



CITY OF SANTA BARBARA

PARK AND RECREATION COMMISSION REPORT

AGENDA DATE: February 26, 2014

TO: Park and Recreation Commission

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Samuel Guzman Appeal of Santa Barbara Arts and Craft Show Advisory Committee Decision

RECOMMENDATION:

That the Commission deny the appeal of Arts and Crafts Show Member Samuel Guzman and uphold the decision of the Arts and Crafts Show Advisory Committee regarding not allowing plants to be sold in the Show.

DISCUSSION:

Background

The Santa Barbara Arts and Crafts Show, a program of the Parks and Recreation Department since 1965, currently has 195 members and is held every Sunday along Cabrillo Boulevard. An Advisory Committee, consisting of four elected members of the Show and a vacant community member position, is in place to assist Recreation staff in the administration of the Show and the screening of new applicants.

The Show is governed by a manual of procedures and regulations that addresses all aspects of the Show including requirements for membership, acceptable items to sell, appropriate behavior for artisans, procedures for election of the Advisory Committee, handling of complaints and violations of the Show rules. As part of their privilege to participate in the Show, and through the purchase of their annual show permit, members agree to abide by and follow the Procedures and Regulations of the Show.

When a show member is suspected of violating a show rule, there are procedures in place to investigate the alleged violation, for the Advisory Committee to meet with the Show member if necessary, and for the Advisory Committee to issue appropriate penalty (ies), if necessary, to the artist. If the Show member wants to appeal the Advisory Committee's decision, the Show procedures allow show members to appeal to the Parks and Recreation Commission (Commission). The Commission's decision is final.

Agenda Item: _____

Decision by the Arts and Crafts Advisory Committee Concerning Samuel Guzman

Samuel Guzman screened into the Show in June 2013 with a product he named "Stabilies" consisting of Tillandsia air plants nested in hand-made wire sculptures. Mr. Guzman was informed by the Arts and Crafts Show Advisory Committee that plants could not be sold because show rule B.19 specifically prohibits the sale of plants. Mr. Guzman was instructed by the Advisory Committee to display a sign reading "Plants are for display purposes only" if he wanted to use Tillandsias as a display item for his wire sculptures. Upon participating in the Show, Mr. Guzman proceeded to sell Stabilies with wire sculptures and air plants.

Samuel Guzman's Stabilies were discussed at multiple Arts and Crafts Show Advisory Committee Meetings since his screening. Mr. Guzman claimed that Tillandsia air plants were not plants and described his product as mixed media asking that they be approved for sale. The Advisory Committee consistently ruled that the air plants were a predominant feature of his finished products and those plants cannot be sold in the Show.

After a final re-screening in December, 2013 and upon a review by City management of this case, staff terminated Samuel Guzman's membership in the Santa Barbara Arts and Crafts Show in January 2014.

Staff has prepared the following timeline of the events surrounding the decisions by the Advisory Committee.

6/4/13 - Samuel Guzman submitted an application to the Show requesting to sell "wire sculptures that are accentuated by air plants".

6/11/13 - Samuel Guzman attended the Advisory Committee's screening meeting as was approved to sell "Single Wire Sculptures" with a caution stating: *Objects held in wire structures must be marked "not for sale demonstration purposes only"*.

6/23/13 - Staff monitor Jennifer Siegel observed that there were no signs stating that plants were for display only at Samuel Guzman's booth. Jennifer Sigel asked if Mr. Guzman if he was selling plants – he didn't respond. On that same day, a complaint was submitted by another show member who stated that a customer told her Mr. Guzman sold her an air plant for \$5.

6/24/13 - Jason Bryan called Samuel Guzman and reminded him that he cannot sell plants, and if he wishes to display plants in the future, a sign must be present indicating that the plants are for display purposes only.

8/8/13 - Samuel Guzman requested that his air plants be able to be sold in the Show as a "mixed media" and be approved for sale. Jason Bryan responded the same day that live plants were specifically prohibited for sale and that any rule change must be presented to and approved by the Advisory Committee as a first step.

9/10/13 - The Arts and Crafts Show Advisory Committee meeting packet contained Samuel Guzman's request to have live plants included in his product, which he described as 'mixed media'. Mr. Guzman attended the September 10th Arts and Crafts Show Advisory Committee meeting and requested that his Tillandsias be allowed in the Show because they were not plants.

10/8/13 - The Arts and Crafts Show Advisory Committee meeting took place with an agenda topic reading "Consider allowing plants to be integrated into products (for discussion)". The Advisory Committee discussed this topic and was not in favor of changing the Show rules relating to plants.

10/15/13 - Samuel Guzman sent an email to Jason Bryan requesting the outcome of the Advisory Committee discussion regarding plants in the Show. Jason Bryan informed Mr. Guzman that the Advisory Committee declined to further the discussion on allowing plants in the Show.

