

Date February 28, 2012

Item No. 9
File No. 11008

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

ITEMS

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Memorandum
Complaint submittal
Correspondence

OTHER

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Completed by: Andrea Ausberry Date February 22, 2012
Completed by: _____ Date _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

March 18, 2011:

WILLIAM CLARK VS. ARTS COMMISSION (11008)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant William Clark alleges that the San Francisco Arts Commission (the "Commission") violated the Ordinance by failing to adequately respond to his February 4, 2011 public records request for a copy of the audio cassette tape of the January 12, 2011 Street Artists Program Committee meeting.

COMPLAINANT FILES COMPLAINT:

On February 28, 2011, Complainant filed a complaint with the Task Force alleging a violation of section 67.21(b).

JURISDICTION

The Commission is a department under the Ordinance. Therefore, in general, the Task Force has jurisdiction to hear public records complaints against the Arts Commission. The Commission did not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs the process for gaining access to public records.

Section 6250 et seq. of the Cal. Gov't Code

- Section 6253 governs the release of public records and the timing of responses.

APPLICABLE CASE LAW:

None.

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ISSUES TO BE DETERMINED

Uncontested/Contested Facts: Complainant alleges that on February 4, 2011, he requested a copy of the January 28, 2011 public records request for a copy of the audio cassette tape of the January 12, 2011 Street Artists Program Committee meeting. He further alleges that as of the time of his complaint, he had not been provided the tape record.

The Commission responds that that they were unable to timely respond due to the absence of Howard Lazar due to illness, but that Mr. Lazar did provide the requested record after his return, on March 9, 2011. At that time, Mr. Lazar responded by email with attached electronic files of the recorded meeting, and also mailed 3 CDs that day with copies of the audio files on them.

Complainant responds to the Commission by stating that the audio files provided by the Commission were of such poor quality that they requested access to the original tape recording. They further respond that after listening to the tape, they determined that this was not the original tape recording of the January 12, 2011 meeting, based on the absence from the tape of Robert Clark's public testimony at that meeting and the response to that testimony by Commission Chair Luis Cancel. Due to this, complainant does not accept that he has been provided the full, unredacted version of the public record that he requested.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Did the Arts Commission timely respond to the initial request?
- Did the subsequent response of the Commission withhold any part of the records requested?
- If so, did the Commission justify such withholding in writing?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Has the Commission complied with the requirements of the Ordinance and the Public Records Act?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

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**CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE
ORDINANCE)**

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;
ADMINISTRATIVE APPEALS.**

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request

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until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article.

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

- (a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- (b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.
- (c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- (d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

SECTION 6253

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state

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the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

SECTION 6254

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

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- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Hi Chris,

My computer accidently sent my previous email before I could finish it.

The email below from Howard Lazar dated March 1, 2011 to me stated that the Arts Commission was no longer able to make audio cassette copies of Street Artist Committee meetings so he would send me a CD copy of the meeting.

However, at the December 14, 2011 SOTF meeting, the representative of the Arts Commission, Julio Mantos, testified that he saw Howard Lazar make an audio cassette recording of a meeting on March 8, 2011 but he didn't know what meeting Mr. Lazar was making an audio cassette recording of.

Mr. Mantos changed his previous testimony at the December 14, 2011 SOTF meeting and now is claiming he doesn't know what meeting Mr. Lazar was making an audio cassette copy of on March 8, 2011.

Obviously, Mr. Mantos' original testimony before the SOTF is the true and correct testimony of which meeting Mr. Lazar was downloading onto an audio cassette and Mr. Lazar lied to me in his email when he told me that the Arts Commission no longer had the ability to make audio cassette copies of Street Artist Committee meetings.

It is apparent to me that since Mr. Mantos made his original testimony before the SOTF someone (Mr. Lazar ?) instructed Mr. Mantos to change his previous testimony.

