

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
October 12, 2016

DATE ISSUED
September 7, 2016

CASE TITLE – Library Users Association v. Laura Lent and the Public Library (File No. 15161)

FACTS OF THE CASE

On November 19, 2015, the Library Users Association filed the following complaint:

File No. 15161: Complaint filed by the Library Users Association against Laura Lent and the San Francisco Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, for failure to respond to public records requests, submitted orally, in a timely and/or adequate manner in regards to BiblioCommons Webinar.

HEARING ON THE COMPLAINT

On August 16, 2016, the Compliance and Amendments Committee heard the matter.

Peter Warfield (Complainant) provided a summary of the complaint and requested the Committee to find violations. Mr. Warfield provided details of his interaction with Library staff and stated that Ms. Lent requested that the records request be provided in a written format. Mr. Warfield stated that the current complaint is not duplicative of his previous complaint filings. Male Speaker spoke in support of the Complainant. Michael Lambert and Laura Lent, Public Library (Respondent), provided a summary of the department's position. Mr. Lambert stated that the complaint was duplicative of complaints previously adjudicated by the Task Force and provided a summary of the Library's interaction with Mr. Warfield in regards to BiblioCommons. Ms. Lent summarized her interaction with Mr. Warfield. Ms. Lent acknowledged that on February 20, 2015, Mr. Warfield made an oral request for records at the end of their meeting and that she was unaware of how to properly respond to the request. There were no speakers in support of the Respondent. A question and answer period followed. Both parties acknowledged that the requested records were provided but could not provide the date that the records were provided to Mr. Warfield. The Complaint and the Respondent were provided the opportunity for rebuttals.

Member Hyland provided a history of Mr. Warfield's previous complaints against the Public Library in regards to BiblioCommons and expressed his opinion that the complaint is duplicative and that the Task Force has previously adjudicated the issue.

Upon review of the testimony and the submitted documents, the Committee determined that the records orally requested by Mr. Warfield on February 20, 2015, were provided but it could not be determined if they were provided in a timely manner. The Committee opined that a request for public records can be made orally and that it is not required for the request to be in a written format.

On September 7, 2016, the Sunshine Ordinance Task Force (Task Force) reviewed the recommendation of the Committee.

Peter Warfield (Complainant) provided an overview of the complaint and requested the Task Force to find violations.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.21, occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force adopted the recommendation of the Compliance and Amendments Committee to find jurisdiction and to find that Laura Lent and the San Francisco Public Library violated Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to the February 20, 2015, oral request for public records in a timely manner.

The motion PASSED by the following vote:

Ayes: 9 - Baranetsky, Eldon, J. Wolf, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 - None

Absent: 1 - Chopra

Excused: 1 - Tesfai

Bruce Wolfe, Chair
Sunshine Ordinance Task Force



- c. Nicholas Colla, Deputy City Attorney
- Peter Warfield, Complainant
- Laura Lent, Public Library (Respondent)
- Luis Hererra, Public Library (Respondent)
- Michael Lambert, Public Library (Respondent)
- Sue Blackman, Public Library (Respondent)