

Date: October 13, 2009

Item No. 9

File No. 09050

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Randall Evans v African American Arts, Culture Complex**
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Completed by: Chris Rustom

Date: Oct. 7, 2009

**\*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.

**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

**ORDER OF DETERMINATION**  
October 6, 2009

**DATE THE DECISION ISSUED**  
September 22, 2009

*RANDALL EVANS v AFRICAN AMERICAN ARTS AND CULTURAL CENTER (09050)*

**FACTS OF THE CASE**

On July 24, 2009, Complainant Randall Evans made a Sunshine Public Records Request to the African-American Art and Cultural Center ("Center") for

- 1) Copies of all notes or minutes of meetings of the Board of Directors, formal or informal, from July, 2008, through June, 2009;
- 2) Copies of the financial statements for 2008 and year to date 2009;
- 3) List of vendors in 2008 and year to date 2009;
- 4) List of employees, per diem, part-time, and full-time and contracted compensation for each; and
- 5) List of all rental/leases agreements in 2008 and year to date 2009, and the details of each agreement as to amount and conditions. Complainant alleges that no information or any request for an extension of time to respond has been received.

Mr. Evans alleges that no records were provided to him by the Center, nor was any explanation of the failure to do so.

**COMPLAINT FILED**

On 8/17/2009, Randall Evans filed a Sunshine Complaint against the Center for its alleged violations, without specifying the sections of law that had been violated.

**HEARING ON THE COMPLAINT**

On September 22, 2009, Complainant Randall Evans appeared before the Task Force and presented his case. Respondent Agency was represented by Judy Nemzoff of the Arts Commission.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Task Force was told by Ms. Nemzoff that because of a civil restraining order allegedly issued against Mr. Evan on behalf of the Center's Executive Director London Breed, the City Attorney's Office had requested Ms. Nemzoff to be the liaison between Mr. Evans and

**ORDER OF DETERMINATION**

the Center and to appear on behalf of the African-American Art and Cultural Center before the Task Force. Ms. Nemzoff said she looked forward to producing the requested material to Mr. Evans as soon as possible. Ms. Breed did not appear.

The Task Force found that the Center was subject to Section 12L of the Administrative Code. However, the Task Force further found that the complainant, Mr. Evans, had not brought the Center's failure to produce requested records to the attention of the supervising City agency, the Arts Commission, as required by that Section.

**DECISION AND ORDER OF DETERMINATION**

A motion to find the African-American Art and Cultural Center in violation of Sec. 67.21 of the Sunshine Ordinance was presented. ( Cauthen / Chan )

The matter failed by the following vote:

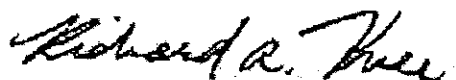
Ayes: Cauthen, Chan, Goldman, Williams

Noes: Craven-Green, Knoebber, Chu, Knee

Excused: Washburn, Johnson

The Task Force nevertheless continued the matter for further hearings with an admonition that Mr. Evans should seek review by the Arts Commission of his request to the Center to provide the requested records. Ms. Nemzoff pledged that she would work to obtain the requested records from the Center and produce them to Mr. Evans.

The African-American Art and Cultural Center and its representative, Judy Nemzoff, are to appear before the Compliance and Amendments Committee on October 13, 2009 to update the committee on the status of the document production to Mr. Evans.



Richard A. Knee, Chair  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Randall Evans, complainant  
London Breed, respondent  
Judy Nemzoff, Arts Commission

Judy  
Nemzoff/ARTSCOM/SFGOV  
10/08/2009 12:32 PM

To: SOTF/SOTF/SFGOV@SFGOV  
cc: Jill Manton/ARTSCOM/SFGOV@SFGOV, Robynn  
Takayama/ARTSCOM/SFGOV@SFGOV  
bcc:  
Subject: Re: Order of Determination: File #09050\_Randall Evans v  
Arts Commission

History: This message has been replied to.

Chris:

As a reminder, i am out of town on a vacation so the Arts Commission will be represented by someone other than myself. Please let the recipients of this email know any final details.

The African American Arts and Culture Complex has fully cooperated with us and we will be sending a package of material to Mr. Evans by messenger later this afternoon. We will bring copies of all the materials to the Tuesday meeting.

Judy

Judy Nemzoff  
Program Director  
Community Arts & Education

SOTF/SOTF/SFGOV



SOTF/SOTF/SFGOV  
10/08/2009 10:33 AM

To: Judy Nemzoff/ARTSCOM/SFGOV@SFGOV  
cc:  
Subject: Re: Order of Determination: File #09050\_Randall Evans v  
Arts Commission

Judy,

It is on October 13, City Hall Rm 406, 4 p.m. I will be sending you a reminder when the agenda is done.

Chris

Complete a SOTF Customer Satisfaction Survey by clicking the link below.

[http://www.sfgov.org/site/sunshine\\_form.asp?id=34307](http://www.sfgov.org/site/sunshine_form.asp?id=34307)

Judy Nemzoff/ARTSCOM/SFGOV

Judy  
Nemzoff/ARTSCOM/SFGOV  
10/08/2009 09:58 AM

To: SOTF/SOTF/SFGOV@SFGOV  
cc: Jill Manton/ARTSCOM/SFGOV@SFGOV  
Subject: Re: Order of Determination: File #09050\_Randall Evans v  
Arts Commission

Please confirm the starting time of the Tuesday, October 13 meeting and the location. Thank you so much.

Judy Nemzoff  
Program Director  
Community Arts & Education

SOTF/BOS/SFGOV



SOTF/BOS/SFGOV  
Sent by: SOTF

10/06/2009 02:43 PM

To Judy Nemzoff/ARTSCOM/SFGOV@SFGOV,  
solberg@saintpaulus.org, Adine Varah/CTYATT@CTYATT  
cc  
Subject Order of Determination: File #09050\_Randall Evans v Arts  
Commission

Attached is the Order of Determination from the Sunshine Ordinance Task Force, regarding the above titled complaint.



09050\_Randall Evans v African American Arts and Culture Center ELC.pdf

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