William J. Clark

-----Forwarded Message-----

>From: Howard.Lazar@sfgov.org

>Sent: Mar 1, 2011 10:36 AM

>To: Bill and Bob Clark

>Cc: Jill.Manton@sfgov.org, Alyssa.Licouris@sfgov.org, Kan.Htun@sfgov.org, Virginia.Dario.Elizondo@sfgov.org

>Subject: Request for audio recording of January 12, 2011 Street Artists Committee meeting

>

>Dear Mr. Clark and Mr. Clark:

>

>Thank you for the reminder of your February 4th request for an audio
>cassette copy of the January 12, 2011 Street Artists Committee meeting. I
>had been ill and out of the office for the better part of two weeks and am
>attempting to finish all of the work which had accumulated in my absence. I
>will be happy to address your request as soon as I finish responding to
>your February 3, 2011 request for documents.

>

>I wish to inform you that because the Arts Commission no longer has the
>capability of reproducing recordings onto cassette tape, the Commission now
>reproduces recordings as digital files. We will make a digital file of the
>audio recording of the January 12, 2011 Street Artists Committee meeting
>and will attach the file to an e-mail to you.

>

>Sincerely,

>

>

>Howard Lazar

>Street Artists Program Director

>San Francisco Arts Commission

>415.252.2583

>

>Website: http://www.sfartscommission.org/street_artists_program/index.html

>

>

>

>From: Bill and Bob Clark

>To: howard.lazar@sfgov.org, Howard.Lazar@sfgov.org

>Date: 02/21/2011 11:55 AM
>Subject: Fw: January 12, 2011 Street Artist Program Committee meeting

>
>
>

>Mr. Lazar,

>

>We are sending you this email to remind you that we still want an audio
>cassette copy of the January 12, 2011 Street Artist Program Committee
>meeting.

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>Just in case you never read our first email, we are forwarding you the
>email we sent to you on February 4, 2011 in which we asked you for an audio
>cassette copy of the January 12, 2011 Street Artist Program Committee
>meeting.

>

>William J. Clark

>Robert J. Clark

>

>

>-----Forwarded Message-----

>>From: Bill and Bob Clark

>>Sent: Feb 4, 2011 4:25 PM

>>To: howard.lazar@sfgov.org, Howard.Lazar@sfgov.org

>>Subject: January 12, 2011 Street Artist Program Committee meeting

>>

>>Mr. Lazar,

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>>We are requesting a cassette tape copy of the audio tape of the January
>12, 2011 Street Artist Program Committee meeting.

>>

>>William J. Clark

>>Robert J. Clark

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Hi Chris,

Please include a copy of this email in the file for my complaint #11008 which is calandered to be heard on January 3, 2012.

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>>Robert J. Clark

>
>
>



<complaints@sfgov.org>
02/28/2011 07:02 PM

To <sotf@sfgov.org>
cc
bcc
Subject Sunshine Complaint

To:sotf@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:San Francisco Arts
Commission Street Artist Program
CONTACTED:Howard Lazar, Director of the Street Artist Program
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:Section 67.21(b)
DESCRIPTION:On February 4, 2011 I sent Howard Lazar an email requesting an audio cassette
copy of the January 12, 2011 Street Artist Program Committee meeting. As of today, February
28, 2011, I have not any response or an audio cassette copy of the January 28, 2011 Street Artist
Program Committee Meeting from Mr. Lazar.
HEARING:Yes
PRE-HEARING:No
DATE:February 28, 2011
NAME:William J. Clark
ADDRESS:P.O. Box 882252
CITY:San Francisco
ZIP:94188
PHONE:415-822-5465
CONTACT_EMAIL:billandbobclark@access4less.net
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE
MAYOR

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

March 10, 2011

Honorable Members, Sunshine Ordinance Task Force
Complaint Committee
c/o Chris Rustom, Deputy Administrator
Office of the Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

PROGRAMS

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PERFORMING ARTS
PUBLIC ART
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

RE: Sunshine Ordinance Task Force - #11008 William and Robert
Clark v. Arts Commission

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Dear Committee Members:

The San Francisco Arts Commission (the "Commission") is submitting this response to Complaint #11008, William and Robert Clark v. Arts Commission, which was received by the Commission on March 9, 2011. According to the complaint, William J. Clark states: *"On February 4, 2011 I sent Howard Lazar an email requesting an audio cassette copy of the January 12, 2011 Street Artist Program Committee meeting. As of today, February 28, 2011, I have not [received] any response or an audio cassette copy of the January 28, 2011 Street Artist Program Committee Meeting from Mr. Lazar."*

Although Street Artists Program Director Howard Lazar had been ill and out of the office for the better part of the two weeks of February 14 – 27, he did provide the response on March 9th.

