



SAN FRANCISCO ARTS COMMISSION

SAPC file  
Item 3

November  
SAPC

**NOTICE OF HEARING - STREET ARTISTS PROGRAM COMMITTEE**

August 16, 2011

EDWIN M. LEE  
MAYOR

JD BELTRAN  
INTERIM DIRECTOR OF  
CULTURAL AFFAIRS

Juan Couselo-Alvarez  
#7844

[REDACTED]

PROGRAMS

- CIVIC ART COLLECTION
- CIVIC DESIGN REVIEW
- COMMUNITY ARTS & EDUCATION
- CULTURAL EQUITY GRANTS
- PUBLIC ART
- STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Dear Mr. Couselo-Alvarez:

A report was submitted by members of the Advisory Committee to the Arts Commission Street Artists Program office stating that you allegedly violated the Street Artist Ordinance (Ord. 41-83) on the following date and in the following manner:

July 20, 2011 – Market and 5<sup>th</sup> streets: Selling items not of your own creation – metal and glass pipes of commercial nature. (please see Advisory Committee monitoring notes and photos)

The above alleged violations are considered by the Street Artists Program Director to be ongoing and/or serious violations of the Street Artists Ordinance. 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 of the nature of the July 20, 2011 report along with your January 27, 2011 warning and your July 29, 2009 warning for selling the same items, the Street Artists Program Director on behalf of the Executive Director (the Director of Cultural Affairs) has refused to issue a renewal of your certificate in keeping with Section 5 of Proposition "L" approved by the voters of November, 1975, and pending a hearing by Arts Commission's Street Artists Program Committee.

Article 24.2, Section 2408 of the San Francisco Police Code empowers the Arts Commission to deny, suspend or revoke a street artist's certificate for violation of the street artist regulations after a public hearing and for good cause shown. You are hereby requested to appear before the Street Artists Program Committee on the following date and location:

**Wednesday, November 9, 2011 at 3:00 p.m. at 25 Van Ness Avenue, Suite 70 (basement floor), San Francisco, CA 94102**

You may bring to the hearing any evidence which you feel is relevant to your case. You may bring witnesses to testify on your behalf.



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Failure to appear may result in a Program Committee recommendation of the penalty for the violation of which you have been charged. If this recommendation is approved by the Program Director you may either file an appeal with the Board of Permit Appeals within fifteen (15) days or request a re-hearing with the Program Committee within five (5) days from the date of the Program Committee meeting (see requirements for such request: 2<sup>nd</sup> page of the enclosed Arts Commission Hearing Procedure of Street Artists Violations; Penalties for Violations). Pending final action by the Program Director, you are free to continue the sales activities for which you are certified.

Pursuant to Ordinance 291-94, Section 2409, you are entitled to appeal the decision of the Program Director to the San Francisco Board of Appeals. Part II, Chapter VIII, Section 2409, San Francisco Municipal Code provides that any such appeal must be filed within fifteen (15) days from the date of the Program Director's decision.

If you have questions, please write or call the Street Artists Program office at (415)252.2581.

Sincerely,



Howard Lazar  
Street Artists Program Director  
Arts Commission

Cc: All Arts Commissioners, Street Artists Committee



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE  
MAYOR

JD BELTRAN  
INTERIM DIRECTOR OF  
CULTURAL AFFAIRS

**NOTICE OF INTENT TO RECOMMEND DENIAL OF  
CERTIFICATE OR RENEWAL  
(based on ongoing and/or serious violation of Street Artists  
Ordinance)**

August 16, 2011

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Juan Couselo-Alvarez  
#7844

Dear Mr. Couselo-Alvarez:

A report was submitted by members of the Advisory Committee to the Arts Commission Street Artists Program office stating that you allegedly violated the Street Artist Ordinance (Ord. 41-83) on the following date and in the following manner:

July 20, 2011 – Market and 5<sup>th</sup> streets: Selling items not of your own creation – metal and glass pipes of commercial nature. (please see Advisory Committee monitoring notes and photos)

