

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
February 10, 2022**

DATE DECISION ISSUED
June 2, 2021

CASE TITLE – Zach Karnazes v. Mayor’s Office on Disability
File No. 20067

FACTS OF THE CASE

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

File No. 20067: Complaint filed by Zach Karnazes against the Mayor’s Office on Disability 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 April 20, 2021, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Zach Karnazes (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Karnazes stated that he requested records regarding his disability cases filed with the City over one month before the pandemic began. Mr. Karnazes stated he made many follow-up requests for those records and was ignored for over five months. Mr. Karnazes is requesting the committee to find a violation for failure to respond in a timely manner.

Deborah Kaplan (Mayor’s Office on Disability) (Respondent), provided a summary of the department’s position. Ms. Kaplan stated that in April 2020, the Office informed Mr. Karnazes that they were not fully staffed due to the deployment of Disaster Service Workers. Ms. Kaplan stated that as staff became available, they located records, redacted them and made them available on a rolling basis. Ms. Kaplan stated all responsive records were provided by January 2021.

Action: Moved by Member Stein, seconded by Member Forsley, 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 opined that though the

Petitioner received his records it took just under a year to comply with the request.

The motion PASSED by the following vote:

Ayes: 3 - Stein, Forsley, Schmidt

Noes: 0 - None

On June 2, 2021, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Zach Karnazes (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Karnazes stated that he filed his request in January 2020 and received his records one year later in January 2021. Mr. Karnazes stated that his records were provided on a rolling basis. Mr. Karnazes stated that he made multiple requests for these records throughout 2020.

Deborah Kaplan (Deputy Director, Mayor's Office on Disability) (Respondent), provided a summary of the department's position. Ms. Kaplan stated that Mr. Karnazes began receiving his records in June 2020. Ms. Kaplan noted that her office didn't receive confirmation of receipt of the records and thus was unsure if he indeed had received them. Ms. Kaplan stated that because Mr. Karnazes had been unresponsive, in January 2021 her office resent the records. Ms. Kaplan stated that her office had been operating with limited staff capacity due employees being deployed to assist with the Covid-19 pandemic and not working at their regular jobs.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Mayor's Office on Disability violated Administrative Code (Sunshine Ordinance), Sections 67.21 by failing to respond to a records request in a complete and/or timely manner.

DECISION AND ORDER OF DETERMINATIONS


On June 2, 2021, moved by Member Wong, seconded by Member Hyland, to find that the Mayor's Office on Disability violated Administrative Code, Sunshine Ordinance Section 67.21, by failing to respond to a records request in a timely and/or complete manner.

The motion PASSED by the following vote:

Ayes: 10 - Wong, Hyland, Yankee, Stein, Schmidt, LaHood, Neighbors,
Wolfe, Padmanabhan, and Forsley

Noes: 0 - None

Absent: 1 - Frazier

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

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Zach Karnazes (Petitioner/Complainant)
Mayor's Office on Disability (Respondent)