On March 9th, Mr. Lazar sent an e-mail to William and Robert Clark with attached audio files of the recording of the requested meeting. In the same e-mail, Mr. Lazar informed them that his office was also sending them three (3) CDs which comprised the entire recording of the meeting.

In summary, both a response and a recording were ultimately furnished. The delay in furnishing was due to (1) the Program Director's absence from his office due to illness, and (2) his responding to the work load which had accumulated in his absence, including a research of documents for another (February 3, 2011) Clark request.



CITY AND COUNTY OF
SAN FRANCISCO

We respectfully request that you please take these reasons into consideration as you assess this matter.

Sincerely,

Howard Lazar
Street Artists Program Director

Cc: The Honorable P. J. Johnston, President, Arts Commission
The Honorable Greg Chew, Chairman, and Commissioners John
Calloway, Amy Chuang, Sherene Melania, and Jessica Silverman
- Street Artists Committee
Mr. Luis R. Cancel, Director of Cultural Affairs
Mr. Kan Htun, Chief Financial Officer
Ms. Jill Manton, Director of Programs



Bill and Bob Clark
<billandbobclark@access4less.net>

03/16/2011 01:31 PM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To soft@sfgov.org

cc saudage38@hotmail.com, anordquist@hotmail.com,
smac41@netzero.net, kathyleather@gmail.com,
addariophotography@myastound.net, glasmanw@aol.com,

bcc

Subject Complaint #11008

Hi Chris,

On March 9, 2011, I received an email from Mr. Lazar which contained a digital audio version of what he purported to be the audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting. In that email, he also informed me that he sent me 3 CDs of the meeting in the mail.

After I listened to both versions of the meeting, the quality was so poor it was very difficult to hear many portions of the meeting so on March 10, 2011 I sent Mr. Lazar an email requesting that I be allowed to inspect the original audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting.

On March 15, 2011, my brother and I inspected what Mr. Lazar purported to be the original audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting.

Upon inspection of the audio cassette recording, we discovered that a portion of the meeting which contained some of my brother's testimony and the Director of Cultural Affairs, Luis Cancel's response to my brother's testimony was deleted from the audio cassette recording.

I returned the audio cassette recording to Aylssa Licouris, Program Assistant of the Street Artist Program and informed her that the audio cassette recording she gave to me was not the original audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting because a portion of the meeting was missing. I then told her I would not accept this audio cassette recording as being the original true and accurate audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting. I also told her to tell Mr. Lazar to bring the original unedited audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting to the Sunshine Ordinance Task Force hearing on this matter.

I want to inform the Sunshine Ordinance Task Force that I do not accept the audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting that was provided to me by Mr. Lazar as being the true, accurate and complete audio cassette recording of the January 12, 2011 Arts Commission's Street Artist Program Committee meeting.

Please include a copy of this email in the file of complaint #11008.

Thank you,

William J. Clark



Bill and Bob Clark
<billandbobclark@access4less.net>

03/30/2011 12:18 PM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To: sotf@sfgov.org

cc

bcc

Subject: Fw: Re: Audio of January 12, 2011 meeting

Hi Chris,

I am forwarding you the emails included below that were between me and Alyssa Licouris, Assistant to Howard Lazar. I would like you to include these emails in the file of complaint #11008.

The reason why I want these emails included in the file is because in Mr. Lazar's letter which was presented to the full SOTF at their last meeting, Mr. Lazar stated that if there was a portion of the January 12, 2011 Street Artists Program Committee meeting deleted from the official audio cassette recording of that meeting then it is possible that my brother and I could have deleted that portion of the audio cassette recording since we took the audio cassette recording into another room, locked the door behind us and no one could see or hear what we did in that room.

