



SAN FRANCISCO ARTS COMMISSION

Xiuping Li file

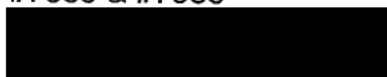
EDWIN M. LEE  
MAYOR

TOM DeCAIGNY  
DIRECTOR OF  
CULTURAL AFFAIRS

NOTICE OF WARNING

May 30, 2012

Xiuping Li & Zhenjie Feng  
#7935 & #7936



PROGRAMS

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

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Dear Ms. Li and Mr. Feng:

This is to inform you that a report was 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:

December 22, 2012 at Market Street – Exceeding display size requirements (Ord. 41-83, Section 2405(c). *By law, your booth must be no longer than four (4) feet, no wider than three (3) feet, and no higher than five (5) feet. These requirements also apply when you use the Buddy Space Sharing system with another artist. (Please see attached complaint and photos with author's name redacted)*

Please see the attached "NOTICE TO STREET ARTISTS" describing the Arts Commission's procedures with respect to such violations.

This is to respectfully request that you do not violate the Street Artist Ordinance.

If you wish to respond to this notice, please write to the Street Artists Program Director.

Sincerely,

Howard Lazar  
Street Artists Program Director  
Arts Commission

Attachments:

Notice to Street Artists  
May 24, 2012\_Complaint and photos

Cc: All Arts Commissioners, Street Artists Committee  
Director of Cultural Affairs Tom DeCaigny



CITY AND COUNTY OF  
SAN FRANCISCO



## SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE  
MAYOR

TOM DECAIGNY  
DIRECTOR OF  
CULTURAL AFFAIRS

### PROGRAMS

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## 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.

### **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.

12/10/1996



CITY AND COUNTY OF  
SAN FRANCISCO

## NOTICE OF HEARING - STREET ARTISTS PROGRAM COMMITTEE

San Francisco  
Arts Commission

Edwin M. Lee  
Mayor

April 3, 2013

Tom DeCaigny  
Director of  
Cultural Affairs

Xiuping Li

#7935



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

Dear Ms. Li:

A report has been filed with the Arts Commission that you allegedly violated Article 24 of the Police Code on the following date and in the following manner:

**1) Selling items not of your own creation: commercially manufactured knit and/or crochet hats. January 22, 2013.**

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 Program Committee on the following date and location:

**Wednesday, May 8, 2013 at 2:30 p.m. at  
25 Van Ness Ave, Suite 70, San Francisco, CA 94102**

You may bring to the hearing any evidence which you feel is relevant to your case. You may bring witnesses to testify on your behalf.

Failure to appear may result in a Program Committee recommendation of the penalty for the violation of which you have been charged. If this recommendation is approved by the Program Director you may either file an appeal with the Board of Permit Appeals within fifteen (15) days or request a re-hearing with the Program Committee within five (5) days from the date of the Program Committee meeting (see requirements for such request: 2<sup>nd</sup> page of the enclosed Arts Commission Hearing Procedure of Street Artists Violations: Penalties for Violations).



City and County of  
San Francisco

Pursuant to the Police Code, Section 2409, you are entitled to appeal the decision of the Program Director to the San Francisco Board of Appeals by filing an appeal within fifteen (15) days from the date of the Program Director's decision.

If you have questions, please write or call the Street Artists Program office at 415-252-2583.

Sincerely,

A handwritten signature in black ink that reads "Howard Lazar". The signature is written in a cursive, flowing style.

Howard Lazar

Street Artists Program Director

Attachments:

Arts Commission Hearing Procedure of Street Artists Violations;  
Penalties for Violations

Cc: All Arts Commissioners, Street Artists Committee



## **ARTS COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES FOR VIOLATIONS**

The Street Artist Ordinance, Proposition "L" approved by the voters on November 4, 1975, grants to the Arts Commission jurisdiction to regulate street artists and to issue street artist certificates. Proposition L makes it unlawful for any person to sell a handcrafted item in any public street or public place where it is permissible, without either a street artist certificate or a peddler's permit. It further prohibits the sale by a street artist of a handcrafted item in an area not designated for street artist activities without a peddler's permit. 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.

The Arts Commission may, but need not, require submittal of a Police report before proceeding with the denial, suspension or revocation of a street artist's certificate. The Arts Commission may proceed based on the submittal of a written report by its staff, a street artist, or by anyone. The procedures followed by the Arts Commission or other permit-issuing bodies for the suspension or revocation of permits is a civil proceeding separate and apart from any criminal sanctions that may be applicable.

In the event of the Arts Commission receiving notices of two convictions of criminal violations of street artist regulations by an artist, within a twelve-month period, the Commission may notify the artist that the certificate may be subject to review for possible suspension/revocation.

