



CITY OF SANTA BARBARA

**SPECIAL MEETING
SANTA BARBARA ARTS AND CRAFTS SHOW
ADVISORY COMMITTEE**

Wednesday, January 23, 2019

**Louise Lowry Davis Center
1232 De La Vina Street**

Violation Review Hearing: 6:00 - 8:00 p.m.

Minutes

CALL TO ORDER

6:05 PM

ROLL CALL

Committee

Peggy Buchanan, Arts – Present
Nicole Horstin, Crafts, Chair – Present
Brad Kazmerzak, Arts – Excused Absence
Marilyn Loperfido Crafts – Present

Member At Large

(vacant)

Staff

Jason Bryan, Senior Recreation Supervisor – Present
Dana Simpson, Recreation Specialist – Present

Parks & Recreation Commission Liaison

Roger Perry – Present
1st Alternate Member, Crafts
Margaret Landreau – Present

CHANGES TO AGENDA

PUBLIC COMMENT

NEW BUSINESS

1. Violation Hearing for Eric Whitney – For Action

Jason Bryan reviewed that an incident occurred on the 26th of August between Eric Whitney and Leah Homem regarding a space claiming. There is still not complete consensus on the coin flip process, which the Committee is discussing and reviewing.

Ms. Homem stated that she has witnessed behavior by Mr. Whitney that is noncompliant with the Code of Conduct. She believes that due to his involvement with the Yes Store, he and his wife (Claire Weber) have intimidated other members. In 2016, Ms. Homem had an interaction with Mr. Whitney at the Show where he queried her about her jewelry and photographed her booth. She believes he publicly discriminates against ADA members, enforces his own interpretation of Show rules, and does not follow the monitor's directives.

Ms. Homem stated that no member should be allowed to say "shut up" to another member. She presented to the Committee a recording of Mr. Whitney saying and admitting he had said "shut up." Mr. Whitney should be held accountable, and both Mr. Whitney and Ms. Weber should be held accountable for the lies in their written responses to the complaint.

Mr. Whitney responded that he attends monthly Advisory Committee meetings and has always spoken respectfully, and supported the decision-making process. Ms. Homem's claim that she happened upon Margaret Landreau and Ms. Weber flipping for a space is not true. All four of them were present. Ms. Homem held her phone up, and he was surprised she was not involved in the coin flip. He asserted that the recording she presented has been altered and the content has been edited.

Mr. Whitney admitted that he told Ms. Homem to "shut up" because she yelled to Ms. Weber "Get it together." He responded to her harassment of his wife. All of the conflicts with Ms. Landreau and Ms. Homem have been due to space claiming procedures. The Committee has already had to modify at least two rules because of Ms. Landreau and Ms. Homem's manipulation of spaces and space claiming. Mr. Whitney stated he will not be flipping for spaces anymore because it creates too much animosity. He urged the Committee to review his initial written response to the violation. His use of "shut up" was an in-kind response to the harassment his wife was experiencing from Ms. Homem.

Marilyn Loperfido asked Ms. Homem if she had edited the video. Ms. Homem responded "no." Ms. Loperfido asked her to describe the 2016 incident with Mr. Whitney. Ms. Homem explained that she did not know at the time that Mr. Whitney was a Show member, and assumed he was a customer interested in purchasing her jewelry. He took photographs and then abruptly left. Ms. Homem asked Show monitor, Trisha Dalziel, if the bracelets Mr. Whitney had photographed were in compliance. Ms. Dalziel sent pictures to Jason Bryan for review and ultimately pulled three of the bracelets.

Ms. Loperfido reminded that part of this incident might not have happened if there had not been a misunderstanding of the coin flip process.

Nicole Horstin asked Mr. Whitney to identify the "we" in his statement. Mr. Whitney stated it was Houshang Khazeny and Janice Hillenbach.

Mr. Whitney responded to comments about looking at Ms. Homem's jewelry and taking pictures without asking. He has never photographed her booth except to take a photograph from a considerable distance to support a claim from another Show and identify the booth and member in question.

Ms. Weber stated that Mr. Whitney took the pictures and they were submitted to City staff. Ms. Homem received a warning as a result of that action.

Motioned, seconded, and approved unanimously to vote on the violations separately.

Peggy Buchanan commented on the contentious climate and the resulting behavior. Telling a fellow member to "shut up" four times is unprofessional. There are procedures in place and this was unacceptable behavior. Whoever might be provoking this behavior also needs to change his or her behavior.

Ms. Horstin stated that tone is everything. Show members need to get along. The public is walking by all day and it is a public space.

Ms. Loperfido was bothered by Mr. Whitney's photographing of Ms. Homem's booth. Often members do switch spaces after 10:00 AM and it is not against the rules. She believes that Mr. Whitney's behavior at the meetings is professional and calm, and very different from his outside behavior.

Motioned, seconded, and approved unanimously to confirm that a violation occurred and to delay a decision on penalty until the next violation is reviewed.

2. Violation Review for Eric Whitney – For Action

Jason Bryan reviewed that a second complaint was filed against Eric Whitney by Margaret Landreau regarding the incident on the 26th of August.

Ms. Landreau stated that she, herself, and her friends have been victims of Mr. Whitney and Ms. Weber's behavior in the past. After reviewing monitor notes, Ms. Landreau reported that Mr. Whitney has been involved in multiple issues with multiple vendors.

Ms. Landreau obtained a copy of an email from Mr. Bryan indicating that Mr. Whitney and Ms. Weber could spill into adjacent available space before 11:00 AM, while a separate email indicated that Ms. Landreau and Ms. Homem could not spill before 11:00 AM. Mr. Bryan responded that sharing space between two adjacent spaces is different from spilling into an entire, unclaimed space, which the rules state must occur after 11:00 AM.

