

Loli

sfac

NOTICE OF WITHHOLDING OF CERTIFICATE OR
RENEWAL PENDING HEARING
(Charge of Serious Violation of Street Artist Ordinance)

San Francisco
Arts Commission

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

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

25 Van Ness Avenue, Ste. 345
San Francisco, CA 94102
tel 415-252-2590
fax 415-252-2595
sfartscommission.org
facebook.com/sfartscommission
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City and County of
San Francisco

February 26, 2015

Manuel Loli

#6040

Dear Mr. Loli:

Reports have been filed with the Arts Commission that you allegedly violated Article 24 of the Police Code on the following dates and in the following manner:

February 13, 2015 on Market Street: **Selling items not of your own creation: commercially manufactured stone pipes, ceramic nudes sculptures, wood and metal pipes and wood pipes.** (Please see the attached Advisory Committee reports and photos from February 13, 2015).

The above alleged violation is considered a **charge of serious violation** of the Street Artist Ordinance. Please see the attached "NOTICE TO STREET ARTISTS" describing the Arts Commission's procedures with respect to such violations.

On February 12, 2014, you met with Program Director Lazar for a Program Director's hearing and signed a statement that you would not conduct business in a disorderly, improper, or hazardous manner and that you would obey all the rules of the Street Artists Program.

Because of the nature of the charge, we will withhold issuing or renewing your certificate pending a decision by the Arts Commission's Street Artists Committee on whether to issue, renew and/or suspend your certificate.

Our decision to withhold issuance or renewal of your certificate will be listed on the next agenda of the Street Artists Committee as a "HEARING AND POSSIBLE MOTION TO APPROVE STANDARD PENALTY OF TWO MONTH SUSPENSION OF CERTIFICATE." Attached with this letter is a "NOTICE OF HEARING" to appear at the hearing.

IF YOUR CERTIFICATE SHOULD EXPIRE PRIOR TO THE

HEARING OR TO THE ISSUANCE OF THE COMMITTEE'S DECISION, YOUR CERTIFICATE WILL NOT BE RENEWED UNTIL ISSUANCE OF THE NOTICE OF THE COMMITTEE'S DECISION, IF SO, TO RENEW. PLEASE BE ADVISED ALSO 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.

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

Attachments: February 13, 2015 Advisory Committee reports and photos
Signed Statement from February 12, 2014 Program Director's hearing
Notice to Street Artists
Accessible Meeting Policy Notice

Cc: All Arts Commissioners, Street Artists Committee

HL:al

S.F. art Commission
Street artist Program

Friday 13 February 2015

Downtown San Francisco

Committee Members Thompson and Tilton
1400 hrs.

Sunny, lovely day. Good showing of
Street artists. Ample foot traffic.

Committee members visited, spoke to and
photographed where appropriate the
following street artists:

I. Fifth and Market Streets:

1. Jimmy Sha # 5009 Photos 1 + 2.
Inspection checklist A. attached.
2. Shu Zui Dong # 5901
3. Xu Zi Chen # 2901
4. Rui Ling Chang # 3736 Photos 3 + 4
Inspection Checklist B. attached.
5. John Wheeler # 7358
6. Masao Karube # 7592
7. Alejandro Salvati Chavez # 5363
8. Manuel Loli # 6040 Photos 5 +
Inspection Checklist C. attached.

(C)

ARTIST INSPECTION CHECKLIST

INSPECTOR NAME(S): Thompson / Tibbels

DATE: 13 May 15 DAY: F

TIME: 2:40 pm LOCATION: SM / Market

ARTIST NAME: Manuel Coli

LICENSE: 6040 EXP. DATE: 13 May '15

CRAFT: Pipes / jewelry

CERT. PROMINENTLY DISPLAYED? Y N

VIOLATIONS:

1. DISPLAY OF ITEMS NOT IN ACCORD WITH

CRITERIA (QUANTITY 50+): Commercial only.

Pipes, Ceramic Nudes, Wood - Metal Pipes,
Wood Pipes.

