

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

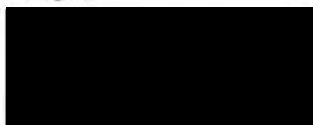
25 Van Ness Avenue, Ste. 345
San Francisco, CA 94102
tel 415-252-2590
fax 415-252-2595
sfartscommission.org
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City and County of
San Francisco

May 19, 2015

Daniel Hennessy
#8902



Dear Mr. Hennessy:

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:

May 5, 2015 on Market Street: Selling items not of your own creation: Peruvian-style metal and bead earrings and beaded pendant earrings (Please see the attached Inspector's Logbook report and photos from May 5, 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 17, 2015, you were seen selling items (spun, wire pendant jewelry) that had not been approved by the Advisory Committee. On February 18, 2015, we invited you to our February screening meeting. You called Program Assistant Licouris before the February screening meeting to let her know that you would not be attending the meeting and that you would no longer sell these items. We sent you a letter on March 4, 2015 to inform you that you could not sell these items until you attended a screening meeting and were approved by the Advisory Committee.

On March 30, 2015, you were seen selling items (Peruvian-style seed bead-on-wire earrings) that had not been approved by the Advisory Committee. On April 1, 2015, we invited you to our April screening meeting. You did not attend the April screening meeting. We sent you a letter on April 30, 2015 to inform you that you could not sell these items until you attended a screening meeting and were approved by the Advisory Committee.

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 17, 2015 Inspector's Logbook
February 18, 2015 Screening Invitation letter
March 4, 2015 letter

March 30, 2015 Inspector's Logbook and photos
April 1, 2015 Screening Invitation letter
April 30, 2015 letter
May 5, 2015 Inspector's Logbook and photos
Notice to Street Artists
Accessible Meeting Policy Notice

Cc: All Arts Commissioners, Street Artists Committee

HL:al

Hennessy

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**San Francisco
Arts Commission**

February 18, 2015

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

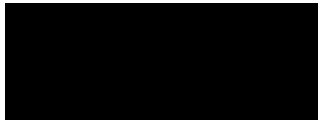
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City and County of
San Francisco

Daniel Hennessy
#8902



Dear Mr. Hennessy:

The Street Artists Program noted in its February 17, 2015 Inspector's Logbook your sales display of: spun-wire jewelry. We do not feel that we've seen this type of expression from you before.

This is to inform you that we have scheduled you for our February screening meeting of the Advisory Committee in order to verify that you are creating your spun-wire jewelry. Please see the attached letter which includes the details regarding the time, date, location of this meeting as well as what you need to bring to the meeting such as your receipts, tools and an adequate body of work to help prove to the Advisory Committee that you do make your spun-wire jewelry.

Please note you cannot sell your spun-wire jewelry until they have been approved by the Advisory Committee.

Sincerely,

Howard Lazar

Howard Lazar
Program Director
Street Artists Program

Attachments

**INSPECTOR' S LOGBOOK
TUESDAY, FEBRUARY 17, 2015**

1:50 – 3:10 p.m.

MARKET STREET CORRIDOR AND JUSTIN HERMAN PLAZA

1:50 p.m., Hallidie Plaza: Overcast, cool. Inspected the wares of the following artist:

Masao Karube

1:55 p.m., Market Street, 5th to 4th streets:

M-4: Xue You Mai

2:02 p.m., Market Street at 4th Street:

no artists

2:04 p.m., Market Street at Grant Avenue:

no artists

2:15 p.m., Market Street at Sutter Street:

no artists

2:25 p.m., Market Street, Spear to Steuart streets:

Marcia Palma / Jose Ortigoza

Daniel Hennessy – displaying colorful spun-wire pendant earrings which he said he spins on a loom, then cuts off the end of the wire. Have we certified him for this process? Check his file.

2:35 p.m., Justin Herman Plaza:

Ricardo Pixcar

Chia Ying Fong / Chung Yan Fong

Gohar Yepremyan – asked me about the procedure for mailing her certificate renewal to the office; I gave her the full address of the Commission.

