

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

DATE DECISION ISSUED
May 3, 2023

CASE TITLE

File No. 22010: Complaint filed by Ron Cicero against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On March 15, 2022, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Action: Moved by Member Stein, seconded by Chair Schmidt, to find that the SOTF has jurisdiction, find that the requested records are public and to refer the matter to the SOTF for hearing with the recommendation to find violations of CPRA 6253(b) by failing to make records available and CPRA 6253(c) by failing to respond to the Petitioner about the status of the request.

The motion PASSED by the following vote:

Ayes: 2 - Stein, Schmidt
Noes: 0 - None

On May 3, 2023, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Action: Moved by Chair Yankee, seconded by Member Schmidt, to find that the Police Department violated Administrative Code, Sunshine Ordinance, Section(s) 67.21(b), by failing to provide records in a timely manner; send a letter to the Chief of Police to order the persons most knowledgeable of property control and archived public records at 1995 Evans Avenue and Building 606 at Hunters Point Shipyards to search for and turn over the requested records as soon as possible and to refer the file to the Compliance and Amendments Committee for follow up.

The motion PASSED by the following vote:

Ayes: 6 - Yankee, Schmidt, Wong, LaHood, Hyland, Stein

Noes: 0 - None

Absent: 2 - Wolfe, Hill

The Order of Determination was approved
by the Sunshine Ordinance Task Force
on: June 7, 2023.

cc. Petitioner
Respondent