



SAN FRANCISCO ARTS COMMISSION

SAPC file

NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING

NOTICE OF HEARING – STREET ARTISTS COMMITTEE

EDWIN M. LEE
MAYOR

December 6, 2011

JD BELTRAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

Jian Liang Zhao
#7298
[REDACTED]
[REDACTED]

Item 4

PROGRAMS

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

Dear Mr. Zhao:

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

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:

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

- 1) 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).
- 2) 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.
- 3) 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.



CITY AND COUNTY OF
SAN FRANCISCO

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).

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:

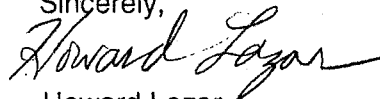
**Wednesday, January 11, 2012 at 3:00pm
25 Van Ness Ave, Suite 70, San Francisco, CA 94102**

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

Sincerely,



Howard Lazar
Street Artists Program Director



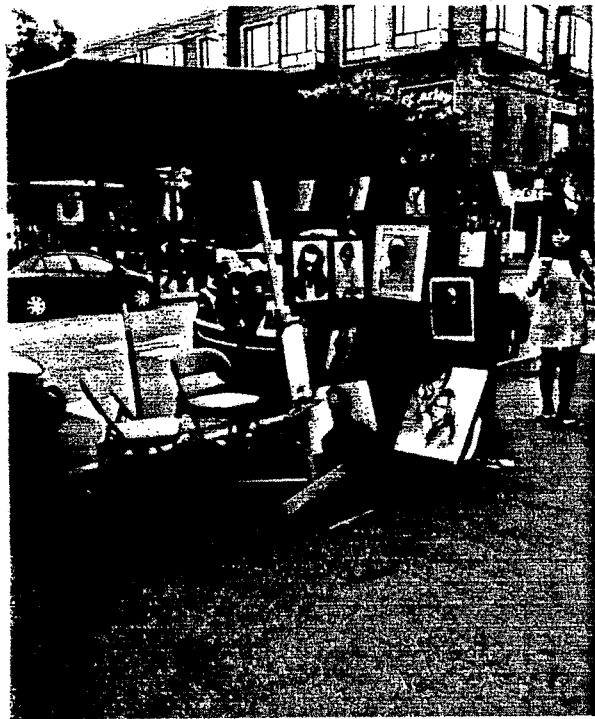
JD Beltran
Interim Director of Cultural Affairs

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

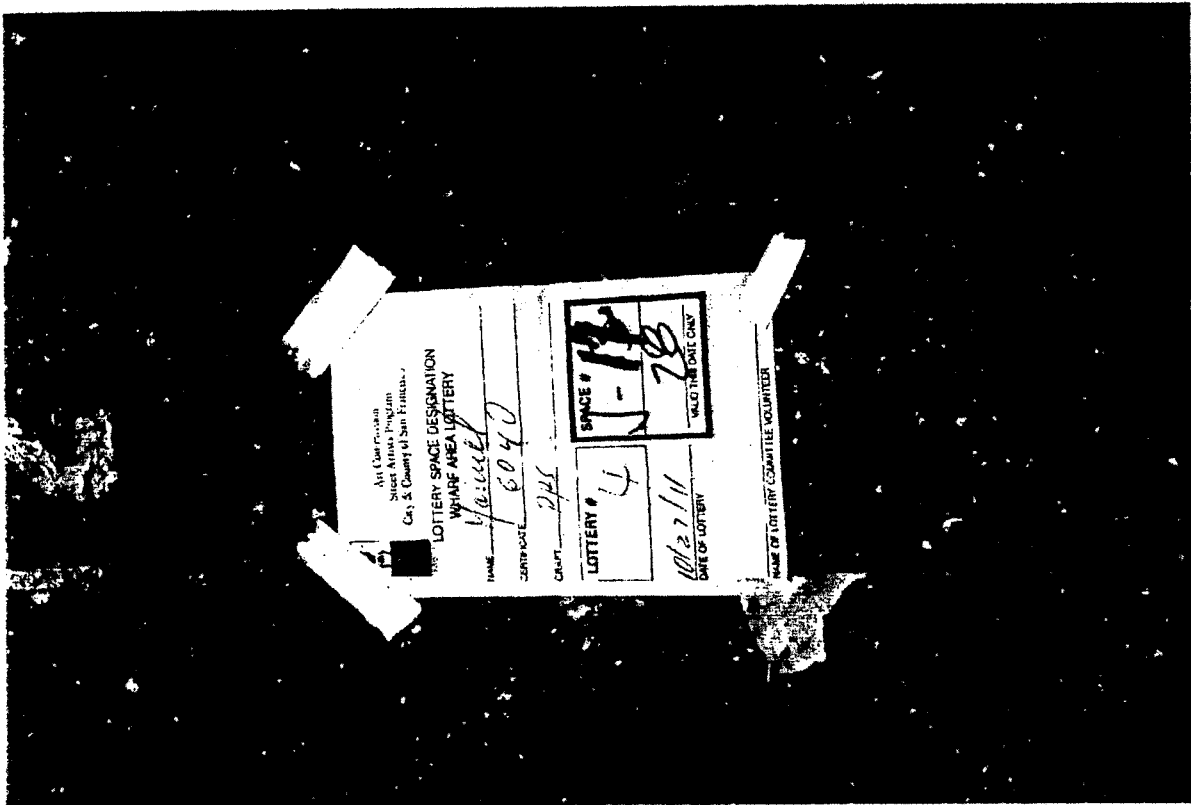
Cc: All Arts Commissioners, Street Artists Committee