Xiu Shi – crocheting a hat

John Tunui

Aurelio Mucci

Shu Rong Li

Sheila Taylor-Hill

Mike Hanley / Norma Hanley – said they had an excellent Valentine's Day weekend

Robin Noel

Elden Deza

Vivena Cuyugan

Mabel Ma

Gary Freed

Jonathan Guilliams

Hennessy

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**San Francisco
Arts Commission**

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
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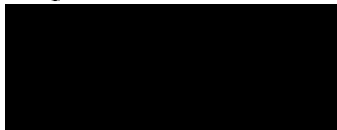
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City and County of
San Francisco

March 4, 2015

Daniel Hennessy
#8902



Dear Mr. Hennessy:

The Street Artists Program noted in its February 17, 2015 Inspector's Logbook your sales display of spun-wire jewelry. Since we did not feel that we had seen this type of expression from you before, we scheduled you for our February screening meeting of the Advisory Committee of Street Artists and Crafts Examiners.

You telephoned last week and spoke to Program Assistant Licouris informing her that you decided to no longer sell your spun-wire jewelry. Therefore, this letter is to inform you that you cannot sell your spun-wire jewelry since you did not get it approved by the Advisory Committee.

If you change your mind and wish to sell your spun-wire jewelry, please schedule another screening appointment by calling the Street Artists Program office at 415-252-2581. Please remember, you must get your spun-wire jewelry approved by the Advisory Committee if you wish to sell it in the future.

Sincerely,

Howard Lazar

Howard Lazar
Street Artists Program Director
Arts Commission

HL:al

Daniel Hennessey
file

INSPECTOR'S LOGBOOK
MONDAY, MARCH 30, 2015

1:40 – 2:45 p.m.

MARKET STREET CORRIDOR AND JUSTIN HERMAN PLAZA

1:40 p.m., Hallidie Plaza: Intermittent sunshine; windy; cool. Inspected the wares of the following artists:

Zhao Mei Pan

Alejandro Galicia-Chavez

Rui Ling Chang – display of earrings somewhat improved in keeping with the criteria.

1:50 p.m., Market Street, 5th to 4th Streets:

M-9: **Manuel Loli** – I took 3 photos of his display showing commercially manufactured blue metal smoking pipes and all wood Canadian style pipes. Manuel told me he "wasn't set up yet" (if that's the case, why were these pipes being displayed at all?).

Called Alyssa and left her a message to check on Manuel's disciplinary procedure status.

2:00 p.m., Market Street and Grant Avenue:
no artists

2:07 p.m., Market Street at Sutter Street:
SU-1: Susan Giammona

2:15 p.m., Market Street, Spear to Steuart streets:

Jose Ortigoza

Jeff Potter

Christian Chavez

Emilio Sotelo

Santiago Alonso

Hamlin Liu / Tianmin Yu

2:25 p.m., Justin Herman Plaza:

Haesu Go Hong

Jill Gustafson

Boma Cho

Walter Xu (display)