The Arts Commission is empowered to suspend or revoke a street artist's certificate, after a public hearing, both pursuant to its express power to revoke for good cause shown contained in the street artist regulations and under the general and discretionary powers granted to all permit-issuing departments as set forth in Sections 24 and 26 of Part III of the San Francisco Municipal Code.

Street artist violations are heard by the Commission's Street Artists Program Committee who makes recommendations for either acquittal, suspension, revocation, or denial of certification. The recommendation is submitted to the Program Director who may adopt or disapprove the recommendation.

Any suspension or revocation commences a minimum of fifteen (15) days after the Program Director's approval of the Program Committee's recommendation, allowing fifteen (15) days for the artist to file an appeal with the Board of Appeals.

Failure to appear for any violation hearing may result in a Program Committee recommendation of the penalty for the violation of which the artist has been charged. If this recommendation is approved by the Program Director, the artist may either file an appeal with the Board of Appeals within fifteen days or request a hearing with the

Program Committee within five (5) days from the date of the Committee hearing. Such request for hearing must be in writing and must state succinctly the grounds upon which such hearing is requested. If new evidence is relied upon as a ground for hearing, the request shall show: (1) the nature and character of the new evidence; (2) the names of the witnesses and/or a description of the documents to be produced; (3) why the evidence was not produced, and why the artist did not appear, at the original hearing.

There shall be a penalty of two (2) months suspension of certificate for a first offense of any of the following violations, and there shall be a penalty of revocation of certificate for a second offense of any of the following violations if the person has been found in violation by the Arts Commission within the twelve-month period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals: (1) Display of items not in accord with Arts Commission criteria; (2) Display of items not of the artist's own creation; (3) Display of items not certified by the Arts Commission; (4) Display of items by salesperson or another artist on behalf of a street artist; (5) Transference of certificate to any other person; (6) Display of items and/or participation in Arts Commission lottery by artist during period of certificate suspension; (7) Participation in Arts Commission lottery without a State Board of Equalization Resale Permit; (8) Signing in for more than one space on any given day (all lotteries included). (Lottery sign-up sheets will be kept by the Arts Commission for a period of six months.); (9) Failure to occupy a space for which the artist has signed. Occupying a space means an artist setting up the working display and the artist selling in the space for a minimum duration of three hours. In the event of a question of occupancy of a space, the Lottery Committee workers shall have available an Arts Commission document slip containing spaces for the signatures of three witnesses, to be submitted as evidence to the Arts Commission.

**Violations of Section 2405, Ordinance 41-83.** There shall be a penalty of three (3) weeks suspension of certificate for a first offense of any of the following violations, a penalty of six (6) weeks suspension of certificate for a second offense of any of the following violations, and there shall be a consideration of revocation of certificate for a third offense of any of the following violations if the person has been found in violation by the Arts Commission within the three-year period immediately preceding the current offense, and that finding has not been overruled by the Board of Appeals:

1) Selling, offering for sale, or soliciting offers to purchase in areas not designated by the Board of Supervisors.

2) Selling, offering for sale, or soliciting offers to purchase in areas designated by the Board of Supervisors which are not under the jurisdiction of an officer, board, or commission of the City and County:

a) More than four and one-half (4 1/2) feet from the curb line of any sidewalk.

b) Within eighteen (18) inches of the curb line of any sidewalk.

c) More than five (5) feet above any sidewalk.

(d) In an area more than four (4) feet long.

(e) Within seven and one-half (7 ½) feet of a sprinkler inlet or standpipe inlet (both wet and dry), measured from the outer edge of a standpipe bank from the building line to the sidewalk edge.

(f) Within twelve (12) feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.

(g) Obstructing a fire escape underneath and perpendicular from building to the street within five (5) feet from an end of the fire escape.

(h) On any sidewalk adjacent to a curb which has been duly designated pursuant to local ordinance, or regulation as one of the following: white zone, yellow zone, or bus zone.

(i) Within five (5) feet of any crosswalk.

(j) Within five (5) feet of any inflammable liquid vent or fill pipe, in either direction of the sidewalk when tanks are not being filled or within twenty-five (25) feet while tank is being filled.

(k) Within five (5) feet of the display of any other Street Artist.

(l) Within five (5) feet of a fire hydrant.

(m) Selling, offering for sale, or soliciting offers to purchase between the hours of 12:00 a.m. (midnight) and 6:00 a.m. of the following day.

(n) Failing to remove display and objects in an area designated by the Board of Supervisors by 12:00 a.m. (midnight); placement of display or objects in said area prior to 6:00 a.m., of the following day.

(o) Selling, offering for sale, or soliciting offers to purchase from any vehicle.

(p) Failing to maintain for the passage of pedestrians a space of at least eight (8) feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of Street Artist's activities. No portion of a Street Artist's activities shall be included in measuring the eight (8) foot clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit Street Artists to engage in their activities in specified locations where eight (8) feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding eighteen months.

