

Date: Feb. 22, 2011

Item No. 24 & 25
File No. 11002

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- William Clark against the City Attorney's Office**
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-
-
-
-
-
-
-
-
-

Completed by: Chris Rustom Date: _____

***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.



<complaints@sfgov.org>

01/11/2011 12:13 PM

To <sof@sfgov.org>

cc

bcc

Subject Sunshine Complaint

To:sof@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:San Francisco City Attorney

CONTACTED:City Attorney Dennis Herrera

PUBLIC_RECORDS_VIOLATION:Yes

PUBLIC_MEETING_VIOLATION:No

MEETING_DATE:

SECTIONS_VIOLATED:Section 67.21(I)

DESCRIPTION:The San Francisco City Attorney office has acted as a legal council for the custodian of public records at the Street Artist Program of the Arts Commission, Howard Lazar, for the purposes of denying the public access to public records requested pursuant to the Sunshine Ordinance.

HEARING:Yes

PRE-HEARING:No

DATE:January 11, 2011

NAME:William J. Clark

ADDRESS:P.O. Box 882252

CITY:San Francisco

ZIP:94188

PHONE:415-822-5465

CONTACT_EMAIL:billandbobclark@access4less.net

ANONYMOUS:

CONFIDENTIALITY_REQUESTED:No



Bill and Bob Clark
<billandbobclark@access4less.net>

01/11/2011 12:33 PM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To sotf@sfgov.org

cc

bcc

Subject 2 new complaints

Hi Chris,

I want to inform you that I just filed 2 complaints against the San Francisco City Attorney Dennis Herrera and his office for violating the Sunshine Ordinance.

Please put a copy of this email in the files for both complaints.

One complaint is for a violation of Section 67.21(b) because the City Attorney and his office failed to respond to a public document request I made on December 15, 2010 within 10 working days.

The second complaint is for a violation of Section 67.21(I) because the City Attorney and his office has acted as a legal council to the custodian of public records of the Street Artist Program at the Arts Commission, Howard Lazar, for the purpose of denying the public access to public records requested pursuant to the provisions of the Sunshine Ordinance.

Here is a copy of the email I sent to the City Attorney on December 15, 2010:

City Attorney Herrera,

In a document we received from Howard Lazar, the director of the Street Artist Program, entitled "Street Artist Program FY 09-10 Charges" it lists under "City Attorney Cost for Sunshine Disclosures" that the Street Artist Program was charged \$2516.75 for 11.75 hours of the City Attorney's time during the 09-10 fiscal year.

We request copies of all the documents and/or records which explain exactly what the 11.75 hours of the City Attorney Office personnel's time was used for regarding the "Sunshine Disclosures" for the Street Artist Program during the 09-10 fiscal year.

We would like a breakdown of what amount of time was used for each specific Sunshine Ordinance request your office had to spend time on and what each Sunshine Ordinance request was during the 09-10 fiscal year.

We are requesting these documents and/or records pursuant to the provisions of the Sunshine Ordinance.

William J. Clark
Robert J. Clark

Thanks,
William J. Clark



Bill and Bob Clark
<billandbobclark@access4less.net>

01/28/2011 09:11 AM

Please respond to
Bill and Bob Clark
<billandbobclark@access4less.net>

To sotf@sfgov.org

cc

bcc

Subject Fw: Re: Sunshine Complaint Received: #11002_William & Robert Clark v City Attorney's Office

Hi Chris,

I just received this email response from the City Attorney's Office regarding my complaint #11002. Jack Song is asserting that the issue involved in this complaint is the same as the issue involved in my previous complaint that was heard recently by the SOTF.

He is wrong. The issue in my previous complaint dealt with the fact that all street artists were being charged a fee as a result of any street artist making a public document request. That fee came in the form of a fee increase in the cost of a Street Artist Certificate. That certificate fee increase was a result of the City Attorney's office charging the Street Artist Program for the City Attorney Office staff time to consult and advise the Arts Commission relating to public document requests made by street artists.

Complaint #11002 deals with the City Attorney violating Section 67.21 (i) of the Sunshine Ordinance. That section states the following:

"The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records."

In complaint #11002, I am asserting that the City Attorney has violated Section 67.21 (i) by acting as legal counsel for the Arts Commission and Street Artist Program for the purpose of denying the public access to public information requested pursuant to the Sunshine Ordinance.

Also, I want to point out to you that I am the only complainant in both complaint #11001 and 11002. My brother, Robert J. Clark is not a complainant in either and he should not be listed as one.

Please put a copy of this email in the files of both complaint #11001 and #11002.

Thanks,

William J. Clark

-----Forwarded Message-----

From: Jack Song

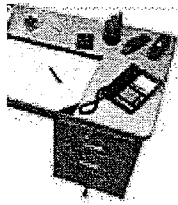
Sent: Jan 27, 2011 5:00 PM

To: SOTF

Cc: billandbobclark@access4less.net, Cityattorney , Matt Dorsey

Subject: Re: Sunshine Complaint Received: #11002_William & Robert Clark v City Attorney's Office

Dear Chris and Members of the Sunshine Ordinance Task Force:



Jack
Song/CTYATT@CTYATT
01/27/2011 04:59 PM

To SOTF/SOTF/SFGOV@SFGOV
cc billandbobclark@access4less.net,
Cityattorney/CTYATT@CTYATT, Matt
Dorsey/CTYATT@CTYATT
bcc
Subject Re: Sunshine Complaint Received: #11002_William & Robert
Clark v City Attorney's Office

Dear Chris and Members of the Sunshine Ordinance Task Force:

We have already appeared in front of the Sunshine Task Force on January 4, 2011 on the same exact issue that Mr. William Clark and Robert Clark have raised in their latest complaint.

The Sunshine Ordinance Task Force ruled in favor of the office of City Attorney the Jan 4th 2011 meeting. We are in NO VIOLATION of the Sunshine Ordinance.

Here is the agenda from January 4th, 2011 showing that the complaintants and the City Attorney's office have already appeared on the issue of

Determination of jurisdiction on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.
--

The full agenda is here: <http://www.sfbos.org/index.aspx?page=11359>

After the January 4th hearing, the complainants threatened me outside of Room 408 and demanded to see our billing policy on the spot. I explained to them that our internal bill policy is between our clients and we cannot divulge such information. I also informed them that for any additional public requests, they must submit their inquiries directly to me. I am the public information officer. Both Mr. William Clark and Robert Clark has my contact information including name, phone number, and email address from our previous correspondences with the Sunshine Ordinance Task Force. We do NOT have record of their submission for additional public record requests for "December 15th, 2010," which apparently is on the same exact issue that was discussed at the January 4th 2011 hearing. We have addressed to this complaint.

The Office of City Attorney is a strong advocate for open government and transparency. I also do not want to squander any more of time from members of Sunshine Ordinance Task Force and deputy city attorneys.

I strongly suggest both Mr. William Clark and Robert Clark submit their inquiries directly to me via fax OR email.

Best regards,

JACK SONG
Public Information Officer

①

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 FEB 15 AM 10:30

Pg #

12 - Howard ~~thinks~~ thanks Adine for
advice.

32 - Howard asks Adine to review
S.O. request

43 - Howard asks Adine to review
S.O. request

44 - Howard asks Adine to review
S.O. request

84 - C.A. Virginia Davis - Oyinda
reviews & edits Howard's letter

85 - Howard asks Adine for help

86 - C.A - U.D-E reviewed and edited
Howard's letter

(OVER)

②

Page #

87 - Howard asks Adine to review his response.

42 - Adine's advice - edits Howard's letter

50 - P.J.'s email to Adine

~~82~~

95 - A/C Sharon Page-Richie asks Adine to read and advise her about draft letter.

