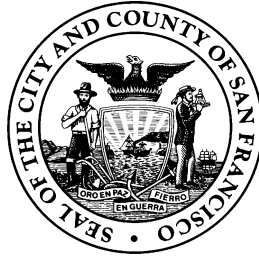


**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco 94102-4689**  
**Tel. No. (415) 554-7724**  
**Fax No. 415) 554-7854**  
**TDD/TTY No. (415) 554-5227**

February 3, 2012

District Attorney George Gascón  
San Francisco District Attorney's Office  
Hall of Justice  
850 Bryant Street, Room 322  
San Francisco, CA 94103

**Re: Sunshine Complaint No. 11023, William Clark v. Arts Commission  
Notice of Failure to Comply with Order of Determination**

The Sunshine Ordinance Task Force ("Task Force") hereby provides notification of Street Artist Program Director Howard Lazar's failure to comply with the Order of Determination ("Order") issued on June 18, 2011 in Sunshine Ordinance Complaint No. 11023, William Clark v. Arts Commission.

This notification is provided in request for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.21(e) which provides that "[u]pon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request" and "[i]f the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance," and
- (2) Sunshine Ordinance Section 67.30(c) which provides that "the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts."

**Background**

William Clark filed a complaint with the Task Force on March 6, 2011 alleging the San Francisco Arts Commission failed to provide public records and information responsive to his request made February 21, 2011.

## **Task Force Hearings on Complaint**

On May 18, 2011, the Task Force held a hearing on the complaint. The Task Force found respondents in violation of the Sunshine Ordinance and ordered disclosure of the requested public information no later than June 24, 2011. A description of the hearing, violations found, and the Task Force decision are described in the attached Order.

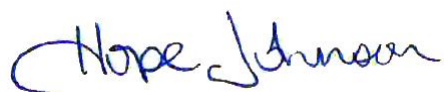
On July 12, 2011, the Task Force's Compliance and Amendments Committee held a hearing to monitor compliance with the Order. The Arts Commission had not provided the requested public information to Mr. Clark, and the Compliance and Amendments Committee recommended the full Task Force refer the matter to the District Attorney for failure to comply with the Order.

The Task Force approved notice of this matter to the District Attorney's Office at its regularly scheduled hearing on July 26, 2011. At that time, Mr. Lazar was still not in compliance with the Order. Please be advised that, in addition to the violations noticed herein, there have been multiple other violations found by the Task Force against Mr. Lazar.

The Task Force reminds the District Attorney's Office that both the Director of Cultural Affairs and the President of the Arts Commission have resigned amid serious allegations since the date this notice was approved.

Thank you for your attention to this matter. Copies of the Order and the San Francisco City Controller's July 12, 2011 and November 15, 2011 Reports on the Arts Commission are attached.

Please confirm receipt of this notice to the Task Force Administrator at [soft@sfgov.org](mailto:soft@sfgov.org) or (415) 554-7724. The Administrator is also available to provide any additional information needed.

A handwritten signature in blue ink that reads "Hope Johnson". The signature is written in a cursive style with a large initial "H".

Hope Johnson, Chair  
Sunshine Ordinance Task Force

Encl.

cc: William Clark, Complainant  
Tom Decaigny, Respondent  
Howard Lazar, Respondent  
Jerry Threet, Deputy City Attorney