16th was had Tian set up on Jefferson St. his chair was in the middle of the sidewalk.



← Tian's Display was over 5'7" High


Submitted by



↑ Oct. 28/11 Friday Tian had written J12 over J13 on Manuel's slip, which Drew was assigned in lottery that day.



Nov. 17 +h Thursday.
Tian set up on Beach st
His Display was over
6 feet High.



ON Friday Oct. 28th DREW WAS RUNNING THE
LOTTERY AND ASSIGNED J13 TO MANUEL #6040.
MANUEL MARKED IT ON SPACE J13 ON
JEFFERSON ST. AND THEN HE LEFT.

LATER ON STREET ARTIST JIAD #7298
MOVED MANUEL'S SLIP FROM J13 TO J12.

AT THIS TIME JIAD SET-UP HIS OWN
DISPLAY ON SPACE J13.

WHEN MANUEL CAME BACK LATER HE AND J14
FROM SPACE J14 GOT INTO AN ARGUMENT WITH
JIAD, WHO REFUSED TO MOVE BACK TO J12,
WHERE HE HAD BEEN ASSIGNED.

ROBERT CHEN CAME TO TELL JIAD THAT HE
BROKE THE RULES BY REFUSING TO MOVE BACK TO J12
WHERE HE HAD BEEN ASSIGNED.

AT THIS TIME JIAD STARTED YELLING
"DONT BOTHER ME".

THEN TOOK A PHOTO OF
THE SHIP WHICH JIAD HAD WRITTEN J13
OVER J12.

111

ON THURSDAY NOV. 17TH JIAN SET UP ON BEACH ST., HIS DISPLAY WAS OVER 6 FT 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 # AND SAW IT ON JEFFERSON ST.

ON WED. SEPT. 28TH JIAN'S DISPLAY WAS OVER 6 1/2 FEET HIGH AND OUTSIDE THE LINE, CLOSER TO THE CANNERY WALL.

LICENSE # AND LICENSE # AS WELL AS SAW THIS.

ON WED. NOV. 16TH JIAN WAS SET UP ON JEFFERSON ST., SOMETIMES HIS CHAIR WAS IN THE MIDDLE OF THE SIDEWALK, OTHER TIMES CLOSER TO THE WALL.

Street artist have photo about this in cellphone.

ON SUNDAY OCT. 16th IN SPACE J11

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 IN A 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 # AND LICENSE #

SAW THE #44 THEY PAID JIAN.

AND AND ALL

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

ON SEPT. 21st ON JEFFERSON ST. JIAN DREW A PORTRAIT FOR A COUPLE WHO SAW THE PRICE OF \$2.75. WHEN FINISHED JIAN CHARGED THEM A LOT MORE.

THE PORTRAIT WAS VERY VERY UGLY AND DID NOT LOOK LIKE THEM, SO THE CUSTOMER DID NOT WANT IT AND WALKED AWAY.

JIAN RAN AFTER THEM AND GRABBED \$12 OUT OF THEIR HAND

IS THE WITNESS.

V

ON FRIDAY SEPT. 16th

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

I WAS A WITNESS TO THE ABOVE AND TO A SIMILAR CASE ON SEPT. 4th. WHERE JIAN DREW AN UGLY PORTRAIT WHICH THE CUSTOMER DID NOT WANT BUT STILL PAID JIAN \$5.00.

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

Lazar, Howard

From:
Sent: Monday, November 07, 2011 12:04 PM
To: Lazar, Howard
Subject: 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 sign-
in sheet that was used for that day.

