

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
January 12, 2021

DATE DECISION ISSUED
September 2, 2020

CASE TITLE – (Michael Petrelis v. Supervisor Rafael Mandelman)
(File No. 19111)

FACTS OF THE CASE

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

File No. 19111: Complaint filed by Michael Petrelis against Supervisor Rafael Mandelman for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On November 26, 2019, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that in early October he submitted an Immediate Disclosure Request to Supervisor Mandelman's office asking for emails, texts and calendar entries. Mr. Petrelis stated that as of October 26, 2019, he had received emails and over 500 pages of his requested materials. Mr. Petrelis stated that he has not received Supervisor's texts. Mr. Petrelis stated that he received a letter from Tom Temprano of the Supervisor's office asking that he narrow the scope of his request as it was voluminous, citing the that there were specific technical challenges, which Mr. Petrelis did.

Tom Temprano (Chief of Staff, Supervisor Mandelman's Office) (Respondent), provided a summary of the department's position. Mr. Temprano stated that as of November 26, 2019, his office has provided over 880 pages of records to the Petitioner on a rolling basis as the Petitioner requested. Mr. Temprano stated that he asked Mr. Petrelis to narrow the scope of his request because it was voluminous and processing the response has taken over 30 hours of staff time. Mr. Temprano stated that he has one outstanding item to provide to the Petitioner which requires access to the Supervisor's personal cell phone. Mr.

Temprano asked the Committee to dismiss the complaint because the Supervisor's Office has made a good faith and timely effort to comply with Mr. Petrelis's Immediate Disclosure Request.

Action: Moved by Member Wolfe, seconded by Member Hinze, to find that the SOTF has jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

The Committee referred the matter to the SOTF. On September 2, 2020, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Michael Petrelis (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Petrelis stated that he was surprised that his matter was heard in November before Covid-19. Mr. Petrelis stated that he received his requested records but that they were not provided in a timely manner.

Tom Temprano (Supervisor Rafael Mandelman, Board of Supervisors) (Respondent), provided a summary of the department's position. Mr. Temprano stated thanks to members and staff and apologized for the late submission of documents to the SOTF Administrator. Mr. Temprano stated Mr. Petrelis's records request was voluminous and burdensome. Mr. Temprano stated that in October 2019 his office provided the Petitioner with hundreds of pages of requested records which required many hours of staff time and continued to provide on a rolling basis. Mr. Temprano stated on January 28, 2020, the Petitioner acknowledged receipt of requested records. Mr. Temprano opined that his office has complied with the Ordinance.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Supervisor Rafael Mandelman DID NOT VIOLATE Administrative Code (Sunshine Ordinance), Section 67.25.

DECISION AND ORDER OF DETERMINATIONS

On September 2, 2020, Member Hinze, seconded by Member LaHood moved to find no violation Administrative Code, Sunshine Ordinance Section 67.25.

The motion PASSED by the following vote:

Ayes: 6 - LaHood, Yankee, Hinze, J. Wolf, B. Wolfe, Hyland
Noes: 0 - None
Absent: 1 - Tesfai

A handwritten signature in blue ink, appearing to read 'B. Wolfe', enclosed within a hand-drawn oval.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Michael Petrelis (Petitioner/Complainant)
Supervisor Rafael Mandelman (Respondent)