

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

August 16, 2013

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
twitter.com/SFAC

Xue You Mai

#8557
[REDACTED]
[REDACTED]

Dear Ms. Mai:

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:

Selling items not of your own creation: commercially manufactured crochet hats.
(Please see the attached Inspector's Report and photos from January 22, 2013 and Advisory Committee report and photo from March 30, 2013).

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 April 26, you were notified by the Street Artists Program office to request an appointment for a studio visit. A studio visit was conducted by our Advisory Committee on June 12, 2013 of your and Ms. Xue Xia Mai's studio. The Committee found that the crochet hats that you created during the studio visit did not match the photographs of the crochet hats sold at your display. The Committee also found differences in the crochet hats you created during the studio visit with the back stock that you presented. (Please see the attached notes from the studio visit.)

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.



City and County of
San Francisco

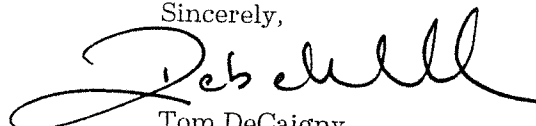
IF YOUR CERTIFICATE SHOULD EXPIRE PRIOR TO THE HEARING OR TO THE ISSUANCE OF THE COMMITTEE'S DECISION, YOUR CERTIFICATE WILL NOT BE RENEWED UNTIL ISSUANCE OF THE NOTICE OF THE COMMITTEE'S DECISION, IF SO, TO RENEW. PLEASE BE ADVISED ALSO THAT THE COMMITTEE HEARING MAY NOT NECESSARILY BE SCHEDULED PRIOR 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: January 22, 2013 Inspector's Logbook and 3 photos
March 30, 2013 Advisory Committee report and 2 photos
June 12, 2013 Studio Visit notes by Susan Tibbon & Renee de Cossio
Notice to Street Artists
Accessible Meeting Policy Notice

Cc: All Arts Commissioners. Street Artists Committee

HL:al

INSPECTOR' S LOGBOOK
TUESDAY, JANUARY 22, 2013
1:20 – 3:00 p.m.
DOWNTOWN AND JUSTIN HERMAN PLAZA

1:20 p.m., Hallidie Plaza: Intermittent sun and cool weather. Inspected the wares of the following artists:

Shan Jiang

Zhao Mei Pan

Jimmy Sha

Shu Qui Dong – I took two photos of her display of crochet hats. (I will be taking photos of all the crochet hat displays to compare the hats with one another and verify whether they all look

alike and are commercially manufactured. The photos will be helpful in our studio visits of the crochet hat people to determine whether the hats they create are the same as those they display and whether the volume of hats on display is supported by the amount of time the artists take in producing the hats.)

1:30 p.m., Market Street, 5th to 4th streets:

M-9: Xiuping Li (she was not present; a female was watching the display for her and told me she had gone to the washroom). Took 2 photos of the display of crochet hats.

M-11: Al Gamarra

M-12: Adriana Berneike

M-4: Xue You Mai. Took 3 photos of her crochet hats.

1:45 p.m., Stockton Street at O'Farrell Street (by Crate and Barrel and Central Subway):

Rui Yan Ma – Took 2 photos of her crochet hats.

1:50 p.m., Post Street at Stockton Street: no artists present.

1:52 p.m., Stockton Street (east side) at Post Street :

Chiming Wu – Took 2 photos.

2:00 p.m., Grant, Post, to Sutter streets: no artists present.

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

SU-1: Susan Giamonna

Predictably, after yesterday's game, I saw at least 3 illegal vendors along Market Street from



Stop





Sat 30th March downtown monitoring

Jacqueline Thompson [REDACTED]

Sent: Sunday, March 31, 2013 1:12 PM

To: Lazar, Howard; Licouris, Alyssa

Cc: [REDACTED]; jenny [REDACTED]; renee [REDACTED]

Attachments: Y.Tan.JPG (974 KB) ; Yuee Tan.JPG (2 MB) ; 100_1707.JPG (1 MB) ; Xue You Mai.JPG (943 KB) ; 100_1737.JPG (1017 KB) ; 100_1729.JPG (753 KB) ; Rui Yan Ma.JPG (608 KB) ; 100_1712.JPG (1 MB) ; 100_1738.JPG (2 MB)

This is my report from monitoring the downtown area on Sat.30th March.

Where do I start. I photographed the licenses of 6 knitted hat people. ALL had the same 3 hats similar or the same as Howard purchased at a retail store and most had the same stock. The photos are interchangeable they could have been taken from any of their stands. The price seems to be going down Yuee Tan 8327 was selling them for \$10 see photo. Others were selling them for \$12.