On December 9, 1996 the Art Commission voted to endorse the Street Artists Program Director in implementing a provision of the street artist ordinance which authorizes the Program Director to refuse to issue or renew a certificate for a street artist if a report has been filed with the Art Commission that the artist has violated the ordinance, pending hearing by the Commission's Street Artists Program Committee.

Specifically, Section 5 of Proposition "L" (street artist ordinance) approved by the voters at the November 4, 1975 election states:

**Issuance of Certificate.** If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

The Art Commission's resolution, as follows, to implement Section 5, approved procedures that may be used to address violations in addition to, and may be taken with, the existing suspension/revocation procedures (described on the preceding pages):

**RESOLUTION NO. 1209-96-560:** Motion to approve Program Director's draft criteria and guidelines, as approved and amended by City Attorney and Program Committee, for implementing provision in Section 5 of Proposition "L" (Street Artist Ordinance) of November, 1975 election whereby a certificate shall not be issued (or renewed) if charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Art Commission; such criteria and guidelines to be made widely available; and that staff report to Arts Commission at a public hearing in six (6) months as to the impact of this change in enforcement of the Street Artist Ordinance.

After the Art Commission approved the procedures implementing Section 5, the following "NOTICE TO STREET ARTISTS" was sent to all certificate-holders, describing the procedures:

### **SAN FRANCISCO ARTS COMMISSION NOTICE TO STREET ARTISTS**

Section 5 of the Street Artists Ordinance allows the Director of Cultural Affairs to refuse to issue a street artist certificate or renewal if charges have been filed alleging deception or violation of the Street Artists Ordinance. The Arts 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.

**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 the 3 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 ARTISTS 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.

## OTHER AMENDMENTS TO HEARING PROCEDURES

On December 4, 1978, the Art Commission passed a resolution to enforce appointments for re-examination of wares of certificate-holders as requested by staff:

**FAILURE TO APPEAR AT RE-SCREENING:** If a Street Artist is unable to keep his appointment for re-screening, he must submit written notification to the Street Artists Program office stating reason(s) for inability to appear. Failure to appear for a second appointment will result in suspension of Certificate until his re-screening obligation is met.

On August 4, 1986, the Art Commission adopted the following

**TIME LIMITS FOR TESTIMONY IN HEARINGS ON ISSUES AND ALLEGED VIOLATIONS:**

The Street Artists Program Committee follow a procedure whereby the times of issues and matters be posted on each agenda and that speakers be allotted two minutes for comments, provided that the Committee, at its discretion, may increase the allotted time where there is just cause.

On April 7, 1987, the Art Commission adopted the following resolution:

**TIME LIMIT OF THREE YEARS ON COUNTING AN ARTIST'S VIOLATIONS OF SECTION 2405, ORD. 41-83.**

On August 1, 1988, the Art Commission adopted a **POLICY DIRECTING STREET ARTISTS TO REFRAIN FROM PARTICIPATING IN VIOLENCE:**

That it be the policy of the Arts Commission to expect street artists to walk away when violence is threatened, to do what is necessary to avoid violence, rather than to participate in violence, this being in keeping with the Arts Commission's power to suspend or revoke the certificate of any artist when, after public hearing, it appears that the artist was conducting his or her business in a disorderly, improper or hazardous manner.

On May 3, 1993, the Art Commission approved the following amendment to its **'HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES FOR VIOLATIONS'** which defers a suspension or revocation to a later time within one year (amending language in bold print; deletions in ((double parentheses))):

((Any)) A suspension or revocation commences ((two (2) weeks) fifteen (15) days after the Art Commission's resolution, allowing ((ten (10) )) fifteen (15) days for the artist to file an appeal with the Board of Permit Appeals (( . )), unless the Art Commission sets a suspension period or a revocation for a later time within one (1) year of the Commission's resolution. In the event the Art Commission sets a suspension period or a revocation for a later time, the artist, if wishing to appeal, must file an appeal with the Board of Permit Appeals within fifteen (15) days after the Art Commission's resolution.



**NOTE:** Certain provisions in the above amendment, as in the "HEARING PROCEDURE" itself, were superseded by Ordinance 291 -94; namely, the ordinance replaces the "Art Commission's resolution" with the Program Director's decision, and provides for the Street Artists Program Committee, rather than the Art Commission, to be the one who, through recommendation, sets a suspension period or a revocation subject to the approval of the Program Director, the Program Director's disapproval governed by certain restrictions.

On June 7, 1993, the Art Commission approved the following provision **LIMITING TESTIMONY:**

Motion to approve statement included on Program Committee agenda limiting testimony to three minutes and no witness to cross-examine another witness without Committee approval.

