



NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING

NOTICE OF HEARING - STREET ARTISTS COMMITTEE

December 6, 2011

EDWIN M. LEE MAYOR

JD BELTRAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

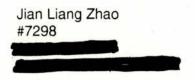
PROGRAMS

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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. Zhao:

Reports have 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:

- October 28, 2011 Violation of Lottery Procedure (Tampering with another street artist's lottery slip and taking their space).

 Please see attached November 7, 2011 e-mail of complaint and photo of the slip, and the Lottery Sign-In sheet and November 29, 2011 complaint letter (authors' names redacted for confidentiality).
- September 28, 2011, October 16, 2011, November 16, 2011 Failing to maintain a pedestrian passageway of eight (8) feet for pedestrians (Ord. 41-83, Section 2405(c)(16)). Please refer to the above November 29 complaint letter and photo received by the Street Artists Program for November 16 alleged violation.
- September 21, 2011, October 16, 2011 Conducting business in an improper manner (Overcharging and misleading customers on prices). Please refer to the above November 29 complaint letter.
- 4) September 28, 2011, November 16, 2011, November 17, 2011 -Exceeding display size regulations. Please refer to the above November 29, 2011 complaint and photo relating to November 16 and November 17 alleged violations.

On October 8, 2008 the Street Artists Program Director notified you that the renewal of your certificate was withheld pending a hearing on charges of your alleged violations of the Street Artists Ordinance of a similar nature. You met with the Program Director on November 8, 2008. At the hearing, in lieu of receiving a recommendation of suspension or revocation of your certificate, you signed a statement attesting that you understood the Street Artist Ordinance and that you promised to comply with the law, whereupon the Program Director authorized the renewal of your certificate.

But on September 15, 2010, you attended a hearing with the Street Artists Program Committee whereby you were found in violation for conducting business in an improper manner by soliciting business away from other street artists, and your certificate was suspended for 30 days (October 1 – October 30, 2010).



CITY AND COUNTY OF SAN FRANCISCO This is to inform you that, because the above report has been filed with the Arts Commission, we will withhold issuing or renewing your certificate pending a decision by the Arts Commission's Street Artists Committee on whether to issue or renew your certificate.

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 Committee on the following date and location:

Wednesday, January 11, 2012 at 3:00pm 25 Van Ness Ave, Suite 70, San Francisco, CA 94102

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 ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE".

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 or revoke 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

7/

Howard Lazar

Street Artists Program Director

JD Beltran

Interim Director of Cultural Affairs

Attachments

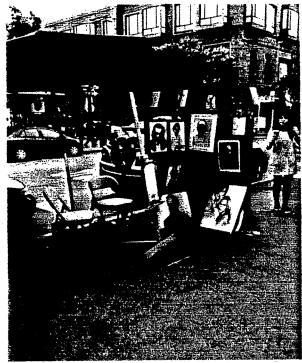
Notice to Street Artists
E-mail complaint_November 7, 2011
Complaint letter with photos_November 29, 2011

Photo and Lottery Sign-in Sheet_November 17, 2011

Cc: All Arts Commissioners, Street Artists Committee

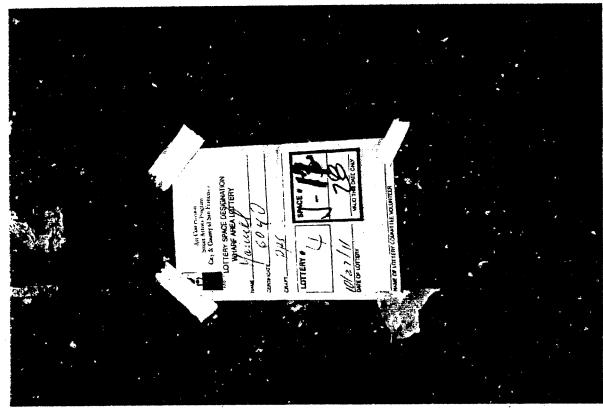
(16 th wild them Set up on Tefferson St., his other was in the middle of the Sidewalk.





← Trans
Display
was over
5'7" High

Swamme Heel



1 Oct. 28.11 friday Juan had written J. 2 over Ji3 on Manuel's slip, which Diese was assigned in lattery; that day.





Nov. 17 +h -thursday

Jian set up on Beach st

His Display was over

6 fee+ High.

ON FRIDAY OCT. ZATH DREW WAS RUNNING THE LOTTERY AND ASSIGNED JI3 TO MANUEL #6040.

MANUEL MARKED IT ON SPACE JI3 ON JEFFELSON ST. AN THEN HE LEFT.

LATER ON STREET ANTIST JIAN #7298

MOVED MANUEL'S SLIP FROM JI3 TO JIB.

AT THIS TIME JIAN SET-UP HIS OWN DISPLAY ON SPACE JI3.

WHEN MANUEL CAME BACK LATER HE AND JL FROM SPACE JI4 GOT INTO AN ARGUMENT WITH JIAD, WHO REFUSED VO MOVE BACK VD JIZ, WHENG HE HAD BEEN ASSIGNED.

ROBERT CHEN CAME TO TELL JIAN THAT HE
BROKE THE RULES BY REFUSING TO MOVE BACK TO JIZ
WHERE HE HAS BEEN ASSIGNED.

"DONT BOTHER ME".