This has to stop in my opinion.
Jacqueline

--
Jacqueline Thompson Ceramics

[REDACTED]

[REDACTED]



**CERTIFICATE
ART IN PUBLIC PLACES**

Arts Commission

City and County of San Francisco

Number: **8557**

Expires:
May 12, 2013



Name:

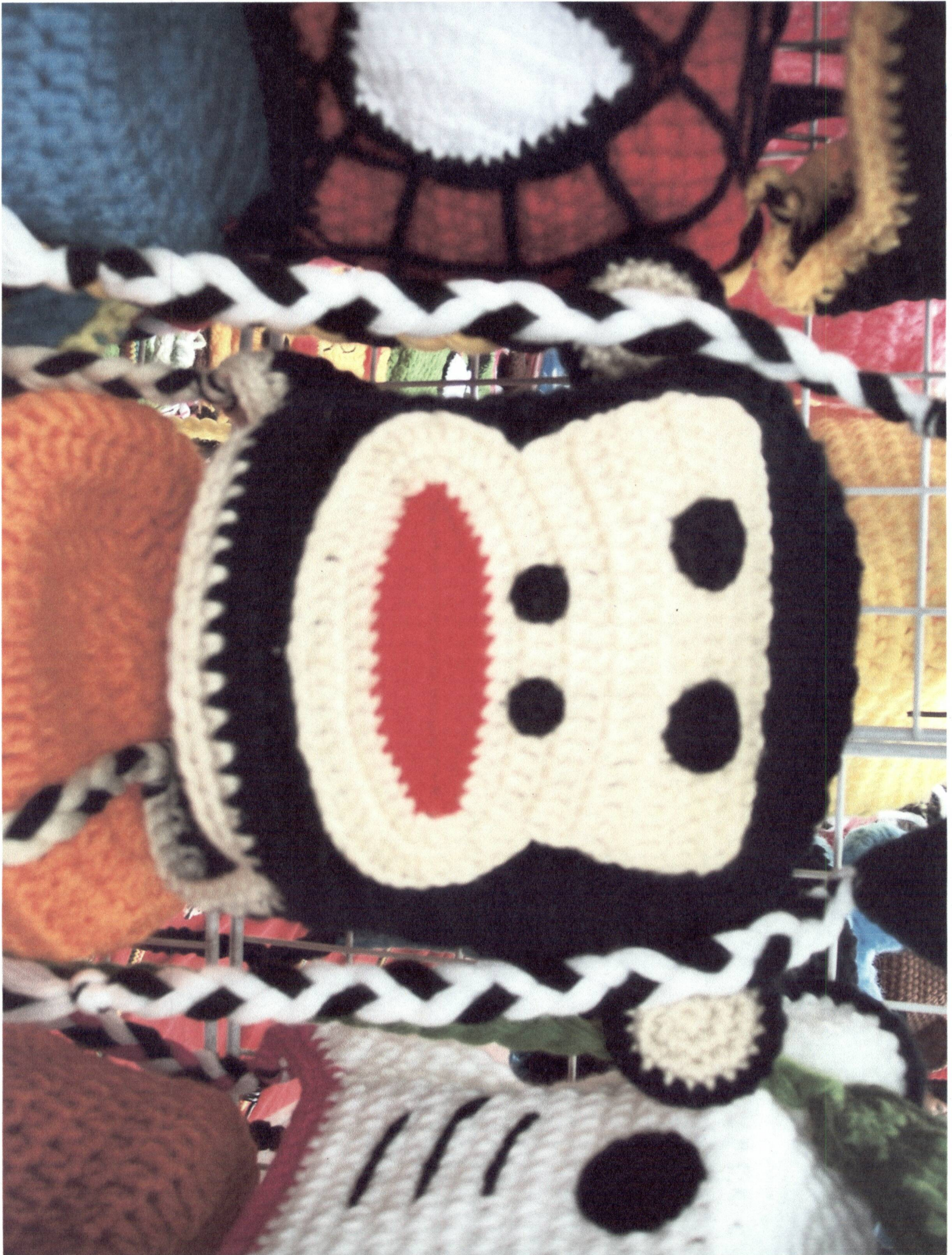
Xue You Mai

is hereby authorized to display and vend in designated areas the following
arts and crafts:

crochet hats

Xue You MAI

Signature of Artist



12 June '13

Studio Visit

present: Committee Members: Grant, Thompson,
Tibber, Decosso

Staff: Director Layan, Program
Assistant Lycassis

Director Layan presented a number of commercial hats bought in I.P. Chinatown. They included but were not limited to Bat Man, Spider Man, Angry Bird and Pikachu crocheted hats. These hats had been finished w/ an overlock machine. Committee member Thompson observed that they artist made hats differed in the quality of stitch, shape and outline of features and overall tightness of fabrication / design. An overlock machine had been used in the commercial hats. Committee member Grant documented the above mentioned hats in photos with the commercial hats, the right hand image and the artist made hats the left hand image.

artists Xue Yan Mai ^{white, yellow} and Xue Xia Mai ^{angry bird} began to crochet a ^{black} red, and a green hat at 1015 hrs. The angry bird hat took two artists, 60 minutes, finishing hat at 1115 hrs. Committee members Grant and Thompson observed a notable difference in the Spider Man overlay on the Spider Man hats. Commercial hats evidenced a Spider Man overlay found and photographed on one mentioned artists table. The Spider Man hats presented during the studio visit did not match either the hats bought in Christown or the items photographed on the artists table.

