuttals

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

Jerry Dratler (Petitioner) provided an overview of the complaint and requested that the Task Force find violations. Mr. Dratler stated that he did not receive the Cummings work papers and final reports, final reports from the Controller's Office and that certain appendixes in the reports were never provided. There were no speakers in support of the Petitioner. Tonia Lediju, Office of the Controller (Respondent), provided a summary of the department's position. Ms. Lediju provided a summary of the request received from Mr. Dratler and stated that all records have been provided and are online. Ms. Lediju stated that Cummings worked in conjunction with the Office of the Controller and certain documents were never created. Ms. Lediju stated that the Controller complies with all required mandates and does not necessary create report pursuant to other organizational standards. 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 Ben Rosenfield and the Office of the Controller DID NOT violate Administrative Code (Sunshine Ordinance), Section 67.21.

ORDER OF DETERMINATION

Member Hinze, seconded by Member J. Wolf, moved to find that Ben Rosenfield and the Office of the Controller DID NOT violate Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and complete 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: 1 – Chopra



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Jerry Draftler (Petitioner/Complainant)
- Tonia Lediju, Office of the Controller (Respondent)