

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
December 27, 2017**

DATE ISSUED
November 1, 2017

CASE TITLE – Ray Hartz v. Luis Herrera and the Public Library (File No. 17085)

FACTS OF THE CASE

On July 12, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17085: Complaint filed by Ray Hartz against Luis Herrera and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(e), 67.25 and 67.29(a)(c), by failing to respond to an Immediate Disclosure Request in a complete manner or failing to maintain required records.

HEARING ON THE COMPLAINT

On August 22, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Ray Hartz (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Hartz stated that the department is either withholding records or failing to properly maintain records related to the rent payment from the Friends of the Public Library for space at the Public Library. Mr. Hartz stated that he has not received documents regarding compliance with the lease for the Friend of the Public Library. Maureen Singleton, Public Library (Respondent), provided summary of the department's position. Ms. Singleton stated that a copy of the lease was provided along with a financial accounting and related certifications. Ms. Singleton stated that the Public Library does not have any additional documents regarding alleged discrepancies in payment from the Friends of the Public Library.

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.

Ray Hartz (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Mr. Hartz stated that he wanted the Public Library and the Department of Real Estate to provide the requested documents separately for comparison purposes. Mr. Hartz stated that the Public Library provided a rent

roll but has not provide evidence of renewal of the lease with the Friends of the Public Library. Mr. Hartz requested acknowledgement of non-compliances with the lease or evidence of compliance. There were no speakers on behalf of the petitioner. Maureen Singleton, Public Library (Respondent), provided a summary of the department's position. Ms. Singleton provided a summary of the department's response and stated that all available records have been provided. 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 67.29-7(a).

ORDER OF DETERMINATION

Member Cannata, seconded by Member Hinze, moved to find that Luis Herrera and the Public Library violated Administrative Code (Sunshine Ordinance), Section 67.29-7(a), by failing to maintain and preserve in a professional and businesslike manner all documents and correspondence in accordance with the Sunshine Ordinance.

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

The SOTF requested that a letter be sent to Mr. Hartz, signed by City Librarian Luis Herrera and Maureen Singleton, Public Library, verifying that all records have been provided and that the Public Library does not have any other documents related to the public records request. The SOTF referred to matter to the Compliance and Amendments Committee to verify that the requested letter is provided to Mr. Hartz.

On November 6, 2017, the Public Library complied with the SOTF's request to send a letter to Mr. Hartz verifying that all responsive record in the custody of the Public Library have been provided.

A handwritten signature in blue ink, appearing to read "Bruce Wolfe", is written over a circular stamp or seal.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Ray Hartz (Petitioner/Complainant)
- Luis Herrera, Public Library (Respondent)
- Sue Blackman, Public Library (Respondent)
- Maureen Singleton, Public Library (Respondent)