

Date: March 9, 2010

Item No. 3

File No. 10006

## SUNSHINE ORDINANCE TASK FORCE

### COMPLAINT COMMITTEE

#### AGENDA PACKET CONTENTS LIST\*

- Paula Datesh against the Arts Commission**
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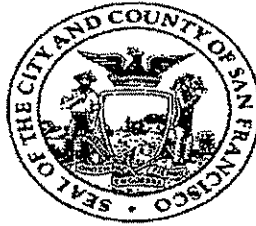
Completed by: Chris Rustom

Date: March 4, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 FEB - 4 PM 3:30  
BY RC

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission SAN FRANCISCO ARTS COMMISSION

Name of individual contacted at Department or Commission HOWARD HAZEL

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting 11/4/09

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

SEE ATTACHMENT # 09085 (3-16)  
(3-46)  
(3-55)  
(3-56)

Do you want a public hearing before the Sunshine Ordinance Task Force?  yes  no  
Do you also want a pre-hearing conference before the Complaint Committee?  yes  no

(Optional)<sup>1</sup>  
Name PAULA DATECH Address [REDACTED]  
Telephone No. 415-[REDACTED] E-Mail Address [REDACTED]@ad.com  
Date 2/1/10 Signature Paula Datech

I request confidentiality of my personal information.  yes  no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

February 1, 2009

Honorable Members, Sunshine Ordinance Task Force  
Cris Rustom, Administrator  
Office of the Clerk, Board of Supervisors  
Dr. Carlton B. Goodlett Place  
City Hall Room 244  
San Francisco, CA 94102-4689  
[sotf@sfgov.org](mailto:sotf@sfgov.org)

Dear Members of the Sunshine Task Force:

I was not notified of a Street Artist meeting in which I was on the agenda of November 4, 2009. It was only through routine monitoring of the San Francisco Arts Commission web site that I noticed my name three days before the scheduled meeting. I called Catharine Barnes of the City Attorney's Office and was told to ask my doctor to directly fax a letter to the SFAC. I called Victor Pacheco of the Board of Permits and Appeals and was told to send an email with my response to the agenda item. See Attachments.

I constantly maintained the same address and was consistently represented by counsel. Nick Gregaratos did not receive correspondence from Howard Lazar relative to this meeting. Article 24 of the San Francisco Police code requires him to notice the respondent. He did not.

I was not notified of the outcome of the November 4, 2009 meeting by mail or email. I called Catharine Barnes who told me that item was, "tabled". Again, Lazar is in violation as he did not notice me of the outcome. No letter was sent to me c/o Gregaratos.

I request the SOTF find the SFAC in violation.

I request the following public records. I have given my address and contact information but for reasons of confidentiality request that it be confidential. My mail is forwarded to me on the East Coast twice per month. The phone number is my cell phone and rings wherever I am. If a public hearing is required, please schedule it in late April or May 2010.

Sincerely,



# San Francisco Arts Commission

LISTEN  
TEXT ONLY  
PRINT  
A  
A  
A

November 4, 2009


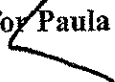
## STREET ARTISTS COMMITTEE

Wednesday, November 4, 2009

3:00 p.m.

25 Van Ness Avenue, Suite 70

### Agenda

1. **Action.** Hearing and Possible Motion to approve or deny issuance of certificate for Paula Datesh.  
2. **Action.** Hearing and Possible Motion to approve or deny issuance of certificate:  
  
Jennifer Chen – Alleged violation: Obstructing lottery space assignment procedure by refusing to vacate a space eligible for noontime lottery assignment.
3. **Action.** Counting of candidates' ballots for Street Artist Liaison Committee; Motion to approve elected candidates.
4. **Discussion.** Street Artist Program Director Report.
5. **Discussion.** Public Comment.
6. **Adjournment.**

October 29, 2009

#### Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited

From: pdatesh@aol.com

To: Howard.lazar@sfgov.org; luis.cancel@sfgov.org; Nick.Gregoratos@sfgov.org; victor.pacheo@sfgov.org;  
henry.doering@sfgov.org; catharine.barnes@sfgov.org; Adine.varah@sfgov.org; thomas.boyd@sfgov.org

Date: Thu, Oct 29, 2009 9:00 pm

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Paula Datesh  
c/o Nick Gregoratos  
555th Street SFSD  
San Francisco, CA 94103

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Dear Mr. Lazar:

I noticed in your public meeting page that you have included my name on your November 4, 2009 Street Artist agenda. I request a six month postponement as I am in another state receiving medical treatment and am not able to return to California for at least six months. You may notice me in writing at the above address if this postponement is granted.

