

San Francisco Arts Commission

MEMORANDUM

Tom DeCaigny
Director of Cultural Affairs

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City and County of San Francisco

Date: June 7, 2018
From: Anne Trickey, Program Officer
To: Barbara Mumby, Director of Community Investments
Subject: Charges of Serious Violations of Street Artist Ordinance

Dear Director Mumby:

On Saturday, June 2, 2017, I received a call from artist Lucinda Page, license number 7436. Lucinda has been an artist in good standing for many years with the program. Throughout her time with the program, she has had multiple altercations with Jeff Potter, license number 7568.

According to reports by Ms. Page corroborated by other artists, Mr. Potter has gone out of his way to make Ms. Page feel unsafe at the market. He has complained loudly in front of other new artists and customers, about the way she sets up her booth and makes her sales. He has taken photos of her, both obviously and surreptitiously. He shone a mirror in her eyes while she was speaking to customers. He used language to bully her about her appearance.

After three years of this behavior, Mr. Potter and Ms. Page as well as other artists met with then Program Director, Howard Lazar in 2015. At that time, Mr. Potter made a verbal agreement saying he would no longer engage in his harassing behavior (see Attachment 1). However, Ms. Page states she continued to feel unsafe and targeted by Mr. Potter.

In May of 2017, Mr. Potter sexually assaulted another female artist in the program. At that time, I sent a memo to then Director Howard Lazar requesting we elevate the disciplinary procedure to a public hearing (see Attachment 2). Director Lazar concurred. The program's current disciplinary process allows an artist to request a meeting with the Program Director in lieu of a public hearing. Mr. Potter requested, and was granted a hearing. When Director Lazar met with Mr.

Potter at the office, other artists in the program came to witness and give public testimony. During this meeting, Ms. Page again said on record how he makes her feel unsafe at the market, engaging in targeted harassment towards her. Other female artists made similar statements both on and off record. Many of the female artists speaking off record feared retaliation from Mr. Potter. The result of this meeting was that Mr. Potter signed a letter saying he would not engage in harassing behavior (see Attachment 3).

On Saturday, June 2, 2018, Ms. Page left me a voicemail stating Mr. Potter has copied her jewelry design completely. Ms. Page has been working with the same design her entire tenure in the program. Mr. Potter has sold multiple types of art. Ms. Page believes he is copying her work in an attempt to affect her business, in addition to his other harassing behavior.

On Thursday, June 7, 2018, I spoke to Ms. Page about her options. I explained to her that the Arts Commission can only uphold an artist's copyright, not determine a copyright on their behalf. During our conversation, Ms. Page gave me additional information about Mr. Potter's harassment. Over the course of the day on Thursday, June 7, 2018, he continued to take additional photos of her and engage in such behavior as mouthing derogatory words towards her. Ms. Page repeatedly stated she feels unsafe. Other artists noticed Mr. Potter's behavior and brought it to Ms. Page's attention. Ms. Page intends to file a restraining order against Mr. Potter due to his harassment and intimidation.

On Monday, June 4, 2018, the Arts Commission held a full Commission and Staff strategic planning retreat. The goal of the meeting was to make a commitment as an agency to racial equity. The charge of equity means we must address the systematic structures of oppression where and when we can in our programs. In order to address this, the Arts Commission is moving forward with a Code of Conduct for artists who sell at the market, which explicitly states discrimination and harassment are prohibited. Mr. Potter's behavior is emblematic of long standing sexual harassment in the workplace against women. Mr. Potter has been given multiple chances to modify his behavior. Failing to address this issue would send a signal to the artists in the program that the Arts Commission does not care about their safety and well-being at the market.

I recommend that we move forward with the procedure for a "Serious Violation of the Street Artist Ordinance." I am recommending this course of action since Mr. Potter's behavior is ongoing and continuous. It is imperative that we maintain a safe space for artists at our market place. One that is free of sexual assault and targeted harassment.

"Charges of Serious Violations of 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 Program Director and Director of Cultural Affairs.) The Program Director receives a complaint of a serious violation as defined above. If the complaint is supported by evidence and/or a Police report or Art Commission staff report, the Program Director and Director of Cultural Affairs send the artist a "NOTICE OF WITHHOLDING OF CERTIFICATE OR RENEWAL PENDING HEARING" in forming the artist of the complaint and that his or her certificate will not be renewed pending a decision by the Program Committee. (In lieu of the foregoing, the Program Director has the option to simply submit the complaint for a Program Committee hearing to consider suspending or revoking the certificate.)"*

Sincerely,

Anne Trickey
Program Officer

Attachments

September 15, 2015 Program Director Hearing Summary
2017 Memo
June 14, 2017 Review of Alleged Street Artist Violation/Authorization of Certification