

Date: March 11, 2010

Item No. 3

File No. 09085

## SUNSHINE ORDINANCE TASK FORCE

Education, Outreach and Training Committee

AGENDA PACKET CONTENTS LIST\*

- Mike Addario v Arts Commission**
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

Completed by: Chris Rustom

Date: March 8, 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.

**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**  
January 29, 2010

**DATE THE DECISION ISSUED**  
January 5, 2009

*MIKE ADDARIO v. ARTS COMMISSION (09085)*

**FACTS OF THE CASE**

Complainant Mike Addario said that, on September 23, 2009 and on September 29, 2009, he sent an Immediate Disclosure Request (IDR) to Howard Lazar of the San Francisco Arts Commission (the Commission) requesting unspecified documents. The 9/29/09 IDR amended the previous IDR, adding documents to those previously requested. Complainant further said that Mr. Lazar responded on October 2, 2009, by invoking an extension of not more than 14 calendar days from September 29, 2009, to provide the documents. He quoted from a letter from Mr. Lazar that "The Arts Commission will endeavor to respond to you as quickly as possible, and no later than October 13, 2009." Mr. Addario further said that he has received all documents requested in the original, 9/23/09 IDR, but not the additional documents requested on 9/29/09. Mr. Addario added that Mr. Lazar told him on November 4, 2009, that he would provide the additional documents to Mr. Addario by the end of the following week, i.e. November 13, 2009. When filing the complaint, Mr. Addario said that he still had not received the additional requested documents from the 9/29/09 IDR. He also complained about various irregularities with the administration of the San Francisco Street Artist Program Liaison Committee, but failed to make any specific allegation.

**COMPLAINT FILED**

On December 6, 2009, Mr. Addario filed a complaint with the Task Force alleging a violation of public records and public meeting laws.

**HEARING ON THE COMPLAINT**

On January 5, 2010, Mr. Addario presented his case. Mr. Lazar represented the respondent agency.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Mr. Addario said he has not inspected the documents responsive to the September 23, 2009, IDR but a time sheet appeared to have been altered. On the irregularities, he said the Commission changed the bylaws of the liaison committee without the committee's consent. Mr. Lazar said he was late in responding to the IDR because of staffing issues. He said his department has announced that outside help would be sought if the information requests

**ORDER OF DETERMINATION**

from its 400 members continue at their current pace. He said he has provided Mr. Addario with over 200 pages of information and all documents are copies of the original.

**DECISION AND ORDER OF DETERMINATION**

The Task Force found that the agency violated Section 67.25 for untimely response. The matter was referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting to see if all requested documents have been provided, and redactions, if any, are listed and justified.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on Jan. 5, 2010, by the following vote: ( Chu / Kröebber )

Ayes: Manneh, Knoebber, Chu, Chan Goldman, Williams, Knee.



Richard A. Knee  
Chair, Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Mike Addario, Complainant  
Howard Lazar, Respondent

This page purposely left blank