

**City of Santa Barbara
PARKS AND RECREATION DEPARTMENT**



Santa Barbara Arts & Crafts Show Violation Review Committee

**VIOLATION REVIEW MEETING
Tuesday, November 30, 2010**

**Louise Lowry Davis Center - 1232 De La Vina St. at the corner of De La Vina and Victoria Streets.
The Parking lot entrance is located off Victoria Street**

Violation Review Meeting: 6:00 pm – 7:00 pm

Draft Meeting Minutes

1. ROLL CALL

Committee	Alternate Members
John Grandfield, Arts - present	Tony Longo, Arts – not present
Kevin Healy, Crafts - excused absence	Marilyn Dannehower, Crafts – not present
Mark Hilley, Arts - present	
Pegeen Soutar, Crafts - present	Staff
Member At Large	Jason Bryan, Senior Recreation Supervisor - present
Albert Hannon - present	Laura Condon, Recreation Specialist - present

2. Nadinka Szaksz Violation Review

Review written complaints filed with the Arts and Crafts Show office on September 26, 2010 by Kisha Gianni and Robert & Rita Shaw and responses prepared by Nadinka. The complainants allege that Nadinka violated the following rules: I.12, J and L.1

I.12 No demonstration of a show member’s art or craft should unreasonably interfere with another show member’s ability to conduct business.

J COMPLIANCE WITH THE CODE OF CONDUCT

In order to ensure the quality and enjoyment of the Santa Barbara Arts and Crafts Show and to promote a safe and positive atmosphere in all aspects of the program, all permit holders, persons providing assistance to permit holders, and other persons involved with the Show shall abide by the following Code of Conduct:

1. All persons shall act with respect toward other persons, their privacy and safety.
2. Physical or verbal abuse of any kind will not be tolerated.
3. All persons shall treat public and private property and equipment with respect.

Failure of any permit holder to abide by this Code of Conduct will result in disciplinary action. A permit holder shall be responsible for the conduct of any person assisting the permit holder or attending the show with the permit holder. Any violation of the Code of Conduct by a person assisting the permit holder or attending the show with the permit holder shall be charged to the permit holder and shall result in a Notice of Violation. In addition, the violation may result in the person being prohibited from attending the Show with the permit holder.

L.1 The Parks and Recreation Director, the Director’s designee and Show Monitors shall have the authority to direct permit holders to immediately cease any violation of these procedures and regulations and may issue reasonable directives to maintain order during the Show. Failure and/or refusal to comply with such directives is prohibited and constitute a violation of this provision. The first violation of this regulation shall be a one week suspension, not a written warning.

The City and Nadinka will each have up to 20 minutes to present their information to the Violation Review Committee.

On behalf of the City, Mr. Bryan presented information regarding the incident that occurred on September 26, 2010. He stated that the notice of violation involves the September 26, 2010 incident only. He referred to the monitor reports to research this incident and determined that the Santa Barbara Arts and Crafts Show Procedures and Regulations Rules I.12, J, and L.1 were violated. Additionally, Ms. Szaksz contacted Nancy Rapp, Parks and Recreation Director, and asked to send information to all Show membership. Mr. and Mrs. Shaw also asked to send information directly to the membership. Although this was an unusual request it was allowed this one time only.

Rule I.12

On September 26, 2010, Ms. Szaksz barricaded off access to the space used by Robert and Rita Shaw impacting their ability to conduct business.

Rule J COMPLIANCE WITH THE CODE OF CONDUCT

On September 26, 2010 one of her items fell and broke pottery belonging to Robert Shaw and she refused to pay for the damages. She treated Advisory Committee member Mark Hilley, staff monitor Kisha Gianni and fellow show members Robert and Rita Shaw with a lack of respect as they attempted to conduct business following the Arts and Crafts Show rules and regulations. Ms. Szaksz said that the vibration from a passing truck cause her didgeridoo to fall over and therefore she was not responsible for any damages caused to Mr. Shaw's pottery.

Rule L.1

On September 26, 2010 Ms. Szaksz was asked by staff monitor Kisha Gianni to move her car so Robert and Rita Shaw could walk on the driveway to access their booth and to breakdown barricades she set up that further restricted access for Mr. and Mrs. Shaw to their booth. She refused to cooperate with the monitor. Further, she had a bowl displayed in her space collecting money outside her normal sales which she refused to remove when asked to do so by the monitor. Mr. Bryan stated that this was a reasonable request by Ms. Gianni and her directive should have been followed.

Mr. Bryan, relayed some information brought forth on behalf on Ms. Szaksz in a conversation he had with Mr. Tony Longo, Arts. Mr. Longo stated that the Shaw's were involved in this conflict since he believed they had partially provoked this confrontation. Tony said that City Staff should not take a stand and both sides should be penalized equally.

Mr. Hannon asked if these violations involved the City in any Americans with Disabilities Act issues. Mr. Bryan explained that Ms. Szaksz has claimed that her ADA rights are being violated by this review and she is protected by her disability from the actions that took place on September 26, 2010. It is the opinion of City staff including management and legal council that these issues are behavioral and not disability related.

Discussion ensued about the some of the difficulties with the size and allocation of the spaces in front of the Crafts Center. This situation, along with the limited parking, makes it imperative that the people assigned to those spaces are flexible and work together to provide access for artists and customers. The Committee discussed exploring the possibility of creating a buffer zone between the two spaces and perhaps marking off the area on all sides so artists have an exact allocation of space at a future meeting.

Mrs. Shaw stated that relations with Ms. Szaksz have been strained they started in the show. Mr. Shaw has tried to ignore the situation until Nadinka started to enclose them to the point that Mr. Shaw could not access the restroom. Ms. Szaksz continued to move her display closer to the Shaw's work which contributed to her didgeridoo falling and breaking Mr. Shaw's pottery.

Mr. Grandfield asked if Ms. Szaksz made any official complaints against the Mr. and Mrs. Shaw. Mr. Bryan replied that Ms. Szaksz filed multiple complaints but none were actionable.

The Committee expressed concern about the loss of livelihood and the economic hardship a suspension would cause for Ms. Szaksz. There discussed the seriousness of the violations, specifically

the non-compliance with the monitor's directive and the fact that, by her own admission, she pushed Ms. Shaw. The Committee felt that the gravity of the violations warrants a suspension from the show.

Mr. Grandfield moved to suspend Ms. Szaksz for 5 months effective 11/30/10
Moved/Seconded/approved 4-0

3. ADJOURNMENT 7:25 pm