On June 7, 1993, the Art Commission approved the following amendment to its "HEARING PROCEDURE OF STREET ARTIST VIOLATIONS" providing for minimum of one (1) year between revocation of a street artist's certificate and Art Commission consideration of the artist's application for new certificate; hearing procedure; final revocation:

**POLICY PROVIDING FOR MINIMUM OF ONE (1) YEAR BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND ART COMMISSION CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE; HEARING PROCEDURE; FINAL REVOCATION:**

When a former certified street artist whose previous certificate was revoked submits application for a new certificate, there shall be a minimum of one (1) year's duration between the revocation of the previous certificate and Art Commission consideration of the application for new certificate.

The request for a new certificate shall be heard in the first instance by the Art Commission's Street Artists Program Committee. In its consideration of such request for a new certificate, the Program Committee shall calendar a hearing for the request, and the applicant shall be required to submit evidence in the form of witness testimony or documentation that the applicant is now able and willing to comply with the street artist ordinance.

The Program Committee shall submit its recommendation of approval or disapproval of the request to the full Art Commission who, by resolution, shall approve or disapprove the recommendation.

In the event of the Art Commission's disapproval of the applicant's request, the applicant is entitled, pursuant to San Francisco Charter Section 3.651, to appeal the decision of the Commission to the San Francisco Board of Permit Appeals. Part III, Article I, Section 8 of the San Francisco Municipal Code provides that any such appeal

must be filed within fifteen (15) days from the date on which the Art Commission by resolution makes its decision.

When the Art Commission revokes a certificate of a street artist for the second time, the second revocation shall be final, and no consideration shall be given by the Commission of any future application submitted by the revokee.

On September 6, 1994, the Art Commission approved the following amendment, as recommended by the Advisory Committee of Street Artists and Craftsmen Examiners, to the "HEARING PROCEDURE OF STREET ARTIST VIOLATIONS" by providing for **Advisory Committee re-examination of questionable street artist wares; warning to cease and desist selling questionable items; charge of violation for non-compliance:**

Any observation of a street artist's alleged first time non-compliance to the Art Commission's arts and crafts criteria as reported by two or more members of the Advisory Committee of Street Artists and Craftsmen Examiners, an Art Commissioner, or staff of the Street Artists Program, may be brought to the attention of the Director of the Street Artists Program who shall notify the artist to appear before the Advisory Committee of Street Artists and Craftsmen Examiners for a reexamination of the item(s) in question and to cease and desist selling or offering for sale the item(s). The Director shall warn the artist that failure to appear before the Advisory Committee may result, and failure to cease and desist selling the item(s) shall result, in a charge of violation of the Street Artist Ordinance for selling an item not in accord with Art Commission criteria.

On November 3, 1997, the Art Commission adopted the following policy to notify the Port Commission:

Motion to approve policy for Street Artists Program to notify Port Commission of street artist violators on Port property.

The above resolution implements Item "a", Exhibit 2, of Port Resolution No. 95-56; this resolution, passed by the Port Commission on June 27, 1995, in reference to the street artists' spaces on Port property (Jefferson Street), is attached following the resolutions herein reprinted.



**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

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



City and County of  
San Francisco

April 3, 2013

Xiuping Li  
#7935



Dear Ms. Li:

A report has been filed with the Arts Commission that you allegedly violated Article 24 of the Police Code on the following date and in the following manner:

- 1) **Selling items not of your own creation: commercially manufactured knit and/or crochet hats.** (Please see Inspector's Report and photos from January 22, 2013).

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, or to suspend or revoke 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."** You will also be mailed, or you may already receive with this letter, a **"NOTICE OF HEARING"** to appear at the hearing.

**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,  
Police Code Section 2409 entitles you to appeal the decision to the Board of  
Appeals by filing an appeal 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  
Arts Commission

Attachments:

- 1) January 22, 2013 - Inspector's Logbook, 2 photos:
- 2) Notice to Street Artists

Cc: All Arts Commissioners, Street Artists Committee  
Director of Cultural Affairs Tom DeCaigny

Li file

To: Howard  
From: Josie  
Monitoring Beach Street/ Jefferson St  
Saturday April 20 2013  
Solo

I went out and there were a plethora of artists. Most did not have their license on display at first- until I arrived and they saw me coming!

Lots of Fun Sketch artists on Beach St. due to closure of other areas  
I took pictures of 3 Hat Artists-  
Some are showing different images and are demonstrating knitting.

7936 ZHEN JIE FENG - Beach St. @ larkin  
His license is for knit hats & scarf's & wire names.  
4 Photos

5991 MAN WA AMENNUNO - Hyde St  
No longer is displaying animal Hats - only pigs hats that she has made.

7935 XIUPING LI - Beach St.  
Was knitting at her stand with matching yarn to hats- that had different faces than before.