10/24/13 - Samuel Guzman sent an email to Jason Bryan expressing frustration on not receiving the minutes of the October 8th meeting. Jason responded that he informed Mr. Guzman of the outcome and that meeting the minutes will be prepared and distributed in compliance with the Brown Act.

10/24/13 - At Recreation Program Manager Judith McCaffrey's request, Jason Bryan contacted City Attorney Scott Vincent regarding Samuel Guzman, providing the "Arts & Culture" article on Stables.

10/25/13 - Jason Bryan receives information from City Attorney Scott Vincent that Samuel Guzman appears to be in violation with the Show rules and that it is appropriate to terminate his membership.

11/19/13 - Samuel Guzman came to Jason Bryan's office to discuss the topic of selling Tillandsias in the Arts and Crafts Show claiming that Tillandsias were not "plants". Jason Bryan reviewed a Wikipedia article on Tillandsia which states they are in the Plantae kingdom and refers to this genus as plants in the article. Prior to this meeting, Mr. Guzman requested access to all the historical minutes of the Arts and Crafts Show Advisory Committee. The minute archives were moved to the office, but Mr. Guzman never requested to review them. This meeting concluded

with Mr. Guzman agreeing to attend a final screening to discuss the topic with the Advisory Committee.

12/10/13 - Samuel Guzman attended a re-screening of his Stables product and held a long discussion with the Arts and Crafts Show Advisory Committee. The Advisory Committee voted 3-1 against selling plants with his wire sculptures.

1/21/14 - Jason Bryan sent Samuel Guzman an email indicating that Mr. Guzman's membership in the Arts and Crafts Show is being terminated. A written notice of violation was mailed the same day via certified mail.

When members join the Santa Barbara Arts and Crafts Show, they complete and sign an application where they agree to comply with the procedures and regulations of the Show. Upon initial screening to the Show, the Advisory Committee Chair asks all applicants if they have read and understand the Show's procedures and regulations.

Samuel Guzman was aware of the Show rules relating to plants, but continued to sell Stables in the Show. Mr. Guzman's Stables contained plants that were also a principal and dominant feature of his finished work. The Show rules state that the artists' work must be the principal and dominant feature of items sold in the Show and that plants are prohibited from sale.

Conclusion:

Staff and the Advisory Committee consistently informed Mr. Guzman that plants cannot be sold in the Show.

Staff recommends that the Park and Recreation Commission deny the appeal of Samuel Guzman and uphold the decision of the Arts and Crafts Show Advisory Committee regarding the prohibition against selling plants in the Arts and Crafts Show.

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

Staff informed Mr. Guzman that if he wanted to have any written materials included in the Commission agenda packet so commissioners could review prior to the meeting materials needed to be provided no later than noon, February 19, 2014. Having received no materials by the deadline, staff was unsuccessful through several attempts to contact Mr. Guzman. Therefore, the agenda packet does not include any materials from Mr. Guzman.

ATTACHMENTS:

- 1: Samuel Guzman's application to the Santa Barbara Arts and Crafts Show
- 2: The outcome of the June 11, 2013 screening meeting when Mr. Guzman joined the show
- 3: Complaint form from staff monitor Jennifer Siegel regarding signs required at screening and possible sale of plants
- 4: Complaint form from show member Janis Hillenbach regarding possible sale of plants by Mr. Guzman
- 5: Mr. Guzman's request for plants as mixed media and staff response regarding specific plant rule
- 6: Arts and Crafts Show Advisory Committee Agenda for the September 10, 2013 meeting listing Mr. Guzman's request to consider plants for mixed media. Exhibit 5 was included in the committee's correspondence packet
- 7: Arts and Crafts Show Advisory Committee Agenda for the October 8, 2013 meeting listing "Consider allowing plants to be integrated into products (for discussion)" as an agenda item
- 8: Arts and Crafts Show Advisory Committee Minutes from the October 8, 2013 meeting containing the outcome discussion on considering plants to be integrated into products
- 9: Santa Barbara Sentinel article on Stables
- 10: Email exchange between Mr. Guzman and Jason Bryan regarding the outcome of the October 8, 2013 Arts and Crafts Show Advisory Committee meeting
- 11: October 24, 2013 email from Mr. Guzman regarding process for appealing the Advisory Committee's decision on plants
- 12: A Wikipedia article on Tillandsia plants referenced in the meeting Mr. Guzman had with Jason Bryan on November 19, 2013
- 13: Outcome of Mr. Guzman's rescreening on December 10, 2013
- 14: January 21, 2014 email to Mr. Guzman informing him of the termination notice being mailed
- 15: January 21, 2014 notice of violation terminating membership
- 16: Santa Barbara Arts and Crafts Show Procedures and Regulations that were in effect when Mr. Guzman joined the show

PREPARED BY: Jason Bryan, Senior Recreation Supervisor

SUBMITTED BY: Sarah Hanna, Recreation Programs Manager

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