

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 24, 2017**

DATE ISSUED
July 5, 2017

CASE TITLE – Ann Treboux v. Sheriff’s Department (File No. 17031)

FACTS OF THE CASE

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

File No. 17031: Complaint filed by Ann Treboux against the Sheriff’s Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and 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.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Task Force for find violations. There were no speakers on behalf of the Petitioner. Mark Nicco, Office of the Sheriff (Respondent), provided a summary of the department’s position and acknowledged that the response to the Immediate Disclosure Request was late. Mr. Nicco stated that the general mailbox was not checked in a timely manner and that when the email was retrieved the title which requested an immediate response was missed. 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.

The Petitioner and the Respondent were not required to attend the hearing as they agreed to the recommendation of the Complaint Committee. There were no speakers on behalf of Petitioner or the Respondent.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that the Sheriff's Department violated Administrative Code (Sunshine Ordinance), Section 67.25.

ORDER OF DETERMINATION

Member Hinze, seconded by Member Cannata, moved to find that the Sheriff's Department violated Administrator Code (Sunshine Ordinance), Section 67.25, by 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: 1 – Chopra

Bruce Wolfe, Chair
Sunshine Ordinance Task Force



- c. Ann Treboux (Petitioner/Complainant)
Marc Nicco, Sheriff's Department (Respondent)