7563 RONG BINYU - Hyde St. @Beach  
Hats show different faces than we have seen. (Cyclopes, monsters, etc)

3 pics

ARTIST INSPECTION CHECKLIST

INSPECTOR NAME(S): Grand  
DATE: June 2 DAY: Sun  
TIME: 2:15 LOCATION: Beach St  
ARTIST NAME: XUPING LI  
LICENSE: 7935 EXP. DATE: 3/10/14  
CRAFT: KNIT HATS  
CERT. PROMINENTLY DISPLAYED? (Y) N  
VIOLATIONS:  
1. DISPLAY OF ITEMS NOT IN ACCORD WITH  
CRITERIA (QUANTITY \_\_\_\_): \_\_\_\_  
2. DISPLAY OF ITEMS NOT OF THE ARTIST'S OWN  
CREATION (QUANTITY \_\_\_\_): \_\_\_\_  
3. DISPLAY OF ITEMS NOT CERTIFIED BY SAP  
QUANTITY \_\_\_\_): \_\_\_\_  
COMMENTS: KNITTING AT  
STAND  
HATS HAVE A HANDMADE  
(NOT MACHINE) LOOK  
EVEN WITH BIRD/ANIMAL  
FACE

ARTIST INSPECTION CHECKLIST

INSPECTOR NAME(S): Colan  
DATE: April 20/13 DAY: Beach St  
TIME: \_\_\_\_ LOCATION: \_\_\_\_  
ARTIST NAME: XUPING LI  
LICENSE: 7935 EXP. DATE: March 10.14  
CRAFT: \_\_\_\_  
CERT. PROMINENTLY DISPLAYED? Y N  
VIOLATIONS:  
1. DISPLAY OF ITEMS NOT IN ACCORD WITH  
CRITERIA (QUANTITY \_\_\_\_): \_\_\_\_  
2. DISPLAY OF ITEMS NOT OF THE ARTIST'S OWN  
CREATION (QUANTITY \_\_\_\_): \_\_\_\_  
3. DISPLAY OF ITEMS NOT CERTIFIED BY SAP  
(QUANTITY \_\_\_\_): \_\_\_\_  
COMMENTS: 1 person sitting  
KNITTING AT STAND  
w/ machine & yarn  
made hats

**San Francisco  
Arts Commission**

**REQUEST FOR STREET ARTIST STUDIO VISIT**

Edwin M. Lee  
Mayor

April 26, 2013

Tom DeCaigny  
Director of  
Cultural Affairs

Xiuping Li & Zhenjie Feng  
#7935 & #7936

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



City and County of  
San Francisco

Dear Ms. Li & Mr. Feng:

On April 3, 2013, the Arts Commission's Street Artists Program notified you (Xiuping Li) that you allegedly have been in violation of the Street Artists Ordinance for selling items not of your own creation: commercially manufactured knit and/or crochet hats. You were notified to appear for a hearing on May 8, 2013 to be conducted by the Arts Commission's Street Artists Committee to determine whether you have been in violation and, if so, to determine a penalty for the violation.

**This is to hereby inform you that the May 8, 2013 hearing has been cancelled and we will instead conduct a studio visit with you to verify that you make the knit and/or crochet hats that you have been selling.**

If you maintain that you do exclusively make your knit and/or crochet hats, you are hereby offered an opportunity to request the Street Artists Program office for an appointment with the Advisory Committee of the Street Artists and Crafts Examiners to come to your studio and watch you prove that you make the above items. (Under the provisions of the Street Artists Ordinance, the Arts Commission has the authority to visit an artist's studio or workshop to further verify that the items for certification are items of the artist's own creation.)

If you fail to request an appointment with the Advisory Committee, the Street Artist's Program will refuse to issue a renewal of your certificate, and the charge of your allegedly selling items not of your own creation will be submitted to the Arts Commission's Street Artists Program Committee for hearing. If the Program Committee finds you in violation, a penalty on your

April 26, 2013

Page 2

certificate may be imposed. (Penalties may be suspension or revocation of certificate or denial of issuance of renewal.)

In order to prove that you are the creator of the knit and/or crochet hats that you have been selling (photos of these hats were included with the notice we sent you on April 3), please arrange a studio visit with the Advisory Committee of Street Artists and Crafts Examiners. Please telephone (415) 252-2581 for a studio visit to be held at your studio or workshop within the next thirty (30) days.

For examination, you will be required to produce the following:

- Raw materials that you use in the making of the hats;
- Your tools;
- Receipts over the past 3 years clearly showing your name as the purchaser of your materials as well as showing the volumes of materials you purchased;
- At least 3 dozen hats that you normally sell from your street artist display;
- At least 1 dozen unfinished hats in various stages of completion.
- **Your demonstrating every stage of production of your hats, from beginning to end. You should be prepared to make a significant quantity of the hats, as we will time you in your output.**

Again, please be advised that should you refuse to follow the above procedure - or should it be found by the Advisory Committee that you are unable to produce the items described above - the Street Artists Program Committee will consider whether your certificate shall be renewed and/or whether it should be suspended or revoked for selling items not of your own creation.

