

**SUNSHINE ORDINANCE
TASK FORCE**

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**ORDER OF DETERMINATION
December 27, 2017**

DATE ISSUED
November 1, 2017

CASE TITLE – Anonymous v. Luis Herrera and the Public Library (File No. 17082)

FACTS OF THE CASE

On July 5, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17082: Complaint filed by Anonymous against Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On September 19, 2017, the Compliance and Amendments Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Anonymous (Petitioner) provided a summary of his complaint and requested the Committee to find a violation. Anonymous stated that the Library should inform “parties” if records or incident reports are created regarding the “party”. Anonymous requested the Task Force to review the Library’s policies and procedures regarding incident reports. Sue Blackman, Public Library (Respondent) provided a summary of the department’s position. Ms. Blackman acknowledged that the Library’s response to the public records request was three days late but all records, consisting of a single email, has been provided. Ms. Blackman stated that an incident report was not created as the situation did not rise to that level. Ms. Blackman stated that the Library maintains a copy of their procedures online as part of the patron code of conduct.

The Committee opined that it is not in the purview of the Task Force to review the Library policies and procedures for deciding when to create incident reports. However, the Committee believes that a violation of Sunshine Ordinance 67.25 did occur as the Library acknowledged that they were three days late in responding to the Immediate Disclosure Request.

On November 1, 2017, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Anonymous stated that the Public Library did not notify him that an email was written concerning an incident he was involved in and that the Public Library does not have policies regarding conduct and when an incident report should be created. Ray Hartz spoke in support of the Petitioner and stated the Public Library has no rules for implementation of their policy regarding behavior. Deputy Director Michael Lambert, Public Library (Respondent), provided a summary of the department's position. Mr. Lambert acknowledged that the Public Library's response was late and stated that an incident report was not created. Mr. Lambert stated that the Public Library's code of conduct is posted on their website. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found violations of Administrative Code (Sunshine Ordinance), Section 67.25.

ORDER OF DETERMINATION

Member J. Wolf, seconded by Member Hinze, moved to find Luis Herrera and the Public Library violated Administrative 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: 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. Anonymous (Petitioner/Complainant)
Sue Blackman, Public Library (Respondent)
Luis Herrera, Public Library (Respondent)