

Date: Jan. 5, 2010

Item No. 29 & 30

File No. 09085

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Mike Addario against Arts Commission**
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Completed by: Chris Rustom

Date: Dec. 30, 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.

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THE UNIVERSITY OF CHICAGO
LIBRARY



<complaints@sfgov.org>
12/06/2009 10:11 PM

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

To:sotf@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:San Francisco Arts
Commission

CONTACTED:Howard Lazar , Luis Cancel

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:Yes

MEETING_DATE:Dec. 7, 2009 Full Arts Commission

SECTIONS_VIOLATED:

DESCRIPTION: Below are the alleged violations of the Sunshine Ordinance, in brief, against the San Francisco Arts Commission, Direct of Culture Affairs, Mr. Luis Cancel and San Francisco Street Artist Program Director, Mr. Howard Lazar. Public Records Request: On Sept 23, 2009 and then amended on Sept 29 2009 I sent an "Immediate Disclosure Request" to Mr. Howard Lazar. On Oct. 2, 2009 he acknowledged that he received the requested, and at that time he invoked an extension of not more than 14 days from Sept. 29, 2009. Furthermore Mr. Lazar stated in his letter that "The Arts Commission will endeavor to respond to you as quickly as possible and no later than October 13, 2009. Since that time I have received the original requested documents but not the amended requested documents of September 29, 2009. In addition, when I saw Mr. Lazar at the Nov. 4, 2009 SFSA program committee meeting, I requested the status of the remaining documents and Lazar said that he was going to provide them to me by the end of the following week. I have left a subsequent phone message and an email, but to-date over two months after first requested Mr. Lazar has failed to provide me with the requested documents. The San Francisco Street Artist Program (SFSA) Liaison Committee Definition: The SFSA Liaison Committee as originally proposed and described by San Francisco Arts Commissioner Mr. Luis Cancel: "The Liaison Committee would be a separate, independent, advisory body which would act as "a sounding board" on issues. Presently, whenever Mr. Lazar and he meet with the ad hoc committee, they have no assurance that its current members speak for a significant number of street artists." Source:

http://www.sfgov.org/site/sfac_page.asp?id=108420 Five members of the San Francisco Street Artist Program were fairly elected from an official election held by the Arts Commission Staff and approved (see below) by the San Francisco Arts Commissioners on Nov. 4 2009 to be members of the San Francisco Street Artist Program Liaison Committee. Commissioner Melania moved to approve the following candidates (in ranking order) as members of the Street Artists Liaison Committee: Tad Sky, CherylChen, Debra King, Michael Addario, Jimmy Sha; the motion was seconded by Commissioner Calloway and unanimously approved. Source: http://www.sfgov.org/site/sfac_page.asp?id=114121 Mr. Lazar had stated in public announcements prior to the liaison election that he (Lazar) would attend the liaison committee meetings and act only the secretary for the liaison group; to take the meeting minutes and post the agenda on the Arts Commission website. In contrast to Mr. Lazar' statements and against the spirit of the SFSA liaison committee being a "separate, independent body" that was verbalized by Mr. Cancel, Mr. Lazar proceeded to do the following: 1.) Lazar reschedule the SFSA liaison

committee meeting date without conferring with elected liaison committee members. 2.) Lazar posted false and misleading SFSA liaison committee election results on SFSA program web site and has refused to correct them when notified as such by me. Source: http://www.sfgov.org/site/sfac_page.asp?id=114121 3.) Lazar insert a line item into the SFSA liaison agenda and posted it on SFSA liaison web site without first conferring with elected members. Source: http://www.sfgov.org/site/sfac_page.asp?id=114172 4.) Lazar presumably with Cancel approval, inserted a agenda item on the Dec. 7, 2009 Full Art Commission agenda to grant full control of the SFSA liaison committee meeting times, place and agendas from the duly elected liaison committee members, to Lazar and Cancel without first having a public meeting at the SFSA program committee meeting level where the SFSA liaison committee was first approved. In addition Lazar and Cancel are now seeking with this proposal to as they state: "Members of the Liaison Committee, once elected, shall serve at the pleasure of the Director of Cultural Affairs. Source: http://www.sfgov.org/site/sfac_page.asp?id=114119 In my opinion, these allegations are not only very serious, but it highlights the ongoing total disrespect for the SFSA members, the duly elected SFSA liaison committee members, the Sunshine Ordinance, and the United States Constitution that the San Francisco Arts Commission staff possesses. Sincerely, Michael Addario 415 850 7337c Member of the San Francisco Street Artist Program, Duly Election Member of the San Francisco Street Artist Program Liaison Committee

HEARING:Yes

DATE:Dec. 6 2009

NAME:Michael Addario

ADDRESS:180 Los Olivos Ave.

CITY:Daly City

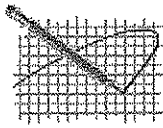
ZIP:94014

PHONE:415 850 7337

CONTACT_EMAIL:addariophotography@myastound.net

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:No



Howard
Lazar/ARTSCOM/SFGOV
12/23/2009 01:58 PM

To Chris Rustom/BOS/SFGOV@SFGOV
cc pj@pjcommunications.com, sherene.melania@mac.com,
newjazzflute@gmail.com, amychuang09@gmail.com,
topher@tdelaney.com, astridharyati@yahoo.com, Luis
bcc

Subject Sunshine Ordinance Task Force hearing: #09085 Michael
Addario v. Arts Commission

History: This message has been forwarded.

Mr. Chris Rustom
Sunshine Ordinance Task Force
Office of the Clerk, Board of Supervisors

Dear Mr. Rustom:

Relative to the Sunshine Ordinance Task Force hearing re: #09085 *Michael Addario v. Arts Commission*, scheduled for **Wednesday, January 5, 2010 @ 4:00 p.m.**, we would be grateful if you would please circulate among the members of the Task Force the attached December 23, 2009 letter in response to Mr. Addario's complaint:



Sunshine Task Force.doc

The response makes reference, as an attachment, to a December 23, 2009 letter from Howard Lazar to Michael Addario; would you please circulate among the members of the Task Force the attached letter:



Addario.doc

The response also makes reference, as an attachment, to a November 25, 2009 e-mail from Howard Lazar to Michael Addario; would you please circulate among the members of the Task Force the attached e-mail:



November 25 e-mail .PDF

The response also makes reference, as an attachment, to a December 2, 2009 e-mail from Michael Addario to Howard Lazar, and a December 16, 2009 e-mail reply from Lazar to Addario; would you please circulate among the members of the Task Force the attached e-mail correspondence:



December 16.PDF

Thank you very much, Mr. Rustom.

Sincerely,

Howard Lazar
Street Artists Program Director
Arts Commission



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM
MAYOR

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

December 23, 2009

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

RE: Sunshine Ordinance Task Force - #09085 Michael Addario v. Arts
Commission

Dear Task Force Members:

The San Francisco Arts Commission (the "Commission") submits this response to Complaint #09085, which was submitted on December 6, 2009 and received by the Commission on December 17, 2009. The following is a preliminary response from the Arts Commission, clarifying that the Sunshine Ordinance Task Force (the "Task Force") lacks jurisdiction to hear this complaint, but also summarizing the Commission's compliance with the Sunshine Ordinance and its position that Complaint #09085 is without merit. In the event that there is a hearing on this matter, the Commission reserves the right to provide a more detailed response in advance of the hearing.

In Complaint #09085, Michael Addario alleges the following:

Item #1 of the Complaint.

"On Sept 23, 2009 and then amended on Sept 29, 2009 I sent an "Immediate Disclosure Request" to Mr. Howard Lazar ... but to-date after two months after first requested Mr. Lazar has failed to provide me with the requested documents. ..."