98 - Ken tells Cancel to ask Howard and Adine to draft a response for him. Adine asks S.P.R. to talk about the rest later

99 - Adine gives advice to Sharon & Ken

(3)

Pg #

100 - Sharon Page-Ritchie asks Adine
to review the draft and advise.

108 - Howard states every document
request is sent to the C.A.
Howard asks Adine to review and
advise his first draft.

114 - Kan to Howard telling him
he wants Howard to ask Adine
for advice.

116 - Howard tells Kan he told Cancel
what Adine advises them and Cancel
says he will implement Adine's advice.

117 - Kan emails Adine asks for advice.

125 - Howard's email to Adine asks her
advice about FANS screens not being
documents.

10

Howard

Budget
+ Personnel
09-10



Re: Outcome of Sunshine Task Force hearing on Paula Datesh complaint

Sherene Melania to: Howard Lazar

03/10/2010 11:11 AM

Luis Cancel, pj, newjazzflute, amychuang09, Astridharyati, Jill
Cc: Manton, SanSan Wong, Adine Varah, Buck Delventhal, StreetArtists
Intern

From: Sherene Melania <sherene.melania@mac.com>
To: Howard Lazar <Howard.Lazar@sfgov.org>
Cc: Luis Cancel <Luis.Cancel@sfgov.org>, pj@pjcommunications.com, newjazzflute@gmail.com, amychuang09@gmail.com, Astridharyati@yahoo.com, Jill Manton <Jill.Manton@sfgov.org>, SanSan Wong <SanSan.Wong@sfgov.org>, Adine Varah <Adine.Varah@sfgov.org>, Buck

Howard,

Your commitment to the street artist program is tremendous!
I wish there was a way to put an end to these time consuming requests
and hearings, that simply detract from your daily work.
It's a shame that 2 individuals can cause such a drain in energy and
resources, at the expense of the program and other artists....let's
talk this afternoon.

} *

Thanks,
Sherene

On Mar 10, 2010, at 8:08 AM, Howard Lazar wrote:

- >
- > Yesterday I went before the Complaint Committee of the Sunshine
- > Ordinance
- > Task Force to argue that the complaints by former certificate-
- > holder Paula
- > Datesh against the Arts Commission were without merit and outside
- > of the
- > jurisdiction of the Task Force.
- >
- > Ms. Datesh's complaints were that we had failed to individually,
- > personally
- > notify her of a Street Artists Committee meeting which was to have
- > heard
- > her request to be re-licensed, and that we failed to individually,
- > personally notify her of the outcome of the hearing. While we did
- > notify
- > her of her hearing (notified her six times, in fact!), my argument
- > to the
- > Complaint Committee was that the Sunshine Ordinance does not
- > mandate that
- > any individual must receive any special notice beyond that which is
- > already
- > provided to the public - i.e., meeting agenda and minutes - and
- > that there
- > are no 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.
- >
- > Ms. Datesh did not appear. The Complaint Committee chairman stated
- > that
- > Ms. Datesh had informed them that she was in New York. The Committee

* *

11

- > members allowed me to make my argument, upheld it by voting that the
- > complaints did not fall within the Task Force's jurisdiction, and
- > dismissed
- > the complaints.

* {

- > I wish to thank Deputy City Attorney Adine Varah for patiently
- > spending a
- > great deal of time in clarifying details of the Sunshine Ordinance
- > for me
- > and in reviewing my written draft of the argument.

~~XXXX~~

✓

- > Tomorrow evening I go before yet another committee of the Sunshine
- > Task
- > Force - the "Education, Outreach and Training Committee" - to
- > finish with
- > the Michael Addario complaint against us. I will be informing them
- > that
- > the Street Artists Program expects to fulfill future Sunshine
- > "immediate
- > disclosure requests" in a timely manner because the Street Artists
- > Program
- > will soon be hiring part-time temp help to assist in the research and
- > production of documents.

- > Howard
- >
- >
- >

(12)

Budget + Personnel
09-10



Re: Outcome of Sunshine Task Force hearing on Paula Datesh complaint

john calloway to: Howard Lazar, Luis Cancel

03/10/2010 09:38 AM

PJ Johnston, Sherene Melania, amychuang09, Astridharyati, Jill

Cc: Manton, SanSan Wong, Adine Varah, Buck Déiventhal, StreetArtists Intern

✓ Thanks Howard, for the constant and consistent updates. I know this is trying and taxing.

Best....John

On 3/10/10 8:08 AM, "Howard Lazar" <Howard.Lazar@sfgov.org> wrote:

- >
- > Yesterday I went before the Complaint Committee of the Sunshine Ordinance Task Force to argue that the complaints by former certificate-holder Paula Datesh against the Arts Commission were without merit and outside of the jurisdiction of the Task Force.
- >
- > Ms. Datesh's complaints were that we had failed to individually, personally notify her of a Street Artists Committee meeting which was to have heard her request to be re-licensed, and that we failed to individually, personally notify her of the outcome of the hearing. While we did notify her of her hearing (notified her six times, in fact!), my argument to the Complaint Committee was that the Sunshine Ordinance does not mandate that any individual must receive any special notice beyond that which is already provided to the public - i.e., meeting agenda and minutes - and that there are no 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.
- >
- > Ms. Datesh did not appear. The Complaint Committee chairman stated that Ms. Datesh had informed them that she was in New York. The Committee members allowed me to make my argument, upheld it by voting that the complaints did not fall within the Task Force's jurisdiction, and dismissed the complaints.
- >
- > I wish to thank Deputy City Attorney Adine Varah for patiently spending a great deal of time in clarifying details of the Sunshine Ordinance for me and in reviewing my written draft of the argument.
- >
- > Tomorrow evening I go before yet another committee of the Sunshine Task Force - the "Education, Outreach and Training Committee" - to finish with the Michael Addario complaint against us. I will be informing them that the Street Artists Program expects to fulfill future Sunshine "immediate disclosure requests" in a timely manner because the Street Artists Program will soon be hiring part-time temp help to assist in the research and production of documents.
- >
- > Howard
- >
- >
- >

~~Handwritten scribble~~

~~Handwritten scribble~~

✓



2009-10 CITY ATTY
SUNSHINE COSTS

(14)

Budget 10-11

Fw: Arts Commission Payment for Time Billed to Street Artists Program for Public Records Issues - Billing # 0000496

Kan Htun to: Dora Okai

07/26/2010 02:42 PM

Cc: Susana Martinez, Adine Varah, Howard Lazar

Hi Dora,

As per the latest correspondences on this matter, please process on your side to charge the fees due by Arts Commission \$ 2,516.75 for FY2009-10 from the following index Code and project code for the Street Artist program. Since we have no work order account set up already, I cannot process to your subobject code 086CA.

Index Code: 28STR102

Project: PAR102

Subobject: 02731

Thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Website: <http://www.sfartscommission.org>

e-newsletter: <http://www.sfartscommission.org/lists/?p=subscribe&id=4>

Twitter: <http://www.twitter.com/SFAC>

Facebook: <http://www.facebook.com/sfartscommission>

YouTube: <http://www.youtube.com/ArtsCommission>

Flickr: <http://www.flickr.com/photos/sfac>

— Forwarded by Kan Htun/ARTSCOM/SFGOV on 07/26/2010 02:36 PM —

From: Adine Varah/CTYATT@CTYATT
To: Kan Htun/ARTSCOM/SFGOV@SFGOV
Cc: Susana Martinez/CTYATT@CTYATT, Marisa Moret/CTYATT@CTYATT, Howard Lazar/ARTSCOM/SFGOV@SFGOV, Scott Minty/CTYATT@CTYATT
Date: 07/01/2010 11:50 AM
Subject: Arts Commission Payment for Time Billed to Street Artists Program for Public Records Issues - Billing # 0000496

Dear Kan,

Thank you for confirming that the Arts Commission has allocated funding to pay for our office's advice on Sunshine and Public Records Act issues for the Street Artists Program for fiscal year 2009-2010 and for this coming fiscal year.

