

File No. 211067

Committee Item No. 2

Board Item No. 16

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Nov 8, 2021

Board of Supervisors Meeting

Date November 12, 2021

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Vacancy Notice
- Information Sheet
- Public Correspondence

### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Nov. 4, 2021

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Mayoral Appointment, Police Commission – Max Carter-Oberstone]

2

3 **Motion approving the Mayor’s nomination for the appointment of Max Carter-Oberstone**  
4 **to the Police Commission, for a term ending April 30, 2022.**

5

6 WHEREAS, Pursuant to Charter, Section 4.109, Mayor Breed has submitted a  
7 communication notifying the Board of Supervisors of the nomination for appointment of Max  
8 Carter-Oberstone to the Police Commission, received by the Clerk of the Board on October 7,  
9 2021; and

10 WHEREAS, The Board of Supervisors has the authority to hold a public hearing and  
11 vote on the appointment within 60 days following transmittal of the Mayor’s Notice of  
12 Appointment, and the failure of the Board to act on the nomination within the 60-day period  
13 shall result in the nominee being deemed approved; now, therefore, be it

14 MOVED, That the Board of Supervisors hereby approves the Mayor’s nomination for  
15 the appointment of Max Carter-Oberstone to the Police Commission, Seat No. 7, for the  
16 unexpired portion of a four-year term ending April 30, 2022.

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OFFICE OF THE MAYOR  
SAN FRANCISCO

LONDON N. BREED  
MAYOR

## Notice of Nomination of Appointment

October 7, 2021

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Honorable Board of Supervisors:

Pursuant to Charter §4.109, of the City and County of San Francisco, I make the following nomination:

Max Carter-Oberstone, for appointment to the Police Commission for the unexpired portion of a four-year term ending April 30, 2022, to the seat formerly held by Dion-Jay Brookter.

I am confident that Carter-Oberstone will serve our community well. Attached are his qualifications to serve, which demonstrate how his appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed  
Mayor, City and County of San Francisco

# MAX CARTER-OBERSTONE

## EDUCATION

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### STANFORD LAW SCHOOL *J.D.*, 2014

- Honors:**
- Gerald Gunther Prize for Outstanding Performance in Constitutional Law
  - Gerald Gunther Prize for Outstanding Performance in Employment Discrimination Law
  - Public Interest Fellow ■ Pro Bono Distinction

### GEORGETOWN UNIVERSITY *B.A.*, 2007 | Double Major: Finance & French | Major GPA 3.7/4.0

- Honors:**
- George F. Baker Scholar
  - Women's Center 2007 Leadership Award
  - National French Honor Society
  - Black Student Alliance 2007 Leadership Award
  - Dean's List: Fall '04, Spring '05, Fall '05, Spring '07

## EXPERIENCE

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### POLICING PROJECT

New York, NY

*Orrick Justice Fellow*, Jan 2021 – present

- Design and implement Fourth Amendment litigation strategy aimed at changing the law of regulatory searches
- Draft model legislation regulating police conduct and work with policy-makers to implement reforms

### ORRICK, HERRINGTON & SUTCLIFFE: SUPREME COURT & APPELLATE GROUP

San Francisco, CA

*Managing Associate*, Jan 2019 – present

- Litigate matters across a range of subject areas before the U.S. Supreme Court and other appellate courts
- Briefed and argued a case arising under the Convention Against Torture before the Ninth Circuit, which resulted in a published opinion and full relief for my client

### CALIFORNIA DEPARTMENT OF JUSTICE: OFFICE OF THE SOLICITOR GENERAL

San Francisco, CA

*Associate Deputy Solicitor General*, Nov 2016 – Sep 2018

- Authored or co-authored over 20 appellate briefs in state and federal courts in both civil and criminal matters
- Argued two cases in the California courts of appeal
- Provided strategic appellate guidance and oversight to attorneys across Cal. DOJ in dozens of appellate matters

### THE HONORABLE JOHN T. NOONAN, Jr., U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

San Francisco, CA

*Law Clerk*, Oct 2015 – Oct 2016

### THE HONORABLE SUSAN Y. ILLSTON, U.S. DISTRICT COURT (N.D. CAL.)

San Francisco, CA

*Law Clerk*, Aug 2014 – Sep 2015

### PHILLIPS & COHEN LLP

San Francisco, CA

*Summer Associate*, Summer 2013

- Authored motions *in limine*, complaints, and other trial pleadings
- Performed a comprehensive analysis of SEC enforcement actions in 2012

### CONSUMER FINANCIAL PROTECTION BUREAU

Washington, DC

*Summer Intern*, Summer 2012

- Conducted research on legal questions pertaining to consumer financial services and administrative law
- Authored legal memos in conjunction with enforcement actions, rulemakings, and policy proposals

### OFFICE OF STATE SENATOR MARK DESAULNIER

Sacramento, CA

*Legislative Aide*, Nov 2010 – Aug 2011

- Drafted legislation pertaining to bank regulation and transparency
- Lead staffer on four of the Senator's bills, three of which were ultimately signed into law

### CREDIT SUISSE

New York, NY

*Associate*, Jul 2007 – Mar 2010

- Generated over \$2 million in revenue for the firm in 2009
- Rated a first-tier analyst by my managers for all three years of my tenure; promoted to Associate 6 months early
- Executed over \$100 billion in currency transactions, and assisted in underwriting over \$15 billion in debt issuance