Mr. Addario's "Immediate Disclosure Request" has now been fulfilled. Please see the attached copy of a fifteen-page letter of December 23, 2009 to Mr. Addario, listing and identifying the contents of **over 100 documents**, representing **267 pages**, furnished to Mr. Addario. The reasons that this took nearly three months to fulfill are (1) Mr. Addario



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requested documents from three years of files; (2) Mr. Lazar had – and still has - no staff to help him with the research and production of documents in fulfilling such voluminous public documents requests, while still having to fulfill his other, primary, duties and responsibilities to over 400 street artist license holders; and (3) for the entire past month, he had to also perform the duties of the Street Artists Program's licensing clerk, because the licensing clerk was out of the office on leave.

Accordingly, because the request has been fulfilled – and fulfilled under difficult circumstances - we respectfully request that the Task Force dismiss this complaint.

Item #2 of the Complaint.

“In contrast to Mr. Lazar’s statements and against the spirit [spirit] of the SFSA liaison committee being a ‘separate, independent body’ that was verbalized by Mr. Cancel, Mr. Lazar proceeded to do the following: 1.) Lazar reschedule[d] the SFSA liaison committee meeting without conferring with elected liaison committee members. ...”

The Director of Cultural Affairs of the Arts Commission, Mr. Luis Cancel, exercised his right to attend the first meeting of the newly formed Liaison Committee, the very committee, in fact, which he had publicly urged the Arts Commission to make official. Mr. Cancel was unable to attend a Liaison Committee meeting tentatively scheduled for December 2nd; because the only date that was available in his schedule for him to meet was December 10th, he requested Mr. Lazar to schedule the meeting for that date and to inform the members of it. (Please see the attached November 25, 2009 e-mail from Lazar to the Liaison Committee members informing them that *“The meeting of your Liaison Committee will not be scheduled for December 2; it will be scheduled for Thursday, December 10th. The Arts Commission’s Director of Cultural Affairs, Mr. Luis Cancel, will be attending the meeting on December 10th. Because of prior commitments, he is unable to attend a meeting scheduled for December 2nd.”*)

For the reasons discussed below, the Sunshine Task Force lacks jurisdiction over Item #2 of the Complaint and Item #2 is without merit.

The Sunshine Task Force Lacks Jurisdiction over Item #2 of the Complaint.

The Arts Commission's Director of Cultural Affairs has the authority to set the date of a meeting of the Commission and/or any of its committees. Furthermore, with respect to the newly created Liaison Committee, the full Arts Commission confirmed by unanimous vote on December 7, 2009, in adopting "Street Artists Liaison Committee Procedures," that (1) the first meeting of the Committee would be "scheduled on December 10, 2009", and (2) that "subsequent dates, times and agendas" would "be set by the Street Artists Program Director" [Howard Lazar] "and the Director of Cultural Affairs" [Luis Cancel] "unless otherwise modified by the Arts Commission through a subsequent resolution." The Commission offered adequate prior notice and opportunity for the public to attend and comment upon the item. We have attached a copy of the relevant agenda of the full Commission meeting for your reference. It is also available at

December 7, 2009 full Commission agenda

http://www.sfgov.org/site/sfac_page.asp?id=114119

Because the Commission complied with the public meeting and agenda requirements of the Sunshine Ordinance with respect to the issue of the scheduling of the first Liaison Committee meeting and its subsequent meetings, Item #2 of the Complaint is without merit.

Furthermore, because the Sunshine Ordinance does not provide for consideration of the "spirit" of a committee "being" (as Mr. Addario states on behalf of the Liaison Committee) "a separate, independent, body", Item #2 of the Complaint is again without merit.

Item #3 of the Complaint.

"Lazar posted false and misleading SFSA liaison committee election results on SFSA program web site and has refused to correct them when notified as such by me."

For the reason discussed below, the Sunshine Task Force lacks jurisdiction of the Complaint and Item #3 is without merit.

The Sunshine Task Force Lacks Jurisdiction over Item #3 of the Complaint.

Mr. Addario's complaint under Item #3 is without merit. Please see the attached December 2, 2009 e-mail from Mr. Addario to Mr. Lazar, pointing out Lazar's error (in the minutes of the November 4th meeting of the Street Artists Committee) in the vote count for one of the candidates; and Mr. Lazar's December 16, 2009 e-mail reply to Mr. Addario acknowledging the error and informing him that he will request the Arts Commissioners at the upcoming January 13, 2010 Street Artists Committee meeting to vote to have the minutes of the November 4th meeting amended to reflect the correction.

Because Mr. Lazar's e-mail reply refutes Mr. Addario's assertion that Lazar "has refused to correct" the minutes, Item #3 of the Complaint is without merit.

Item #4 of the Complaint.

"Lazar insert[ed] a line item into the SFSA liaison agenda and posted it on SFSA liaison web site without first conferring with elected members."

For the reasons discussed below, the Sunshine Task Force lacks jurisdiction over Item #4 of the Complaint and Item #4 is without merit.

The Sunshine Task Force Lacks Jurisdiction over Item #4 of the Complaint

The Sunshine Ordinance does not require the Street Artists Program Director (whose job title is provided for in Ordinance No. 291-94) to confer with members of the Street Artists Liaison Committee or the members of any committee of the Street Artists Program, in order to place an item or topic on the Liaison Committee agenda or the agenda of any committee of the Street Artists Program.

Furthermore, as Mr. Addario himself states, the item and the agenda itself were posted online. The item and the agenda were posted on the Arts Commission's website well over 72 hours in advance of the meeting.

Because of these reasons, Item #4 is without merit.

Item #5 of the Complaint.

“Lazar presumably with Cancel approval, inserted a[n] agenda item on the December 7, 2009 Full Art Commission agenda ... without first having a public meeting at the SFSA program committee meeting level where the SFSA liaison committee was first approved.”

For the reasons discussed below, the Sunshine Task Force lacks jurisdiction over Item #5 of the Complaint and Item #5 is without merit.

The Sunshine Task Force Lacks Jurisdiction over Item #5 of the Complaint

With respect to Item #5, Mr. Addario alleges that the Commission failed to bring an agenda item “without first having a public meeting at the SFSA program committee [of the Commission] meeting level where the SFSA liaison committee was first approved.” The Task Force has no jurisdiction to adjudicate this allegation. No provision in the Sunshine Ordinance requires an agency to hear a matter concerning committee meeting schedules or any other item of business at an advisory committee level before presenting the matter to the full commission for consideration and action. Nor does the Sunshine Ordinance impose distinct or additional notice requirements for participants in the Street Artists Program. Instead, all members of the public, including any street artists, receive notice in accordance with the same standards set forth in the Sunshine Ordinance. Even if the Commission had failed to follow its own procedures for referral of matters to committees – and, in fact, it did follow its own procedures – the Task Force has no jurisdiction to adjudicate an alleged violation of a commission’s internal administrative rules or procedures.

Accordingly, because the Task Force lacks jurisdiction to adjudicate this allegation, the Task Force should dismiss this complaint without addressing the merits.

Item #6 of the Complaint

“In addition Lazar and Cancel are now seeking with this proposal to as they state: ‘Members of the Liaison Committee, once elected, shall serve at the pleasure of the Director of Cultural

Affairs.’ ”

The statement, to correct Mr. Addario, is part of the unanimous resolution of the Arts Commission on “Street Artists Liaison Committee Procedures” (adopted on December 7, 2009). One of the provisions in the resolution states: “Members of the Liaison Committee, once elected, shall serve at the pleasure of the Director of Cultural Affairs.” The wording of the resolution – containing all of its provisions – was stated on the agenda of the full Arts Commission which was duly posted. The Commission offered both adequate prior notice and opportunity for the public to attend and comment on the item.

Because the Commission complied with the public meeting and agenda requirements of the Sunshine Ordinance with respect to the issue of Liaison Committee members serving at the pleasure of the Director of Cultural Affairs, Item #6 is without merit.

We hope this information is helpful.