In the event this meeting goes forward on November 4, 2009-I believe I deserve a renewal of this street artist permit for the following reasons:

1. At the Appeals level-I stated that I knew the rules and would abide by them. I did not have any violations and did not receive notice of any violations. I consistently noticed you of the above address.
2. I made all of the artwork I sold, worked in legal spaces and attended the lottery when I was able.
3. I paid the fees in a timely manner.

You have not published a list of the violations I am charged with-I submit a general denial of any allegations as I do not know what they are.

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(3-11) June 27, 2008 e-mail from Howard Lazar to Deputy City Attorney Adine Varah, transmitting copy (for Adine Varah's files) of Lazar's final version "of letter-response to Michael Addario's request for documents relative to his complaint against the Arts Commission scheduled for hearing by the Sunshine Task Force (July 22<sup>nd</sup>)", and attached copy of letter.

(3-12) June 25, 2008 e-mail from Howard Lazar to Chrys Camperlino and Alex George, cc'd to Luis Cancel and Adine Varah, regarding "Further cost of Sunshine complaint" generated by Michael Addario.

(3-13) June 19, 2008 e-mail from Howard Lazar to Chrys Camperlino, cc'd to Luis Cancel and Adine Varah, "in response to" Camperlino's "question as to how much Mike Addario's complaint to the Sunshine Task Force Committee against the Arts Commission is costing your Street Artists Program ..."

(3-14) June 23 and 24, 2008 e-mail correspondence between Chrys Camperlino and Howard Lazar, regarding Lazar's time in researching documents for Michael Addario, and various street artists' reactions to this.

(3-15) March 25 and April 3, 2008 e-mail correspondence between Michael Addario and Howard Lazar, regarding production of a "membership list" (list of current street artist certificate-holders).

(3-16) January 23, 2008 e-mail response from Howard Lazar to January 22, 2008 Michael Addario e-mail request for an audiotape of the January 8, 2008 Street Artists Committee meeting and Board of Equalization Seller's Permit numbers of Paula Datesh and Manuel Loli.

(3-17) April 28, 2008 e-mail response from Howard Lazar to April 23, 2008 Michael Addario e-mail directing Lazar to complete "two long overdue projects ... as you have promised you would - before any more promises are made and then apparently abandoned".

(3-18) April 16, 2008 e-mail response (forwarded to Arts Commissioners) from Howard Lazar to April 16, 2008 Michael

*Fisherman's Wharf Street Performer Program*", discussing Michael Addario's observations and questions with regard to the project; attached July 16, 2007 letter from Addario to Arrow.

(3-41) July 18, 2007 e-mail from Howard Lazar to Michael Addario and street artist "googlegroup" regarding Addario's July 17, 2007 e-mailed *"Update on Port's Street Performer Plan"* (Addario *"Update"* attached).

(3-42) July 17 and 18, 2007 e-mail correspondence between Katharine Arrow of the Port and Howard Lazar, re: *"Port's Draft Fisherman's Wharf Street Performer Program"*.

(3-43) July 17, 2007 e-mail from Lazar to Arrow and attached July 16, 2007 e-mail by Addario to Arrow, re: *"Port's Draft Fisherman's Wharf Street Performer Program"*.

(3-44) April 8, 2009 e-mail Lazar reply to April 8, 2009 e-mail inquiry by Commissioner Alexander Lloyd and attached April 8, 2009 e-mail by street artist Linda Letts expressing opposition to *"the privatization [of the Street Artists Program] efforts being made by Michael Addario."*

(3-45) Thirteen (13) letters received from street artists, February - May, 2009, opposing any proposal for the Street Artists Program to leave the administration of the Arts Commission; letters forwarded by Lazar to Commissioners of Street Artists Committee.

