

NOTICE OF INTENT TO RECOMMEND DENIAL OF  
CERTIFICATE OR RENEWAL  
(based on second report of violation of Street Artists  
Ordinance)

San Francisco  
Arts Commission

Edwin M. Lee  
Mayor

Tom DeCaigny  
Director of  
Cultural Affairs

January 3, 2013

Programs:  
Civic Art Collection  
Civic Design Review  
Community Arts & Education  
Cultural Equity Grants  
Public Art  
SFAC Galleries  
Street Artist Licensing

Juan Manuel Alvarez  
#7844

25 Van Ness Avenue, Ste. 345  
San Francisco, CA 94102  
tel 415-252-2590  
fax 415-252-2595  
sfartscommission.org  
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Dear Mr. Alvarez :

A **report** has been filed with the Arts Commission that you allegedly violated the Street Artist Ordinance (Ord. 41-83) on the following date and in the following manner:

**December 7, 2012, December 14, 2012 at Downtown:** Selling items not of your own creation and not certified by the Advisory Committee: commercially manufactured blown glass pipes & animals.

On December 10, 2012 the Arts Commission sent you a “**NOTICE OF WARNING**” which informed you that the Commission had received a previous report of your having allegedly violated the ordinance in the same manner on December 4, 2012 We sent you an appointment letter on December 3, 2012 for the Advisory Committee of Street Artists and Crafts Examiners screening appointment for December 13, 2012 since reports were submitted on November 27, 2012 and November 29, 2012 that you were selling items that you do not make. On December 7, 2012, you and your wife spoke to Mr. Lazar asking to cancel the appointment.

On February 29, 2012, the Arts Commission sent you a letter informing you that you had been found in violation for selling items not approved by the Advisory Committee of Street Artists and Crafts Examiners at the January 11, 2012 Street Artists Program Committee meeting. Your license was suspended for 30 days from March 16, 2012 through April 14, 2012.



City and County of  
San Francisco

Please see the attached "NOTICE TO STREET ARTISTS" describing the Arts Commission's procedures with respect to such violations.

This is to inform you that because the above **second report** has been filed with the Arts Commission, the Street Artists Program Director on behalf of the Executive Director (the Director of Cultural Affairs) **intends to recommend that the Arts Commission's Street Artists Committee deny renewal of your certificate.**

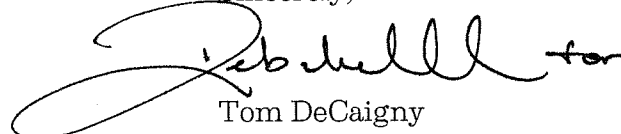
The Program Director's decision to recommend denial of renewal of your certificate will be listed on the next agenda of the Street Artists Committee for a "HEARING AND POSSIBLE MOTION TO APPROVE PROGRAM DIRECTOR'S RECOMMENDATION OF DENIAL OF CERTIFICATE OR RENEWAL." If the hearing occurs after the expiration of your current certificate, your certificate will not be renewed pending notice of the Street Artists Committee decision, if so, to renew. ***PLEASE BE ADVISED THAT THE COMMITTEE HEARING MAY NOT NECESSARILY BE SCHEDULED PRIOR TO THE EXPIRATION OF YOUR CURRENT CERTIFICATE, DUE TO THE COMMITTEE'S POSSIBLE BACKLOG OF AGENDA ITEMS, LACK OF QUORUM, OR OTHER REASONS. IF THAT HAPPENS, YOU WOULD NOT BE ALLOWED TO SELL UNTIL AFTER A DECISION IS MADE, IF SO, TO RENEW YOUR CERTIFICATE.***

Should the Committee decide to suspend your certificate or should the Committee decide to deny issuance or renewal of your certificate, you are entitled to appeal the decision to the Board of Appeals within fifteen (15) days of the notice of the decision. The address and telephone number of the Board of Appeals are as follows:

Board of Appeals  
1650 Mission Street, #304  
San Francisco, CA 94103

Tel: (415) 575-6880

Sincerely,

  
Tom DeCaigny

Director of Cultural Affairs



Howard Lazar  
Street Artists Program Director  
Arts Commission

Attachment:

Inspector's Report\_December 7, 2012

Inspector's Report & Photos\_December 14, 2012

Notice to Street Artists

Cc: All Arts Commissioners, Street Artists Committee  
Director of Cultural Affairs Tom DeCaigny

**INSPECTOR' S LOGBOOK**  
**FRIDAY, DECEMBER 7, 2012**  
**1:15 – 3:00 p.m.**  
**DOWNTOWN AREA**

1:15 p.m., Hallidie Plaza: Sunny but cool weather. Inspected the wares of the following artists:

Diswani Nono  
Shan Jiang

**Juan Manuel Alvarez** – displaying blown glass pipes including a long etched pipe, and glass animal sculptures, all of which he never got screened and certified. Just 10 minutes before, I observed the same glass pipes being sold in the entrance of a smoke shop in the 1000 block of Market Street (north side of the street). Juan refused to remove the glass pipes and animals. I told him that, unless he stopped selling these items, he would lose his license.