Sincerely,

Howard Lazar
Street Artists Program Director
Arts Commission

Attachment: December 23, 2009 letter from Howard Lazar to Michael Addario

Attachment: November 25, 2009 e-mail from Howard Lazar to Liaison Committee members

Attachment: December 2 e-mail from Michael Addario and December 16, 2009 e-mail reply from Howard Lazar

Cc: President P. J. Johnston, Arts Commission
Arts Commissioners Sherene Melania, John Calloway, Amy Chuang,
Topher Delaney, Astrid Haryati – Street Artists Committee
Director of Cultural Affairs Luis R. Cancel
Director of Programs Jill Manton
Members Michael Addario, Tad Sky, Cheryl Chen, Debra King, Jimmy Sha – Street Artists Liaison Committee



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM
MAYOR

LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

December 23, 2009

Mr. Michael Addario
180 Los Olivos Avenue
Daly City, CA 94014

Re: Immediate Disclosure Request of September 29, 2009

Dear Mr. Addario:

In your "Immediate Disclosure Request" of September 29, 2009, you state that you "categorically deny" the charges levied against you in a September 8, 2009 "Notice of Warning" which I sent you for allegedly interfering with and obstructing (1) the Arts Commission's supervision of its space-assignment lottery system for street artists (Ord. 41-83, Section 2406(a)) which includes its implementation of a "movie lottery" procedure for obtaining compensation for street artists displaced from their spaces by a film company (Arts Commission Res. No. 1209-96-561, and (2) the Arts Commission's ability to seek compensation for such street artists in accord with the terms of the Arts Commission-Film Commission Agreement of 1999. You then request copies of documents pertaining to six (6) categories of subject matter.

We hereby address the items of your request.

- 1) You request to be furnished with "*copies of any and all letters, emails, notes, internal memos that you have received or wrote to any and all parties regarding this matter.*" Please find the enclosed copies of the following:

(1-1) The September 8, 2009 "Notice of Warning" and attached August 18, 2009 e-mailed complaint by street artist Lottery Committee member Kathy Hallinan as forwarded by Howard Lazar to the President of the Arts Commissioners, the Commissioners of the Street Artists Committee, Director of Cultural Affairs Luis Cancel, Arts Commission staffmembers Jill Manton and Evelyn Russell, Deputy City Attorney Adine Varah, and Laura Barsotti of the Film Commission.

(1-2) The above "Notice of Warning" and attached complaint



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forwarded to street artist members of the Lottery Committee and street artist "Market Managers" of Justin Herman Plaza (your address redacted from the copies sent to the artists).

(1-3) August 19, 2009, 1:51 p.m. e-mail letter from Howard Lazar to Ms. Stefanie Coyote, Executive Director of the Film Commission, requesting that the film company of the *Trauma* TV series be informed of Michael Addario's lack of authorization "for submission of documents" and to request that the company forward the documents to Mr. Lazar.

(1-4) August 19, 2009, 2:04 p.m. e-mail reply from Ms. Laurel Barsotti of the Film Commission stating that the film company had "already begun issuing reimbursement checks to the 18 individual vendors per Mr. Addario's request" and that "Unfortunately, they [the film personnel] were not aware that they were required to pay the Street Artists Program."

(1-5) August 19, 2009, 2:24 p.m. e-mail from Laura Barsotti of the Film Commission with list of names and license numbers of street artists who were denied usage of their spaces by the *Trauma* film company; attached note by Howard Lazar stating that, when he asked her for the street artist documents, Ms. Barsotti "said she was told that Addario had submitted only an Excel spreadsheet", and that Mr. Lazar asked that it be sent to him.

(1-6) August 19, 2009, 4:47 p.m. e-mail to Howard Lazar from Laura Barsotti of the Film Commission with attached spreadsheet Ms. Barsotti received listing the names, addresses, and Social Security numbers of the street artists who were denied usage of their selling spaces by the *Trauma* film company.

(1-7) August 18 – 19, 2009 e-mail correspondence between Kathy Hallinan and Howard Lazar, with Mr. Lazar requesting information on the artists and the spaces impacted by the filming, and Ms. Hallinan's replies that "Mike A. should turn them [the lottery slips] over", that "Mike told David [Campos] that he already submitted all the paperwork to the movie company for reimbursement for the 17 spaces", that street artist Cheryl Chen told Ms. Hallinan that "Mike A. took all of the slips

and all of the paperwork ...”, and that “Mike A. did NOT seek nor have permission” to “go on his own to the movie company bypassing the Art Commission and the Street Artists Program.”

(1-8) August 21, 2009 e-mailed letter from street artist Kathy Hallinan to Howard Lazar expressing her *“displeasure at having my Social Security # transferred to a private street artist without my permission and then returned to me in an open envelope, unsealed. ...”*; and Howard Lazar’s August 24, 2009 e-mailed reply that *“Michael Addario did not communicate with me his intention to take your lottery slips and give your social security numbers and addresses to the movie company. ...”*

2) You request to be furnished with *“copies of any and all evidence you may have that supports your claim that I allegedly (3) publicly disclosing private street artist addresses and Social Security information without authorization.”* Please see the enclosed copies of correspondence and notes referenced in the above items 1) (1-4), (1-5), (1-6), (1-7), and (1-8).

3) You request to be furnished with *“copies of and and all correspondences to any and all commissioners, art commission staff and / or any and all city agencies that you received or wrote regarding Michael Addario’ activities with the San Francisco Street Artists program in the last three years.”* Please find the enclosed copies of the following:

(3-1) March 5, 2007 letter by Bill and Bob Clark to Howard Lazar discussing City Attorney *“rulings”* made on *“manual labor that they (Mike) were referring to ...”*

(3-2) January 26, 2007 e-mail from Bob and Bill Clark to Michael Addario describing the *“time and costs associated with establishing the program which some of the original artists had to pay ...”*

(3-3) January 23, 2007 e-mail response from Madeline Marrow to January 22, 2007 e-mail statement by Michael Addario entitled *“The ‘Next to Zero’ Street Artist’s Cost Myth”*.

(3-4) January 24, 2007 e-mail responses from Linda Pedersen and Linda Letts to Michael Addario e-mail statement *"The 'Next to Zero' Street Artist's Cost Myth"*.

(3-5) February 5, 2007 e-mail statement from Michael Addario to street artists, with attached photos of alleged unlicensed vendors, forwarded by Howard Lazar to Street Artists Committee as part of an item of the Committee's agenda of February 14, 2007.

(3-6) February 14, 2007 e-mail letter from Kathleen Hallinan to Street Artists Committee regarding the Committee's "Hearing and possible motion to approve a letter by the Arts Commission to the Port Commission requesting legal enforcement against all unlicensed street vendors on Port property" and expressing appreciation for *"the hard work Michael Addario has done on behalf of the street artists ..."*

(3-7) February 2, 2007 memorandum by Howard Lazar to Street Artists Committee, forwarding *"copies of e-mails of various street artists expressing their observations of problems generated by the presence of unlicensed street vendors ..."* including a January 1, 2007 e-mail statement by Michael Addario to street artists.

(3-8) February 8, 2007 memorandum by Howard Lazar to Street Artists Committee, forwarding *"copies of e-mail dialogue between street artists for and against our policy of waiving the fee for honorably discharged veterans who are unable to earn a living by manual labor,"* including a February 7, 2007 e-mail statement by Michael Addario discussing the cost to the Street Artists Program of waiving fees for veterans.

(3-9) June 28, 2006 letter from Michael Addario to Mirian Saez, Port of San Francisco Deputy Director, Real Estate, *"Re: Street Artists Query regarding Port's Sidewalk, Airspace, Curbspace Encroachment Policy"*.

(3-10) June 27, 2008 e-mail from Howard Lazar to Michael Johnson, cc'd to Luis Cancel and Arts Commissioners, *"Re: Costs thus far of Addario's 'sunshine complaint'"*.

(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 22nd)*", 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

Addario e-mail accusing Arts Commission staff as appearing “to be continually uninterested or unwilling to perform what the members pay them to accomplish; that is, to enforce the program rules, provide the tools that are promised, and see to it that the program is fair to all its members. ...”.

(3-19) April 7, 2008 e-mail from Howard Lazar to Deputy Director Nancy Gonchar that Peg Stevenson of the Controller’s office stated that Peg Stevenson left him a voice-mail message “that she told Mike Addario that the Controller had no intention of doing an audit on the Street Artists Program as it had not warranted one”; attached April 3, 2008 e-mail by Michael Addario to Peg Stevenson.

