



**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

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City and County of
San Francisco

**NOTICE OF WITHHOLDING OF CERTIFICATE OR
RENEWAL PENDING HEARING
(Charge of Serious Violation of Street Artist Ordinance)**

October 3, 2012

**Walter Molina
#8337**

Dear Mr. Molina:

Complaints 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:

September 16, 2012 at Justin Herman Plaza: Conducting business in an improper, disorderly and hazardous matter – battering a street artist (Jameson Christiansen) (Please see attached reports).

The above alleged violation is considered a **charge of serious violation** of the Street Artist Ordinance. The Arts Commission considers charges of serious violations of the Street Artists Ordinance to include “violations of a violent or threatening nature and violations that significantly threaten the integrity of the Street Artists Program.” Please see the attached “NOTICE TO STREET ARTISTS” describing the Arts Commission’s procedures with respect to such violations.

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 or renew 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 ISSUANCE OF CERTIFICATE OR RENEWAL OF CERTIFICATE.**” The “NOTICE OF HEARING” letter is attached to this letter.

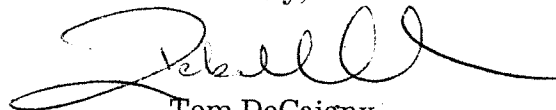
IF YOUR CERTIFICATE SHOULD EXPIRE PRIOR TO THE HEARING OR TO THE ISSUANCE OF THE COMMITTEE'S DECISION, YOUR CERTIFICATE WILL NOT BE RENEWED UNTIL ISSUANCE OF THE NOTICE OF THE COMMITTEE'S DECISION, IF SO, TO RENEW. PLEASE BE ADVISED ALSO THAT THE COMMITTEE HEARING MAY NOT NECESSARILY BE SCHEDULED PRIOR 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:

- Letter of Complaint_September 20, 2012 e-mail
- Letter of Complaint_September 17, 2012 e-mail with attached secondary report
- Letter of Complaint_September 18, 2012 e-mail complaint

Cc: All Arts Commissioners, Street Artists Committee

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 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.

incident

[REDACTED] on behalf of [REDACTED]

Sent: Thursday, September 20, 2012 9:19 AM

To: Lazar, Howard; Licouris, Alyssa

Cc: [REDACTED]; [REDACTED]

Hello all--I was in space [REDACTED] on Sunday and Jams was in space 6 being loud and obnoxious, hawking "flat garbage" at passers by and making comments like "go back to Russia" and "go back to China". I told John that I thought this was unacceptable and that he should be written up. It went on for quite awhile. Then Walter arrived and I noticed him and Jams verbally confronting and physically jostling each other. Then I saw Jams wheeling his display away, still making a ruckus and when he got near space 20 he hurled some insults at Walter about his mother and baby. Walter flew at him and there was a tussle with Felipe and Jenifer M and Rebecca and AB attempting to restrain both Jams and Walter.

Jams has also been disruptive at some of the lotteries lately. In one instance he took a long time, grabbing the map and verbally comparing spaces of his choice and then stopping to flip a coin to make his decision.

Thanks, [REDACTED]

Incident at Plaza, Sunday, September 16

Sent: Monday, September 17, 2012 8:43 PM
To: Licouris, Alyssa; Lazar, Howard
Cc: [REDACTED]
Attachments: Scan001.jpg (2 MB)

Hello Howard,

On Sunday, September 16, at about 10:20 am, fellow street artist Walter Molina, # 8337 (10/23/2012) physically assaulted Jameson (Jams) Christiansen, # 8582 (12/14/2012).

Attached is a report by eye witness [REDACTED], # [REDACTED] and I asked other witnesses to email you directly or email me to forward to you. You should therefore expect witness accounts from: [REDACTED]

Jams, like other street artists, squatted space 6, Walter's space. (He had selected space 48 at the lottery). He began squatting from about 8:45 am or 9:00 am. Walter had marked his space with a table and went back to sleep in his truck. Jams was loud and obnoxious to the point where [REDACTED] recommend I write him up. This went on and off for about an hour and a half or so when Walter came from his truck and heard Jams's tirade, got into an argument and when I turned my back, Walter charged and physically attacked Jams, where [REDACTED] also got involved. I turned around to see [REDACTED] restraining/holding Jams while Walter headbutted Jams in the head, and pushed him. From what I could see, Jams did not raise his hands or push Walter back, except try dodging and avoiding Walter. Rebeccah, and perhaps other street artists got in between to separate and stop the fight.

Jams, (like William T. et al), was being loud and obnoxious, and I should have been more forceful in telling him to shut up immediately. But I figured Jams was intoxicated, but then again if we did a urine test of everyone, we'd have a riot on our hands. Earlier, Jams had said something about the way I manage the plaza to which I said something like "oh well, if you don't like the way I'm doing it, why don't you run for manager?" but I can't quite remember what he said (because god damn it, many people say the same thing to me) so I chose to ignore Jams, like I ignore all my critics.

Some of the things Jams said was against the flat bottles which he insinuated 'flat garbage' then went on about 'angry bird hats' implying they can be bought on line etc etc, (these are accusations we hear on a daily basis from other street artists about other street artists, and we become kinda immune to it - or at least I've become immune to them). But Jams was loud, and I said to [REDACTED] I didn't particularly enjoy arguing with any street artist under the influence (of which we have a great many - but I don't urine samples to prove it).

