

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

DATE THE DECISION ISSUED

April 29, 2008

KIMO CROSSMAN v. SOTF ADMINISTRATOR, FRANK DARBY (08017)

FACTS OF THE CASE

On January 25, 2008, the Sunshine Posse, a group of individuals interested in public records and public meeting issues, made an Immediate Disclosure Request ("IDR") to Frank Darby, Sunshine Ordinance Task Force Administrator ("Administrator") for a copy of all e-mails sent and received by the Administrator from January 1, 2008 to January 25, 2008. The Sunshine Posse subsequently sent a supplemental request for e-mails from January 25, 2008 to February 1, 2008.

On February 6, 2008, the Administrator provided the copies of the requested materials batched in groups of 10. The total number of e-mails totaled 344.

COMPLAINT FILED

On March 2, 2008, Kimo Crossman on behalf of the Sunshine Posse filed a complaint online alleging that the Administrator violated the Ordinance by providing the e-mails in batches of 10 rather than individual documents.

HEARING ON THE COMPLAINT

On April 22, 2008, Complainant Kimo Crossman appeared before the Task Force and presented his claim. Respondent Agency was represented by Frank Darby, who presented the Agency's defense.

The issue in the case is whether the Agency violated Section(s) 67.21 and 67.25 of the Ordinance and/or Sections 6253 (b) and 6253.9 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force found that the Administrator complied with the IDR by providing the documents in an electronic format requested. The request from the Sunshine Posse did not specifically request that the e-mails should be disclosed in any particular format or by a particular method.

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DECISION AND ORDER OF DETERMINATION

The Task Force finds no violation of the Ordinance and/or the California Public Records Act.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 22, 2008, by the following vote: (Chan / Cauthen)

Ayes: Craven, Knee, Cauthen, Chu, Pilpel, Chan, Goldman

Noes: Comstock, Wolfe, Williams

A handwritten signature in black ink, appearing to read 'D. Comstock', written in a cursive style.

Doug Comstock, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Kimo Crossman
Frank Darby
Angela Calvillo, Clerk of the Board