The total amount due for the 2009-2010 fiscal year (July 1, 2009 - June 30, 2010) for advice to the Street Artists Program regarding public records issues is: 11.75 hours / \$2,516.75 (see attached).

Please coordinate with Susana Martinez regarding the transfer of payment of \$2,516.75 to our office.

15

Thank you.

Sincerely,

Adine Varah
Deputy City Attorney
City and County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

(415) 554-4670 (tel)
(415) 554-4747 (fax)
Adine.Varah@sfgov.org

Scott Minty

Adine, Here's a spreadsheet showing the FY10 ti...

07/01/2010 11:02:18 AM

From: Scott Minty/CTYATT
To: Adine Varah/CTYATT@CTYATT
Date: 07/01/2010 11:02 AM
Subject: FY10 Time for 0000496

Adine,

Here's a spreadsheet showing the FY10 time for 0000496 - ARTCOM Street Artists Program:



FY10 Time for 0000496.xls

Total time: 50.25 hours / \$9,522.75

PRA/Sunshine Time 11.75 hours / \$2,516.75

Hope this helps,
Scott

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PUBLIC RECORDS REQUESTS/HRS 2009-10 (as of 5/12/10)
COST TO ST. ARTISTS PGM

	<u>REQUESTOR</u>	<u>SAP STAFF HRS/COST</u>	<u>A/C ADMIN. HRS</u>
7/01 - 12/23/09	ADDARIO (includes ADDARIO at all 92 hrs \$3147.32)	103.2 ^{hrs} / \$3,530.47	—
1/— /10	ADDARIO SOFF heav * (not added)	8 / \$273.68	1 hr
* 2/26/10	CLARK	6 hrs / \$205.26	1/2 hr
3/5/10	DATESH	9 hrs / \$307.89	
3/9/10	DATESH SOFF heav *	10 hrs / \$342.10	
3/23/10	DATESH	7 hrs / \$239.47	
5/11/10	DATESH * SOFF heav .	5 hrs / \$171.05	
<u>2009-10 Total</u> (as of 5/11/10)		<u>148.20 hrs.</u>	<u>\$5,069.92 **</u>
<u>2008-09 Total</u>		75.50 hrs x 33 hrs	\$2,481.60 ***

* Includes written response to SOFF, prep of ~~data~~ for ~~heav~~,
attendance at presentation @ ~~heav~~ ***

** No. not include A/C Admin time/cost

(18)

Budget 10-11

**FULFILLMENT OF PUBLIC RECORDS REQUESTS:
COST TO STREET ARTISTS PROGRAM
(periods covering 7/1/09 - 11/30/09 and 7/1/08 - 6/30/09)**

7/1/09 - 11/30/09 (five months of current year 2009-10):

9/29/09 Michael Addario request (documents still being researched and accumulated as of 11/30/09)	80.00
11/25/09 e-mail letter by Howard Lazar to Central Police Station re: Addario's e-mailed announcement to make a protest downtown against Lazar	0.15
11/24/09 phonecall and e-mail received by Lazar from Union Square Business Improvement District's Andrew Bryant re: Addario Protest	0.15
11/9/09 - research and e-mail letter-response by Lazar to Addario re: Street Artists Program fund balance <i>* Not included: Arts Commission Accounting Division's cost in time and investigation.</i>	0.30
10/6/09 - research and letter-response to Addario's 9/16/09 request <i>* Not included: Arts Commission Accounting Division and Com- mission Secretary's cost.</i>	3.00
8/28/09 - e-mail forwarding by Lazar of Controller's 8/20/09 response to 1/14/09 request for audit (on behalf of Addario request)	0.15
8/25/09 - e-mail letter by Lazar to Addario and 8/24/09 Lazar response to Addario request of 8/7/09 <i>* Not included: Arts Commission Accounting Division's cost in time and investigation.</i>	4.00
8/14/09 - e-mail letter by Lazar to Addario and 8/14/09 letter response to Addario	3.00
8/13/09 - Arts Commission Accounting Division e-mailed response to Addario's request of 8/12/09	?
8/6/09 - e-mail Lazar response to 8/3/09 Addario request	0.30
7/3/09 - e-mail Lazar response to 7/1/09 Addario request for	0.15

(19)

"membership list"

TOTAL 91.20 hrs

91.20 hrs @ \$34.21 hr (Pgm. Dir. only) = \$ **3,119.95**

7/1/08 - 6/30/09 (FY 2008-09):

6/9 - 6/11/09 e-mail Lazar responses to Addario requests for bank statements for Street Artists Program 0.30
** Not included: Arts Commission Accounting Division's cost in providing clarification.*

✓ 6/9/09 e-mail letter to Addario and 6/9/09 letter to Addario including 230 photocopied documents (and copies for file) in response to Addario 5/29/09 request; breakdown of this fulfillment project: 11.15

E-mail letter	0.15
Hard copy letter	1.00
230 photocopies (plus copies for file)	4.00
Redaction of addresses and Social Security numbers from documents	2.00
Research of files	4.00
	<hr/>
	11.15

6/24/09 e-mail letter by Lazar to Street Artist Chrys Camperlino, responding to Addario's e-mailed statements to street artists. 1.00

* 5/17/09 letter by Lazar to Addario and 24 photocopies of documents, responding to 5/7/09 Addario letter; conference with City Attorney 1.45

3/16/09, 3/12/09 Lazar consultation with City Attorney on Program Director's authority to hire qualified space-painting street artists without having to go through competitive bidding process, in response to 11/7/08 Addario letter objecting to Program Director's authority 3.00

12/24/08 letter by Nancy Gonchar (and Lazar) to Addario 3.30

20

with documents, responding to 12/11/08 Addario request; conference with City Attorney; conference with 25 Van Ness building management staff and Program Assistant Evelyn Russell

12/5/08 e-mail letter by Lazar to William and Robert Clark in response to the Clarks' request for information on Program Assistant Evelyn Russell's pay step increases; conferences with City and Department Human Resources on public disclosure of salary step informaton 3.00



9/15/08 letter by Nancy Gonchar to Addario with documents in response to 8/28/09 Addario request; conference with City Attorney 2.00



7/15 - 10/09/08 - Continuation of Sunshine Ordinance Task Force hearings based on Addario complaints; furnishing of letters and other documents; conferences with City Attorney; conferences with Nancy Gonchar; City Attorney 50.00
instructional letter to Luis Cancel; 7/15/08 letter by Gonchar to Sunshine Ordinance Task Force; 8/5/08 letter by Lazar to SOTF; 8/11/08 letter by Lazar to SOTF (conference with City Attorney); 9/9/08 letter by Lazar to SOTF (conference with City Attorney); 10/1/08 letter by Lazar to SOTF; 10/8/08 SOTF Compliance and Amendments Committee Hearing attended by Lazar who presented Arts Commission's position (4 - 6 p.m.); 10/9/08 e-mail summary report letter by Lazar to Arts Commissioners, Cancel, Gonchar, and City Attorney re: 10/08/09 hearing

TOTAL 75.20 hrs

69.20 hrs @ \$33.00 hr (Pgm. Dir. only) = \$ 2,481.60

COST OF ADVISING (24)
ON SUNSHINE REQUESTS

City Atty 2009-10



Re: Arts Commission Payment for Time Billed to Street Artists Program for
Public Records Issues - Billing # 0000496

Kan Htun to: Susana Martinez

07/01/2010 11:59 AM

Cc: Howard Lazar, Marisa Moret, Scott Minty, Susana Martinez

Hi Susana,

Advise me your Index Code and revenue subobject code so that I can abate the revenue to your account,
thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Website: <http://www.sfartscommission.org>
e-newsletter: <http://www.sfartscommission.org/lists/?p=subscribe&id=4>
Twitter: <http://www.twitter.com/SFAC>
Facebook: <http://www.facebook.com/sfartscommission>
YouTube: <http://www.youtube.com/ArtsCommission>
Flickr: <http://www.flickr.com/photos/sfac>

Adine Varah

Dear Kan, Thank you for confirming that the Arts...

