

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
October 5, 2022**

DATE DECISION ISSUED
August 3, 2022

CASE TITLE - File No. 22041

Complaint filed by Anonymous (ARE) against Matthew Castillon (Redistricting Task Force) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On July 21, 2022, the Complaint Committee acting in its capacity to hear petitions/complaints heard the matter.

Moved by Chair Schmidt, seconded by Member Stein, to forward Matter No. 22041 to the full Sunshine Ordinance Task Force (SOTF), that the records are public, there is jurisdiction and recommends finding violations of Administrative Code, Sunshine Ordinance, Sections 67.21(b) for failure to respond in a complete and timely manner and 67.21(e) for failure to send a knowledgeable representative to attend the hearing and explain the decision to withhold the records. Chair Schmidt further noted that the violations on behalf Custodian of Records of the Redistricting Task Force, the Clerk of the Board and Matthew Castillon that the involved named entities have failed to cure the lack of designation of any responsible Custodian and to forward the matter to the August SOTF Consent calendar.

On August 3, 2022, the SOTF held a hearing to review the recommendation from committee and/or to review the merits of the petition/complaint.

Moved by Member Padmanabhan, seconded by Member Neighbors, to find Matthew Castillon in violation of Administrative Code, Sunshine Ordinance, Section(s) 67.21(b) for failing to provide the requested records within 10 days of receipt; 67.25(a) for failing to acknowledge receipt of an Immediate Disclosure Request within one day and California Public Records Act 6253(c) by failing to provide notice that there were any disclosable records within 10 days.

The motion was passed by the following vote:

Ayes: 8 - Padmanabhan, Wolfe, Schmidt, Wong, Hyland, Yankee,
LaHood, Neighbors
Noes: 0 - None.
Absent: 2 - Hill, Stein

Moved by Chair Yankee, seconded by Vice-Chair Wong, to order the City Attorney's Office, Clerk of the Board of Supervisors Office, and Department of Elections to search Matthew Castillon's email address and ask them to reach out to Mr. Castillon to obtain records in his possession under *Smith v. San Jose*.

The motion was passed by the following vote:

Ayes: 6 - Yankee, Wolfe, Wong, Hyland, LaHood, Neighbors
Noes: 2 - Schmidt, Padmanabhan
Absent: 2 - Hill, Stein

Matt Yankee, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Complainant)
Matthew Castillon, (Redistricting Task Force) (Respondent)
David Chiu, City Attorney
Angela Calvillo, Clerk of the Board of Supervisors
John Arntz, Department of Elections