(3-20) April 3, 2008 e-mail from Howard Lazar responding to March 23, 2008 e-mail by Michael Addario requesting changes to the membership list and an audiotape recording of the March 20, 2008 meeting of the Street Artists Committee.

(3-21) March 21, 2008 e-mail from Howard Lazar to Arts Commissioner Sherene Melania with regard to March 20 fistfight between Michael Addario and Bill and Bob Clark; attached March 20, 2008 e-mail by Lazar informing Adine Varah of the incident and requesting advice as to necessary steps to safeguard the City from a possible lawsuit.

(3-22) March 21, 2008 e-mail letter from William and Robert Clark expressing their viewpoint of the March 20, 2008 incident involving them and Michael Addario.

(3-23) March 26, 2008 e-mail from Bill and Bob Clark requesting amendments to the minutes of the March 20, 2008 Street Artists Committee meeting.

(3-24) March 7, 2008 e-mail letter from Kathleen Hallinan to Michael Addario, “stating again for the second time ... that I do not think it is appropriate on your part to try to identify on the” [e-mail] “tree for all to see ‘who’ submits an agenda item.”

(3-25) February 11, 2008 e-mail statement from Howard Lazar to street artists regarding proposed 2008-09 budget and fee increase.

(3-26) February 9, 2008 e-mail letter from Michael Addario to street artists regarding *"DPW and the SFSA Budget"* and *"requesting that we downsize our" [Street Artists Program] "office to one staff member."*

(3-27) February 9, 2008 e-mail letter from Michael Addario to street artists stating that *"I believe it is also imperative that we have an outside audit performed immediately to look at our finances."*

(3-28) March 3, 2008 e-mail from Evelyn Russell to Bob and Bill Clark regarding "Mike A.'s googlegroup site" and stating *"... I feel badly that the bias Mike Addario is showing towards me is resulting in you and Howard being disconnected from the others on the street artists' google network."*

(3-29) March 4, 2008 e-mail letter from Bill and Bob Clark to street artist Gary Freed (GAF), stating that *"Since Mike A. decided to end that line of communication between us and the Arts Commission on his own as 'Controller' of the street artist googlegroup, we no longer see the benefit to us of continuing to participate on his googlegroup website."*

(3-30) March 4, 2008 e-mail response from Howard Lazar to March 4, 2008 e-mail by Bill and Bob Clark which informed him that they had been removed from Michael Addario's "googlegroup site"; attached (forwarded by the Clarks) March 4, 2008 e-mail statement by Michael Addario to street artists discussing the creation of his "San Francisco Street Artist Google Group".

(3-31) March 3, 2008 e-mail letter from Howard Lazar to Michael Addario and street artist "googlegroup", requesting *"removal of Street Artists Program office from your e-mail tree"* and advising Addario that *"the City Department which I represent will not, morally or legally, be a party to discrimination of any way, shape, or form."*

(3-32) February 26, 2008 e-mail from Howard Lazar to Michael Addario, requesting that Evelyn Russell be put back on the street artists' e-mail tree.

(3-33) February 22, 2008 e-mail from Howard Lazar to Michael Addario, requesting Addario to look into possible "*electronic malfunctioning*" as the reason for Evelyn Russell's inability to receive messages generated by the artists on Addario's e-mail tree.

(3-34) February 21, 2008 e-mail from Howard Lazar forwarding to Arts Commissioners of Street Artists Committee February 16, 2008 e-mail contention by Michael Addario that a Ninth Circuit Court Ruling could apply to the Street Artists Program, and a February 16, 2008 e-mail reply by Bill and Bob Clark to Addario's contention.

(3-35) February 15, 2008 e-mail from William J. Clark informing Howard Lazar "*that Mike A. has posted the entire statement he made at the February 13, 2008 SAP Committee meeting, including his remarks about your second job, on his street artist website ...*"

(3-36) February 13, 2008 e-mail statement (referred to in above February 15, 2008 e-mail from William J. Clark) by Michael Addario, entitled "*My Statement at Today's SFSA Meeting*".

(3-37) February 15, 2008 e-mail letter by Kathleen Hallinan to Michael Addario, regarding "*A Few Budget Recommendations*"; attached November 14, 2007 statement by Michael Addario regarding "*Proposed Budget and Recommendations*".

(3-38) August 28, 2007 e-mail statement from Michael Addario to street artists, entitled "*Presented as New Business at the Last Meeting*," and regarding "*Fernando Hechavarria, San Francisco Street Artist, Source: Case # 070561236*", in which Fernando Hechavarria came to the aid of a police officer who was under attack.

(3-39) July 30, 2007 e-mail correspondence between Michael Addario and various street artists regarding "*Info on the Fisherman's Wharf CBD*".

(3-40) July 19, 2007 e-mail correspondence between Howard Lazar and Katharine Arrow of the Port, regarding "*Port's Draft*"

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 loss 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

Commissioner Lloyd *“reviewed your request for a rehearing of the case against street artist Michael Hanley and has denied the request”*; attached March 17, 2009 e-mail letter by Addario to Lazar, *“Request for Rehearing”*.

(3-49) March 22, 2009 letter from Lazar to Addario, closing investigation, due to an absence of witnesses to the incident, of Addario’s complaint against street artist Leah Mazor; attached December 11, 2008 e-mail letter of complaint by Addario; attached December 18, 2008 – January 6, 2009 e-mail correspondence between Addario and Lazar.

(3-50) February 10, 2009 e-mail letter from Lazar to Addario in response to January 27, 2009 e-mail letter by Addario regarding whether street artist Michael Hanley *“could be charged with all of his offenses: past and present.”*

(3-51) February 10, 2009 e-mail from Lazar to Commissioners of Street Artists Committee with attached letter by street artists Chrys Camperlino and Alex George, *“adamantly disagreeing with the proposal that the Street Artist Program be taken out of the hands of the Arts Commission.”*

(3-52) February 6, 2009 e-mail from Lazar (forwarded to Commissioners of Street Artists Committee) to street artist Tad Sky regarding street artist opposition to Addario’s proposal for the artists to create a nonprofit street artists program removed from the authority of the Arts Commission; attached February 6, 2009 e-mail by Tad Sky to Lazar, re: *“Mike Addario Proposal”*.

(3-53) October 9, 2008 e-mail letter from Lazar Arts Commission President Johnston, Commissioners of Street Artists Committee, and Director of Cultural Affairs Cancel, re: *“Outcome of Sunshine Task Force hearing yesterday”*.

(3-54) October 1, 2008 e-mail from Lazar (forwarded to Arts Commissioners) to Chris Rustom, Assistant Administrator, Sunshine Ordinance Task Force, and attached October 1, 2008 letter by Lazar to Richard Knee, Chairman, and Members of the Compliance and Amendments Committee, *“in response to Mr. Knee’s letter of September 23, 2008”* and *“#08024 Michael Addario v. Arts Commission”*.

(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

Request of August 7, 2009”.

(3-64) August 13, 2009 e-mail from Lazar to Kan Htun, Director of Finance, re: Htun’s reply to Addario’s “Immediate Information Request”; attached August 12, 2009 Htun reply to Addario.

(3-65) August 6, 2009 e-mail letter from Lazar to Addario re: response to Addario’s August 3, 2009 “Immediate Information Request”; attached August 3, 2009 Addario “Immediate Information Request”.

(3-66) June 11, 2009 e-mail from Lazar to Addario re: Addario’s June 10, 2009 “Immediate Disclosure Request” for *“any and all Bank of America statements for the San Francisco Street Artist Program ...”*; attached June 10, 2009 Addario “Immediate Disclosure Request”.

(3-67) July 3, 2009 e-mail from Lazar to Addario in response to Addario’s July 1, 2009 (attached) and June 20, 2009 (attached) e-mail requests for a *“membership list”* [list of current street artist certificateholders].