(3-46) April 22, 2009 e-mail from Addario to Lazar requesting *"a copy of the Police report and/or the Police incident number regarding the money that was lost or stolen from the San Francisco Street Artist Program office."*

(3-47) April 1, 2009 e-mail from Commissioner Lorraine Garcia-Nakata acknowledging receipt of March 30, 2009 letter (forwarded by Lazar to all Street Artists Committee Commissioners) by street artist Michael Johnson, on behalf of other artists, expressing opposition to Addario's proposal to remove the Street Artists Program from the Arts Commission.

(3-48) March 30, 2009 e-mail from Lazar informing Addario that

(3-55) September 15, 2008 e-mail letter from Lazar to street artists Chrys Camperlino and Alex George re: staff hours spent "on furnishing documents and preparing responses to Michael Addario's ongoing complaints" and on responding to street artist Paula Datesh; attached September 14, 2008 e-mail letter by Camperlino to Lazar.

(3-56) August 27, 2008 e-mail from Program Assistant Evelyn Russell to Lazar re: "MICHAEL ADDARIO'S INQUISITION CONCERNING LUNCH HOUR".

(3-57) August 28, 2009 e-mail from Lazar to Commissioners of Street Artists Committee forwarding (attached) August 20, 2008 letter-response by Ben Rosenfield, Controller, declining to audit the Street Artists Program.

(3-58) June 24, 2009 e-mail letter from Lazar to street artist Chrys Camperlino in response to (attached) Addario letter to "My Fellow Street Artists" forwarded to Lazar by Camperlino.

(3-59) October 6, 2009 e-mail from Lazar to Arts Commissioners with attached October 6, 2009 letter by Director of Cultural Affairs Cancel to Addario, re: Addario's "Immediate Disclosure Request" of September 16, 2009.

(3-60) October 2, 2009 e-mail from Lazar to Arts Commissioners with attached October 2, 2009 letter by Lazar to Addario, in response to Addario's September 16, 2009 "Immediate Disclosure Request"; attached September 16, 2009 Addario "Immediate Disclosure Request".

(3-61) August 25, 2009 e-mail letter from Lazar to Addario, re: "Controller's response to Addario inquiries".

(3-62) August 24, 2009 letter from Lazar to Addario, re: "Additional information in response to Public Records Request of August 7, 2009".

(3-63) August 14, 2009 e-mail from Lazar to Addario in response to Addario's "Immediate Information Request v2"; attached August 14, 2009 letter by Lazar to Addario, re: "Public Records



From: pdateh@aol.com  
To: pj@pjcommunications.com  
Subject: Fwd: Addario v San Francisco Arts Commission #09085  
Date: Mon, Feb 1, 2010 8:34 am

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

From: pdateh@aol.com  
To: sotf@sfgov.org  
Sent: Mon, Feb 1, 2010 8:21 am  
Subject: Fwd: Addario v San Francisco Arts Commission #09085

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

From: pdateh@aol.com  
To: pj@pjcommunications.com; john@johnalloway.com; sherene.melania@mac.com; jill.manton@sfgov.org; luis.cancel@sfgov.org  
Sent: Sun, Jan 31, 2010 11:04 pm  
Subject: Fwd: Addario v San Francisco Arts Commission #09085

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

From: pdateh@aol.com  
To: Howard.lazar@sfgov.org; Adine.varah@sfgov.org; victor.pacheco@sfgov.org; james.quannico@sfgov.org; solf@sfgov.org; Nick.Gregoratos@sfgov.org; thomas.boyd@sfgov.org; henry.doering@sfgov.org; catharine.barnes@sfgov.org  
Sent: Sun, Jan 31, 2010 11:01 pm  
Subject: Addario v San Francisco Arts Commission #09085

Howard Lazar  
25 Van Ness Ave.  
San Francisco, Ca 94102

Dear Mr. Lazar:

This email will serve to notice you that I have received 5 emails forwarded to the above account from Mike Addario ( or someone porporting to be this person) over the past 4 weeks. I have not responded to them, do not have a facebook account and would like for them to stop.

I do not know Addario, have never spoken to him and the one day I was in San Francisco- last month I got several emails from him demanding to know where I was and that, "he was looking for me". I find this disturbing. He got my email from his numerous requests though the Sunshine Task Force. You have given him confidential information.