The emails included below show we requested that we be allowed to listen to the audio cassette recording in the presence of the Street Artists Program staff but they wouldn't allow us to do that. Despite our objection, they refused to let us do that and instead, they reserved a separate room.

The day we went to the Street Artists Program office to listen to the audio cassette recording, Alyssa Licouris gave us the audio cassette recording and told us to take it into the reserved room and to listen to it there. At that time, we were also informed by Mr. Lazar that a cassette player had already been placed in the reserved room for us to listen to the audio cassette recording on. We had no choice but to go into the room, close the door and listen to the audio cassette recording with no Arts Commission staff present.

Respectfully,

William J. Clark

-----Forwarded Message-----

From: Bill and Bob Clark

Sent: Mar 10, 2011 3:51 PM

To: Alyssa.Licouris@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Hi,

I'll be there on Tuesday at 1 PM. Should I meet you at the Street Artist Program office?

William J. Clark

-----Original Message-----

From: Alyssa.Licouris@sfgov.org

Sent: Mar 10, 2011 3:42 PM

To: Bill and Bob Clark

Cc: Howard.Lazar@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

I've scheduled you for Tuesday, March 15 from 1pm-4pm. Thanks for getting back to me so quickly.

Best,
Alyssa

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415-252-2581 (p)
415-252-2595 (f)
<http://www.sfartscommission.org>

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Flickr: <http://www.flickr.com/photos/sfac>
.....

Bill and Bob Clark <billandbobclark@access4less.net>

03/10/2011 03:11 PM

Please respond to Bill and Bob Clark < billandbobclark@access4less.net >
--

To Alyssa.Licouris@sfgov.org

cc

Subject Re: Audio of January 12, 2011 meeting

Hi,

The earlier the better so March 15 - 1pm-4pm but why do you have to book a seperate room? Why can't I just come to the Street Artist Program office that I pay rent for out of my Street Artist Certificate fee and do it there? I can use earphones so that I won't disturb anyone.

William J. Clark

-----Original Message-----

From: Alyssa.Licouris@sfgov.org

Sent: Mar 10, 2011 2:56 PM

To: Bill and Bob Clark

Cc: Howard.Lazar@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

Unfortunately the library room that we would book isn't available at Tuesday at 10:30am.

I have the following time slots available. Please let me know which is good for you so I can book the room asap.

Tuesday, March 15 - 1pm - 4pm

Wednesday, March 16 - 9am-12pm
Thursday, March 17 - 1pm - 4pm
Friday, March 18 - 9am-11am or 1pm-4pm

Thanks!

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415-252-2581 (p)
415-252-2595 (f)
<http://www.sfartscommission.org>

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Flickr: <http://www.flickr.com/photos/sfac>
.....

Bill and Bob Clark <billandbobclark@access4less.net>

03/10/2011 02:39 PM

Please respond to Bill and Bob Clark < billandbobclark@access4less.net >
--

To Alyssa.Licouris@sfgov.org

cc

Subject Re: Audio of January 12, 2011 meeting

Hi,

I can come down there at 10:30 AM on Tuesday. If that isn't a good time for you then I can come down there next week anyday after Tuesday at 10:30 AM.

William J. Clark

-----Original Message-----

From: Alyssa.Licouris@sfgov.org

Sent: Mar 10, 2011 2:31 PM

To: Bill and Bob Clark

Cc: Howard.Lazar@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

We have received your email regarding the audio cassette tapes from January 12, 2011 and your request to make an appointment with the office. When would you be available to come into the office to inspect the original cassettes?

Thanks,
Alyssa

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415-252-2581 (p)
415-252-2595 (f)
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Flickr: <http://www.flickr.com/photos/sfac>

.....
Bill and Bob Clark
<billandbobclark@access4less.net>

03/10/2011 01:40 PM

Please respond to Bill and Bob Clark < billandbobclark@access4less.net >

To howard.lazar@sfgov.org, Howard.Lazar@sfgov.org
cc Street.Artists@sfgov.org, Alyssa.Licouris@sfgov.org, anordquist@hotmail.com,
smac41@netzero.net, kathyleather@gmail.com, luis.cancel@sfgov.org,
addariophotography@myastound.net
Subj Audio of January 12, 2011 meeting
ect

Mr. Lazar,

I received the digital version and the three CD copies of the January 12, 2011 Street Artist Program Committee meeting. I listened to both versions of the meeting and the audio was so low I could barely hear anything.