(3-68) June 9, 2009 e-mail from Lazar to Addario and attached June 9, 2009 letter by Lazar to Addario in response to Addario’s “Immediate disclosure request” of May 29, 2009.

(3-69) June 2, 2009 e-mail letter to John Haskell, Controller’s Office, re: “Request for Controller documents to fulfill ‘Immediate Disclosure Request’”; attached May 29, 2009 Addario e-mail to Lazar re: “Immediate Disclosure Request, Financial Statements”.

(3-70) June 2, 2009 e-mail from Lazar to Addario, clarifying information contained in “Receipts Processing Forms”; attached June 2, 2009 Addario e-mail to Lazar re: “Immediate Disclosure Request v2”.

(3-71) June 1, 2009 e-mail from Lazar to Addario in response to Addario’s e-mailed “Immediate Disclosure Request” of May 29, 2009 (attached); attached June 1, 2009 letter by Lazar to Addario re: “Public Records Request of May 29, 2009”.

(3-72) May 17, 2009 letter from Lazar to Addario in response to Addario's May 7, 2009 e-mailed letter requesting "*The status of the financial audit to be slated on the San Francisco Street Artist Program ...*"

(3-73) December 24, 2008 letter from Lazar to Addario in response to Addario's "immediate disclosure request" of December 11, 2008, requesting "*any and all documents detailing the Arts Commission's Chief Accountant Mr. Htun's budget analyst report on all San Francisco Arts Commission departments ...*", etc.

(3-74) December 15, 2008 e-mail to Program Assistant Evelyn Russell to furnish documents for Addario "Immediate Disclosure Request of December 11, 2008; attached December 15, 2008 e-mail by Deputy Director Nancy Gonchar to Addario and attached December 15, 2008 letter by Gonchar to Addario re: Addario's "Public Records Request of December 11, 2008".

(3-75) November 6, 2008 e-mail from Lazar to Deputy City Attorney Adine Varah stating, in reference to the City Attorney's time billing report for the Arts Commission for the first quarter of the fiscal year, the Street Artists Program's usage of 15% of the Commission's total, with 94% of the usage devoted to responding to Addario complaints and requests for documents; attached November 5, 2008 e-mail by Varah re: the City Attorney billing report.

(3-76) September 15, 2008 e-mail from Nancy Gonchar to Adine Varah attaching a copy of September 15, 2008 letter by Gonchar to Addario re: "Public Records Request of August 28, received September 2, 2008".

(3-77) June 27, 2008 letter from Lazar to Addario in response to June 23, 2008 letter by Adario "requesting copies of any and all documents of communication between San Francisco Street Artist program staff, San Francisco Art Commissions ... addressing: 1) The creation of the San Francisco Street Artist program web site" [and] "The change of the San Francisco Street Artists program meeting schedule from monthly to bi-monthly".

(3-78) August 11, 2008 e-mail from Lazar to Chris Rustom, Deputy Administrator, Sunshine Ordinance Task Force, requesting that the attached August 11, 2008 letter by Lazar be forwarded to the members of the Compliance and Amendments Committee; attached August 11, 2008 letter re: "Sunshine Ordinance Task Force - #08024 Michael Addario v. Arts Commission".

(3-79) August 5, 2008 e-mail letter from Lazar to Rustom re: "Order of Determination: File #08024 – Addario vs Arts Commission" and detailing the Arts Commission's compliance with the SOTF's "Decision and Order of Determination".

(3-80) August 5, 2008 e-mail letter from Lazar to Rustom, requesting "a document detailing the SOTF's July 22nd findings and decisions relating to all the charges against the Arts Commission"; attached copy of August 5, 2008 e-mail by SOTF to Addario stating "Attached is the Order of Determination from the Sunshine Ordinance Task Force ..." and specifying a hearing before the Compliance and Amendments Committee for August 13, 2008.

- 4) You request to be furnished with "copies of any and all correspondences that you received or wrote to" [street artist] "Kathleen Hallinan in the last year." Please find the enclosed copy of the following:

(4-1) August 5, 2008 e-mail from Lazar to Commissioners of Street Artists Committee, re: "Letter from Street Artist Kathy Hallinan re: Michael Addario", and forwarding August 5, 2008 e-mail letter by Lazar to Kathleen Hallinan in response to (attached) August 5, 2008 e-mail letter by Hallinan to Lazar.

- 5) You request to be furnished with "a copy of your Form 700 (SEI) Statement of Economic Interests for 2009". Please find the enclosed copy of the following:

(5-1) California Form 700 Statement of Howard Lazar for 2009.

6) You request to be furnished with *"a copy of your and Ms. Russell' time and attendance sheets for the months of August 2009 and September 2009."* Please find the enclosed copies of the following:

(6-1) San Francisco Arts Commission Bi-Weekly Time Reports for Howard Lazar, comprising the period of July 25, 2009 through October 2, 2009.

(6-2) San Francisco Arts Commission Bi-Weekly Time Reports for Evelyn Russell, comprising the period of July 25, 2009 through October 2, 2009.

In keeping with Arts Commission Resolution No. 1202-97-427, you are charged 10 cents per page for these copies, which amounts to **\$ 26.70** for the above **two hundred sixty-seven (267) pages**. When you claim the copies, please submit a check or money order in the amount of **\$ 26.70 payable to the Arts Commission**.

Sincerely,

Howard Lazar
Street Artists Program Director

Enclosures

Cc: President P. J. Johnston, Arts Commission
Arts Commissioners Sherene Melania, John Calloway, Amy Chuang,
Topher Delaney, Astrid Haryati – Street Artists Program
Committee
Director of Cultural Affairs Luis R. Cancel
Members Cheryl Chen, Debra King, Jimmy Sha, Tad Sky, Street
Artists Liaison Committee (Addario address redacted from copy
of cover letter to Liaison Committee)
Street Artist Chrys Camperlino, Market Manager, Justin Herman
Plaza (Addario address redacted from copy of cover letter to
Camperlino)
Deputy City Attorney Adine K. Varah

Liaison



Howard
Lazar/ARTSCOM/SFGOV
11/25/2009 09:39 AM

To "addariophotography"
<addariophotography@myastound.net>
cc Adine Varah <Adine.Varah@sfgov.org>,
cheryl-chen@sbcglobal.net, d.k.aloha@gmail.com,
JIMSHA@gmail.com, Luis Cancel <Luis.Cancel@sfgov.org>,
bcc

Subject Re: Possible meeting of Liaison Committee: THURSDAY,
DECEMBER 10

Dear Liaison Committee Members,

The meeting of your Liaison Committee will not be scheduled for December 2; it will be scheduled for Thursday, December 10th. The Arts Commission's Director of Cultural Affairs, Mr. Luis Cancel, will be attending the meeting on December 10th. Because of prior commitments, he is unable to attend a meeting scheduled for December 2nd.

Here are the date, time, and location of the meeting for December 10:

Thursday, December 10, 2009
3:00 p.m. (the meeting to run no later than 5:00 p.m.)
Room 140 (street level)
25 Van Ness Avenue
San Francisco.

Please note that the meeting will NOT be held in Suite 70 but in Room 140 (street level of the building).

I will be posting the agenda of your meeting seventy-two hours prior to December 10.

Sincerely,

Howard Lazar
Street Artists Program Director

REQUEST S.M.P.C TO APPROVE
AUTHORIZATION AS CORRECT
11/4/09 MINUTES

SAPC

Howard
Lazar/ARTSCOM/SFGOV
12/16/2009 04:12 PM

To "addariophotography"
<addariophotography@myastound.net>
cc basiasf@yahoo.com, "Bob Clark"
<billandbobclark@access4less.net>,
californiabottles@hotmail.com, ccuzma@yahoo.com,
bcc

Subject Re: INCORRECT minutes of the November 4th Street Artists
Committee meeting

Dear Mr. Addario,

Thank you for pointing out my error in the minutes of the November 4th Street Artists Committee meeting.