2. DISPLAY OF ITEMS NOT OF THE ARTIST'S OWN

CREATION (QUANTITY ____): _____

3. DISPLAY OF ITEMS NOT CERTIFIED BY SAP

(QUANTITY ____): _____

COMMENTS: Immediate Resolving. This

Artist has received multiple viola-
tions.

Continuation of monitoring report

Jacqueline Thompson

Sun 2/15/2015 6:19 PM

Advisory

To: Lazar, Howard (ART) <howard.lazar@sfgov.org>; Ventre, Alyssa (ART) <alyssa.licouris@sfgov.org>;

 4 attachments

IMG_2603.JPG; IMG_2604.JPG; IMG_2606.JPG; IMG_2605.JPG;

This is a continuation of the monitoring of downtown area Feb 13 2015

This is in regard to Manuel Lotti. Susan will be sending a report but I feel strongly that I should also write something. Susan and I approached and waited while he finished with a customer. During that time I walked around his booth and took these photos. When he was free to talk we approached him and he immediately brushed us off. Telling us not talk to him. He had very skillfully remove the naked women pieces and when I asked where they were because I wanted to show Susan he refused to show them to me. (see Jpeg 2603) These many other items are ALL in violation and I feel strongly that he feels the rules of our program do not apply to him and his license should be revoked.

