

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
August 30, 2017

**DATE ISSUED**  
August 2, 2017

**CASE TITLE** – Anonymous v. Anne Brask, Christine Silva, John Rahaim and the Planning Department (File No. 17027)

**FACTS OF THE CASE**

On April 11, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17027: Complaint filed by Anonymous against Anne Brask, Christine Silva, John Rahaim and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failure to respond to an Immediate Disclosure Request 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.

The Petitioner was not present at the hearing. Ms. Tsang spoke on behalf of the Petitioner and provided samples of past actions of the Planning Department. Christine Silva, Planning Department (Respondent), provided a summary of the department's position and stated that the department is in compliance with the requirements of the Sunshine Ordinance. Ms. Silva provided a timeline of actions and summarized the documents provided to the Petitioner. There were no speakers on behalf of the Respondent. A question and answer period followed. The parties were provided an opportunity for rebuttals.

The Committee noted that the follow-up request from the Petitioner appears to be comments and questions regarding the validity of the response provided by the Planning Department and not a request for additional public records.

On August 2, 2017, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Administrator Victor Young noted that the Task Force is in receipt of an email (August 2, 2017, 3:30 p.m.) stating that the Petitioner is ill and that Ellen Tsang was to be appointed as an authorized representative. The Petitioner nor their representative was present during the hearing on the matter. There were no speakers on behalf of the Petitioner. Christine Silva, Planning Department (Respondent), provided a summary of the department's position and stated that all records were provided in a timely manner. Ms. Silva provided a timeline of the response provided by the Planning Department. There were no speakers on behalf 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 Planning Department did not violate Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.

#### ORDER OF DETERMINATION

Vice Chair Hyland, seconded by Member Hinze, moved to find that the Planning Department did not violate Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, Maass, Fischer, Cannata, Hinze, Hyland, B. Wolfe  
Noes: 0 – None  
Absent: 2 – Chopra, J. Wolf

  
Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Anonymous (Petitioner/Complainant)  
Christine Silva, Planning Department (Respondent)