

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
May 1, 2018**

**DATE ISSUED**  
April 4, 2018

**CASE TITLE – Anonymous V Juvenile Probation Commission (File No. 17123)**

**FACTS OF THE CASE**

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by the Anonymous against the Juvenile Probation Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On January 23, 2018, the Complaint 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 the complaint and requested the Committee to find a violation. Anonymous stated that a response to the public records request was not provided in a timely manner. Anonymous confirmed that he is personally aware that the audio recordings were created and that he was present when the requested audio recordings were created. Pauline Silva-Re, Juvenile Probation (Respondent), provided a summary of the department's position. Ms. Silva-Re stated that she started working with the department in January of 2009 after the position was vacant for a least a year. Ms. Silva-Re stated that upon arriving in the office there were no records present in the office or evidence of the whereabouts of the requested audio recordings. Ms. Silva-Re stated that she performed a search for the audio records and possible storage locations but could not find the records in question. A question and answer period occurred.

On April 4, 2018, 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 violation. Anonymous stated that during his tenure with the

department the requested audio recording and other records were created. Anonymous stated that the departmental records should have been maintained by the department and not discarded. There were no speakers on behalf of the Petitioner. Pauline Silva-Re, Juvenile Probation Commission (Respondent), provided a summary of the department's position. Ms. Silva-Re stated that a comprehensive search for the requested records was conducted and no response records were found. Ms. Silva-Re stated that upon her recent arrival to the Juvenile Probation Commission it appear that records for the timeframe of 2002 through 2007 were not maintained and/or lost. There were no speakers on behalf of the Respondent. A question and answer period occurred. 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 that the Juvenile Probation Commission violated Administrative Code (Sunshine Ordinance), Section 67.29-7.

#### ORDER OF DETERMINATION

Member Cannata, seconded by Member Tesfai, moved to find that the Juvenile Probation Commission violated Administrative Code (Sunshine Ordinance), Section 67.29-7, by failing to maintain and preserve, in a professional and businesslike manner, all public records and documents.

The motion PASSED by the following vote:

Ayes: 7 – Eldon, Tesfai, Maass, Cannata, Hyland, Fischer, Hinze

Noes: 0 – None

Absent: 3 – Chopra, J. Wolf, B. Wolfe



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

- c. Anonymous (Petitioner/Complainant)  
Pauline Silva-Re, Juvenile Probation Commission (Respondent)