



CITY OF SANTA BARBARA

PARKS AND RECREATION COMMISSION REPORT

AGENDA DATE: February 11, 2011

TO: Parks and Recreation Commission

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Appeal of Arts and Crafts Show Advisory Committee Decision to Suspend Show Member Nadinka Szaksz from the Santa Barbara Arts and Crafts Show

RECOMMENDATION: That the Commission deny the appeal by Nadinka Szaksz and uphold the decision of the Arts and Crafts Show Advisory Committee to suspend show member Nadinka Szaksz from the Santa Barbara Arts and Crafts Show.

DISCUSSION:

Arts and Crafts Show member Nadinka Szaksz has filed an appeal requesting that the Parks and Recreation Commission overturn a decision by the Arts and Crafts Show Advisory Committee to suspend Ms. Szaksz from the show for a period of five months. The November 30, 2010, decision by the Arts and Crafts Show Advisory Committee is appealable to the Commission as designated in Rule M.4(j) of the Santa Barbara Arts and Crafts Show Procedures and Regulations.

Background

On September 26, 2010, Arts and Crafts Show staff monitor Kisha Gianni and show members Robert and Rita Shaw filed written complaints against Nadinka Szaksz for alleged violations of multiple show regulations.

The first complaint stated that Ms. Szaksz barricaded show members Robert and Rita Shaw into their space preventing them from reaching the sidewalk to conduct business or to travel to restrooms. The second complaint stated that Ms. Szaksz refused to follow City staff instructions to remove the barricades and a bowl collecting donations outside normal show sales. A final complaint stated that one of Ms. Szaksz's didgeridoos fell and broke pottery belonging to Robert Shaw and that Ms. Szaksz refused to pay for damages.

After conducting an investigation into the complaints, Senior Recreation Supervisor Jason Bryan issued a notice of violation to Ms. Szaksz and recommended a six-month suspension. Mr. Bryan proceeded to schedule an Arts and Crafts Show Advisory

Committee violation review meeting to consider the recommendation in accordance with the Arts and Crafts Show Procedures and Regulations.

Special Violation Review Meeting

The Arts and Crafts Show Advisory Committee held the special violation review meeting on November 30, 2010. Ms. Szaksz was provided notice of the meeting on November 22, 2010, and encouraged to attend. Ms. Szaksz was not present at the November 30th meeting. Staff presented information to the Committee on applicable show rules and regulations, the investigation, and facts leading to the recommendation for a six-month suspension. The Committee also received testimony from show members in attendance at the violation review hearing. The Arts and Crafts Show Advisory Committee unanimously voted to suspend Ms. Szaksz from participating in the show for five months.

Request to Appeal Committee Decision

On December 17, 2010, the Parks and Recreation Department received a request from Ms. Szaksz, requesting that the Parks and Recreation Commission consider an appeal of the Arts and Crafts Show Advisory Committee decision to suspend her from the show. The appeal hearing will be held at a special meeting of the Parks and Recreation Commission on February 11, 2011.

In response to Ms. Szaksz request for an ADA accommodation, she will not be physically present at the February 11th hearing. Rather, arrangements have been made for her to participate via teleconference. Information on the appeal hearing and teleconference procedures has been provided to Ms. Szaksz.

Format for the Appeal Hearing

Consistent with other appeal hearings, the Commission will receive two 20-minute presentations. Staff will present first, followed by Ms. Szaksz. The Commission may ask any clarifying questions before or after public comment prior to their deliberation.

Recommendation

Staff recommends that the Commission deny the appeal and uphold the unanimous decision by the Arts and Crafts Show Advisory Committee to suspend Nadinka Szaksz from the show for five months.

ATTACHMENT(S): 1. November 30, 2010, Arts and Crafts Show Advisory Committee Meeting Packet containing the initial written

Park and Recreation Commission Report
Appeal of Arts and Crafts Show Advisory Committee Decision to Suspend Show
Member Nadinka Szaksz from the Santa Barbara Arts and Crafts Show
February 11, 2011
Page 3

- complaints, Notice of Violation, and Ms. Szaksz's response to the violation notice
2. Minutes from the November 30, 2010 Violation Review Meeting
 3. Santa Barbara Arts and Crafts Show Procedures and Regulations effective at the time of the violation and subsequent violation review meeting

PREPARED BY: Jason Bryan, Senior Recreation Supervisor

SUBMITTED BY: Sarah Hanna, Recreation Programs Manager

APPROVED BY: Nancy L. Rapp, Parks and Recreation Director