07/01/2010 11:50:43 AM

From: Adine Varah/CTYATT@CTYATT
To: Kan Htun/ARTSCOM/SFGOV@SFGOV
Cc: Susana Martinez/CTYATT@CTYATT, Marisa Moret/CTYATT@CTYATT, Howard Lazar/ARTSCOM/SFGOV@SFGOV, Scott Minty/CTYATT@CTYATT
Date: 07/01/2010 11:50 AM
Subject: Arts Commission Payment for Time Billed to Street Artists Program for Public Records Issues - Billing # 0000496

Dear Kan,

Thank you for confirming that the Arts Commission has allocated funding to pay for our office's advice on Sunshine and Public Records Act issues for the Street Artists Program for fiscal year 2009-2010 and for this coming fiscal year.

The total amount due for the 2009-2010 fiscal year (July 1, 2009 - June 30, 2010) for advice to the Street Artists Program regarding public records issues is: 11.75 hours / \$2,516.75 (see attached).



Please coordinate with Susana Martinez regarding the transfer of payment of \$2,516.75 to our office.

Thank you.

Sincerely,

Adine Varah
Deputy City Attorney

32



Please review the attached draft re : SOTF Paula Datesh vs . Arts Commission
Howard Lazar to: Adine Varah

04/14/2010 03:47 PM

Dear Adine,

Please review this letter I drafted in response to the Sunshine Ordinance Task Force's complaint by Paula Datesh. As you recommended, I used the same letter which you had helped me draft in response to Paula's previous complaint to the SOTF, with, of course, a few adjustments - e.g., pointing out that the Complaint Committee had dismissed her previous complaint, practically the same as the current complaint, as being outside of the Sunshine Ordinance's jurisdiction:




TaskForceLetter041410.doc

Thank you very much, Adine.

Howard

(42)

city Atty (Dates)
file

Re: Final draft (with your edits) for Sunshine Task Force 
Adine Varah to: Howard Lazar

03/04/2010 03:47 PM

Still a bit more edits needed (see attached). Thanks!



Task Force Letter 3-4-10 v3.doc



Adine Varah
Deputy City Attorney
City and County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

(415) 554-4670 (tel)
(415) 554-4747 (fax)
Adine.Varah@sfgov.org

AB



Latest draft response for SOTF Datesh vs . Arts Commission
Howard Lazar to: Adine Varah

03/04/2010 09:34 AM

Dear Adine,

I used many elements of the previous letters (Addario vs. Arts Commission) which you sent me - thank you! - and here is my latest draft response to send to the SOTF. Please look it over:

*



TaskForceLetter030410.doc

As I mentioned, I am anxious to send it off to the SOTF today.

Thank you again.

Howard

-14

City Airt (Datesh)



Please review this NEW DRAFT of letter to Sunshine Task Force re : Paula
Datesh complaint
Howard Lazar to: Adine Varah

03/03/2010 09:38 AM

Dear Adine,

Thank you for swiftly getting back to me yesterday on my first (lengthy) draft of a letter to the Sunshine Task Force, regarding Paula's complaint.

Following your clarification of our compliance with the agenda/minutes posting requirements, here is my new draft (much, much shorter) of the letter:



TaskForceLetter030310.doc

I would be grateful if you would have the time to get back to me on this as soon as possible, as I would like to transmit it to the Task Force today.

Thank you again, Adine.

Howard

50

CT, Atty (Datesh)



Re: FW: Immediate Disclosure Request -3rd attempt
Howard Lazar to: PJ Johnston
Cc: "Adine Varah", "Luis Cancel", Jill Manton
Bcc: Kan Htun

03/04/2010 11:27 AM

Thank you, PJ, for asking this question. I am also - concurrently - having to write a response to the Sunshine Task Force with regard to a separate complaint filed by Paula against the Arts Commission, and I will be having to show up at the Sunshine Task force meeting next Tuesday evening for the Paula complaint as well as for the Addario complaint. As you aptly put it, the new era of stupidity.

Howard

"PJ Johnston"

Adine: Does the Sunshine Ordinance make any...

03/04/2010 11:20:16 AM

From: "PJ Johnston" <pj@pjcommunications.com>
To: "Adine Varah" <adine.varah@sfgov.org>
Cc: "Luis Cancel" <Luis.Cancel@sfgov.org>, "Howard Lazar" <Howard.Lazar@sfgov.org>
Date: 03/04/2010 11:20 AM
Subject: FW: Immediate Disclosure Request-3rd attempt

Adine:

Does the Sunshine Ordinance make any provision, or does the City Attorney have any opinion, for constant records requesting from individuals who have already shown themselves to be vexatious or unreasonable?

It's one thing to have to spend hours of time responding to Michael Addario's stuff ... it's another altogether to occupy staff time for Paula Datesh.

~~_____~~
~~_____~~
~~_____~~

I realize the answer always comes back no on these things -- but we're moving into a whole new era of stupidity and wasted resources if we allow this agency to be manipulated by criminals with time on their hands.

pj

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

From: Howard Lazar [mailto:Howard.Lazar@sfgov.org]
Sent: Thursday, March 04, 2010 9:54 AM
To: pdatesh@aol.com
Subject: Re: Immediate Disclosure Request-3rd attempt

Dear Ms. Datesh

We have evidence that your request was submitted by e-mail on February 10, 2010, and not, as you state, "30 days" ago. Furthermore, I was away from my office from February 5 - 22nd, and did not have access to my email until February 23rd.

I have been researching documents for possible furnishing of your "immediate disclosure request". If documents are to be furnished, I will



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

DIRECT DIAL: (415) 554-3914
E-MAIL: jerry.threet@sfgov.org

MEMORANDUM

December 28, 2009:

MIKE ADDARIO VS. ARTS COMMISSION (09085)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Mike Addario alleges 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 was an amendment of the previous IDR, adding further documents to those previously requested. Complainant further alleges that Mr. Lazar responded on October 2, 2009 by invoking an extension of not more than 14 days from September 29, 2009 to provide the documents. He quotes 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." The letter quoted was not provided with the complaint.

Complainant Addario further alleges that he has received all documents requested in the original, 9/23/09 IDR, but not the additional documents requested on 9/29/09. Addario adds that Mr. Lazar told him on November 4, 2009 that he would provide the additional documents to Addario by the end of the following week. As of the time of filing the complaint, Mr. Addario alleges that he still had not received the additional requested documents from the 9/29/09 IDR.

Complainant Addario further complains about various alleged irregularities with the administration of the San Francisco Street Artist Program Liaison Committee, most of which involve the actions of Mr. Lazar, but fails to make any specific allegation as to how these irregularities, if true, would violate local or state public meeting or public records laws.