But on hindsight, I should've told Jams to shut up and made him return to his space. Later, when I spoke to Walter he said he did what he did because Jams had insulted his mother and asked why I didn't I do something about Jams. I said to him I wouldn't have physically attacked Jams. Then Walter asked what would I have done if a street artist said racist things about me, and I said I've never hit any of them [as much as I wanted to, and about homophobic and anti immigrant remarks]. Then Walter said Jams should be sent home because Jams was drunk or high on drugs, and when I said I couldn't do that, he said he would go and insult Jams, to which I said if he did he would make his case worse.

I went to speak to Jams who said something should be done to cocaine addicts who become violent.

Later, [REDACTED] came to tell me that Walter had gone over to Jams's display and exchanged heated words with Jams. [REDACTED] were in space 47, next to Jams).

Later still, [REDACTED] said she spoke to Jams and said that Jams said what he said to Walter because of the incident a few weeks ago (on file: per [REDACTED] at the lottery when Walter interrupted the lottery causing him (Jams) to be excluded from the lottery.

[REDACTED]

2 [REDACTED]

not messaged a physical
attack on Sunday 14th
10:20 AM ^{10:30} between
Walter & James, Walter
physically attacked
James with his head
by putting his head into
James' head. I was
trying to pull them
apart next to my
shippery in Space [REDACTED]

FW: The events of the morning of 9/16..

Licouris, Alyssa

Sent: Tuesday, October 02, 2012 10:55 AM

To: Licouris, Alyssa

From: [REDACTED]

To:

Sent: Tue, Sep 18, 2012 9:31 pm

Subject: The events of the morning of 9/16..

Since my personal opinion of the two vendors is irrelevant, I'm only going to list the events of the morning of 9/16 as I remember them.

- I was setup in space [REDACTED]
- Walter had chosen space 6
- [REDACTED] and I had setup around 7am and I was sitting at a slight angle to the left so I was almost directly facing space 6
- Walter had put a large table in space 6
- While it was still somewhat dark, (the street lights were still on) Jams rolled his cart up to space 6 from the north end of the plaza and kicked the table off to the side saying something to the effect of, "Get your shit out of my space," and set up his cart there.
- [REDACTED] were setup in space 4(?) adjacent to Walter
- During the next two hours, Jams continually referred to flat bottles as flat garbage. He was hawking in space 6 against the flat bottles saying not to take it next door, but he would flatten all your garbage for however many dollars. Felipe was the main focus of Jams's rants, but occasionally, Jams would also talk down about other vendor wares in the near vicinity. As I remember, he did not speak out about our booth, [REDACTED]
- Around 9am, Walter came to space 6 and asked Jams to leave. Jams appeared to leave without any resistance, but as he crossed the corner around space 11, he said, "Oh, I have to throw something away." He runs toward a garbage can past space 6, but as he passed through space 6, he emptied his bag of whatever he intended to throw away as he crossed space 6 and just threw the bag away. It looked like a bag of popcorn.
- After throwing the bag away, Jams headed toward his cart again. Walter then came out of his space to get Jams to clean up the popcorn he left in his spot. Walter grabbed Jams by the collar of his jacket and starts to drag him back to space 6.
- As Jams was being pulled toward space 6, he started saying different spanish phrases along the lines of, "No comprendo," and "Chinga tu madre." These phrases were clearly audible as Jams spoke them clearly as a non-native speaker. Walter was also speaking spanish to him, but as I do not speak spanish, I don't know what Walter said.
- At his point, [REDACTED] had in to release the contact between Walter and Jams stating that vendors can argue with each other, but cannot touch each other.
- Walter then released Jams and headed back to space 6 while Jams made his way back to his cart.
- As Jams continued to push his cart, he continued with spanish phrases which sounded like, "Chinga tu madre."
- The last phrase I heard was, "Chinga tu madre and your baby too."
- After hearing this, Walter ran out of space 6 and grabbed Jams again. This time, he wrapped his hands around Jams from behind. Jams had an amused look on his face and began to laugh.
- When [REDACTED] saw Walter run toward Jams, [REDACTED] ran toward them as well looking to prevent any injuries. Before [REDACTED] got there. Walter headbutted Jams in the back of his head while Walter still had his grip around Jams's chest.
- I saw Jams's head whip forward, then backward from the headbutt. He had absolutely no reaction to the headbutt. He continued to laugh.
- After the headbutt, [REDACTED] was able to separate Walter and Jams.
- This ended the incident

After the incident, talking to different vendors, I heard a couple rumors about Jams actually making a sign that said he would flatten your garbage for some amount of money. It appeared to me that Jams was under the influence of some substance. As a self defense instructor, I know that most people, after receiving a headbutt would either be knocked unconscious, or show some sign of pain. Jams did not display either of these reactions. I did not see a sign about flat garbage, and did not see Jams with any drugs or alcohol so I cannot confirm any of these suspicions.

If my opinion matters, [REDACTED] and I had talked about possible punishments for these transgressions. I believe that both parties merit disciplinary action. I feel that while suspension of a license is possible, I believe exclusion from the 6am lottery would be a more appropriate action. If a vendor has a license suspended, they could still just show up in the plaza as a regular customer. Exclusion from the lottery could potentially allow the vendor to work that day but not receive the