

Formal Complaint of Artist-Vendor Harassment, Intimidation, Abuse
and Common Unfair Law Competition
RE: Jeffrey Potter

Anne Trickey
SF Arts Commission
401 Van Ness Ave Room 325
San Francisco, CA 94102
cc: Kate Patterson
cc: Barbara Mumby

Victor Young
Sunshine Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Lucinda Page
Proprietor, Lucinda Page Designs LLC.



Dear Mx. Trickey:

I am writing regarding my personal experiences with street artist Jeff Potter.

I am also writing regarding a pattern and practice of long-term harassment, abuse, unprofessional conduct, theft of intellectual property, creating a hostile work environment, and undermining of my livelihood as artist-designer with a 25 plus year history of working as a Street Artist in San Francisco.

My understanding is that others have brought similar issues regarding Mr. Potter to the Commission's attention. Mr. Potter's behavior has been recorded in complaints and hearings that Mr. Potter has a pattern and practice of unprofessional business practice, harassment and hostility toward fellow artists, particularly female artists and that recommendations have been made to permanently revoke his street vendor licensure for the safety of the public and in consideration of fellow street artists.

I have also appended several other documented witness encounters and complaints that are recorded publicly.

I have appended firsthand witness accounts of numerous harassment, unpleasant and abusive personal encounters with Jeff Potter/ A.K.A. "The Peace Guy". Furthermore, Jeff Potter has escalated this long term campaign of harassment and abuse to theft of intellectual property and Common Unfair Law Competition. It has come to my attention by the public and other street artists that Mr. Potter has been

selling designs that are identical to my own. My unique jewelry designs and process have been the same since 1991, and I have been selling my metal jewelry sculpture creations as a street artist with the City of San Francisco beginning 1991.

As a street artist, Mr. Potter, AKA “The PeaceGuy” up until approximately five years ago sold tee shirts with Cats and Peace Symbols on them. He admired my designs, and I discovered that he was selling designs similar to mine and I asked him to stop copying my work. Mr. Potter became very angry and in retaliation began a long-term campaign of covert and overt harassment , workplace hostility and abuse.

This has affected my health and feelings of safety in my workplace and my business.

I have felt intimidation regarding coming forward with my complaint and concerns about Mr. Potter because I am aware that he has physically assaulted another street artist by slapping her backside, leaving a red welt. He has also screamed at the street artist manager. I am aware of at least two other artist-vendors that Mr. Potter has yelled at, all of them female. One recent incident involved a street artist vendor who had sold items to a customer. After purchasing from the street artist-vendor, the customer told Mr. Potter that because he was late/unavailable she decided to instead purchase jewelry from someone else. Mr. Potter then proceeded to yell at that street artist vendor who had sold items to the customer. This type of unprofessional behavior, intimidation and workplace bullying is unacceptable.

The behaviors I have personally experienced include:

Mr. Potter repeatedly took photographs of me, my backside, my table and designs. These incidents are recorded in prior arts commission hearing regarding Mr. Potters assault of another street artist in the videotaped recording and minutes of a formal complaint from 2016. My understanding is that a recommendation to have his license revoked immediately was requested at that time.

Mr. Potter has created a hostile work environment. Mr. Potter has gossiped about me and criticized my designs, my work and my manner of selling to customers to newer artists, fellow established street artists and members of the buying public. This has affected my reputation in known and unknown ways; and is unprofessional and causes me emotional and professional hardship.

Mr. Potter aimed a mirror reflecting sunlight directly at my face as I was speaking with a customer, causing distraction and affecting my ability to effectively communicate with my customer and sell my work. This is just one example of the repeated types of overt abusive behaviors I have been subjected to by Mr. Potter.

Mr. Potter has more recently (within the last month) begun selling identical designs. Members of the public, fellow street artists and others who are familiar with my unique designs have brought it to my attention that Mr. Potter is selling identical copies of my work. In addition to the five years of repeated harassment, abuse and unprofessional behavior Mr. Potter has taken it upon himself to steal my designs and pass them off and sell them as his own work. As a competitor, Mr. Potter has sold pieces identical to my own. Furthermore, in effect Mr. Potter *has been reaping the benefits of the original producer’s (my) hard work through misappropriation of its (my) good name and established reputation.*

This is Common Law Unfair Competition

III. <!--[endif]-->**Common Law Unfair Competition**

Common law unfair competition, by nature, is a much broader claim than trademark or trade dress infringement.⁴¹ A claim of common law unfair competition simply consists of an allegation that a competitor's product will mislead the public into believing that the competitor's product was actually designed by the original producer.⁴² In creating confusion, the competitor is reaping the benefits of the original producer's hard work through misappropriation of its good name and established reputation. Determinations of unfair competition are made similar to that of trade dress infringement. Here, a court will not focus on one particular feature of a product's trade dress, but will instead consider the product's overall impression from the standpoint of a member of the general public.⁴³

I demand Mr. Potter be removed immediately and permanently from the street artists guild in San Francisco.

I have consulted an attorney regarding Mr. Potter's copying of my unique jewelry designs, and due to the overt copying and retaliatory nature of his use of my designs to disrupt my business I have explored the following legal remedies (1) an injunction of further use of the offending product, (2) an award of actual damages including special damages and loss of profits, (3) punitive damages, (4) an accounting to the injured party by the offending party for all profits arising out of the offending product's sale, and (5) the destruction of any offending objects still in the offending party's possession or control.⁴⁵