**We require that all members of your family unit attend and demonstrate how you each contribute and work together to create your knit and/or crochet hats.**

Sincerely,



Howard Lazar

Street Artists Program Director

HL: al

**San Francisco  
Arts Commission**

Edwin M. Lee  
Mayor

Tom DeCaigny  
Director of  
Cultural Affairs

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City and County of  
San Francisco

**REQUEST FOR STREET ARTIST STUDIO VISIT**

April 26, 2013

Xiuping Li & Zhenjie Feng  
#7935 & #7936

Dear Ms. Li & Mr. Feng:

On April 3, 2013, the Arts Commission's Street Artists Program notified you (Xiuping Li) that you allegedly have been in violation of the Street Artists Ordinance for selling items not of your own creation: commercially manufactured knit and/or crochet hats. You were notified to appear for a hearing on May 8, 2013 to be conducted by the Arts Commission's Street Artists Committee to determine whether you have been in violation and, if so, to determine a penalty for the violation.

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If you maintain that you do exclusively make your knit and/or crochet hats, you are hereby offered an opportunity to request the Street Artists Program office for an appointment with the Advisory Committee of the Street Artists and Crafts Examiners to come to your studio and watch you prove that you make the above items. (Under the provisions of the Street Artists Ordinance, the Arts Commission has the authority to visit an artist's studio or workshop to further verify that the items for certification are items of the artist's own creation.)

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April 26, 2013

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For examination, you will be required to produce the following:

- Raw materials that you use in the making of the hats;
- Your tools;
- Receipts over the past 3 years clearly showing your name as the purchaser of your materials as well as showing the volumes of materials you purchased;
- At least 3 dozen hats that you normally sell from your street artist display;
- At least 1 dozen unfinished hats in various stages of completion.
- **Your demonstrating every stage of production of your hats, from beginning to end. You should be prepared to make a significant quantity of the hats, as we will time you in your output.**

Again, please be advised that should you refuse to follow the above procedure – or should it be found by the Advisory Committee that you are unable to produce the items described above – the Street Artists Program Committee will consider whether your certificate shall be renewed and/or whether it should be suspended or revoked for selling items not of your own creation.

**We require that all members of your family unit attend and demonstrate how you each contribute and work together to create your knit and/or crochet hats.**

Sincerely,



Howard Lazar

Street Artists Program Director

HL: al



I'm Ping, my number is 7935.

I keep knitting hats everyday, all the people next to me can verify that.

我每天都在不停的织帽子，所有和我摆在一起的人都能证明这一点。

If you have seen that I keep knitting hats during work on the street, please sign here. Thank you very much!

如果您看见我在摆摊的时候总是在织帽子，请帮我在这里签字。谢谢！

Frankie Lam 3470

Jane 5728

Stella Wu 5039

Ching Sun 2267

Alan Kwan 435

Fang Qi 8205

SU CHU MA 5233

SH. Fai YAN 5232

SNK Kum Kwok 6066

Louie 7442

Ang Fanny 6003

Joe Li 4213

Goat Lee 2658

Zhang CHEN 4017

Shu Jiaming 5090

Chik Yik Siu 2699

Rina Lin 6009

Yu Chen 2332

YUAN 8724

Zhong Ya Wang 8725

Zibo Jie 2616

JUDUAN CHEN 8128

TANY (945)

HERBERT 4623

Xiuping Li' file

To: Howard  
From: Josie Grant  
Monitoring ~~Beach Street~~/ Hyde St.  
Sunday June 2 2013  
Solo

I was suppose to met up with Renee- but after waiting over 30 minutes I went out on my own- and then went back to Starbucks- no return calls although I left about 4 messages-- - a bit strange- not sure she is ok-  
As that was very irresponsible-  
otherwise- I took pictures of 4 Hat Artists-  
Some are showing different images and are demonstrating knitting.

I relies that this is almost the same group of hat artists that I took pictures of on April 30 2013-

7936 ZHEN JIE FENG – Beach St.@ larkin Animal Hats  
His license is for knit hats & scarf's & wire names.  
3 Photos

5991 MAN WA AMENNUNO – Hyde St  
has a few mad bird Hats – I suggested that she sell ones that don't look like everyone elses- she is confused as it seems like everyone else can sell them- she only had a ffe and sai she would not sell them- only the pig hats that she has made.  
2 photos

✓ 7935 XIUPING LI – Beach St.  
Was knitting at her stand with matching yarn to hats- that had different faces than before. She is knitting as she works-as does Man Wa- and her hats seem to have different yarn and faces look individually made.  
3 photos

7563 RONG BINYU - Hyde St. @Beach  
Hats again- before I nod that they seemed to be different faces than we have seen. (Cyclopes, monsters, etc). Needs to be rescreened I think-  
3 photos

