

**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**

May 18, 2012

San Francisco Ethics Commission  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102

**Re: Referral of Willful Violation of the Sunshine Ordinance  
Sunshine Complaint No. 11045, William Clark v. Arts Commission**

The Sunshine Ordinance Task Force ("Task Force") hereby refers willful violation findings against Howard Lazar, Street Artists Program Director for the San Francisco Arts Commission, in Sunshine Complaint No. 11045, *William Clark v. Arts Commission*.

This willful violation finding is referred for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby "complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission;" 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."

**Background**

William Clark filed a complaint with the Task Force on June 14, 2011 alleging that Howard Lazar violated public records laws by failing to respond to his May 27, 2011 request for information regarding a proposal for street artists space by the Hayes Valley Merchant Association.

**Task Force Hearing on Complaint**

On August 23, 2011, the Task Force held a hearing on the complaint. William Clark presented his complaint and Julio Mattos, contract clerk for the Arts Commission, appeared on behalf of

Howard Lazar and presented the response. Mr. Lazar was not present at the hearing and had not provided a response to Mr. Clark prior to the date of hearing.

The Task Force found Mr. Lazar in violation of Sunshine Ordinance Sections:

- (1) 67.21(b) for failure to release the public information to Mr. Clark within 10 days of receiving the public records request;
- (2) 67.22(b) for failure to release public information to Mr. Clark on a timely and responsive basis; and
- (3) 67.21(e) for failure to send a knowledgeable representative to the Task Force hearing.

The Task Force further found Mr. Lazar had willfully violated these sections of the Sunshine Ordinance under Section 67.34 based on his pattern and practice of inadequate responses, repeated violations of the Sunshine Ordinance, and evident lack of intent to comply with the Sunshine Ordinance in the future.

An audio recording of the Task Force hearing on the complaint and supporting documentation is available on the Task Force's web site. Please contact the Task Force Administrator by email at [sotf@sfgov.org](mailto:sotf@sfgov.org) or telephone at (415) 554-7724 to request this information be forwarded in hard copy format.

Thank you for your attention to this matter. Please confirm receipt of this notice to the Task Force Administrator.



Hope Johnson, Chair  
Sunshine Ordinance Task Force

Encl.

cc: William Clark, Complainant  
Howard Lazar, Street Artist Program Director, Arts Commission, Respondent  
Jerry Threet, Deputy City Attorney