

Report on Proposed Open Government Commission Complaint Procedure Revisions
Supporting Exhibit
Prepared by Commissioner LoPilato

Potential Sample Legal “Instructional Memo” or “Neutral Statement of the Case” to OGC
(for CAO Consideration in Detailing More Formalized Complaint Hearing Support)

Example 1 - Complaint with Potential Legal Issues:

Nature of Complaint: Complainant appears to allege a violation of [statutory section] and/or [].

Procedural Issues for Commission Consideration:

- The complaint may not be timely under [statutory section / case law].
- The complaint appears to request a remedy (revision of Ordinance) outside the scope of a proper OGC finding. (S.O. § ____.)

Substantive Issues for Commission Consideration:

- The Respondent’s statement cites to [case law]. This case is attached to the instructional memorandum for Commissioners and appears to reflect the current state of the law on the issue it is cited for.
- The Commission may wish to also review [statute / case law], which is a widely-recognized source of legal authority on the type of issue alleged in the Complaint. The Commission should consider the legal principles in [statute / case law] in the context of the facts presented here.

Example 2 - Straightforward Complaint with Minimal Legal Issues:

Nature of Complaint: Complainant appears to allege a violation of [statutory section] and/or [].

Procedural Issues for Commission Consideration:

- There do not appear to be any procedural issues for the Commission’s consideration.

Substantive Issues for Commission Consideration:

- The substantive issues presented in the Complaint do not appear to require legal analysis and the Commission should move forward with a fact-based analysis.