

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
August 30, 2017

**DATE ISSUED**  
August 2, 2017

**CASE TITLE – Jason Grant Garza v. Director Barbara Garcia, Philip Katzenberger and Basil Price, Department of Public Health (File No. 17049)**

**FACTS OF THE CASE**

On May 18, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17049: Complaint filed by Jason Grant Garza against Director Barbara Garcia, Philip Katzenberger and Basil Price, Department of Public Health, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On June 20, 2017, the Education, Outreach and Training Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Jason Grant Garza (Complainant) provided an overview of the complaint and requested the Committee to find violations. Mr. Garza stated that he was not allowed to video record in the hospital and that all requested records have not yet been provided. There were no speakers in support of the Complainant. Linda Acosta, Department of Public Health (Respondent) provided a summary of the department's position. Ms. Acosta stated that with the exception of the video recording all records in possession of Public Health have been provided. Ms. Acosta stated that the video recording cannot be released in order to protect the privacy of other patients pursuant to HIPAA. Ms. Acosta stated that the department is unable to redact private information in the video recording. Ms. Acosta stated that the Office of the City Attorney advised the department to not release the video recording. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and the Respondent were provided the opportunity for rebuttals. Mr. Garza stated that certain logs were not provided. Ms. Acosta stated that all documents containing

Mr. Garza's name was provided and since Mr. Garza was not admitted, there are no document.

The Committee opined that it is difficult to redact video recordings. In addition, the Committee believes that all records excluding the video recording has been provided in a timely manner or does not exist.

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.

Jason Grant Garza (Petitioner) provided a summary of the complaint and requested the Task Force to find violations. Mr. Garza played a video of his visit to the Emergency Room at General Hospital and stated that it is not possible there are no records of his visit. Diane Curto spoke in support of the Petitioner. Brent Andrew, Public Health (Respondent) provided a summary of the department's position and stated that all requested documents have been provided or do not exist. Mr. Andrew stated that, with the exception of the video recordings, all records were provided or a statement was provided stating that the requested records do not exist. The video recordings were provided late. Mr. Andrew suggested that the intent of Mr. Garza's request may have been misinterpreted. Mr. Andrew stated that Mr. Garza's name does not appear on the requested logs but redacted copies of the log can be provided. 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 Director Barbara Garcia, Philip Katzenberger and Basil Price, Department of Public Health, violated Administrative Code (Sunshine Ordinance), Section 67.25.

## ORDER OF DETERMINATION

Member J. Wolf, seconded by Member Hinze, moved to find that Director Barbara Garcia, Philip Katzenberger and Basil Price, Department of Public Health, violated Administrative Code (Sunshine Ordinance), Section 67.25 by failing to respond to an Immediate Disclosure Request in a timely and complete manner.

### **The motion PASSED by the following vote:**

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

  
Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Jason Grant Garza (Petitioner/Complainant)  
Director Barbara Garcia, Public Health (Respondent)  
Philip Katzenberger, Public Health (Respondent)  
Basil Price, Public Health (Respondent)