Christian Gardelle

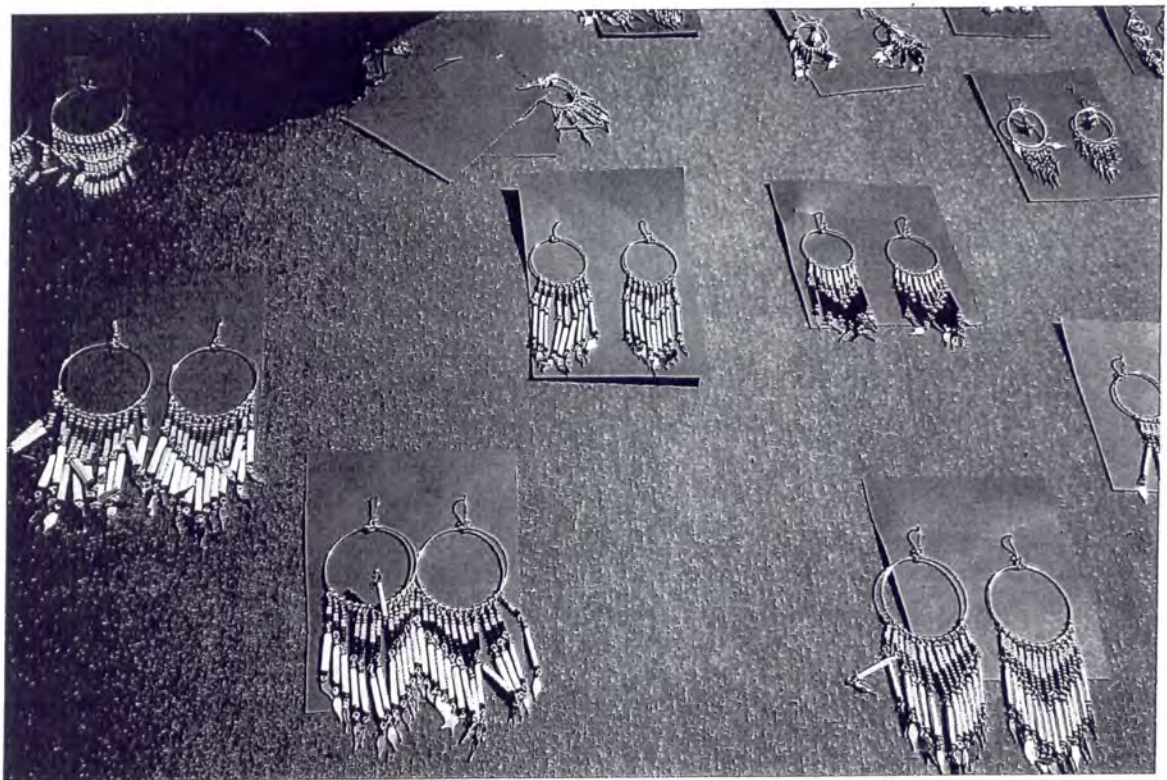
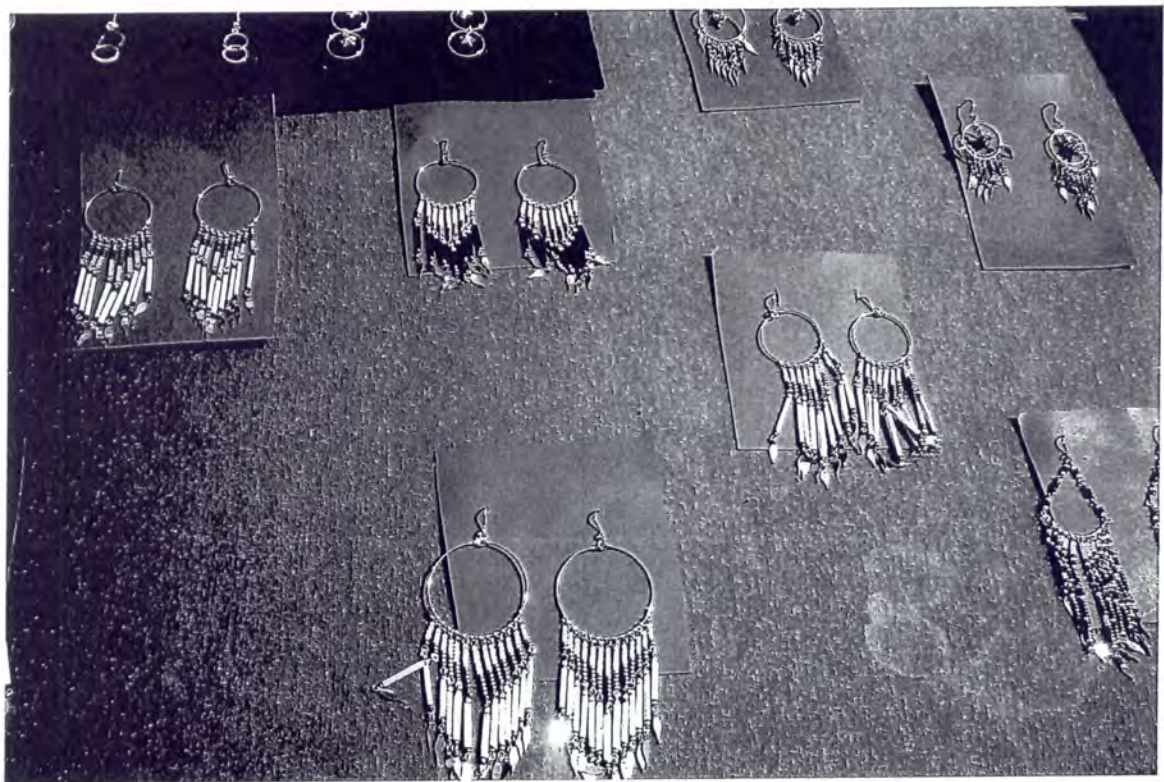
Xiu Shi