Ms. Landreau continued that the morning of the altercation was the week before the election (in which Mr. Whitney was running for a Committee seat), which made Mr. Whitney's behavior even more concerning. Ms. Landreau reported also having pictures taken of her booth and of being watched through binoculars. A letter was submitted by Rebecca Plum in which she acknowledged leaving the Show because of Mr. Whitney's and Ms. Weber's behavior. She asked the Committee to stand up for the current and future members who will be victims of Mr. Whitney and Ms. Weber.

Mr. Whitney responded that he understood Ms. Buchanan's earlier comments and agreed that he would not react in that manner again. He was concerned that the past incidents presented by Ms. Landreau were irrelevant to this complaint. He was concerned that Ms. Landreau did not allow Ms. Weber to call the flip, as had been agreed.

Mr. Whitney continued that the pictures were taken to support someone else's concern that Ms. Homem had setup on a non-Show day. The photos were submitted to the City and are in the public record. He would like to apologize to Ms. Homem for saying "shut up" and to Ms. Landreau for hearing it. He has taken steps to avoid being provoked. He and his wife have now located to new space assignments to get away from the people and the environment that could provoke either of them.

Ms. Buchanan asked Mr. Whitney if he was aware that show records reflect 12 people who had negative interactions about him. Mr. Whitney responded "no." Ms. Buchanan asked again if there is anything he might be doing to provoke other members. Mr. Whitney confirmed he is already trying to make changes. She praised his public apology.

Ms. Loperfido questioned who had asked him to take the photographs of Ms. Homem's booth because it concerned her he did not ask permission. Mr. Whitney did not want to provide the name of the person due to fear of retribution. She asked for more information about Mr. Bryan's email to Ms. Weber and whether it was giving a special privilege. Mr. Bryan reminded that the intention of spilling is to move into a vacant space and a minor shift between two spaces is a different matter. Ms. Loperfido believed it was a form of bullying for Mr. Whitney to take pictures for another member.

Nicole Horstin asked Ms. Homem what space she was using when Mr. Whitney took the pictures. She responded 217-220.

Mr. Bryan reminded that the Show is a public event in a public park so there is no prohibition against taking pictures. This issue may be beyond the focus of this incident.

Roger Perry asked about the relevance between a Show event and a non-Show event. The photographs should not have been admitted.

Marilyn Dannehower reminded that Ms. Landreau's complaint was that she was being bullied.

Motioned, seconded, and approved unanimously to issue a warning for a Code of Conduct violation on both items 1 and 2.

3. Violation Hearing for Eric Whitney – For Action

Ken Beddingfield stated that he has been a member since 2001. On the 21st of October, Mr. Beddingfield claimed he was assaulted by Eric Whitney and struck on the head.

After doing research of Show files, he learned from meeting minutes that when discussing ADA members, Mr. Whitney said the purpose of accommodation is to level the playing field. Mr. Whitney and Ms. Weber do not respect ADA members. Mr. Beddingfield feels that Mr. Whitney is bullying him for being an ADA member. There have been multiple complaints recorded in the monitor notes against Mr. Whitney beginning in 2016 over space claiming, taking photographs, and inspecting member's items. Mr. Whitney claims his hand brushed Mr. Beddingfield's head. Mr. Beddingfield stated it was not a brush, but rather it was a deliberate retaliation for touching Mr. Whitney's PVC fence.

Mr. Whitney responded that the written response he provided remains unchanged and accurate. Mr. Beddingfield grabbed his PVC fence and he went to steady it, and somehow his arm and his head touched. In response to his comments regarding ADA rules, Mr. Whitney would remind the Committee that his language, "even the playing field," was from the actual law.

Nicole Horstin asked if the PVC wall is fragile. Mr. Whitney explained there is a rod that supports the wall. He was then asked if he admitted to having physical contact with Mr. Beddingfield. Mr. Whitney responded that he was holding his display to steady it. Ms. Horstin asked why he ignored Mr. Beddingfield when he asked him the purpose of the fence several times. Mr. Whitney wished to avoid a confrontation because Mr. Beddingfield was being aggressive. Ms. Horstin believes he should have acknowledged his question.

Peggy Buchanan sees three issues all involving one person. She would like to believe everyone and is concerned that Mr. Whitney is the center of the controversy.

Marilyn Loperfido finds the wall Mr. Whitney erected odd, but not inappropriate. There is supposed to be space within and between booths for public access, but this can be difficult in smaller spaces.

Marilyn Dannehower was concerned about the barrier and felt it was an aggressive gesture.

Theresa Landreau stated that the Committee still needs to make a decision even though the incident was not directly witnessed. The criteria for evaluation is the reasonableness of evidence presented or one's understanding of intention.

Claire Weber believes statements are being made without confirmation. In her view, Mr. Beddingfield flipped out that morning and it was very disturbing.

Linda Fox stated that Mr. Beddingfield asked Mr. Whitney twice about the wall.

Jason Bryan reviewed Rule M.4 which states "...the Violation Review Committee shall hear and receive any relevant information and documents, which may include hearsay or other evidence which ordinary persons could be expected to consider in the conduct of business affairs." The first determination to be made tonight is whether this is a Code of Conduct violation and the second would be the recommendation of a penalty.

Ms. Loperfido stated the Committee's responsibility is to address the behavior.

Motioned, seconded, and approved that this is a Code of Conduct violation with Marilyn Loperfido abstaining. Motioned, seconded, and approved unanimously to issue a warning for item 3.

ADJOURNMENT

8:30 PM

Next Regular Meeting: **Louise Lowry Davis Center**
 February 12, 2019