I will inform the Commissioners of my error at the next Street Artists Committee meeting, scheduled for January 13, 2010, and will request that they vote to have the minutes of the November 4th meeting amended to reflect the correction.

Sincerely,

Howard Lazar
Street Artists Program Director

"addariophotography" <addariophotography@myastound.net>



"addariophotography "
<addariophotography @myast
ound.net>
12/02/2009 08:47 PM

To Howard Lazar <Howard.Lazar@sfgov.org>, tadsky@att.net,
cheryl-chen@sbcglobal.net, d.k.elfha@gmail.com,
JIMSHA@gmail.com, kathyleather@gmail.com,
zambooy@yahoo.com, ccuzma@yahoo.com,
catherine@catherinesart.com, basiasf@yahoo.com,
ponyprince@aol.com, gallifrae@gmail.com, "Bob Clark"
<billandbobclark@access4less.net>,
gary@buttontheory.com, doctalkjo@hotmail.com,
jo-zgrant@pacbell.net, mariciatigo4you@aim.com, MARIA
HILLIUS <mh1757@prodigy.net>, michael johnson
<citylights17@hotmail.com>, californiabottles@hotmail.com,
johnndoli@gmail.com, finecraftsservices@att.net,
thepipelady@yahoo.com, smac41,
jtceramics@mindspring.com, virginia_art@yahoo.com,
lynnvanderberg@sbcglobal.net

cc Luis.Cancel@sfgov.org,
<sanfranciscostreetartists@googlegroups.com>

Subject Re: INCORRECT minutes of the November 4th Street Artists
Committee meeting

Dear Mr. Lazar,

You state in your minutes that the vote count below is the final count for the liaison election.

As you (Mr. Lazar) state in your minutes:

The results of the election, among the ten candidates, were as

follows:

CANDIDATE	NUMBER OF VOTES
1. Tad Sky	120
2. Cheryl Chen	102
3. Debra King	90
4. Michael Addario	89
5. Jimmy Sha	78
6. Kathleen Hallinan	76
7. Maria Hillius	74
8. Carlos Cuzma	71
9. Dana Boyko	59
10. Madeline Marro	59

Source: http://www.sfgov.org/site/sfac_page.asp?id=114121

Mr. Lazar, I personally copied the results off the board that was signed by the commissioners and your vote count is incorrect. Ms. Kathleen Hallinian received 40 votes not 76.

Ms. Kathleen Hallinan came in 10th place, not 6th, please make this correction at once, and correct the minutes before the wrong impression of the results is given to the members. Below are the correct results.

1. Tad Sky 120
2. Cheryl Chen 102
3. Debra King 90
4. Michael Addario 89
5. Jimmy Sha 78
6. Maria Hillius 74
7. Carlos Cuzma 71
8. Dana Boyko 59
9. Madelyn Morrow 59
10. Kathleen Hallinan 40

Sincerely

Michael Addario

On Wed, 2 Dec 2009 15:12:42 -0800

Howard Lazar <Howard.Lazar@sfgov.org> wrote:

>
> Dear Friends,
>
> The minutes of the meeting of the Street Artists Committee have been
> posted
> to the Arts Commission's website. Here is a link to the minutes:
>
>
>
> http://www.sfgov.org/site/sfac_page.asp?id=114121
>
>
> Howard
>

December 28, 2009

Honorable Members, Sunshine Ordinance Task Force
Chris Rustom, Administrator
Office of the Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
sotf@sfgov.org

Re: SOTF Complaint # 09085 - Michael Addario v. SF Arts Commission

Dear Members of the Sunshine Ordinance Task Force,

Background of the San Francisco Street Artist Program

The San Francisco Street Artists (SFSA) program was created by voter referendum (Proposition L) on June 4, 1974. The SFSA program's main function is to allow artists to sell their individual art directly to the public on the streets and public areas of San Francisco.

The SFSA program is comprised of approximately 400 members; some as young as 18 to a large contingent of senior citizens well into their 70's. The membership roster includes men, women, straight, gay and transgender. Artists from every country in the world, of all colors, shapes, sizes and political stripes make up this eclectic group. Although the SFSA program is a city program, it is unique that it does not receive any funds from the city of San Francisco. The SFSA program is funded entirely from SFSA membership licensing dues.

The SFSA program is under the authority of the San Francisco Arts Commission with Mr. Luis Cancel being the Director of Cultural Affairs, and unfortunately is structured that the members of the SFSA program are totally disenfranchised and lack any voting rights to directly steer their program, set policy, advance their agenda, set their budget or oversee SFSA staff- two civil servants – Mr. Howard Lazar and Ms. Evelyn Russell, that the artists are required to finance.

Moreover, most members are financial disadvantaged; some with compounding physical handicaps. One artist after having surgery to remove a tumor from his brain, is now deaf, and reads lips to communicate with fellow members and customers. Another member has been hearing impaired from birth. In addition we have ten disabled veterans in our group that the membership fully subsidizes their licensing. There is also a large Asian and Hispanic segment that has limited English language skills and survives by having fellow Street Artists translate rules, regulation and requirements for them. Some members are new immigrants to this country who were traumatized by repressive regimes and are hesitant and suspicious of any government authorities or their actions.

Although, SFSA members, on their own initiative and expense created two computer email trees; this means of communication only reaches approximately 30% of the members due to lack of some member's computer access. In spite of the personal hardships several artists face, many members take a keen interest in the SFSA program; its direction, and continual survival.

Michael Addario has been a member of the SFSA program for 6 years was recently elected to the SFSA Liaison Committee and at the initial SFSA Liaison meeting was elected to chair the committee.

Pervious Complaint filed against Arts Commission

Mr. Addario opposed the Arts Commission proposal to change the SFSA program committee meeting from monthly to bi-monthly (12 to 6 meeting a year). The structure of the SFSA program dictates that all changes to the SFSA rules and violations need to appear before this committee initially. The change from monthly to bi-monthly was brought before the Full Arts Commission without being heard at the SFSA committee level first.

Mr. Addario also discovered that the Arts Commissioners had held a seriatim (serial, non-public) meeting, via email between Arts commissioner and brought a SOFT complaint # 08024 against the Arts Commission. The Arts Commission argued that the Sunshine Ordinance Task Force lacked jurisdiction to adjudicate this complaint, but was overruled. Addario prevailed and the Arts Commission was determined to be in violation of SOFT statue 67.5.

The Task Force finds that the Commission violated Section 67.5 of the Sunshine Ordinance for holding a seriatim meeting at the committee level through the two committee members at a non-public meeting and without public input. The Commission shall appear before the Compliance and Amendments Committee on August 13, 2008, to further discuss the violation.

Source: <http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=18288>

A.) Allegation # 1 against the Arts Commission

Failure to hold a proper meeting open to the public

Summary

The Arts Commission after holding an official election for a San Francisco Street Artist Liaison committee, validating the election and confirming the winners, changed the bylaws of said committee without the proper authority or holding a public meeting where the SFSA Liaison committee was first created at the SFSA program committee.

The Arts Commission staff met privately to form a new set of bylaws for the SFSA Liaison Committee without the input or discussion from the public, SFSA

members, or elected SFSA liaison Committee members. Subsequently, the Arts Commission again in private had their proposal that would change the liaison meeting from monthly to quarterly, have the date, time of the meeting and the agenda set by the program director, and the members of said committee once elected, serve at the pleasure of the Director of cultural affairs, rushed through and aigenized at the Full Arts commission level before the elected members of the liaison could meet for the first time to create their own bylaws.

Upon being notified of the Arts Commission propose action Mr. Addario attended the Full Arts Commission meeting and under "Public Comment" informed the Commissioners that they were going against the spirit and intent of why the SFSA Liaison Committee was originally created. In addition to the reason Mr. Addario and the other members were originally elected for. Moreover, Mr. Addario caution the Full Arts Commission that this item should be heard first at the SFSA program committee level and was possibly a violation of the Sunshine Ordinance. The Full Arts Commission' chairperson PJ Johnson dismissed Mr. Addario' argument, saying that the Arts Commission staff conferred with the city attorney and found no conflict. In fact, PJ Johnson said if it were up to him, he would have "kept a tighter leash on the liaison committee." The motion to change the SFSA liaison Committee bylaws was passed unanimously by the Full Arts Commission.