General discussion about crochet hat fabrication w/ ~~regard~~ regard to amount of yarn to crochet versus knit, formula of fabrication / sale price / time to fabricate.

The angry Bird hat made by the 2 artists did not match either the studio / artist stock or the commercial hat bought in A.R. Christown.

Notable differences in the studio / artist back
stach, hat made for committee and commer-
cial hat bought in Chinatown were:

A.) Commercial hat and many of hats
photographed on artist display carried:

- I.) Flat eyes
 - II.) Small pointy head feather tuft
 - III.) Thin flat eyebrow
 - IV.) Pointy flatish beak
 - V.) Thick, heavily wrapped side ties
 - VI.) Many thin rows of crochet made w/
small needle.
-

B.) Studio visit, artist made hats carried:

- I.) Rounded puppy head feather tuft
 - II.) Puppy eyes w/ centered and/or larger
high light on pupil.
 - III.) Puppy eyebrows
 - IV.) Rounded puppy beak.
 - V.) Thin minimally wrapped side ties.
 - VI.) Fewer rows of crochet made w/ large
needle.
-

Summation Re: Angry Bird Hats

Hats displayed on artist table and/or in

photographs did not match studio visit
artist made hats or artist back stock.

artists moved on to create a red + white
spidee man hat. They started the hat at
1130 hrs. The artists finished the spidee man hat
at 1220 hrs.

The Committee observed 3 Spider Man
hats, one made by 2 artists during studio
visit, one commercial hat brought in I.R.
Chinatown and one artist back stock.

Summation re: Spider Man Hat

The artist made hat matched the
back stock hat. These two hats did
not match the commercial hat or
the hats photographed on artists display.

The Committee observed that
the Batman hats created by the artists
carried a hand cut bat emblem w/ un-
even wings. Said emblem was crocheted

in place. The hats photographed on
artist display and the commercial hat
brought in China town carried a commer-
cial hat emblem w/ overlaid stitched
edge. The emblem was glued to the hat.

There being no further business, the studio
visit ended at 1300 hrs.

Respectfully submitted,
Aileen Tilton (S) Committee Member

Studio Visit Report/ Invoice

Renée de Cossio

Wednesday, June 12, 2013

10:00am – 12:30 p.m.

SF Street Artists Program Members/Location:

Ms. Xue You Mai

Ms. Xue Xia Mai

[REDACTED]

I participated in a studio visit with fellow Street Artists Program Advisory Members, Jacqueline Thompson, Josie Grant and Susan Tibbon and with SAP Director, Howard Lazar and SAP Assistant, Alyssa Licouris, at the above location in order to investigate the authenticity of the craft making process of knitted hats by 2 SAP members (listed in bold above).

During our visit we reviewed, examined and compared the artists' current inventory of knitted hats. We also requested the artists to make 2 separate hats on their own while we timed and observed their process. We specifically requested them to make an "Angry Bird" hat and a "Spider Man" hat as these are a couple of the most common hats we see being sold on the street by SAP members. It should be noted that Howard Lazar brought 4 examples of knitted hats to the studio visit for comparison; he had purchased these in a store in Chinatown in late 2012. Two of the four hats were "Angry Bird" and "Spider Man."

We learned it took the artists approximately one hour to complete one crocheted hat from start to finish. While we watched them, committee members and staff compared photos taken of the hats presented at these artists' street booth in January 2013 and April of 2013.

Conclusion:

We noticed distinct differences in the hats the artists made during this studio visit with the ones that they were selling on the street in their SAP family unit booth. We also noticed distinct differences in examples of the hats they presented as *their inventory* with ones they sell in their booths. Additionally, through further close analysis of the photos, we discovered that the hats they were selling in their booth appeared identical to two of those that Howard Lazar had purchased from a store that he brought along to the studio visit.

Transportation fees:

I drove my own vehicle and used street parking.

No fee for parking.

Mileage from my residence to the studio: 5 miles

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.

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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 2.408 of the Street Artists Ordinance. The Street Artists Program Committee will hold a public hearing on the certificate or renewal in accordance with Section 2.408. 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 2.409 of the Street Artists Ordinance.

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ACCESSIBLE MEETING POLICY

Per the American 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 (American 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.