He told me that he was not able to make his appointment with me at the office next Monday as he had requested because he was moving Sunday and Monday. He said his wife just telephoned Alyssa some 10 minutes before to cancel the meeting. He now asked me for another appointment. I told him to call Alyssa. I continued my inspection of Hallidie Plaza.

Zhao Mei Pan  
Alejandro Galicia-Chavez  
Ismael Morales  
Rui Ling Chan  
Shui Qui Dong  
Jimmy Sha (told me that many artists are surprised that Paula got her license back).

**Juan Manuel Alvarez** accosted me and handed me his cell phone to speak with his wife; she asked for another appointment. I told her that if Juan continued selling his blown glass items, he would lose his license. She said that he wants to sell off the glass items during the Christmas season and then get items that he makes examined and reviewed. I told her that the adjacent stores, like the Westfield complex, are not happy that he's selling pipes he doesn't make; I asked her to get the point across to him that if he continues to sell them, I will ask the Commissioners to not renew his license.

1:30 p.m., Market Street, 5<sup>th</sup> to 4<sup>th</sup> streets:

M-9: Al Gamarra  
M-10: Chor Yu Yeung / Wai Chi So

**Manuel Loli** was set up in an illegal location opposite the doorway and the standpipes of the James Bong building. He packed up and left when he saw me.

M-11: Catherine Zhang  
M-12: Carlos Cuzma (at my request, he reduced the size of his display).

**INSPECTOR' S LOGBOOK**  
**FRIDAY, DECEMBER 14, 2012**  
**2:55 – 3:45 p.m.**  
**DOWNTOWN AND JUSTIN HERMAN PLAZA**

2:55 p.m., Hallidie Plaza: Cold, overcast. Inspected the wares of the following artists:

Zhao Mei Pan  
Glendon Codling  
Jimmy Sha

Alejandro Galicia-Chavez  
Shui Qui Dong

3:02 p.m., Market Street, 5<sup>th</sup> to 4<sup>th</sup> streets:

M-9: Yun Long Jiang  
M-10: Wai Chi So/Chor Yu Yeung  
M-11: Javiera Kuncar  
M-12: covered display  
M-4: **Juan Manuel Alvarez**  
M-3: Xiuping Li

✓ While **Juan Manuel Alvarez** was dealing with customers; I photographed his display of blown glass pipes and animals. I again told him (after his customers had left) not to sell the glass items. He said he wanted to make an appointment to see me next week at the office.

Z-2: Xue Xia Mei  
Z-1: no one

3:10 p.m., Market Street at 4<sup>th</sup> Street:

M-18: John Wheeler  
M-21: Shu Zhen Dong

3:15 p.m., Market Street at Montgomery Street (BART wall):

John Ammann

3:20 p.m., Market Street at Sutter Street:

SU-1: Susan Giamonna

3:25 p.m., Market Street, Spear to Steuart streets:





Juan Manuel Alvarez - # 7844 - 12/14/12





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**Notice to Street Artists**

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue a street artists certificate or renewal if charges have been filed alleging deception or violation of the Street Artists Ordinance. The Art Commission has adopted the following procedures to implement Section 5. These procedures may be used to address violations in addition to, and may be taken with, the existing suspension-revocation procedures.

**CHARGES OF MINOR VIOLATIONS OF THE STREET ARTISTS ORDINANCE:**

--includes most violations of a non-violent/ non-threatening nature.

**First Violation:** "NOTICE OF WARNING" from Program Director.

**Second Violation:** "NOTICE OF INTENT TO RECOMMEND DENIAL OF CERTIFICATE OR RENEWAL" from Program Director.

Notice will offer artist an opportunity to have a public hearing with Program Director to discuss the charge. If artist agrees in writing to comply with Street Artists Ordinance, Program Director will recommend issuance of certificate or renewal. If artist does not agree in writing to comply with the ordinance, Program Director will recommend denial of certificate or renewal.

**Third Violation:** (when at least 1 of 3 of the incidents has been witnessed by Police or Program staff): "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" from Director of Cultural Affairs.\*

**CHARGES OF SERIOUS VIOLATIONS OF THE STREET ARTIST ORDINANCE**

--includes violations of a violent or threatening nature and violations that significantly threaten integrity of Street Artists Program.

**First Verifiable Violation:** "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" from Director of Cultural Affairs.\*

\*Denials of certificates or renewals are governed by section 2408 of the Street Artists Ordinance. The Street Artists Program Committee will hold a public hearing on the certificate or renewal in accordance with Section 2408. A decision by the Committee and Program Director to deny certificate or renewal may be appealed to the Board of Appeals within 15 days, in accordance with section 2409 of the Street Artists Ordinance.