Therefore, I request that the SOTF find the Arts Commission violated SEC. 67.5. or any other Sunshine Ordinance regulation that the SOTF finds applicable

Timeline of SFSA Liaison Committee creation

May 2008

The original SFSA liaison/steering committee was formed to allow a group of interested artists to lobby the Arts Commission for changes to the SFSA program that it felt were being ignored by SFSA staff. All SFSA members were notified at lottery space sign-ups that they were eligible to join this ad-hoc volunteer group. Mr. Addario along with four other members joined. The liaison committee members met monthly, approximately eight times, in addition to later in the year having two meetings with Mr. Cancel and Mr. Lazar.

At the first meeting the ad- hoc liaison committee had with Mr. Cancel, among other thing discussed, Mr. Cancel expressed a concern to know how the committee was "constituted" and how would he know if when he was speaking to this group that he was speaking to the majority of members of the San Francisco Street Artist Program. Mr. Cancel expressed a desire to make official, the now ad-hoc liaison committee with an official Arts Commission election.

At the second meeting the SFSA liaison /steering committee had with Mr. Cancel he put forth the proposal to have an official election for a SFSA liaison committee. He

asked for our recommendations. I caution Mr. Cancel that an official liaison committee would fall under the Sunshine Ordinance and I was concerned that the added costs to our program were costs that the program could ill afford. At the time Mr. Cancel said that he did not want that to happen and appeared to drop the idea. Only to have Mr. Cancel' reverse himself and his proposal reappear at the following SFSA program committee meeting. Following is the progression of meetings that have occurred to-date regarding this issue.

1.) The San Francisco Street Artist Program Committee.

March 11, 2009

Call for election of members to street artist "Steering Committee." Mr. Lazar requested that the next (May) agenda of the Street Artist Committee include a possible motion to have an election among the street artists for members to serve on the artists' ad hoc "Steering Committee."

Source: http://www.sfgov.org/site/sfac_page.asp?id=101521

2.) The San Francisco Street Artist Program Committee.

July 8, 2009

"Mr. Cancel stated that the Liaison Committee would be a separate, independent, advisory body which would act as "a sounding board" on issues. Presently, whenever Mr. Lazar and he meet with the ad hoc committee, they have no assurance that its current members speak for a significant number of street artists. The proposal would provide for a committee elected by, and representing, the artists."

Below is an abbreviated form of the original election bylaws submitted for approved by the Arts Commissioners at the SFSA program committee meeting of July 8, 2009.

STREET ARTISTS ADVISORY STEERING COMMITTEE

ELECTION OF MEMBERS

Number of Members: 5 members

Term of Members: Two years provided that the terms of the three members receiving the highest vote in the first election shall be for a period of two years, and the terms of the remaining two members shall be for a period of one year; and upon the expiration of these and successive terms, the terms shall be for two years....

...Any vacancy during a term will be filled by appointment by the Director of Cultural Affairs and the concurrence of the Street Artists Committee, to serve during the vacant term until an election shall be held for the position during the following July.

Commissioner Calloway moved to recommend approval of the proposed election procedure for five (5) members of the Street Artists Liaison Committee; the motion was seconded by Commissioner Delaney and unanimously approved.

Source: http://www.sfgov.org/site/sfac_page.asp?id=108420

**3.) The San Francisco Street Artist Program Committee.
September 9, 2009**

Presentation of ballot materials for election of Liaison Committee. Mr. Lazar presented drafts of documents created by Director of Cultural Affairs Cancel and Mr. Lazar relating to the upcoming voting procedure for the street artists' Liaison Committee. The drafts were of a candidates' sign-up sheet, an official ballot, and a ballot envelope.

Source: http://www.sfgov.org/site/sfac_page.asp?id=111562

**4.) The San Francisco Street Artist Program Committee.
November 4, 2009**

Action. Counting of candidates' ballots for Street Artists Liaison Committee; motion to approve elected candidates.

In keeping with the procedure approved by the Arts Commission for an election of five (5) candidates to serve on the Street Artists Liaison Committee, ballots with return envelopes had been disseminated among all street artists attending space-assignment lotteries of the Wharf, Downtown, and Justin Herman Plaza areas for an election period of three (3) weeks, ending October 31, 2009. Two hundred twenty-eight sealed ballot envelopes had been received by the Program Director and were now delivered to the Commissioners to open and tabulate at this, the November 4th, meeting of the Street Artists Committee.

The results of the election, among the ten candidates, were as follows:

CANDIDATE	NUMBER OF VOTES
Tad Sky	120
Cheryl Chen	102
Debra King	90
Michael Addario	89

Jimmy Sha 78
Kathleen Hallinan 76

[Note: Mr. Lazar incorrectly stated that Kathleen Hallinan received 76 votes. In actuality Ms. Hallinan received 40 votes and came in last. Mr. Lazar was notified by me of this error and did not respond that he would correct it, until this SOTF complaint # 09085 was filed.]

Maria Hillius 74
Carlos Cuzma 71
Dana Boyko 59
Madeline Marrow 59

As this was the first election, the three top vote-getters would be serving for two-year terms, and the next two top vote-getters would be serving for one-year terms. Upon subsequent elections, all five top vote-getters would serve for two-year terms.

Commissioner Melania moved to approve the following candidates (in ranking order) as members of the Street Artists Liaison Committee: Tad Sky, Cheryl Chen, Debra King, Michael Addario, Jimmy Sha; the motion was seconded by Commissioner Calloway and unanimously approved.

As Commissioners Haryati and Calloway had to leave, the Street Artists Committee lost its quorum. Commissioner Melania adjourned the meeting at 5:00 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

At this point in time Mr. Addario polled the newly elected members of the Liaison Committee for the best date and time they would be available for our first meeting. Mr. Addario spoke to Mr. Lazar and he checked and found that the room we wanted would be available on Wednesday December 5, 2009. See email below:

November 17, 2009

Howard Lazar/ARTSCOM/SFGOV wrote on 11/17/2009 01:53:01 PM:

Dear Members of the Liaison Committee,

At Mike's request, I have looked into reserving Suite 70 (25 Van Ness Avenue) for a meeting for you to be held on Wednesday, December 2nd, from 3:00 - 5:00 p.m. The room appears to be available.

I would like to hear from each of you that this is the date and time that you want. If so, I will reserve the room.

I will not be in the office for the next three days, and will pick up my phone messages and e-mail messages next Monday (November 23).

Howard

As seen below, unexpectedly Mr. Lazar sent the liaison members an email that said the date and room had been changed due to a scheduling issue with Mr. Cancel. At no time, prior to this email were the elected liaison committee member aware that we would be working around Mr. Cancel' schedule. In addition not one of the members were asked beforehand if this date or time was suitable for their schedule.

November 25, 2009

Dear Liaison Committee Members,

The meeting of your Liaison Committee will not be scheduled for December 2; it will be scheduled for Thursday, December 10th. The Arts Commission's Director of Cultural Affairs, Mr. Luis Cancel, will be attending the meeting on December 10th. Because of prior commitments, he is unable to attend a meeting scheduled for December 2nd.

Here are the date, time, and location of the meeting for December 10:

Thursday, December 10, 2009
3:00 p.m. (the meeting to run no later than 5:00 p.m.)
Room 140 (street level)
25 Van Ness Avenue
San Francisco.

Please note that the meeting will NOT be held in Suite 70 but in Room 140 (street level of the building).

I will be posting the agenda of your meeting seventy-two hours prior to December 10.

Sincerely,

Howard Lazar
Street Artists Program Director

This new meeting date of December 10, 2009 date put the initial liaison meeting date after the Full Arts Commission meeting date of December 7, 2009 where the Arts Commission intended to submit a proposal to change the liaison committee bylaws.