I do not know an Evelyn Russell and never contacted this person. In the recently dismissed criminal charge against me-Russell contends that I hang around in front of 25 Van Ness Ave. I live in New York. I lurk in the hallways of the building and she is not able to run the 25 yards to her car due to a leg brace, health problems and stress. She expresses fear of 2 grunting phone calls. She filed 2 criminal complaints in which she insists I am the "grunter/gruntee".

I find it equally bizarre that you, "were in the dark about this" as you contend. Russell is your secretary and police came to your office. If you wanted to know the outcome of the case- query your secretary and not me. I was the defendant. Your comment of, "I didn't do it" begs the question of what is really going on in that office. Her on-going complaints of sexual harassment ( against you); allegations of stolen funds (police called); complaints racest remarks (Clark Brothers) call her credibility into question.

Mr. Lazar, as you know I have been represented by counsel for the entire term of that street artist permit. ~~As such, you were supposed to communicate though the assigned City Attorney.~~ You never complied. You never understood that a simple 50 yard stay-away was from a person (Russell) and not a location (25 Van Ness). As it was impossible to renew that street artist permit- Nick Gregaratos intervened several times. You said you would mail it and at least 6 times, I waited 2 weeks after the expiration date to get the permit. Since you never responded to Gregaratos and the fee was sent by registered mail- I lost 2 weeks every 3 months of work. Additionally, Gregaratos ran the program 2 December's ago when you did not pick up the phone and police were called to Stockton St. You did not even mail the receipt and left on vacation. Gregaratos, works for the SF Sheriffs Dept and not the SFAC.

Some 1 1/2 year ago, I got an email from you demanding that I communicate though email. Each day, I documented the on-going problems with a Ravit Maman. I was forced to go to court to get a R/O against someone I do not know and never spoke to. You never responded. Once you called me a "moron" and insisted that you have a R/O against me. Adine Varah disproved that.

Mr. Lazar, I find it shocking that you have asked me to write a letter to the Sunshine Task Force about Mike Addario. Once again you have put me in the middle of an on-going dispute that does not concern me. I called to ask a specific question which was not answered and was drawn into yet another situation.

I can not be a party to any of this. For onward of 10 years, I have defended myself against allegations that have no merit, evidence and are based on either gossip of people I do not know or your own loose lips.

I am 3,000 miles away and 1 year out of that program. I will not be a part of Mike Addario's amateur investigation or your incorrect version of events. I should have sued Addario 2 years ago but as an artist I did not believe his pockets were deep enough. Suing the SFAC or Evelyn Russell will only raise the fees for fellow artists. I will not do that as I know most are struggling.

Not only do you need to limit Addario's comments at meetings to 3 minutes so that others may speak- you need to prevent him from futher request for information under the Sunshine Task Force.

You are not a victim here, Mr. Lazar. You should have cut him down years ago.



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM  
MAYOR

LUIS R. CANCEL  
DIRECTOR OF  
CULTURAL AFFAIRS

March 4, 2010

The Honorable Richard Knee, Chairman  
Honorable Members, Sunshine Ordinance Task Force  
Compliance and Amendments 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

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

RE: Sunshine Ordinance Task Force - #10006 Paula Datesh v. Arts  
Commission

Dear Committee Members:

The San Francisco Arts Commission (the "Commission") is submitting this response to Complaint #10006, Paula Datesh v. Arts Commission, which was received by the Commission on March 1, 2010. For the reasons discussed below, the Arts Commission contends that the complaint is outside of the jurisdiction of the Sunshine Ordinance Task Force and is without merit.

The complaint charges the Arts Commission with violating the Sunshine Ordinance in the following three ways:

- (1) Failing to individually notify Ms. Datesh of a November 4, 2009 meeting of the Arts Commission's Street Artists Committee;
- (2) Failing to individually notify Nick Gregoratos (a person selected by Ms. Datesh to receive correspondence on her behalf) of the Street Artists Committee meeting held on November 4, 2009; and
- (3) Failing to notify Ms. Datesh of the outcome of the November 4, 2009 meeting.