THEN TOOK A PHOTO OF THE Ship WHICH JIAN HAD WRITTEN JID OVER JID. ON THURSDAY NOV. 17th JIAN SET UP ON BEACH ST., HIS DISPLAY WAS OVER 6 FZ High. THERE ARE PHOTOS TO PROVE THIS.

THE HEIGHT REQUIREMENT FOR ALL DISPLAYS IS TO NOT BE HIGHER THAN 5 FEET.

ON SUNDAY OCT. 16th JIAN'S CHAIR WAS SET. 3 FEET OUTSIDE THE WHITE LINE, CLOSER TO THE WALL.

STREET ARTIST, LICENSE A AND

ON WED. SEIST. 28th JIANS DIEDLAY WAS OVER 6/2 PEET HIGH AND OUTSIDE THE LIDE, CLOSER TO THE CHUNERY WALL. LICENSE TO WAS LIEUSE # HOS WELL AS SAW THIS.

ON WEB. NOV. 16th JIAN WAS SET UP ON JEFFELSON ST., SOMETIMES THIS CHAIN WAS IN THE MIDDLE OF THE DIDEWALK, OTHER TIMES CLOSER TO THE WAY.

SHEET NYTIST HAVE PHOTO COUNT THIS

in cellphone.

ON SUNDAY OUT. 16th IN SPACE JII

A LADY with A LITTLE BOY SAW THE PRICE \$2.75 WHICH JIAN HAD DISPLAYED AND SAT DOWN

RIGHT AWAY.

JIAN DREW A PORTRAIT AND PUT IT INA
PAPER MAT WITHOUT EXPLAINING THE PRICE OR
ASKING IF SHE WANTED THE PORTRAIT IN A MAT.

THEN THE LADY'S MAN CAME AND JIAN Showed Him THE PRICE LIST RIGHT AWAY AND FORCED HIM TO PAY \$44.

LICENSE THE LICENSE

SAW THE THEY PAID JIAN.

and and

ALL

SAW THE PORTRAIT AND NOTICED THAT THE PORTRAIT WAS VERY VERY UGLY AND DIR NOT LOOK LIKE THEM AT ALL.

ON SEPT. 21 ST GN JEFFERSON ST. JIANS
DREW A POATRA, T FOR A COUPLE WHO
SAW THE PRICE OF \$2.75. WHEN FINISHED

JIAN CHANGED THEM A LOT MORE
THE PORTRAIT WAS VERY VERY US BY AND
DID NOT WANT IT AND WALKED AWAY.

JIAN RAN AFTER THEM AND SAMBLED \$12

OUT OF THEIR HAND
18 THE WITNESS.

1

ON FRIDAY SEPT. 16th

JIAN DREW A PORTRAIT OF A FEW MONTHS OLD BABY, BUT WHEN THE PAREN SAW THE PORTRAIT, IT LOOKED LIKE AN 80 YR MAN AND THE PARENTS DID NOT WANT TO PAY JIAN, THEY FINALLY PAID JIAN \$5.

WAS A WITNESS TO THE AE

AND TO A SIMILAR CASE ON SEPT. 4thWHERE JAN DREW AN UGLY PORTRAIT
WHICH THE CUSTOMER DID NOT WANT BUT

STILL PAID JIAN \$5.00.

THERE ARE MANY STREET AUTISTS
WHO SEE THE ABOVE HAPPENING ON A
REGULAR BASIS.

Lazar, Howard

From:

Sent:

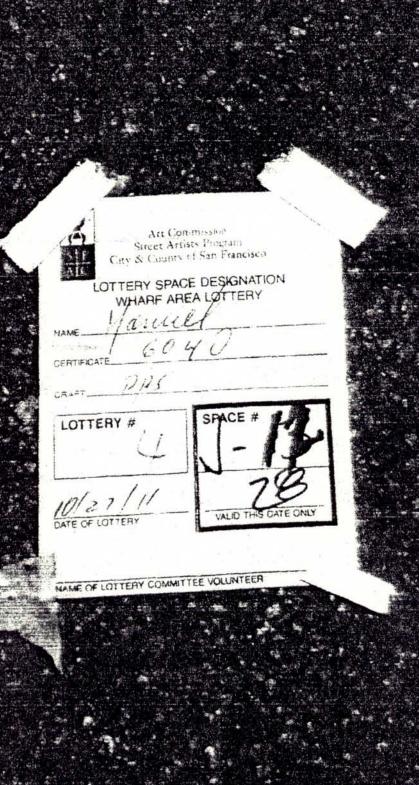
Monday, November 07, 2011 12:04 PM

To: Subject: Lazar, Howard Jian Lic.#7298

Good morning Howard,

This is regarding Jian 7298 again. On 10/28/11 Jian selected Jefferson 12 as his selling spot. Fellow Committee Member Robert Chan came to me saying Jian had taken the neighboring slip used to mark J13, scratched out the 13, changed the number to 12, then took it upon himself to change his slip to J-13 and proceeded to set up there. Both Manuel (who was originally in J-13) and his neighbor J.L. in J-14 objected to Jian's actions. But despite Robert telling Jian he couldn't do what he was doing, Jian refused to budge. Robert then came to me and asked me to look in to the matter. Again, Jian simply ignored me and refused to move. It was all very strange. In this situation, I think he clearly should be suspended. It's not as if he was unaware he was breaking a rules but consciously did so. What are your thoughts?

Hi Howard,
Here's the photo took of Manuel's slip which Jian altered, and the signin sheet that was used for that day.
Thanks,



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