

December 13, 2021

Board of Supervisors President Shamann Walton
Supervisor Aaron Peskin
Supervisor Rafael Mandelman
Supervisor Connie Chan
1 Dr. Carlton B. Goodlett Place
San Francisco, Ca. 94102

Dear Supervisors:

I am submitting this letter in connection with today's hearing before the Board of Supervisors Rules Committee regarding certain votes which I took in 2015 and 2017 on matters before the Board of Appeals.

I want to emphasize at the outset that I have been honored to serve on the Board of Appeals, as an appointee of the Mayor for eight years, and of the Board of Supervisors for one year. I take this position very seriously, and spend a significant amount of time every month reviewing documents, talking to City staff, and attending hearings. I am proud of the work which I have done on the Board.

I also want to emphasize that I take compliance with all ethics and transparency laws seriously. I always pay attention to whether I need to recuse myself from a matter because I have done work for the party appearing before the Board, and have requested guidance from the City Attorney's office on numerous occasions. In fact, I have noted several times when I have done work with a party's representative, and have recused himself from numerous matters over the years when I have received income from the party within the prior 12 months.

Since the Mission Local article appeared in October, I have begun going through my records and have even reviewed several videos of the 2015 and 2017 meetings in order to determine whether I should have recused myself from those matters. I believe that I acted properly in all of these matters because, to the best of my recollection, I had not received income from those parties in the prior 12 months. I nevertheless look forward to closely reviewing the matters with the Committee in order to make certain I complied with all legal requirements.

You sent me a letter 10 days ago requesting my agreements with the parties and certain other documents. I have started looking for these documents, and have asked my brokerage firm to do the same. However, because your request goes back to 2013, I am not able to provide the documents at this time, and some of these documents may no longer exist.

I respect the Committee's interest in getting to the bottom of the situation, and I am as interested as are you in making certain that I understand the conflict of interest rules and that I recuse myself when legally required to do so. I also want to emphasize that I will of course cooperate with the Rules Committee's inquiry. However, I am not in a position to answer questions at this hearing about specific Board of Appeals matters or specific financial transactions. Because the Committee is looking at whether I complied with City law, I could potentially face legal liability in an enforcement matter brought by the Ethics Commission, City Attorney's office or District Attorney. In light of this potential liability, my attorney, Jim Sutton, has advised me that I should not any answer specific questions in a public meeting at this time.

In sum, I am requesting more time to compile all relevant documents and review the facts and law with my attorney so that I will be in a better position to answer questions about the 2015 and 2017 votes. I expect to be able to provide the Committee with all relevant information about these votes after the holidays, by Friday, January 7, 2022. I therefore respectfully request that the Committee re-schedule this hearing for a date in late January, which would give the Committee the opportunity to review this information and therefore have a more productive discussion at a future hearing.

Again, I look forward to assisting the Committee in understanding all of the facts relating to my participation in these Board of Appeals matters, and appreciate your cooperation in giving me more time in order to comply with your request.

Sincerely,



Darryl Honda

cc: James R. Sutton, Esq.