*I. The Sunshine Task Force Lacks Jurisdiction To Hear This Complaint.*

Contrary to Ms. Datesh's assertions, no provision in the Sunshine Ordinance requires a Commission to provide any individualized notice



CITY AND COUNTY OF  
SAN FRANCISCO

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to any specific member of the public. The Ordinance does not mandate that any individual must receive any special notice beyond that which is already provided to the public. Instead, the Sunshine Ordinance requires an agency to provide public notice and agenda item description for the action item at issue, and to do so at least 72 hours in advance of the meeting. The Ordinance does not impose distinct or additional notice requirements for any individual member of the public, not even for any individual who is the subject of an agenda item. Instead, all members of the public, including any member who is the subject of an agenda item, receive notice in accordance with the same standards set forth in the Sunshine Ordinance.

Accordingly, Ms. Datesh's complaint that she or her representative were not individually notified *separately and in addition to* the general public notice and posting of the agenda and minutes, is outside of the jurisdiction of the Sunshine Task Force.

*II. All Three Items of Ms. Datesh's Complaint Lack Merit Because the Arts Commission Complied With the Applicable Requirements of the Sunshine Ordinance.*

All three components of Ms. Datesh's complaint lack merit because the Arts Commission complied with the applicable requirements of the Sunshine Ordinance. As noted above, under the Sunshine Ordinance the Arts Commission does not have the responsibility or the obligation to personally write to or notify individual members of the public regarding the Commission's meetings.

With respect to the November 4, 2009 meeting cited in Ms. Datesh's complaint, the Arts Commission complied with all Sunshine requirements both in advance of the meeting through a properly noticed agenda and after the meeting, through publicly posted minutes. Specifically, the Arts Commission properly noticed the Committee's agenda by duly posting it more than 72 hours in advance of the meeting. Furthermore, the agenda clearly described Ms. Datesh's item: "**Action: Hearing and Possible Motion to approve or deny issuance of certificate for Paula Datesh.**" In so doing, the Commission offered both adequate prior notice

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and opportunity for the public to attend and comment on the item. Similarly, the Commission duly posted the minutes of the meeting and thus provided all members of the public with a summary of the outcome of the meeting. Both the agenda and the minutes are available at:

November 4, 2009 agenda (Street Artists Committee)  
[http://www.sfgov.org/site/sfac\\_page.asp?id=112900](http://www.sfgov.org/site/sfac_page.asp?id=112900)

November 4, 2009 minutes (Street Artists Committee)  
[http://www.sfgov.org/site/sfac\\_page.asp?id=114121](http://www.sfgov.org/site/sfac_page.asp?id=114121)

(Copies attached)

Because the Commission complied with the public meeting and agenda requirements of the Sunshine Ordinance with respect to the issue of Ms. Datesh's request for a street artist certificate, all three items of Ms. Datesh's complaint are without merit.

**We reiterate: No provision in the Sunshine Ordinance requires a Commission to provide any supplemental notice to any individual or member of the public. The Ordinance does not mandate that any individual must receive any special notice beyond that which is already provided to the public.** On the contrary, and as noted above, the Sunshine Ordinance provides a standard set of notice/agenda and minutes requirements that are designed to give notice to all members of the public, not just to particular individuals. ( S. F. Administrative Code Sections 67.6 – 67.7; 67.16 and 67.29-2.) Because the Sunshine Ordinance does not impose distinct or additional notice requirements for an individual regarding agenda items, the Task Force lacks jurisdiction to adjudicate the allegations of Ms. Datesh's complaint.

In summary, Ms. Datesh's complaint is outside of the jurisdiction of the Sunshine Task Force. Moreover, the Arts Commission fully complied with the public meeting and agenda requirements, and thus Ms. Datesh's complaint is without merit. We, therefore, respectfully request that the complaint be dismissed.

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Sincerely,

Howard Lazar  
Street Artists Program Director

Cc: The Honorable P. J. Johnston, President, Arts Commission  
The Honorable Sherene Melania, Chairman, and Commissioners  
John Calloway, Amy Chuang, Astrid Haryati - Street Artists  
Committee  
Mr. Luis R. Cancel, Director of Cultural Affairs  
Ms. Jill Manton, Director of Programs