The above alleged violations are considered by the Street Artists Program Director to be ongoing and/or serious violations of the Street Artists Ordinance. 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 of the nature of the July 20, 2011 report along with your January 27, 2011 warning and your July 29, 2009 warning for selling the same items, the Street Artists Program Director on behalf of the Executive Director (the Director of Cultural Affairs) has refused to issue a renewal of your certificate in keeping with Section 5 of Proposition "L" approved by the voters of November, 1975, and pending a hearing by Arts Commission's Street Artists Program Committee. **The Program Director 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 agenda of the Street Artists Committee for a "Hearing and possible motion to approve Program Director's recommendation



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of denial of certificate or renewal." **The Street Artists Program Committee has the authority to deny, revoke, suspend, or re-issue your certificate.**

Sincerely,



Howard Lazar  
Street Artists Program Director  
Arts Commission

Attachments:

1. Notice to Street Artists
2. Arts Commission Hearing Procedure of Street Artists Violations; Penalties for Violations
3. July 20, 2011 Advisory Committee report and photos
4. January 27, 2011 warning
5. July 29, 2009 warning

Cc: All Arts Commissioners, Street Artists Committee  
Interim Director of Cultural Affairs J.D. Beltran

Tilbourn / Grant

ARTIST INSPECTION CHECKLIST

INSPECTOR NAME(S): ~~JUAN GONZALEZ ALVAREZ~~

DATE: 20 July 11 DAY: W

TIME: 1430 LOCATION: HWY / STN.