COMPLAINANT FILES COMPLAINT:

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

JURISDICTION

The Commission clearly is a policy body and legislative body under the Sunshine Ordinance and Public Records Act. The Task Force therefore has jurisdiction to hear the IDR complaint. It appears, however, that the remainder of the allegations of the complaint, even if true, would not violate public records or public meeting laws under the jurisdiction of the Task Force.

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**Memorandum
Privileged & Confidential**

DATE: December 28, 2009
PAGE: 2
RE: Addario vs. Arts Commission

APPLICABLE STATUTORY SECTION(S):

Section 67 of the San Francisco Administrative Code:

Section 67.21 deals with responses to a public records request.

Section 67.25 deals with the immediacy of a response to a public records request.

Section 67.26 deals with withholding of records.

Section 67.27 deals with written justification for withholding of records.

Section 6250 et seq. of Cal. Gov't Code

Section 6254 deals with responding to a public records request.

APPLICABLE CASE LAW:

None.

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts: Complainant Mike on September 23, 2009 and on September 29, 2009 sent an IDR to Mr. Lazar. The 9/29/09 IDR was an amendment of the previous IDR, adding further documents to those previously requested. Complainant further alleges that Mr. Lazar responded on October 2, 2009 by invoking an extension of not more than 14 days from September 29, 2009 to provide the documents. He quotes 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." The letter quoted was not provided with the complaint or the response, but Mr. Lazar did not contest these allegations in his response to the complaint.

B. Contested facts/ Facts in dispute: Complainant Addario further alleges that he has not received all documents requested in the 9/29/09 amended IDR. Mr. Lazar responds that he has provided all documents responsive to the IDR as of December 23, 2009 and that it took so long because the responsive documents numbered in the hundreds of pages and he is the only staff person to handle this task, his other duties and the duties of another staff member on leave.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- What was in the letter sent from Mr. Lazar to complainant?
- Was there an October 2, 2009 letter from Mr. Lazar to complainant? If so, what were its contents?

**Memorandum
Privileged & Confidential**

DATE: December 28, 2009
PAGE: 3
RE: Addario vs. Arts Commission

2. LEGAL ISSUES/LEGAL DETERMINATIONS:

Were sections of the Sunshine Ordinance, Public Records Act, and/or California Constitution Article I, Section three violated?

SUGGESTED ANALYSIS

Under Section 67.21 of the Ordinance:

- Determine whether the Department timely responded to the two requests.

Under Section 67.25 of the Ordinance:

- Determine whether the Department timely responded to the two IDR's.

Under Section 67.26 of the Ordinance:

- Determine whether the Department withheld records and if so, whether the withholding complies with the requirement to keep withholding to a minimum.

Under Section 67.27 of the Ordinance:

- Determine whether the Department's asserted justifications, if any, for any responsive documents violate this provision requiring a written justification for withholding.

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

ATTACHED STATUTORY SECTION FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE UNLESS OTHERWISE SPECIFIED

93

Howard
Lazar/ARTSCOM/SFGOV
01/04/2010 09:58 AM

To Adine Varah/CTYATT@CTYATT
cc
bcc

Subject Re: Fw: SOTF Hearing Reminder: #09085_Mike Addario v.
Arts Commission

Thanks, Adine. I'll try.

Adine Varah/CTYATT@CTYATT

Adine
Varah/CTYATT@CTYATT
01/04/2010 09:52 AM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV
cc

Subject Re: Fw: SOTF Hearing Reminder: #09085_Mike Addario v.
Arts Commission

You may always ask the clerk and chair if they would be willing to consider your item earlier . But they may ultimately decide to hear the matter in the order scheduled .

Adine Varah
Deputy City Attorney
City and County of San Francisco
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

(415) 554-4670 (tel)
(415) 554-4747 (fax)
Adine.Varah@sfgov.org

Howard Lazar--01/04/2010 09:42:00 AM--Dear Luis, As you can see by the attached agenda for tomorrow

Howard
Lazar/ARTSCOM/SFGOV@S
FGOV
01/04/2010 09:41 AM

To Luis Cancel/ARTSCOM/SFGOV@SFGOV
cc Jill Manton/ARTSCOM/SFGOV@SFGOV, Adine
Varah/CTYATT@CTYATT
Subject Fw: SOTF Hearing Reminder: #09085_Mike Addario v. Arts
Commission

Dear Luis,

As you can see by the attached agenda for tomorrow evening, the "Addario vs. Arts Commission" items - two of them - are items 29 and 30.

If the Sunshine Task Force adheres to its agenda, it will be 285 minutes (four and three quarter hours) before our item is reached.

Howard

64

City Atty
Addario
SOTF

Virginia Dario
Elizondo/CTYATT@CTYATT
12/22/2009 06:01 PM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Luis
Cancel/ARTSCOM/SFGOV@SFGOV, Paul
bcc
Subject Re: Draft of letter to Sunshine Task Force (Addario
complaint)

Howard, this looks great, with a few edits, shown as track changes:

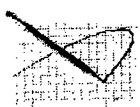


Sunshine Task Force.doc

Virginia

Virginia Dario Elizondo
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: (415) 554-4654
Fax: (415) 554-4699
E-mail: virginia.dario.elizondo@sfgov.org

Howard Lazar--12/22/2009 03:22:29 PM--Dear Virginia and Paul, Would you please review my draft of a le



Howard
Lazar/ARTSCOM/SFGOV@
SFGOV
12/22/2009 03:22 PM

To Virginia Dario Elizondo/CTYATT@CTYATT, Paul
Zarefsky/CTYATT@CTYATT
cc Adine Varah/CTYATT@CTYATT, Luis
Cancel/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV
Subject Draft of letter to Sunshine Task Force (Addario complaint)

Dear Virginia and Paul,

Would you please review my draft of a letter to the Sunshine Ordinance Task Force in response to the recent complaint by Michael Addario:

[attachment "Sunshine Task Force.doc" deleted by Virginia Dario Elizondo/CTYATT]

I would be grateful if you would review it as soon as possible so that I can send it to the Task Force prior to December 25th. (The hearing on the complaint is Wednesday, January 5th.)

Thank you very much,

Howard

Paul Zarefsky Sunshine Ord. forward
ZAREFSKY, he & Adine work under Buch
out of office 12/21/09
(City Arts) Addario file
receipt 554-4700

Howard
Lazar/ARTSCOM/SFGOV
12/21/2009 09:03 AM

To Gina Gutierrez/CTYATT@CTYATT

cc

Subject Fw: Sunshine Complaint Received: #09085_Mike Addario v. Arts Commission

Adine out of office 12/19-31/09. Her voice mail said to contact Gina G. He

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 12/21/2009 09:04 AM —

Howard
Lazar/ARTSCOM/SFGOV
12/18/2009 09:16 AM

To Adine Varah/CTYATT

cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Jill Manton/ARTSCOM/SFGOV@SFGOV

Subject Fw: Sunshine Complaint Received: #09085_Mike Addario v. Arts Commission

Paul 54-4652
554-4699

Dear Adine,

Once again, I would be grateful for your help in preparing me to go before the Sunshine Ordinance Task Force - this new hearing is scheduled for January 5th @ 4:00 p.m. (see below). Addario's new complaint is relative to (1) my delay in fulfilling his September 29th request (please see my drafted cover letter which I just e-mailed you, to accompany the documents I will be furnishing); and (2) the changes of the Liaison Committee procedures recently approved by the Arts Commission (Addario, by his letter to the SOTF, soundly blames Luis and me for this).