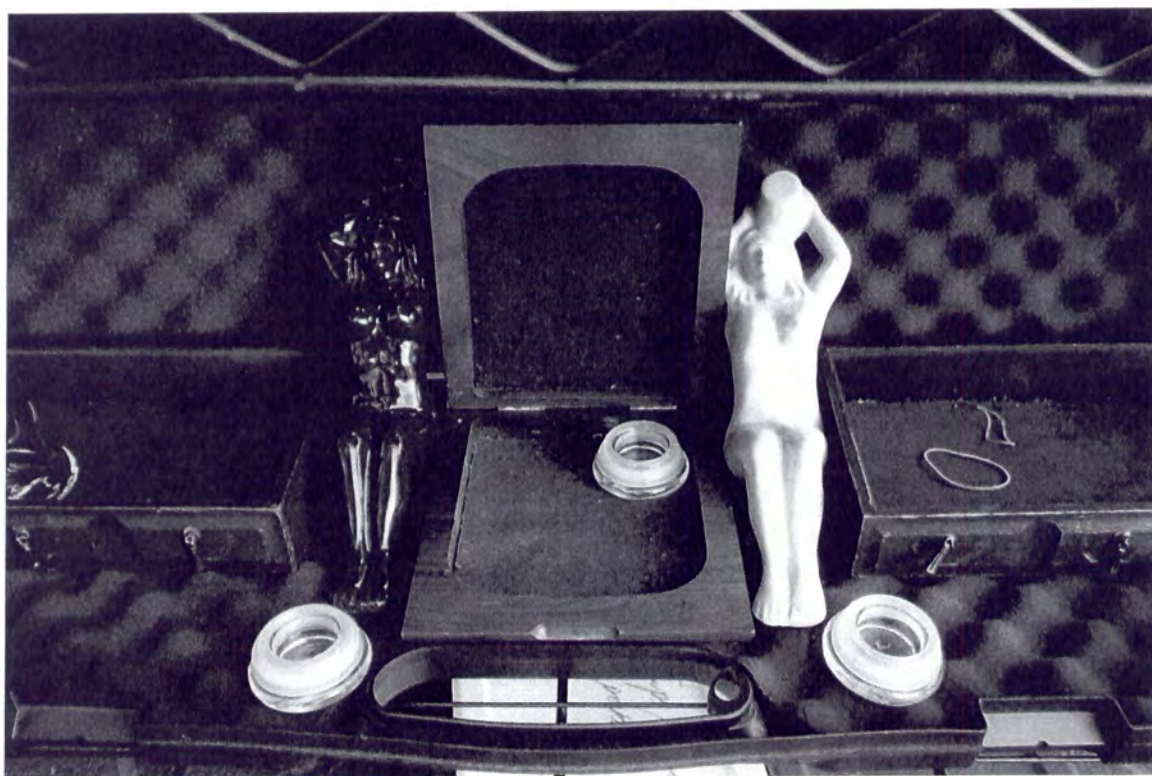
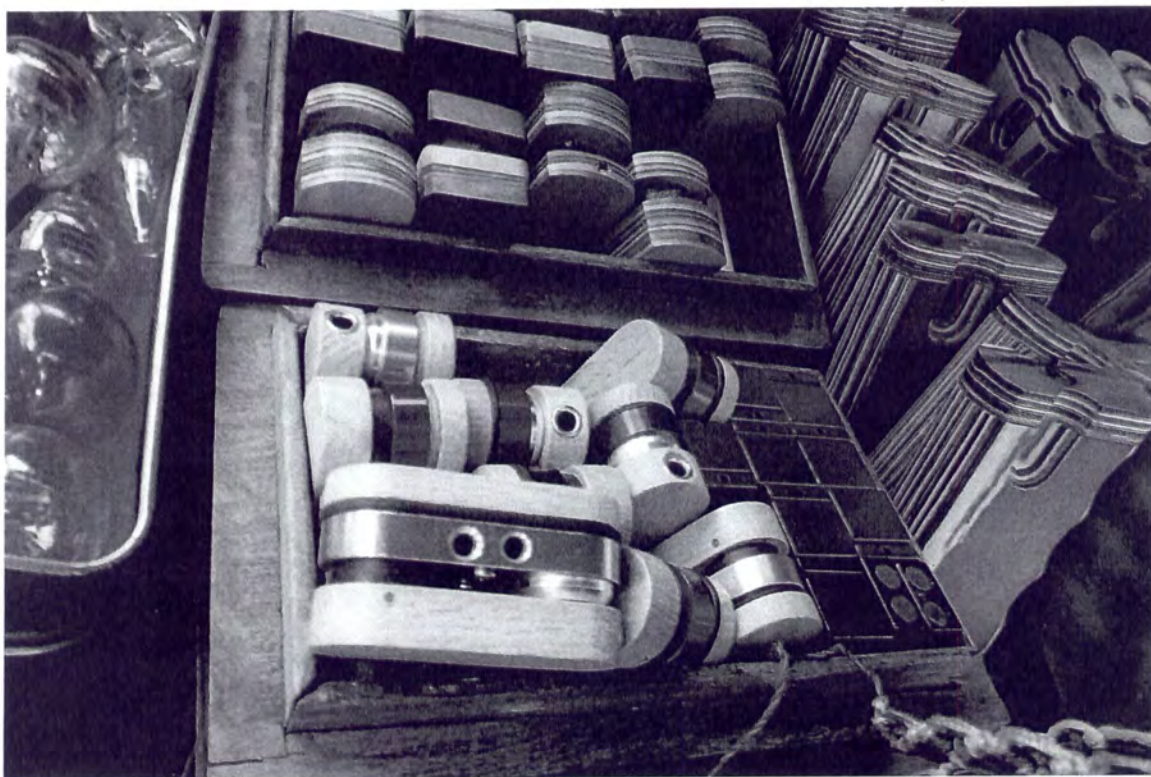
Travel expenses \$5.80

Jacqueline Thompson

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Manuel Wli #6040 - 2/13/15



Manuel Ioli #6040
2/13/15

REVIEW OF ALLEGED STREET ARTIST VIOLATION/AUTHORIZATION OF CERTIFICATION

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On February 12, 2014, I, Howard Lazar, Program Director of the Street Artists Program met with Street Artist **Manuel Loli** to review the report filed with the Arts Commission alleging that the above Street Artist violated the Street Artist Ordinance on the following date and in the following manner:

- (1) December 30, 2013, December 27, 2013, December 24, 2013, October 18, 2013 at Market Street between 5th and 4th streets : Exceeding display length requirements;
- (2) December 24, 2013, December 23, 2013 at Market Street between 5th and 4th streets: Selling in a location not designated by the Board of Supervisors.

On October 16, 2013, the Arts Commission sent him a "NOTICE OF WARNING" which informed him that he had allegedly violated the ordinance on October 11, 2013 for exceeding the width requirement on Market Street between 5th to 4th streets.