ARTIST NAME: JUAN GONZALEZ ALVAREZ

LICENSE: 7844 EXP. DATE: 5 OCT 11

CRAFT: Pipes

CERT. PROMINENTLY DISPLAYED? (Y) N

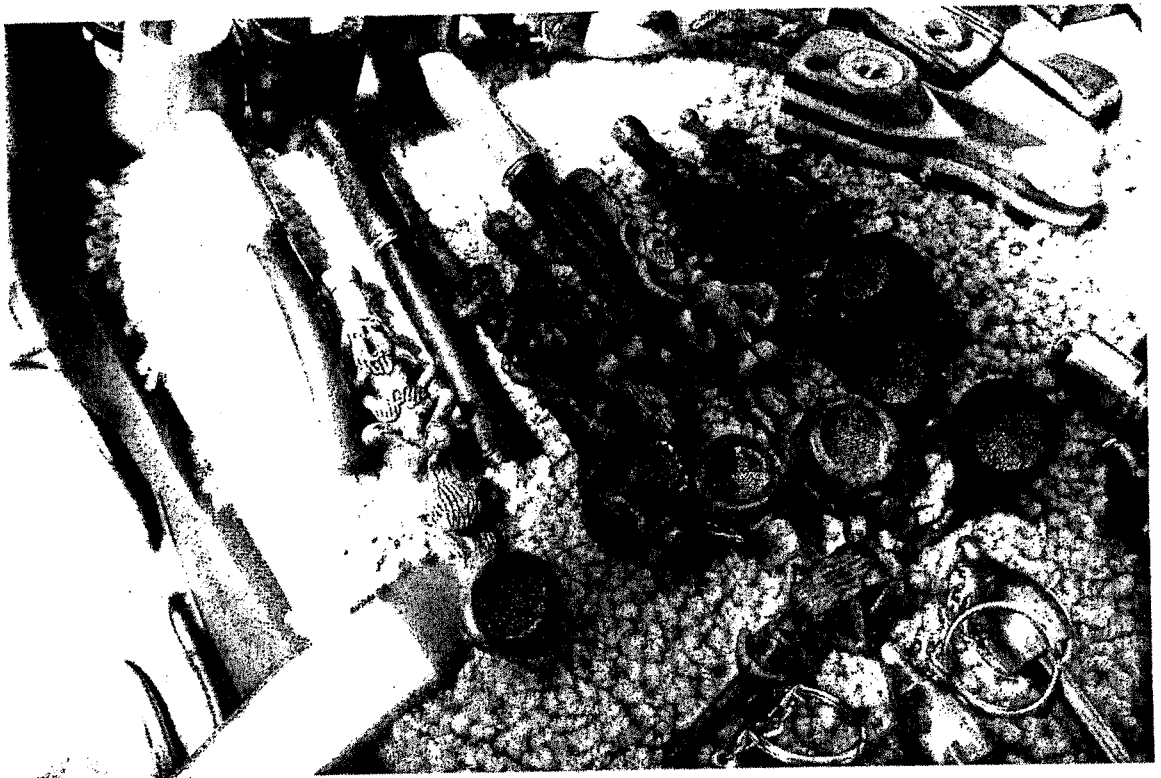
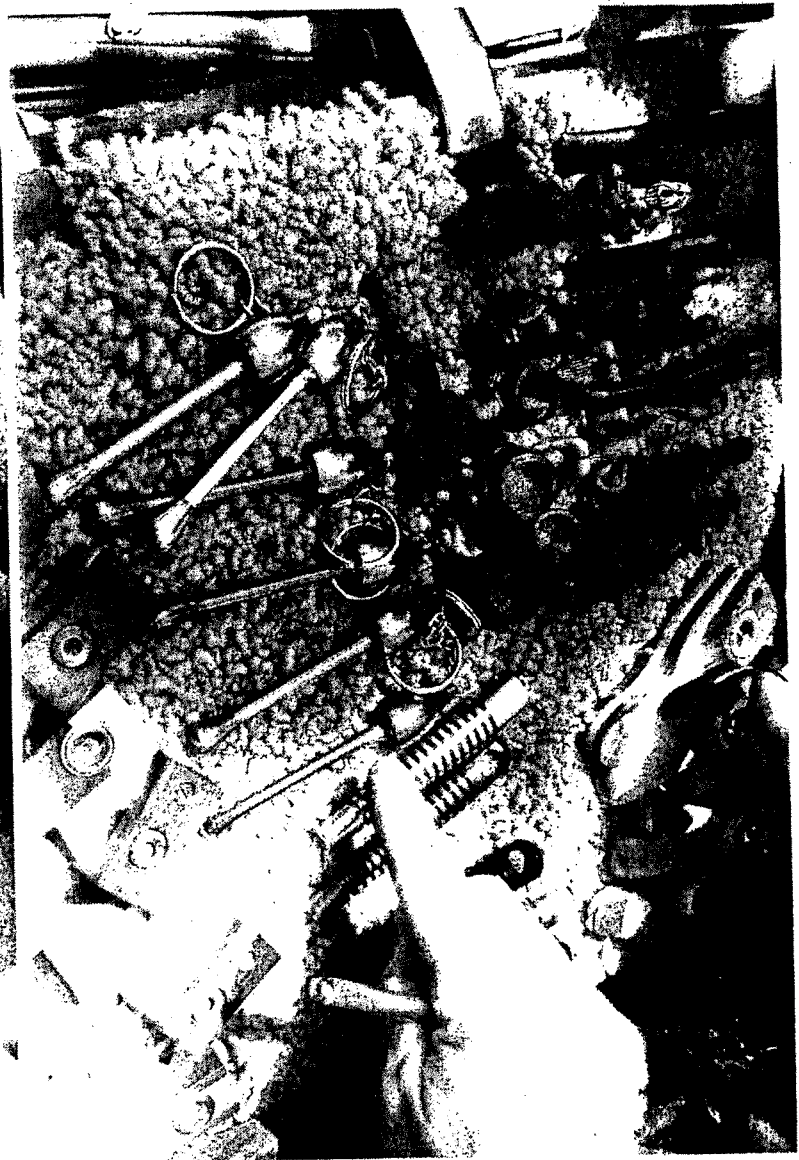
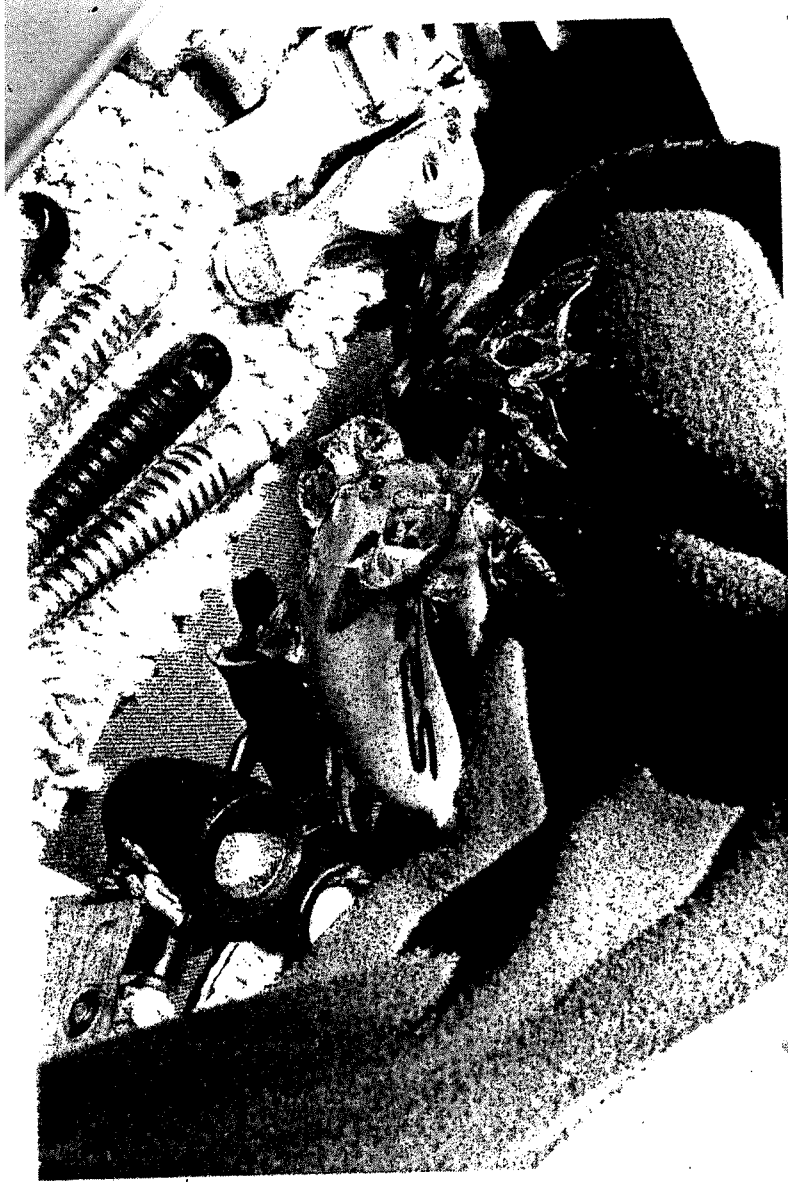
VIOLATIONS:

1. DISPLAY OF ITEMS NOT IN ACCORD WITH CRITERIA (QUANTITY \_\_\_):

2. DISPLAY OF ITEMS NOT OF THE ARTIST'S OWN CREATION (QUANTITY 20+): Numerous metal, glass pipes of commercial nature.

3. DISPLAY OF ITEMS NOT CERTIFIED BY SAP (QUANTITY \_\_\_):

COMMENTS: 2nd warning - Program Committee.



Couselo file



SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM  
MAYOR

LUIS R. CANCEL  
DIRECTOR OF  
CULTURAL AFFAIRS

NOTICE OF WARNING

January 27, 2011

Juan Couselo Alvarez  
#7844  
1402 Creekside Drive, #2  
Walnut Creek, CA 94596

PROGRAMS

- CIVIC ART COLLECTION
  - CIVIC DESIGN REVIEW
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This is to inform you that a report were filed by the Advisory Committee 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 21, 2010 at Powell and Market Streets: Selling items not of your own creations: commercially manufactured metal pipes (*please see attached Committee report*)

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

This is to respectfully request that you do not violate the Street Artist Ordinance.

If you wish to respond to this notice, please write to the Street Artists Program Director.

Sincerely,

Howard Lazar  
Street Artists Program Director  
Arts Commission

Attachments

- Notice to Street Artists
- Committee report\_December 21, 2010



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Cc: All Arts Commissioners, Street Artists Committee  
Director of Cultural Affairs Luis Cancel

21 Decmbr 2011 continued

1) Max Couset alvaz # 7844 Commercial  
metal pipe of anodized colored  
aluminum, comprised 1/3 of display.