Therefore, I would like to make an arrangement with you when I can go to the Street Artist Program office and inspect the original audio cassette of the January 12, 2011 meeting of the Street Artist Program Committee.

If the quality of the original audio cassette is better than the versions you sent me then I will make my own duplicate from the original audio cassette at that time. I will bring my own blank audio cassette and cassette recorder so I can make a duplicate from your audio cassette player.

I am making this request to inspect the original audio cassette recording of the January 12, 2011 Street Artist Program Committee meeting pursuant to Section 67.14 of the San Francisco Sunshine Ordinance which I have included below.

Sec. 67.14. Video and Audio Recording, Filming And Still Photography.

(b) Each board and commission enumerated in the charter shall audio record each regular and special meeting. Each such audio recording, and any audio or video recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

William J. Clark



Bill and Bob Clark
<billandbobclark@access4less.net>

To soft@sfgov.org

cc

bcc

03/30/2011 12:18 PM

Subject Fw: Re: Audio of January 12, 2011 meeting

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

History:

✉ This message has been forwarded.

Hi Chris,

I am forwarding you the emails included below that were between me and Alyssa Licouris, Assistant to Howard Lazar. I would like you to include these emails in the file of complaint #11008.

The reason why I want these emails included in the file is because in Mr. Lazar's letter which was presented to the full SOTF at their last meeting, Mr. Lazar stated that if there was a portion of the January 12, 2011 Street Artists Program Committee meeting deleted from the official audio cassette recording of that meeting then it is possible that my brother and I could have deleted that portion of the audio cassette recording since we took the audio cassette recording into another room, locked the door behind us and no one could see or hear what we did in that room.

The emails included below show we requested that we be allowed to listen to the audio cassette recording in the presence of the Street Artists Program staff but they wouldn't allow us to do that. Despite our objection, they refused to let us do that and instead, they reserved a separate room.

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Respectfully,

William J. Clark

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To: Alyssa.Licouris@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

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William J. Clark

-----Original Message-----

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Sent: Mar 10, 2011 3:42 PM

To: Bill and Bob Clark

Cc: Howard.Lazar@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

I've scheduled you for Tuesday, March 15 from 1pm-4pm. Thanks for getting back to me so quickly.

Best,
Alyssa

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
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Flickr: <http://www.flickr.com/photos/sfac>

Bill and Bob Clark <billandbobclark@access4less.net>
03/10/2011 03:11 PM

Please respond to Bill and Bob Clark < billandbobclark@access4less.net >
--

To Alyssa.Licouris@sfgov.org
cc
Subject Re: Audio of January 12, 2011 meeting

Hi,

The earlier the better so March 15 - 1pm-4pm but why do you have to book a seperate room? Why can't I just come to the Street Artist Program office that I pay rent for out of my Street Artist Certificate fee and do it there? I can use earphones so that I won't disturb anyone.

William J. Clark
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Sent: Mar 10, 2011 2:56 PM
To: Bill and Bob Clark
Cc: Howard.Lazar@sfgov.org
Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

Unfortunately the library room that we would book isn't available at Tuesday at 10:30am.

I have the following time slots available. Please let me know which is good for you so I can book the room asap.

Tuesday, March 15 - 1pm - 4pm
Wednesday, March 16 - 9am-12pm
Thursday, March 17 - 1pm - 4pm
Friday, March 18 - 9am-11am or 1pm-4pm

Thanks!

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415-252-2581 (p)
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.....

Bill and Bob Clark <billandbobclark@access4less.net>

03/10/2011 02:39 PM

Please respond to Bill and Bob Clark < billandbobclark@access4less.net >
--

To Alyssa.Licouris@sfgov.org

cc

Subject Re: Audio of January 12, 2011 meeting

Hi,

I can come down there at 10:30 AM on Tuesday. If that isn't a good time for you then I can come down there next week anyday after Tuesday at 10:30 AM.

