

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
August 30, 2017

DATE ISSUED
August 2, 2017

CASE TITLE – Michael Gray v. Police Department (File No. 17060)

FACTS OF THE CASE

On May 30, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17060: Complaint filed by Michael Gray against the Police Department 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 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.

Michael Gray (Complainant) provided an overview of the complaint and requested the Committee to find violations. Mr. Gray stated that his request for records related to his background check was sent via U.S. Mail. There were no speakers in support of the Complainant. Officer James Furley, Police Department (Respondent) provided a summary of the department's position and stated that all records were provided in a timely manner. Officer Furley stated that if the department did have the record in question it would not be provided pursuant to California Government Code, Section 6254(c) and stated that Mr. Gray also signed an agreement which prevents the release of the background check information. Officer Furley stated that the initial response was inadvertently sent to the wrong email address but the issue was corrected prior to the expiration of the deadline to respond. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant was provided the opportunity for rebuttals.

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.

The Petitioner was not present during the hearing on the matter. There were no speakers on behalf of the Petitioner. Lt. Katheryn Waaland, Police Department (Respondent), provided a summary the department's position. Lt. Waaland stated that the Police Department responded to the request for records in a timely manner and that the Police Department does not have the requested documents. Lt. Waaland stated that the Police Department was not involved with the job offer or background check in question and that the Petitioner was referred to the party in possession of the documents. Ann Treboux spoke 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 Police Department did not violate Administrative Code (Sunshine Ordinance), Section 67.21.

ORDER OF DETERMINATION

Member Eldon, seconded by Member Fischer, moved to find that the Police Department did not violate Administrative Code (Sunshine Ordinance), Section 67.21.

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. Michael Gray (Petitioner/Complainant)
Lt. Katheryn Waaland, Police Department (Respondent)