Thanks,



Art Commission
Street Artists Program
City & County of San Francisco

LOTTERY SPACE DESIGNATION
WHARF AREA LOTTERY

NAME Yanuel

CERTIFICATE 6040

CRAFT DRS

LOTTERY # 4

SPACE # J-13
ZB
VALID THIS DATE ONLY

DATE OF LOTTERY 10/27/11

NAME OF LOTTERY COMMITTEE VOLUNTEER



NAME

LEAVENWORTH ST. SPACERS (see reverse)

DATE 10/18/11

HELPERS

APR 2011

CITY AND COUNTY OF SAN FRANCISCO
STREET ARTISTS

| BEACH ST. | License number | Grade | BEACH ST. | License number | Grade | JEFFERSON ST. | License number | Grade | HYDE ST. | License number | Grade |
|------------|----------------|-------|-----------|----------------|-------|------------------|----------------|-------|-------------|----------------|-------|
| 00 YAN | 5292 | JR27 | POH CHAN | 7346 | PH | 1 JEFFERSON ST. | 7349 | B | 1 HYDE ST. | 7382 | B |
| 0 CARLOS | 7748 | WB28 | FRANKIE | 3476 | ES | 2 JEFFERSON ST. | 7326 | PR | 2 HYDE ST. | 7382 | B |
| 1 DAVID | 4376 | PH29 | | | | 3 JEFFERSON ST. | 7350 | T.S | 3 HYDE ST. | 7382 | B |
| 2 JEN | 2901 | B | RAVE | 8152 | NP | 4 JEFFERSON ST. | 7399 | NB | 4 HYDE ST. | 7382 | B |
| 3 | | | | | | 5 JEFFERSON ST. | | | 5 HYDE ST. | 7382 | B |
| 4 JR | 8413 | TS | YU | 2332 | B | 6 JEFFERSON ST. | 2666 | ES | 6 HYDE ST. | 7382 | B |
| 5 MING | 7848 | B | DIK | 5622 | AT | 7 JEFFERSON ST. | 8176 | WB | 7 HYDE ST. | 7382 | B |
| 6 PING | 7995 | H | PHIL | 7307 | O | 8 JEFFERSON ST. | 8430 | NB | 8 HYDE ST. | 7382 | B |
| 7 KIM | 278 | B | JAVET | 5728 | P | 9 JEFFERSON ST. | 5791 | FS | 9 HYDE ST. | 7382 | B |
| 8 EDUARDO | 4725 | P | VIVIAN | 3735 | B | 10 JEFFERSON ST. | 7351 | B | 10 HYDE ST. | 7382 | B |
| 9 MARIO | 4442 | L | ZHEN | 7936 | H | 11 JEFFERSON ST. | 945 | PO | 11 HYDE ST. | 7382 | B |
| 10 PLVE | 6090 | B | ZHONG | 4617 | B | 12 JEFFERSON ST. | 788 | FS | 12 HYDE ST. | 7382 | B |
| 11 YOUNG | 6066 | PH | HOT DOG | 7366 | PH | 13 JEFFERSON ST. | 6040 | TR | 13 HYDE ST. | 7382 | B |
| 12 YK | 7442 | B | LEE | 2058 | B | 14 JEFFERSON ST. | 4213 | B | 14 HYDE ST. | 7382 | B |
| 13 BRIAN | 3219 | FS | GUAN | 7330 | FS | 15 JEFFERSON ST. | 7445 | H | 15 HYDE ST. | 7382 | B |
| 14 | | | ACTURO | 8127 | NB | 16 JEFFERSON ST. | | | 16 HYDE ST. | 7382 | B |
| 15 CHAO J | 3400 | B | STELLA | 5097 | B | 17 JEFFERSON ST. | | | 17 HYDE ST. | 7382 | B |
| 16 | | | | | | 18 JEFFERSON ST. | | | 18 HYDE ST. | 7382 | B |
| 17 Mike H | 685 | PH | | | | 19 JEFFERSON ST. | | | 19 HYDE ST. | 7382 | B |
| 18 | | | | | | 20 JEFFERSON ST. | | | 20 HYDE ST. | 7382 | B |
| 19 FANG QI | 8209 | PH | | | | 21 JEFFERSON ST. | | | 21 HYDE ST. | 7382 | B |
| 20 | | | | | | 22 JEFFERSON ST. | | | 22 HYDE ST. | 7382 | B |
| 21 LILL | 7664 | B | | | | 23 JEFFERSON ST. | | | 23 HYDE ST. | 7382 | B |
| 22 EDDY | 249 | B | | | | 24 JEFFERSON ST. | | | 24 HYDE ST. | 7382 | B |
| 23 | | | | | | 25 JEFFERSON ST. | | | 25 HYDE ST. | 7382 | B |
| 24 CRIM | 7664 | J | | | | 26 JEFFERSON ST. | | | 26 HYDE ST. | 7382 | B |
| 25 | | | | | | 27 JEFFERSON ST. | | | 27 HYDE ST. | 7382 | B |

COST PLUS License number

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