Those who did not have their license out nor available-

# 6075 - Michael Andario - Beach St. He said it is ok till August-

#8212 - Maria Sanchez - Hyde St

# 8528 – Juduan Chen - Beach St.  
he had his in his wallet as it was windy

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Arts Commission**

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City and County of  
San Francisco

July 11, 2013

Xiuping Li

#7935



Dear Ms. Li:

The Arts Commission's Advisory Committee of Street Artists and Crafts Examiners has requested to visit you at your studio and observe you produce each of the items in question (commercially manufactured knit and/or crochet hats)

In keeping with their request, and after consulting with you on appropriate dates and times, we have scheduled the studio visit with the Advisory Committee as follows:

**Tuesday, July 23, 2013 at 10 a.m.**  
at your studio at 1363 Gilman Avenue, San Francisco, CA 94124

As stated in our April 24, 2013 letter, you will be required to show the following at your studio visit:

- Raw materials that you use in the making of the items;
- Tools you use in the making of the items;
- Receipts over the past three (3) years clearly showing your name as the purchaser of your materials as well as showing the volumes of materials you purchased;
- At least 3 dozen hats that you normally sell from your street artist display;
- At least 1 dozen unfinished hats in various stages of completion;
- Your demonstrating every stage of production of your hats, from beginning to end. You should be prepared to make a significant quantity of the hats, as we will time you in your output.

Should the Advisory Committee determine that you are not the creator of the items you are selling, you will subsequently be notified of a hearing with the

July 11, 2013

Page 2

Street Artists Committee which will receive the findings of the Advisory Committee. Upon receiving the findings, the Street Artists Committee will determine whether your certificate shall be issued or renewed and/or whether it should be suspended or revoked for selling items not of your own creation and/or selling items not certified by the Arts Commission.

Should you prevent the Advisory Committee from performing this studio visit, the charge of your allegedly selling items not of your own creation will be submitted to the Arts Commission's Street Artists Program Committee for hearing.

Sincerely,

A handwritten signature in cursive script that reads "Howard Lazar".

Howard Lazar

Street Artists Program Director

HL:al

li file

sfac

**San Francisco  
Arts Commission**

July 25, 2013

Edwin M. Lee  
Mayor

Tom DeCaigny  
Director of  
Cultural Affairs

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Xiuping Li

#7935



Dear Ms. Li:

The Arts Commission's Advisory Committee of Street Artists and Crafts Examiners has requested to visit you at your studio and observe you produce each of the items in question (commercially manufactured knit and/or crochet hats)

In keeping with their request, and after consulting with you on appropriate dates and times, we have scheduled the studio visit with the Advisory Committee as follows:

**Tuesday, August 6, 2013 at 10 a.m.**

**at your studio at 1363 Gilman Avenue, San Francisco, CA 94124**

As stated in our April 24, 2013 letter, you will be required to show the following at your studio visit:

- Raw materials that you use in the making of the items;
- Tools you use in the making of the items;
- Receipts over the past three (3) years clearly showing your name as the purchaser of your materials as well as showing the volumes of materials you purchased;
- At least 3 dozen hats that you normally sell from your street artist display;
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City and County of  
San Francisco

July 25, 2013

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Should you prevent the Advisory Committee from performing this studio visit, the charge of your allegedly selling items not of your own creation will be submitted to the Arts Commission's Street Artists Program Committee for hearing.

Sincerely,

A handwritten signature in cursive script that reads "Howard Lazar".

Howard Lazar

Street Artists Program Director

HL:al

## Studio Visit Notes – Xiuping Li

Artists Present: Xiuping Li

Staff Present: Howard Lazar, Alyssa Licouris

Advisory Committee Members Present: Susan Tibbon, Jacqueline Thompson, &  
Josie Grant

Translator: Julia Fong (friend of the family)

Others present: Guangshu Feng (daughter), Dan Payne (friend of the family)

Location: Home/Studio – 1363 Gilman Avenue, SF

Date & Time: August 6, 2013 at 10 a.m.

The artist presented a signed petition of 23 street artist signatures agreeing that Xiuping Li knits everyday on the streets. A copy of the petition was given to the Committee.

The artist was asked to create an Angry Bird hat and Spiderman hat.

Advisory Committee Members (ACMs) noticed that the artist's studio was very well organized. There were many skeins of matching yarn, different sized crochet hooks and scissors, finished and unfinished hats as well as many organized boxes of finished facial features. The ACMs agreed that the artist had an understanding and knowledge of the variety of her tools. The artist had a well-lit work station and she presented the Committee with the books she uses for her ideas. The artist had a variety of different hat designs that she presented to the Committee such as Hello Kitty, Angry Bird, Spiderman, Panda, Skeleton, Spiderman, Owl, etc. ACMs observed that the artist crochets with a larger crochet hook therefore creating a larger stitch which also speeds up her process. ACMs stated that they noticed that the artist's stitch is larger than the stitch of the commercially manufactured hats.