William J. Clark

-----Original Message-----

From: Alyssa.Licouris@sfgov.org

Sent: Mar 10, 2011 2:31 PM

To: Bill and Bob Clark

Cc: Howard.Lazar@sfgov.org

Subject: Re: Audio of January 12, 2011 meeting

Dear Mr. Clark,

We have received your email regarding the audio cassette tapes from January 12, 2011 and your request to make an appointment with the office. When would you be available to come into the office to inspect the original cassettes?

Thanks,
Alyssa

.....
Alyssa Licouris
Street Artists Program Assistant
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
415-252-2581 (p)
415-252-2595 (f)
<http://www.sfartscommission.org>

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Flickr: <http://www.flickr.com/photos/sfac>

.....
Bill and Bob Clark

<billandbobclark@access4less.net>

03/10/2011 01:40 PM

Please respond to Bill and Bob Clark <billandbobclark@access4less.net>
--

To howard.lazar@sfgov.org, Howard.Lazar@sfgov.org

cc Street.Artists@sfgov.org, Alyssa.Licouris@sfgov.org, anordquist@hotmail.com, smac41@netzero.net, kathyleather@gmail.com, luis.cancel@sfgov.org, addariophotography@myastound.net

Subj Audio of January 12, 2011 meeting
ect

Mr. Lazar,

I received the digital version and the three CD copys of the January 12, 2011 Street Artist Program Committee meeting. I listened to both versions of the meeting and the audio was so low I could barely hear anything.

Therefore, I would like to make an arrangement with you when I can go to the Street Artist Program office and inspect the original audio cassette of the January 12, 2011 meeting of the Street Artist Program Committee.

If the quality of the original audio cassette is better than the versions you sent me then I will make my own duplicate from the original audio cassette at that time. I will bring my own blank audio cassette and cassette recorder so I can make a duplicate from your audio cassette player.

I am making this request to inspect the original audio cassette recording of the January 12, 2011 Street Artist Program Committee meeting pursuant to Section 67.14 of the San Francisco Sunshine Ordinance which I have included below.

Sec. 67.14. Video and Audio Recording, Filming And Still Photography.

(b) Each board and commission enumerated in the charter shall audio record each regular and special meeting. Each such audio recording, and any audio or video recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

William J. Clark



Bill and Bob Clark
<billandbobclark@access4less.net>

05/25/2011 02:03 PM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To sotf@sfgov.org

cc

bcc

Subject Fw: Re: Another public information request

Hi Chris,

I am forwarding you the below email I received today from Howard Lazar. I would like you to include it in the file for my complaint #11008.

In the email Mr. Lazar states that he provided the SOTF with the original audio cassette recording of the January 12, 2011 Street Artist Committee meeting at the March 22, 2011 SOTF meeting.

At the April 26, 2011 SOTF meeting the Arts Commission's representative Julio Mattos testified that he saw Mr. Lazar make the audio cassette copy which he was submitting to the SOTF as evidence from a digital version of the January 12, 2011 Street Artist Committee meeting.

The Arts Commission's representative Julio Mattos testified further at the March 22, 2011 SOTF meeting that the audio cassette copy of the January 12, 2011 he submitted to the SOTF was not the original audio cassette recording of the January 12, 2011 Street Artist Committee meeting.

As a result of Mr. Mattos' testimony that the cassette recording of the January 12, 2011 Street Artist Committee meeting provided by Mr. Lazar to the SOTF was not the original cassette recording of the January 12, 2011 Street Artist Committee meeting, the SOTF requested the Arts Commission send the original cassette recording of the January 12, 2011 Street Artist Committee meeting to the SOTF for review by the SOTF's Compliance and Amendments Committee.

Therefore, Mr. Lazar's and Mr. Mattos' statements regarding the audio cassette recording provided to the SOTF in this matter are contradictory. Both statements can't be true.

I would like this information to be provided to the members of the Compliance and Amendments Committee before this matter is heard by them.