Howard

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 12/18/2009 09:09 AM —

SOTF/SOTF/SFGOV
12/17/2009 04:48 PM

To addariophoto@rcn.com, Luis Cancel/ARTSCOM/SFGOV@SFGOV, Sharon Page_Ritchie/ARTSCOM/SFGOV@SFGOV, Howard Lazar/ARTSCOM/SFGOV@SFGOV

cc

Subject Sunshine Complaint Received: #09085_Mike Addario v. Arts Commission

This e-mail is to confirm that the attached complaint has been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #09085 when submitting any new information and/or supporting documents pertaining to this complaint.

A hearing is scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, January 5, 2010
Location: City Hall, Room 408
Time: 4:00 P.M.



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City Atty (Addario)

Virginia Dario
Elizondo/CTYATT@CTYATT
12/22/2009 06:36 PM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV
cc Paul Zarefsky/CTYATT@CTYATT, Adine
Varah/CTYATT@CTYATT
bcc

Subject Sunshine Response to M. Addario

Howard, I reviewed this, I made a few minor edits. But it needs to be reformatted. It appears to end on page 16, with the signature line, then the text picks up again on page 26 with item number 7. Pages 17-25 are blank.



Virginia

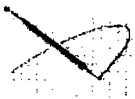


Addario.doc

Virginia Dario Elizondo
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: (415) 554-4654
Fax: (415) 554-4699
E-mail: virginia.dario.elizondo@sfgov.org

47

City of CTY (Addario file)



Howard
Lazar/ARTSCOM/SFGOV
12/18/2009 09:25 AM

To Adine Varah/CTYATT@CTYATT
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV
bcc Kan Htun/ARTSCOM/SFGOV@SFGOV
Subject Fw:Calling your attention to certain items of my drafted letter
responding to Addario's 9/29 "immediate disclosure request"

Dear Adine,

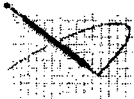
In the draft of my cover letter, I wanted to alert you to certain documents I am furnishing which cite you as being either a receiver of the original document and/or furnisher of information to me. They are listed on the following pages of my letter:



Document	Page
(3-11)	5
(3-21)	6
(3-75)	13
(3-76)	13

Howard

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 12/18/2009 09:18 AM —



Howard
Lazar/ARTSCOM/SFGOV
12/18/2009 09:01 AM

To Adine Varah/CTYATT
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV
Subject Please review this drafted letter responding to Addario's 9/29
"immediate disclosure request".

Dear Adine,

Please review the attached letter I drafted to accompany documents relative to Michael Addario's September 29 "immediate disclosure request". (This is the documents fulfillment project which I told you about, which has been taking me so long - among my other duties - to research and put together):



Addario.doc

Thank you,

Howard

99

City Atty (Addario)



Fw: Extra work for Michael Addario 's job

Howard Lazar to: pj, Sherene Melania, newjazzflute,
amychuang09, Astridharyati

02/22/2010 09:35 AM

Cc: Luis Cancel, Kan Htun, Jill Manton

--- Forwarded by Howard Lazar/ARTSCOM/SFGOV on 02/22/2010 08:55 AM ---

From: Kan Htun/ARTSCOM/SFGOV
To: Howard Lazar/ARTSCOM/SFGOV@SFGOV
Date: 02/16/2010 11:52 AM
Subject: Re: Extra work for Michael Addario's job

Dear Howard,

In my reply to Michael Addario's 12 questions, I did not cc to PJ and your Street Artist Committee Commissioners, because I did not have ready address; I think you should forward to keep them in the loop and the latest status, thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Howard Lazar Thank you, Kan, for this information. As we disc... 02/16/2010 11:13:54 AM

From: Howard Lazar/ARTSCOM/SFGOV
To: Kan Htun/ARTSCOM/SFGOV@SFGOV
Date: 02/16/2010 11:13 AM
Subject: Re: Extra work for Michael Addario's job

Thank you, Kan, for this information. As we discussed this morning, if there is no abatement of Addario's demands on your time as well as on my time, this data will be supportive of the Commission's argument to raise the street artist fee for outside help in responding to Addario's requests.



oward

Kan Htun Hi Howard, I have to work extra hours during the... 02/12/2010 09:07:43 PM

From: Kan Htun/ARTSCOM/SFGOV
To: Howard Lazar/ARTSCOM/SFGOV@SFGOV
Date: 02/12/2010 09:07 PM
Subject: Extra work for Michael Addario's job

Hi Howard,

I have to work extra hours during these busy budget season as follow:

49

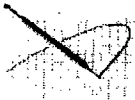
Friday, January 29, 2010 - 6 hours (including meeting at Controller's office).
Monday, February 1, 2010 - 4 hours (to prepare answer for the Full Commission).
Friday, February 5, 2010 - 4 hours (analysis for answers to Michael's 2/4/2010 email questions).
Thursday, February 11, 2010 - 3 hours (preparation of reply letter).
Friday, February 12, 2010 - 1 hour (final draft and actual reply by email at 9 pm).

Total 18 hours, thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

92

City Atty



Howard
Lazar/ARTSCOM/SFGOV
12/07/2009 12:09 PM

To Adine Varah/CTYATT@CTYATT, Luis
Cancel/ARTSCOM/SFGOV@SFGOV
cc
bcc
Subject Addario's portion of City Attorney timebilling for Street Artists
Program

Dear Adine and Luis,

Based on what you, Adine, have given us, I ran a total of the City Attorney hours involving Addario's public records requests and his other questions regarding Arts Commission authority, and these are my findings:



7/1/08 - 6/30/09:	23.25 hours	(out of a total 64.50 hours devoted to Street Artists Program)	= 36%
7/1/09 - 11/30/09:	2.00 hours	(out of a total 3.25 hours devoted to Street Artists Program)	= 62%

Howard

Luis Cancelley's "TIME DOUBLE" OF
SAD STAFFED SO REQUESTS

09/18/2009

95

any house file

<Howard.Lazar@sfgov.org>, Jill Manton
<Jill.Manton@sfgov.org>, Kan Htun <Kan.Htun@sfgov.org>
Subject Re: Immediate Disclosure Request

Hello Sharon,

I could not see my e-mail earlier on Friday but now that I read your response it looks fine. I hope you sent it.

Thank you,

Luis

On Sep 18, 2009, at 2:29 PM, Sharon Page_Ritchie wrote:

- > Kan is out sick through Tuesday. I'm attaching my draft reply, which I
- > would save as a pdf and e-mail to him today, since his request came by
- > e-mail with no postal address.
- >
- > Adine, please review the draft and advise. Also, please let me know
- > if it
- > is preferable to simply include the text of the reply in the body of
- > an
- > e-mail rather than attaching it as a pdf.

> Thanks.

> (See attached file: ltr immediate disclosure addario 091809.doc)

- > Sharon Page Ritchie
- > Commission Secretary
- > San Francisco Arts Commission
- > 415/252-2591
- > www.sfartscommission.org

Luis
Cancel/ARTSCOM/SF

> GOV

09/17/2009 07:56

> SFGOV@SFGOV,
> AM

> Howard

> Subject

To

Sharon
Page_Ritchie/ARTSCOM/

Kan Htun/ARTSCOM/SFGOV@SFGOV

Adine Varah/CTYATT@CTYATT, Jill
Manton/ARTSCOM/SFGOV@SFGOV,

Lazar/ARTSCOM/SFGOV@SFGOV

Fw: Immediate Disclosure Request



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Kan Htun/ARTSCOM/SFGOV

To Luis Cancel/ARTSCOM/SFGOV@SFGOV
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV

09/25/2009 03:04 PM

bcc

Subject Fw: Immediate Disclosure Request: Mike Addario

Dear Luis,

Please see the attached note on my finding done yesterday afternoon with the Controller's office in regards to the question asked by Michael Addario. I did not get the reply call from Adine today; it is advisable to let Howard (who has experience to do such reply based on the fact) in consultation with Adine to draft a reply letter on your behalf to meet the deadline date to reply, thanks, Kan.