Procuring requested



*Juan Couselo*



SAN FRANCISCO ARTS COMMISSION

NOTICE OF WARNING

DATE: July 29, 2009

GAVIN NEWSOM  
MAYOR

LUIS R. CANCEL  
DIRECTOR OF  
CULTURAL AFFAIRS

STREET ARTIST: Juan Couselo  
CERTIFICATE NUMBER: 7844  
ADDRESS: 1476 Creekside Drive # C212  
Walnut Creek, CA 94596

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Dear Mr. Couselo:

This is to inform you that a report was 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:

**July 18, 2009 – Selling items not of your own creation: (1) bead and hemp jewelry with commercially manufactured pendants; (2) anodized metal pipes; (3) wood-turned pipes. See attached report by Advisory Committee.**

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

This is to respectfully request that you do not violate the Street Artist Ordinance.

If you wish to respond to this notice, please write to the Street Artists Program Director.

Sincerely,

Howard Lazar  
Street Artists Program Director  
Arts Commission



CITY AND COUNTY OF  
SAN FRANCISCO

Attachment

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

JUAN COUSECO



mathew porkola  
<finecraftservices @att.net>  
07/18/2009 05:05 PM

To howard.lazar@sfgov.org  
cc  
bcc  
Subject Monitoring 7-18-09

Hi Howard,

Jacqueline and I were supposed to meet at Shreve's to do downtown but we got our signals crossed so I went by myself at 12:30. Apparently she went earlier and but I believe a number of people set up after she had passed.

Photos show beadcraft of Shan Jiang (#5796) using commercial pendants. This has been discussed many times with her.

Talked with Bob Kreisel about print statements, which none of his prints have. Considering he says that he prints them himself in the darkroom, I would think he would realize it's in his own interest, but he seems to feel he can't be bothered.

Pei Xing Zhang (#8001) had items not of her creation on display. See photos of large bracelets. Please double check my photos to be certain it's her and not Xiu Ping Li. My notes are a little unclear. I only wrote down "pendants".

Xiu Ping Li (#7935) had an oversize display of two tables and a stand. Another artist translated for us as I explained she was only allowed one table. She may have thought it was OK because of the displays of Homan Yim (#8002) and Brian Johnson (#7771). Photos show them side by side with double tables. Also, neither one of them was there and there was a young woman working as a salesperson for both tables who was actively making a woven name bracelet while I was there. I waited a good 15 minutes talking to other artists before they returned. I did not observe her actually taking money but she appeared to be making a name bracelet for someone who had left when I had finished my conversation with Ms Li.

On Market street Juan Couseco (#1844) had a large number of items which we had not seen, including a lot of obviously commercially manufactured item. Photos a and c show what look like commercially made pipes with no resin adornment, which he claimed to make, photo b also shows pipes with no resin, though he says he makes them as well, but his license does not refer to wood turning, which would be necessary for it to be considered hand crafted. Photo d shows anodized metal obviously not made by him and which he made no claim to making. Photo e shows commercial pendants. Since he is saying he made some of the items in question I think he should be asked to bring them in for screening as they are substantially different from items we had approved.

Mamemor Mbacke (7997) also had a couple of large bracelets not of his making. He took the opportunity to complain about the oversized displays on Stockton, saying he wanted to set up there but there was no room because all the space had been taken. I told him I had already talked to them and would check again.

Mathew Porkola

- 7-18-09 Mamemor Mbacke 7-18-09b.JPG ✓
- 7-18-09 Mamemor Mbacke 7-18-09a.JPG ✓
- Juan Couseco 7-18-09f.JPG ✓
- Juan Couseco 7-18-09a.JPG ✓
- Juan Couseco 7-18-09d.JPG ✓
- Juan Couseco 7-18-09c.JPG ✓
- Juan Couseco 7-18-09b.JPG ✓
- Juan Couseco 7-18-09a.JPG ✓
- Homan Yim 7-18-09b.JPG ✓
- Homan Yim 18-09a.JPG ✓
- Brian Johnson 7-18-09a.JPG ✓
- Pei Xing Zhang 7-18-09c.JPG ✓
- Pei Xing Zhang 7-18-09b.JPG ✓
- Pei Xing Zhang 7-18-09a.JPG ✓
- Shan Jiang 7-11-09d.JPG ✓