Thanks,

William J. Clark

-----Forwarded Message-----

>From: Howard.Lazar@sfgov.org
>Sent: May 25, 2011 2:11 PM
>To: Bill and Bob Clark <billandbobclark@access4less.net>
>Cc: Luis.Cancel@sfgov.org, Jill.Manton@sfgov.org, SanSan.Wong@sfgov.org, Kan.Htun@sfgov.org, Alyssa.Licouris@sfgov.org, Adine.Varah@sfgov.org
>Subject: Re: Another public information request
>
>Mr. William J. Clark

>

>Dear Mr. Clark:

>

>Thank you for clarifying that your request to know "the names of every
>person and group of people who requested to listen to the original audio
>cassette recording of the January 12, 2011 Street Artists Committee
>meeting" also included the name of an official group of people. Therefore,
>the following are our answers to your current three questions:

>

>1. The Arts Commission provided the Sunshine Ordinance Task Force with
>the entire original audio recording (comprising two audio cassette tapes)
>of the January 12, 2011 Street Artists Committee meeting at the Task
>Force's meeting of March 22, 2011, the meeting which you attended.

>

>2. The Arts Commission has no record of the Sunshine Ordinance Task Force
>specifically requesting the Arts Commission to provide the Task Force with
>an original recording of the January 12, 2011 Street Artists Committee
>meeting. The Task Force notified the Arts Commission of the March 22, 2011
>meeting, and the Arts Commission voluntarily provided the original audio
>recording at the Task Force's meeting. The Commission provided the original
>audio recording in response to the complaint, as stated in a memorandum [
>March 18, 2011: William Clark vs. Arts Commission (11008)] by Deputy City
>Attorney Jerry Threet, that "complainant does not accept that he has been
>provided the full, unredacted version of the public records that he
>requested."

>

>3. I am not "personally aware of any street artist who came to the Street
>Artist Program office and listened to the audio recording of the January
>12, 2011 Street Artist Committee meeting". I am personally aware that you
>and your brother Robert Clark came to the Street Artists Program office on
>March 15, 2011 in order to (as you stated in a March 10, 2011 e-mail to
>Program Assistant Alyssa Licouris) "inspect the original audio cassette of
>the January 12, 2011 meeting of the Street Artist Program Committee." We
>furnished you with the entire unredacted, unaltered original recording in
>compliance with your request to duplicate it yourselves with your own
>recording apparatus. You took the two original tapes into a room we
>provided; you closed the door of the room, and we were unable to observe
>what you chose to hear of the tapes or whether you listened to them at all.
>Therefore, I am not personally aware of whether you listened to the audio
>recording.

>

>Sincerely,

>

>Howard Lazar

>

>

>

>

>

>

>Howard Lazar

>Street Artists Program Director

>San Francisco Arts Commission

>25 Van Ness Avenue, Suite 240

>San Francisco, CA 94102

>415-252-2583 (p)

>415-252-2595 (f)

><http://www.sfartscommission.org>

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>YouTube: <http://www.youtube.com/ArtsCommission>
>Flickr: <http://www.flickr.com/photos/sfac>

>.....
>.....

>From: Bill and Bob Clark <billandbobclark@access4less.net>
>To: Howard.Lazar@sfgov.org
>Date: 05/13/2011 12:17 PM
>Subject: Re: Another public information request

>Mr. Lazar,

>Didn't you and/or the Arts Commission provide the Sunshine Ordinance Task Force, which is a group of people, with an audio recording of the January 12, 2011 Street Artist Committee meeting?

>Didn't the Sunshine Ordinance Task Force, which is a group of people, request that you and/or the Arts Commission provide them with the original audio cassette recording of the January 12, 2011 Street Artist Committee meeting?

>Are you personally aware of any street artist who came to the Street Artist Program office and listened to the audio recording of the January 12, 2011 Street Artist Committee meeting?

>I am not requesting any documents. I am just requesting a response to those 3 questions.

>I am requesting this public information pursuant to the provisions of the San Francisco Sunshine Ordinance.