Elden Deza

Daniel Hennessey – displaying Peruvian-style seed bead-on-wire earrings. I took 3 photos of his work and told him he'd have to have a screening with the Advisory Committee, as I could not recall his getting approved for these. He showed me a catalogue where he allegedly gets the individual components for his bracelets; he said he'd come to next month's screening.



Daniel Hennessey
3-30-15



Hennessy

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**San Francisco
Arts Commission**

April 1, 2015

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

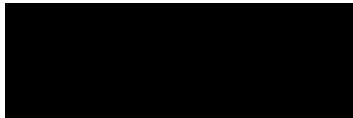
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City and County of
San Francisco

Daniel Hennessy
#8g02



Dear Mr. Hennessy:

The Street Artists Program noted in its March 30, 2015 Inspector's Logbook your sales display of: Peruvian-style beaded earrings. Please see the attached report and photos of the earrings. We do not feel that we have seen this type of expression from you before.

This is to inform you that we have scheduled you for our April screening meeting of the Advisory Committee in order to verify that you are creating your Peruvian-style beaded earrings. Please see the attached letter which includes the details regarding the time, date, location of this meeting as well as what you need to bring to the meeting such as your receipts, tools and an adequate body of work to help prove to the Advisory Committee that you do make your Peruvian-style beaded earrings.

Please note you cannot sell your Peruvian-style beaded earrings until they have been approved by the Advisory Committee.

Sincerely,

A handwritten signature in cursive script that reads "Howard Lazar".

Howard Lazar
Program Director
Street Artists Program

Attachments

**San Francisco
Arts Commission**

April 30, 2015

Edwin M. Lee
Mayor

Tom DeCaigny
Director of
Cultural Affairs

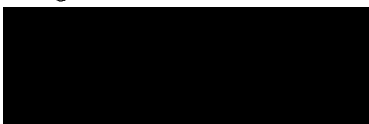
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Daniel Hennessy
#8902



Dear Mr. Hennessy:

The Street Artists Program noted in its March 30, 2015 Inspector's Logbook your sales display of: Peruvian-style beaded earrings. Since we did not feel that we had seen this type of expression from you before, we scheduled you for our April screening meeting of the Advisory Committee of Street Artists and Crafts Examiners.

Since you did not attend your April 30 screening appointment, this letter is to inform you that you cannot sell your Peruvian-style beaded earrings since you did not get this type of expression approved by the Advisory Committee.

If you wish to sell your Peruvian-style beaded earrings, please schedule another screening appointment by calling the Street Artists Program office at 415-252-2581. Please remember, you must get your Peruvian-style beaded earrings approved by the Advisory Committee if you wish to sell them in the future.

Sincerely,

A handwritten signature in cursive script that reads "Howard Lazar".

Howard Lazar
Street Artists Program Director
Arts Commission

HL:al

INSPECTOR' S LOGBOOK

TUESDAY, MAY 5, 2015

1:35 – 3:20 p.m.

MARKET STREET CORRIDOR AND JUSTIN HERMAN PLAZA

1:35 p.m., Hallidie Plaza: Sunny; breezy, cool. Inspected the wares of the following artists:

Zhao Mei Pan
Masao Karube
Alejandro Galicia-Chavez
Xue You Mai

1:47 p.m., Market Street, 5th to 4th streets:

M-11: Juan Manuel Alvarez
M-12: Chor Yu Yeung / Wai Chi So
M-4: Zhenhui Li

2:05 p.m., Market Street at Sutter Street:

S-1: Susan Giammona

2:12 p.m., Market Street, south side, Sutter to Battery streets (approx.. 555 Market Street):

Daniel Hennessey – selling items not certified by Arts Commission: Peruvian-style metal and bead earrings and beaded pendant earrings. Those are the same items for which he had been cited and requested to appear before the Advisory Committee last Thursday to verify that he made them. He had failed to appear. When I questioned him about this, he said he didn't show that day because he had to go to the VA. I then told him that Alyssa and I had just sent him a letter informing him that he was not allowed to sell these items until screened and approved; he responded that he "only got the letter last Thursday." I took several photos of the items and called Alyssa to let her know about this incident.

