

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
October 12, 2016**

DATE ISSUED
September 7, 2016

CASE TITLE – Anonymous v. John Rahaim and the Planning Department
(File No. 16050)

FACTS OF THE CASE

On May 13, 2016, Anonymous filed the following complaint:

File No. 16050: Complaint filed by Anonymous against Director John Rahaim and the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25 and 67.32, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

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

Anonymous (Complainant) provided a summary of the complaint and requested the Committee to find violations. Anonymous stated that the Planning Department was informed to provide all responses via U.S. Postal Service. There were no speakers in support of the Complainant. Christine Silva, Planning Department (Respondent), provided a summary of the department's position. Ms. Silva stated that a request for a 14 day extension was transmitted via email and U.S. Postal Service. There were no speakers in support of the Respondent. A question and answer period followed. The Complaint and the Respondent were provided an opportunity for rebuttals.

Upon review of the testimony and the submitted documents the Committee stated that the Planning Department request for a 14 day extension was invalid. Pursuant to Sunshine Ordinance, Section 67.25 (b), requested for extension is limited to 10 days.

The Committee requested that the Planning Department communicate to their staff the requirements of Sunshine Ordinance, Section 67.21 (b), which states that public records requests may be delivered orally, or in writing by fax, postal delivery, or email. In addition, care should be taken to honor requests of the public to provide a response via fax, postal delivery, or email.

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

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), Sections 67.25 (a) and (b), occurred.

RECOMMENDATION

The Sunshine Ordinance Task Force adopted the recommendation of the Compliance and Amendments Committee to find jurisdiction and to find that Director John Rahaim and the Planning Department violated Administrative Code (Sunshine Ordinance), Sections 67.25 (a) and (b), by failing to respond to an Immediate Disclosure Request in a timely manner and by failing to request an extension of time to respond in an appropriate 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
- Anonymous, (Complainant)
- John Rahaim, Planning Department (Respondent)
- Jonas Ionin, Planning Department (Respondent)
- Christine Silva, Planning Department (Respondent)