>-----Original Message-----

>>From: Howard.Lazar@sfgov.org
>>Sent: May 13, 2011 9:26 AM
>>To: Bill and Bob Clark <billandbobclark@access4less.net>
>>Cc: Luis.Cancel@sfgov.org, Jill.Manton@sfgov.org, SanSan.Wong@sfgov.org, Kan.Htun@sfgov.org, Alyssa.Licouris@sfgov.org, pj@pjcommunications.com, Adine.Varah@sfgov.org
>>Subject: Re: Another public information request

>>Mr. William J. Clark:

>>Dear Mr. Clark:

>>Our records indicate that no person or group of people requested to listen to the original audio cassette recording of the January 12, 2011 Street Artists Committee meeting. Furthermore, our records indicate that no person or group of people, other than your brother and yourself, were provided with an audio recording of the meeting.

>>Sincerely,

>>Howard Lazar
>>Street Artists Program Director
>>San Francisco Arts Commission
>>25 Van Ness Avenue, Suite 240
>>San Francisco, CA 94102
>>415-252-2583 (p)
>>415-252-2595 (f)
>><http://www.sfartscommission.org>
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>>Flickr: <http://www.flickr.com/photos/sfac>
>>.....

>
>>
>>
>>

>>From: Bill and Bob Clark
<billandbobclark@access4less.net>
>>To: Howard.Lazar@sfgov.org
>>Cc: luis.cancel@sfgov.org
>>Date: 05/06/2011 09:58 AM
>>Subject: Another public information request

>>
>>
>>
>>

>>Mr. Lazar,

>>If that's the case then I am requesting the following information:

>>
>>What are the names of every person and group of people who requested to
>>listen to the original audio cassette recording of the January 12, 2011
>>Street Artist Committee meeting?

>>
>>What are the names of every person and group of people who were provided
>>with any audio recording of the January 12, 2011 Street Artist Program
>>Committee meeting?

>>
>>I am making this request pursuant to the provisions of the San Francisco
>>Sunshine Ordinance.

>>William J. Clark

>>-----Original Message-----

>>>From: Howard.Lazar@sfgov.org
>>>Sent: May 6, 2011 8:44 AM
>>>To: Bill and Bob Clark <billandbobclark@access4less.net>
>>>Cc: Alyssa.Licouris@sfgov.org, luis.cancel@sfgov.org,
>>>Street.Artists@sfgov.org, Jill.Manton@sfgov.org, SanSan.Wong@sfgov.org,
>>>Kan.Htun@sfgov.org, Adine.Varah@sfgov.org
>>>Subject: Re: Public information request (April 28, 2011)

>>>Mr. William J. Clark

>>>Dear Mr. Clark:

>>>

>>>Our records indicate that no person other than your brother and you
>>>requested and received a copy of the audio cassette recording of the
>>>January 12, 2011 Street Artists Committee meeting.

>>>

>>>Sincerely,

>>>

>>>

>>>Howard Lazar

>>>Street Artists Program Director

>>>San Francisco Arts Commission

>>>415.252.2583

>>>

>>>Website:

>http://www.sfartscommission.org/street_artists_program/index.html

>>>

>>>

>>>

>>>From:

Bill and Bob Clark

><billandbobclark@access4less.net>

>>>To:

howard.lazar@sfgov.org, Howard.Lazar@sfgov.org

>>>Cc:

Street.Artists@sfgov.org,

>Alyssa.Licouris@sfgov.org,

>>>

luis.cancel@sfgov.org

>>>Date:

04/28/2011 12:12 PM

>>>Subject:

Public information

request

>>>

>>>

>>>

>>>Mr. Lazar,

>>>

>>>I am requesting the following information.

>>>

>>>I would like the names of everyone who requested and received a copy of
>>the

>>>audio cassette recording of the January 12, 2011 Street Artist Committee

>>>meeting other than my brother and myself and I would also like to know

>>what

>>>format the copy they received was in.

>>>

>>>I am not requesting any documents or records. I just want their names and

>>>in what format they received a copy of the audio cassette recording of

>the

>>>January 12, 2011 Street Artist Committee meeting.

>>>

>>>I am making this request pursuant to the provisions of the San Francisco

>>>Sunshine Ordinance.

>>>

>>>William J. Clark

>>>

>>>

>>

>>

>>

>

>

>