December 3, 2009

Dear Friends,

The meeting of the Street Artists Liaison Committee is scheduled as follows:

Thursday, December 10, 2009
3:00 p.m. (meeting to end no later than 5:00 p.m.)
Room 140 (street level) *
25 Van Ness Avenue
San Francisco.

* NOTE: The meeting will be held in ROOM 140 (street level of the building) and NOT in Suite 70.

Here is a link to the Liaison Committee agenda:

http://www.sfgov.org/site/sfac_page.asp?id=114172

Also, this is to inform you that on Monday, December 7, 2009, the full Arts Commission will be holding its regular meeting and will be voting on a resolution amending Liaison Committee procedures. Here is a link to the Arts Commission agenda:

http://www.sfgov.org/site/sfac_page.asp?id=114119

Howard Lazar
Street Artists Program Director

5.) THE FULL ARTS COMMISSION
Monday, December 7, 2009

Street Artists Committee—Sherene Melania, Chair

Action: Motion to approve elected candidates of Street Artists Liaison Committee: Tad Sky, Cheryl Chen, Debra King, Michael Addario, Jimmy Sha.

*Action: Street Artists Liaison Committee Procedures
Discussion and possible action to establish a meeting schedule and duration of the Street Artists Liaison Committee and amending procedures.*

RESOLUTION Amending Street Artists Liaison Committee Procedures

Whereas the Arts Commission established the Street Artist Liaison Committee on July 8, 2009 as a five-member advisory committee together with procedures governing election of members the (“Election Procedures”); and

Whereas the Arts Commission has determined that the Street Artist Liaison Committee’s purpose is to make recommendations on behalf of the Street Artists to the Street Artists Program and the Arts Commission regarding Street Artist Program policies and procedures; and

Whereas the Arts Commission has determined that quarterly meetings would help the efficient and coherent gathering and presentation of such recommendations; and

Whereas the Arts Commission has discovered that the original resolution creating the Committee failed to address the tenure of Committee members; now therefore be it

RESOLVED, that resolution of July 8, 2009 and corresponding Election Procedures are hereby amended to add the following provisions as a new subsection (9):

The Street Artists Liaison Committee's purpose is to make recommendations on behalf of the Street Artists to the Street Artists Program and the Arts Commission regarding Street Artist Program policies and procedures. The Street Artists Liaison Committee shall function for a two-year period ending on July 31, 2011 and shall meet on a quarterly basis, starting with the meeting scheduled on December 9, 2009 with subsequent dates, times and agendas to be set by the Street Artists Program Director and the Director of Cultural Affairs, unless otherwise modified by the Arts Commission through a subsequent resolution. Members of the Liaison Committee, once elected, shall serve at the pleasure of the Director of Cultural Affairs.

Source: http://www.sfgov.org/site/sfac_page.asp?id=114119

In the Arts Commission's proposal submitted Dec 7, 2009 the Arts Commission falsely state that they *discovered that the original resolution creating the Committee failed to address the tenure of Committee members.*

As seen below, it is plainly evident in July 8, 2009 and again in Nov. 4, 2009 meeting of the San Francisco Street Artist Committee, tenure was discussed and approved. *As this was the first election, the three top vote-getters would be serving for two-year terms, and the next two top vote-getters would be serving for one-year terms. Upon subsequent elections, all five top vote-getters would serve for two-year terms.*

In addition and contrary to what Mr. Cancel stated previously that the SFSA Liaison "would be a separate, independent, advisory body" the Arts Commission was now proposing that meetings would be *quarterly* as opposed to monthly, *that the dates, times and agendas to be set by the Street Artist Program Director and Director of Cultural Affairs...in addition to...Members of the Liaison Committee once elected, shall serve at the pleasure of the Director of Cultural Affairs.*

6.) STREET ARTISTS LIAISON COMMITTEE **December 10, 2009**

1. Discussion. Welcoming and introduction of Liaison Committee members.

2. *Action. Motion to elect Chairperson of Liaison Committee.*
3. *Discussion. Discussion of areas of interest and possible goals of the Liaison Committee.*
4. *Discussion. Discussion on cost and impact on the Street Artists Program of "immediate disclosure" (public records) requests.*
5. *Discussion. New business/public comment.*
6. *Adjournment.*

Source: http://www.sfgov.org/site/sfac_page.asp?id=114172

Moreover, as you can see in the emails above, Mr. Lazar who had originally volunteered to be the secretary to the liaison committee and before Arts Commission proposal was even heard, changed the date of the initial SFSA liaison meeting, misstated the election results, when notified, delayed in acknowledging or correcting the results, and inserted an item into the liaison committee agenda: *Discussion on cost and impact on the Street Artists Program of "immediate disclosure" (public records) requests.* without the consultation or approval of the elected members.

Therefore I contend that:

- 1.) If changes were to be made they should have been at the very least, agenized and heard at the Street Artist program committee level where the liaison committee was first approved and prior to the election.
- 2.) If any changes were to be made in the bylaws once the election was completed that was now the authority of the duly elected liaison committee members.

Consequently, I assert that the Arts Commission purposefully, illegally and in bad faith, used subterfuge, misinformation and manipulations to eviscerate the SFSA liaison committee' authority by not having a public meeting at the San Francisco Street Artist program committee, thereby violated SEC. 67.5. MEETINGS TO BE OPEN AND PUBLIC; APPLICATION OF BROWN ACT, or any other Sunshine Ordinance regulation that the Sunshine Ordinance Task Force finds applicable.

B.) Allegation # 2 against the Arts Commission

Failure to provide Requested Documents in a timely manner or on a rolling basis.

On December 23, 2009 I received word that the "Immediate Disclosure Request" documents that I had requested on September 29, 2009 and as stated by Mr. Lazar in his Oct 2, 2009 letter to me "*The Arts Commission will endeavor to respond to you as quickly as possible and no later than October 13, 2009.*" were available for pick up. This amounts to a delay of over three months or 69 days later than was promised by Mr. Lazar.

During that time period between Oct 13, 2009 and Dec. 23, 2009 I had asked Mr. Lazar at numerous meetings what was the status of the request. Mr. Lazar stated on Nov. 4, 2009 at the SFSA program committee to me that I would received the documents within a week and later on Nov. 23, 2009 at the SFSA office (where incidentally Ms. Russell was present and working with members) that I would have them in the following week. It was not until after I submitted the SOTF Complaint # 09085 that I received word on Dec. 23 that I would be able to pick up the documents.

At no time did Mr. Lazar express that he was have trouble fulfilling my request due to a staff shortage. In fact, the first time that I heard that Ms. Russell was out of the office for a month, was in the Dec. 23, 2009 Arts Commission response to this SOTF complaint. In their response they state: *Mr. Lazar has – and still has – no staff to help him with the research and production of document in fulfilling such voluminous public documents requests, while still having to fulfill his other, primary, duties and responsibilities to over 400 street artist license holders; and (3) for the entire past month he had to also perform the duties of the Street Artist Program's licensing clerk, because the licensing clerk was out of the office on leave.*" Moreover, Mr. Lazar has presented no evidence to document that Ms. Russell was out of the office for a month, and no evidence to and from what time period. In addition, Mr. Lazar apparently had no difficulty leaving the office during this time prior to appear in a "YouTube" video, mainly featuring Mr. Lazar speaking about the SFSA program. Go to: <http://www.youtube.com/watch?v=WNmZfaOzgM0>

Even if this staff shortage were so, it is not a legitimate excuse and certainly not one when I was repeatedly promised the paperwork by Mr. Lazar and only able to retrieve them once this SOTF complaint was filed.

Therefore I request that you find the Arts Commission in violation of 67.25 (a) and 67.5 (d) of the Sunshine Ordinance for failure to provide me the requested in a timely, or on a rolling basis, or any other Sunshine Ordinance regulation that the Sunshine Ordinance Task Force finds applicable, to insure that these violations of the Sunshine Ordinance by the Arts Commission are not repeated.

Sincerely,
Michael Addario
Member of the San Francisco Street Artist Program
Chairperson, San Francisco Street Artist Program Liaison Committee

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