Street Artist Question.xls

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

— Forwarded by Kan Htun/ARTSCOM/SFGOV on 09/25/2009 03:00 PM —

Adine
Varah/CTYATT@CTYATT
09/22/2009 11:07 PM

To Sharon Page_Ritchie/ARTSCOM/SFGOV@SFGOV
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Kan
Htun/ARTSCOM/SFGOV@SFGOV, Luis
Cancel/ARTSCOM/SFGOV@SFGOV
Subject Immediate Disclosure Request: Mike Addario

Dear Sharon,
In response to your question, you are correct that there is no duty to create a record where one does not exist. Let's talk by phone tomorrow regarding the rest of the request.
Sincerely,
Adine Varah

99

City Atty (Addario file)

Adine
Varah/CTYATT@CTYATT
09/20/2009 09:55 PM

To Kan Htun/ARTSCOM/SFGOV@SFGOV, Sharon
Page_Ritchie/ARTSCOM/SFGOV@SFGOV
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Luis
Cancel/ARTSCOM/SFGOV@SFGOV, Sharon
bcc

Subject Re: Fw: Immediate Disclosure Request 

Dear Sharon and Kan,
The extension letter is fine. Please send it if you haven't already. I will be out of the office on Monday 9/21 - Tuesday 9/22 but can assist you with this when I return. Virginia Dario Elizondo (554-4654) can also help if you need to speak with someone immediately on Monday or Tuesday.



Thank you.

Sincerely,
Adine Varah

100

Kan Htun/ARTSCOM/SFGOV
09/19/2009 05:18 PM

To Sharon Page_Ritchie/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Howard
Lazar/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Luis
bcc
Subject Re: Fw: Immediate Disclosure Request

Sharon,

I will be back on Wednesday 9/23 and work on restricted time schedule as directed by the doctor.

Anyway, it is a good idea to get extension of time to reply. I had started to do research on this matter from home with my assistant Michelle Y. Chang. The first finding is the \$ amount refers to in the requested email was found to be done in FY 2003-04 to merge Street Artist accounts into one account. When I comes back to work I will do the whole research on this particular item and to present the finding for the reply. It is not the regularly produced document to give a ready answer. We need to do special research as and when the question arises and it should be in time for the due date, thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Sharon Page_Ritchie/ARTSCOM/SFGOV

Sharon
Page_Ritchie/ARTSCOM/SF
GOV
09/18/2009 02:29 PM

To Luis Cancel/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Howard
Lazar/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Kan
Htun/ARTSCOM/SFGOV@SFGOV
Subject Re: Fw: Immediate Disclosure Request

Kan is out sick through Tuesday. I'm attaching my draft reply, which I would save as a pdf and e-mail to him today, since his request came by e-mail with no postal address.

Adine, please review the draft and advise. Also, please let me know if it is preferable to simply include the text of the reply in the body of an e-mail rather than attaching it as a pdf.

Thanks.



ltr immediate disclosure addario 091809.doc

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission

101

Sharon
Page_Ritchie/ARTSCOM/SF
GOV

09/18/2009 02:29 PM

To Luis Cancel/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Howard
Lazar/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Kan
bcc

Subject Re: Fw: Immediate Disclosure Request

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Adine, please review the draft and advise. Also, please let me know if it is preferable to simply include the text of the reply in the body of an e-mail rather than attaching it as a pdf.

Thanks.



ltr immediate disclosure addario 091809.doc

Sharon Page Ritchie
Commission Secretary
San Francisco Arts Commission
415/252-2591
www.sfartscommission.org

Luis Cancel/ARTSCOM/SFGOV

Luis
Cancel/ARTSCOM/SFGOV
09/17/2009 07:56 AM

To Sharon Page_Ritchie/ARTSCOM/SFGOV@SFGOV, Kan
Htun/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Howard
Lazar/ARTSCOM/SFGOV@SFGOV
Subject Fw: Immediate Disclosure Request

Kan and Sharon,

Please look into what he is talking about and prepare a response for my review. If you have to invoke the 15 day notice, do so.

Luis

Luis R. Cancel
Director of Cultural Affairs
San Francisco Arts Commission
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102
Tel: 415-252-2591
www.sfartscommission.org

— Forwarded by Luis Cancel/ARTSCOM/SFGOV on 09/17/09 07:55 AM —

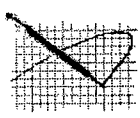


"addariophotography"
<addariophotography@myast

To Luis.Cancel@sfgov.org

(108)
CONFIDENTIAL

City Art
(Addario file)



Howard
Lazar/ARTSCOM/SFGOV
10/01/2009 03:19 PM

To Adine Varah/CTYATT@CTYATT
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Jill Manton/ARTSCOM/SFGOV@SFGOV, SanSan Wong/ARTSCOM/SFGOV@SFGOV
bcc Kan Htun/ARTSCOM/SFGOV@SFGOV
Subject Draft of response to Addario request re : Art Commission-Film Commission

Dear Adine,

Would you please look over this draft of a letter to accompany documents to be furnished to Michael Addario for another of his requests, that dealing with the agreement between the Film Commission and the Arts Commission to compensate street artists adversely affected by filming activity :



Addario letter 100109.doc

✓ In listing the furnished documents, I have deliberately described them in detail. My purpose is to make it evident to others - i.e, the Arts Commissioners - that the agreement called for the duty of the Street Artists Program - i.e., its Program Director - to seek compensation on behalf of the artists, and that it was not Michael Addario's duty to override the Commission's authority.

~~As you know, he will be challenging the working letter I submitted which will have to be heard before the Commission's Street Artists Council. I am submitting this draft of a letter to you for your review and comment. I am also attaching a draft of a letter to the Commission's Street Artists Council which will deal with the same issues. I am also attaching a draft of a letter to the Commission's Street Artists Council which will deal with the same issues. I am also attaching a draft of a letter to the Commission's Street Artists Council which will deal with the same issues.~~

✓ In the meantime, all of my other work - especially the very important work of monitoring, investigation, and taking action on violation cases - is being held up for weeks because of Mr. Addario's ongoing requests. Each request necessarily involves my approaching you and then your giving hours of *your* valuable time to it. Please accept my apology for this.



Howard

NA

Long ...
file

Kan Htun/ARTSCOM/SFGOV

To Howard Lazar/ARTSCOM/SFGOV@SFGOV

08/20/2009 10:29 AM

cc
bcc

Subject Fw: Street Artist Program Information Request

Dear Howard,

As I will be out of office till August 25th, it would be great if you can get Adine's advice on this Controller's reply and make necessary reply back to SOFT if we should not wait till I return on 8/26; please make a point to Adine that it is only the Controller's office (not Arts Commission) who can answer these year end and interest calculation every time, thanks, Kan.



Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

— Forwarded by Kan Htun/ARTSCOM/SFGOV on 08/20/2009 10:23 AM —



Alan Pavkovic /CON/SFGOV
08/20/2009 08:51 AM

To Kan Htun/ARTSCOM/SFGOV@SFGOV
cc Mary Fitzpatrick/CON/SFGOV@SFGOV, Ben Rosenfield/CON/SFGOV@SFGOV, Howard Lazar/ARTSCOM/SFGOV@SFGOV, Mabel Lew/CON/SFGOV@SFGOV
Subject Re: Street Artist Program Information Request

Kan,

The cash balance at the end of Fiscal Year 2009 is \$7,386.56, as per the screen print from FAMIS below:

176



Howard
Lazar/ARTSCOM/SFGOV
08/14/2009 03:36 PM

To Kan Htun/ARTSCOM/SFGOV@SFGOV
cc
bcc
Subject I spoke with Luis about the Addario/SOTF issue and Adine's
advice.to.us ...