The artist started the Angry Bird hat 10:50 a.m. The ACMs were impressed by the speed of her crochet skills. The artist attached her premade facial features to the Angry Bird hat body. She completed her Angry Bird hat at 11:30 a.m. The ACMs agreed that her Angry Bird hat matched all of the Angry Bird hats of her backstock as well as her hats shown in the monitoring photos in size, shape, placement of features and appearance of the stitches. While the artist created her hat in a quick amount of time, it was similar to that of the other artists seen by the Committee.

The artist provided two receipts written in Chinese from January 2012 and April 2010. The artist's friend/translator had a hard time reading the receipts. The ACMs noticed that many of the skeins of yarn had Jo Ann's label codes on them.

The artist started the Spiderman hat at 11:40 a.m. Unlike the other artists, Ms. Li's Spiderman eyes are more rectangular in shape and less puffy. She also crochets the webbing into the hat instead of creating a separate piece of webbing that is applied to the hat which also saves more time so she can create more hats in less amount of time. Her webbing is applied on the front side of the hat in a circular shape which matches the hats on her display in the monitoring photos. She finished her Spiderman hat at 12:40 p.m.

From the preponderance of evidence seen at the studio visit of Ms. Xiuping Li, the Advisory Committee verified that she is fully capable of producing her own crochet animal character hats.

Notes taken by Alyssa Licouris, Street Artists Program Assistant



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City and County of  
San Francisco

ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTS  
EXAMINERS

Studio Visit

Tuesday, August 6, 2013

NOTES

Members (P = Present):

P Josie Grant

\_\_\_ Renée de Cossio

P Susan Tibbon

\_\_\_ Jennifer Morningstar

P Jacqueline Thompson

Staff (P = Present):

P\_x Program Director Howard Lazar

P\_x Program Assistant Alyssa Licouris

Meeting convened:

10 a.m.

Artists:

Xiuping Li (#7935)

Studio/home address:

Craft to be inspected:

knit & crochet hats

Other attendees:

- Dan Payne - Friend, brother in law.
- Julia Fong - Friend, family member.
- Guangshu Feng - Daughter of artist

6 august 2013

**sfac** san francisco  
arts commission

Studio Visit



1000 hrs.

- 1.) artist Ping presented a signed petition of over a dozen signatures from various St. artists attesting to the veracity of artist Ping's testimony that she makes all of her hats (addendum I.)
- 2.) artist Ping showed her studio area, the area contained:
  - A.) over 150 skeins of yarn, which matched artists finished hats, approx. 200 in number.
  - B.) over 300 balls of yarn, which matched artists finished hats, approx. 200 in number.
  - C.) 2 receipts written in Chinese, from 2 Jan. 2012 + 5 April 2010. Receipt #s. 009059 + 0090398 (see addendum II)
  - D.) 7 Boxes of approx. 350 crochet beads, eyes, ears which matched the finished hats in artists studio, approx. 200 in number. artist utilized these elements as she crocheted hats in the committee.

6 august 2013

I

I'm Ping, my number is 7935.

I keep knitting hats everyday, all the people next to me can verify that.

我每天都在不停的织帽子, 所有和我摆在一起的人都能证明这一点。

If you have seen that I keep knitting hats during work on the street, please sign here. Thank you very much!

如果您看见我在摆摊的时候总是在织帽子, 请帮我在这里签字。谢谢!

Frankie Lam 3470

James 5728

Stella Wu 5039

Clara Sun 2267

Alan Kwan 435

Fanny Li 8205

Su Chu Ma 5233

Shirley YAN 5232

Suk Kum Kwok 6066

Louise 7442

Angie Fung 6003

Joe Li 4213

Bob Lee 2658

Charles CHEN 4017

Shirley Yung 5090

Chik Yik Siu 2649

Rita Lin 6009

Yu Chiu 2332

YUAN 8724

Hong Yu Wang 8725

Zibo Xie 7616

JUDUANCHEN 8128

TANY (945)

E.) a dedicated work area where artist Ping crocheted an angry bird hat at 1050 a.m. Hat was finished at 1130 a.m. artist is <sup>extremely</sup> ~~extremely~~ proficient w/ her craft.

3.) The committee observed:

a.) Photos taken on street matched the approx 200 finished hats displayed in artists studio.

b.) Unlike purchased hats from L.P. Chinatown retail stores, artist Ping's hats did not have a contrasting color edge.

c.) With respect to the Spider Man hat, the artists hats, both in photos and displays in studio bore Spider Man web on front of hat only, unlike the back and front webbing noted in purchased hats. artist crochets webbing into hat.

d.) Artists Spider Man hats bore rectangular unpadded eyes, unlike commercial hats which bore padded eyes in triangular shapes.