On December 7, 2012, he was selling on Market Street between 5th and 4th streets in an illegal location. As Program Director Lazar approached him, he packed up and left the premises. On October 26, 2012, he was seen set up a few feet west of M-9 and said he was waiting to share with the artist in space M-9. Mr. Loli agreed to not sell until a space opened up and he covered his table.

The above Street Artist states that from now on he will abide by all of the regulations of the Street Artist Ordinance, the rules of the Arts Commission's lottery space-assignment system, and the rules and policies of the Arts Commission's Street Artists Program, and will not conduct business in a disorderly, improper or hazardous manner.

Furthermore, the above Street Artist states that he fully understands the provisions of the Street Artist Ordinance pertinent to his certification and conduct as a Street Artist.

With this assurance, I, on behalf of the Executive Director (Director of Cultural Affairs) of the Arts Commission, do hereby authorize the issuance of a certificate to the above Street Artist.

Howard Lazar
Howard Lazar
Program Director
Street Artists Program

I, **Manuel Loli**, agree with the above statements.

Manuel Loli
Manuel Loli
February 12, 2014

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.

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ACCESSIBLE MEETING POLICY

Per the Americans with Disabilities Act and the Language Access Ordinance, Chinese, Spanish, and/or American Sign Language interpreters will be available upon request. Additionally, every effort will be made to provide a sound enhancement system, meeting materials in alternative formats, and/or a reader. Minutes may be translated after they have been adopted by the Commission. For all these requests, please contact Howard Lazar, Program Director, at least 48 hours before the meeting at 415-252-2583. Late requests will be honored if possible. The hearing room is wheelchair accessible.

利便參與會議的相關規定

根據美

國殘疾人士法案和語言服務條例，中文、西班牙語、和/或美國手語翻譯人員在收到要求後將會提供翻譯服務。另外，我們將盡力提供擴音設備。同時也將會提供不同格式的會議資料，和/或者提供閱讀器。此外，翻譯版本的會議記錄可在委員會通過後提供。上述的要求，請於會議前最少48小時致電 415-252-2583向Howard Lazar, Program Director, 提出。逾期提出的請求，若可能的話，亦會被考慮接納。聽證室設有輪椅通道。

POLITICA DE ACCESO A LA REUNIÓN

De acuerdo con la Ley sobre Estadounidenses con Discapacidades (Americans with Disabilities Act) y la Ordenanza de Acceso a Idiomas (Language Access Ordinance) intérpretes de chino, español, y lenguaje de señas estarán disponibles de ser requeridos. En adición, se hará todo el esfuerzo posible para proveer un sistema mejoramiento de sonido, materiales de la reunión en formatos alternativos, y/o proveer un lector. Las minutas podrán ser traducidas luego de ser aprobadas por la Comisión. Para solicitar estos servicios, favor contactar a Howard Lazar, Program Director, por lo menos 48 horas antes de la reunión al 415-252-2583. Las solicitudes tardías serán consideradas de ser posible. La sala de audiencia es accesible a silla de ruedas.

PATAKARAN PARA SA PAG-ACCESS NG MGA MITING

Ayon sa batas ng Americans with Disabilities Act at ng Language Access Ordinance, maaring mag-request ng mga tagapagsalin wika sa salitang Tsino, Espanyol at/o sa may kapansanan pandinig sa American Sign Language. Bukod pa dito, sisikapin gawan ng paraan na makapaglaan ng gamit upang lalong pabutihin ang inyong pakikinig, maibahagi ang mga kaganapan ng miting sa iba't ibang anyo, at/o isang tagapagbasa. Ang mga kaganapan ng miting ay maaring isalin sa ibang wika matapos ito ay aprobahan ng komisyon. Sa mga ganitong uri ng kahilingan, mangyari po lamang makipag ugnayan kay Howard Lazar, Program Director,, sa 415-252-2583. Magbigay po lamang ng hindi bababa sa 48 oras na abiso bago ng miting. Kung maari, ang mga late na hiling ay posibleng tanggapin. Ang silid ng pagpupulungan ay accessible sa mga naka wheelchair.

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