Kan,

I telephoned Luis and told him about what Adine advised us to do with respect to Addario, the Controller's office, and Chri Rustom of the unshine Ordinance Task Force (SOTF). Luis is pleased that we took the initiative and will implement Adine's advice. He asked me to call Chris Rustom and tell him that we will be replying to Addario once we receive an e-mailed explanation of the two codes from the Controller's office. I called Chris Rustom and left him a very generalized voice-mail message and told him that we will be "cc-ing" him in our reply to Addario.

Howard



117

Kan Htun/ARTSCOM/SFGOV

08/14/2009 02:18 PM

To Adine Varah/CTYATT@CTYATT

cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Howard Lazar/ARTSCOM/SFGOV@SFGOV

bcc

Subject Fw: Denial of Immediate Information Request

Dear Adine,

My understanding is that we are not required to provide any explanation on the documents which we do not process or have it on our file. With that thoughts I replied to him. The documents he is showing me is not given or processed in my office. That is what I replied. Please advise how to response, thanks, Kan.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

— Forwarded by Kan Htun/ARTSCOM/SFGOV on 08/14/2009 02:13 PM —

SOTF/SOTF/SFGOV

08/14/2009 01:58 PM

To Luis Cancel/ARTSCOM/SFGOV@SFGOV

cc Sharon Page_Ritchie/ARTSCOM/SFGOV@SFGOV, Howard Lazar/ARTSCOM/SFGOV@SFGOV, Kan Htun/ARTSCOM/SFGOV@SFGOV

Subject Fw: Denial of Immediate Information Request

Mr. Luis Cancel,

I am forwarding an email I received from Mr. Michael Addario regarding a request made to the Arts Commission. If the information is considered public, I am seeking your intervention to help vert a complaint from being filed.

Thank you.

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

— Forwarded by SOTF/SOTF/SFGOV on 08/14/2009 01:49 PM —

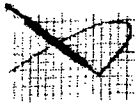
<addariophoto@rcn.com>

08/13/2009 11:10 PM

To sotf@sfgov.org

122

Addario file
(CITY ATT file)



Howard
Lazar/ARTSCOM/SFGOV
08/13/2009 09:04 AM

To Kan Htun/ARTSCOM/SFGOV@SFGOV
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Adine
Varah/CTYATT@CTYATT
bcc
Subject Re: Kan's reply to Addario's "Immediate Information
Request"

Dear Kan,

Thank you for your succinct reply to Michael Addario. You have reiterated to him a response similar to one that I gave him long ago. It reflects what the City Attorney told me: (a) we are not required to explain or interpret any documents that we furnish to an "immediate information request"; and (b) we are not required to create a document to satisfy such request.



Howard

Kan Htun/ARTSCOM/SFGOV



Kan Htun/ARTSCOM/SFGOV
08/13/2009 07:51 AM

To <addariophoto@rcn.com>
cc Howard Lazar/ARTSCOM/SFGOV@SFGOV
Subject Re: Immediate Information Request

Hi Michael,

See my reply yesterday. My department never process such document or is not required to issue any statement on the Street Artist program, and ask the person who gave this statement to you.

Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

<addariophoto@rcn.com>

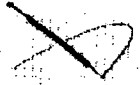


<addariophoto @rcn.com>
08/12/2009 09:11 PM

To Kan.htun@sfgov.org
cc
Subject Immediate Information Request

129

City Atty



Howard
Lazar/ARTSCOM/SFGOV
06/10/2009 10:16 AM

To Kan Htun/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Luis
Cancel/ARTSCOM/SFGOV@SFGOV
bcc
Subject Re: Fw: Addario Immediate Disclosure Request v3

Thank you, Kan, for this confirmation.

Howard

Kan Htun/ARTSCOM/SFGOV



Kan Htun/ARTSCOM/SFGOV
06/09/2009 02:59 PM

To Howard Lazar/ARTSCOM/SFGOV@SFGOV
cc Adine Varah/CTYATT@CTYATT, Jill
Manton/ARTSCOM/SFGOV@SFGOV, Luis
Cancel/ARTSCOM/SFGOV@SFGOV
Subject Re: Fw: Addario Immediate Disclosure Request v3



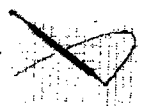
Hi Howard,

It is to confirm that we do not print out regularly any FAMIS screen for any program; we just view it analyze it when there is a need. Also, the Bank of America never give a monthly statement for the Street Artist program or for the Arts Commission as a whole. We are not like a private enterprise; we are a City agency and all Bank statements go to the Treasurer's office as one Bank Account for the City, thanks, Kan.



Kan Htun, CPA
Director of Finance
Arts Commission
Tel: (415) 252-4604
Fax: (415) 252-2595

Howard Lazar/ARTSCOM/SFGOV



Howard
Lazar/ARTSCOM/SFGOV
06/09/2009 09:02 AM

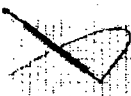
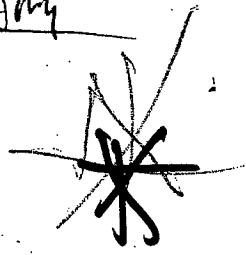
To Adine Varah/CTYATT@CTYATT
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Kan
Htun/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV
Subject Fw: Addario Immediate Disclosure Request v3

Adine, this is what I'm talking about:



125

City Attorney



Howard
Lazar/ARTSCOM/SFGOV
06/09/2009 09:02 AM

To Adine Varah/CTYATT@CTYATT
cc Luis Cancel/ARTSCOM/SFGOV@SFGOV, Kan
Htun/ARTSCOM/SFGOV@SFGOV, Jill
Manton/ARTSCOM/SFGOV@SFGOV

bcc

Subject Fw: Addario Immediate Disclosure Request v3

Adine, this is what I'm talking about:

To furnish prints of FAMIS screens would require staff time printing out 365 documents - in other words, *creating* documents. We do not have staff time to do this, and my understanding of Sunshine law is that we are not obligated to create documents - only to furnish documents that we already have. Therefore, I want to send him a letter telling him we do not have the FAMIS screen prints and we are not obligated to create them. Do you agree?

As for his request of Bank of American statements about the Street Artists Program account, I do not believe that the Arts Commission gets such statements (I will have to check with our accounting department on this). If this is true, I intend to tell him so.



Do you feel that I should also tell him that we have no documents that specify beginning and ending balances?

Adine, this man and his incessant requests are harassing - to the point that I have very little time to do my main administrative duties. My program is one of the shortest staffed in the Commission. This man is significantly interfering with the operation of my program. *What rights does a staffperson have? Are there any curbs that can be placed on his requests?*

Howard

— Forwarded by Howard Lazar/ARTSCOM/SFGOV on 06/09/2009 08:52 AM —



<addariophoto@rcn.com>

06/08/2009 01:21 PM

To Howard.Lazar@sfgov.org

cc

Subject Immediate Disclosure Request v3

Dear Mr. Lazar,

Re: Immediate Disclosure Request v3

The "Receipts Processing Form(s)" that you have previous provided to me, although helpful, does not include all the information that I require, such as; starting and ending monthly balances; interest paid, bad check fees and bank fees. Therefore, I will need you to provide me with complete copies of any and all Bank of America statements for the San Francisco Street Artist Program' Bank of American account # 001499180051 from May 2008 through May 2009.

Furthermore, and in addition to the bank statements requested above, I will