2:25 p.m., Market Street, Spear to Steuart streets:

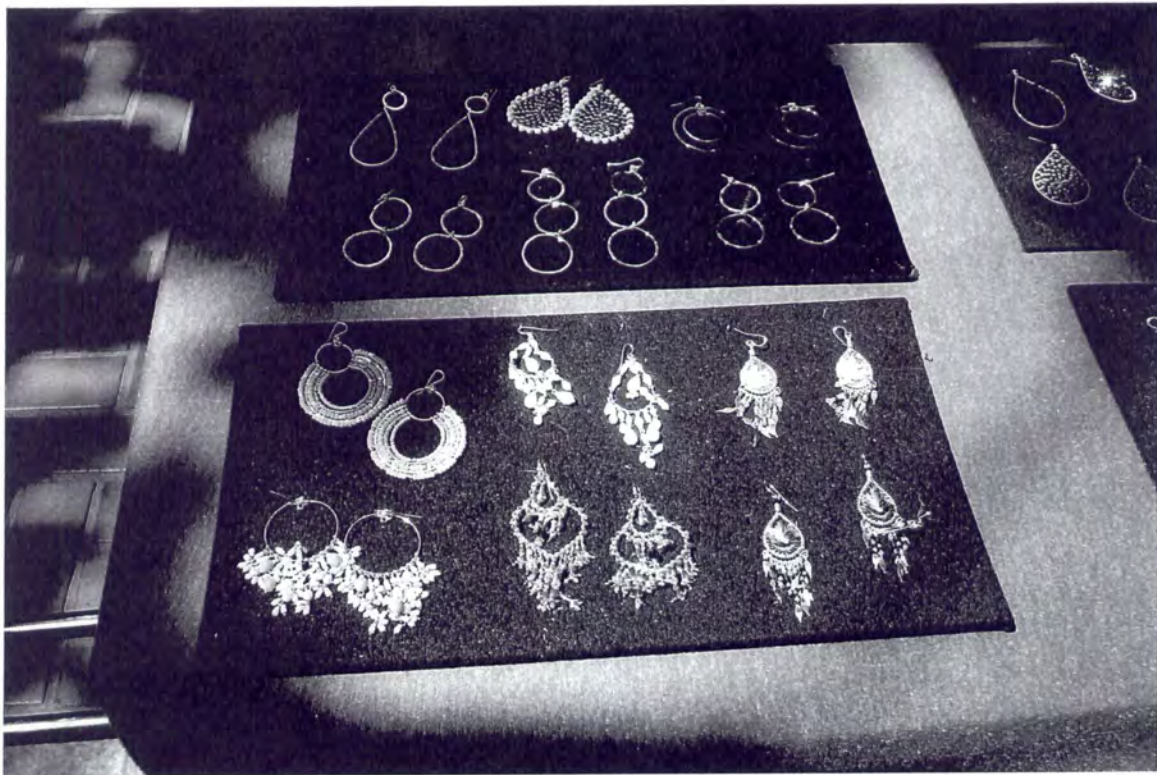
Jose Ortigoza
Dan Hua Li and baby
Hamlin Liu / Tianmin Yu
Santiago Alonso – bending wire for a sculpture
Boma Cho
Lynn Vandenberg
Elden Deza
Jeff Potter – told me his ballot proposal had been on the lottery table last Saturday for everyone to read, that it will be on this upcoming Saturday's table, and that a vote among the Plaza artists would probably take place the following weekend. Jeff said he has also



Daniel Hennessey 5-5-15



Daniel Hennessy 3-5-15



Daniel Hennessy 5-5-15

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.

San Francisco Arts Commission

Edwin M. Lee
Mayor

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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.

San Francisco Arts Commission

Edwin M. Lee
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City and County of
San Francisco

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.