## HONORS, SKILLS & COMMUNITY ENGAGEMENT

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- Honors: California Lawyer Attorney of the Year (CLAY) Award (2018); Cal. AG Award: Best Litigation Team (2018)
- Language Skills: French (fluent), Spanish (proficient)
- Community Engagement: Death Penalty Focus, *Board Member* (Apr 2020-present); Berkeley Law School: Appellate Advocacy Class, *practitioner-advisor* (Fall Semester 2020)

**STATEMENT OF ECONOMIC INTERESTS  
COVER PAGE  
A PUBLIC DOCUMENT**

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

**1. Office, Agency, or Court**

Agency Name (Do not use acronyms)

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

**2. Jurisdiction of Office (Check at least one box)**

State Judge, Retired Judge, Pro Tem Judge, or Court Commissioner (Statewide Jurisdiction)

Multi-County County of

City of Other

**3. Type of Statement (Check at least one box)**

Annual: The period covered is January 1, 2020, through December 31, 2020.

-or-

The period covered is / / , through December 31, 2020.

Assuming Office: Date assumed / /

Candidate: Date of Election and office sought, if different than Part 1:

Leaving Office: Date Left / / (Check one circle.)

The period covered is January 1, 2020, through the date of leaving office.

-or-

The period covered is / / , through the date of leaving office.

**4. Schedule Summary (must complete) ► Total number of pages including this cover page: \_\_\_\_\_**

**Schedules attached**

Schedule A-1 - Investments – schedule attached

Schedule A-2 - Investments – schedule attached

Schedule B - Real Property – schedule attached

Schedule C - Income, Loans, & Business Positions – schedule attached

Schedule D - Income – Gifts – schedule attached

Schedule E - Income – Gifts – Travel Payments – schedule attached

-or- **None - No reportable interests on any schedule**

**5. Verification**

MAILING ADDRESS STREET CITY STATE ZIP CODE  
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER EMAIL ADDRESS  
( )

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed (month, day, year)

Signature (File the originally signed paper statement with your filing official.)

## SCHEDULE A-1

### Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

*Do not attach brokerage or financial statements.*

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CALIFORNIA FORM

FAIR POLITICAL PRACTICES COMMISSION

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Name

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NAME OF BUSINESS ENTITY	GENERAL DESCRIPTION OF THIS BUSINESS ACTIVITY	FAIR MARKET VALUE <i>(Select from drop down list)</i>	NATURE OF INVESTMENT <i>(Select from drop down list. If "other," describe)</i>	IF APPLICABLE, LIST DATE <i>(mm/dd/2019)</i> ACQUIRED      DISPOSED
Ticker: BLOK	Block chain ETF	\$2,000 - \$10,000	Stock	
Ticker: CMF	Municipal bond ETF	\$10,001 - \$100,000	Stock	
Ticker: FLOT	Floating rate bond ETF	\$2,000 - \$10,000	Stock	
Ticker: ICLN	Clean energy ETF	\$2,000 - \$10,000	Stock	
Ticker: TAN	Solar energy ETF	\$10,001 - \$100,000	Stock	
Ticker: BAR	Gold ETF	\$2,000 - \$10,000	Stock	
Ticker: EARTH	ETF tracking MSCI Global Environment Select Index	\$2,000 - \$10,000	Stock	
Ticker: PBW	Clean energy ETF	\$10,001 - \$100,000	Stock	
Ticker: FSLEX	Clean energy ETF	\$2,000 - \$10,000	Stock	
Masterworks.io	Securitized art	\$10,001 - \$100,000	Stock	
RealFi	REIT	\$10,001 - \$100,000	Stock	
Ticker: GOOG	Internet company	\$100,001 - \$1,000,000	Stock	
Ticker: ABNB	Travel company	\$100,001 - \$1,000,000	Stock	
Ticker: ARKK	Innovation ETF	\$10,001 - \$100,000	Stock	
Ticker: ARKG	Genomic Revolution ETF	\$10,001 - \$100,000	Stock	
Ticker: ARKF	Fintech ETF	\$10,001 - \$100,000	Stock	
Ticker: SHOP	Shopify	\$10,001 - \$100,000	Stock	
Ticker: TTD	Advertising company	\$2,000 - \$10,000	Stock	
Ticker: LMND	Insurance company	\$2,000 - \$10,000	Stock	
Ticker: PTON	Exercise/wellness company	\$2,000 - \$10,000	Stock	
Ticker: FVRR	Freelancing marketplace	\$2,000 - \$10,000	Stock	
Ticker: AMZN	Retail company	\$2,000 - \$10,000	Stock	
Ticker: SQ	Payments company	\$2,000 - \$10,000	Stock	
Ticker: HA	Airline	\$2,000 - \$10,000	Stock	
Ticker: APPN	Software company	\$2,000 - \$10,000	Stock	
Air Angels	Venture Capital Firm	\$10,001 - \$100,000	Partnership	

## SCHEDULE A-1

### Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

*Do not attach brokerage or financial statements.*

70

CALIFORNIA FORM

FAIR POLITICAL PRACTICES COMMISSION

0

Name

**<BLUE> is a required field**

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Ticker: CMF	Municipal bond ETF	\$10,001 - \$100,000	Stock	
Ticker: FLOT	Floating rate bond ETF	\$2,000 - \$10,000	Stock	
Ticker: ICLN	Clean energy ETF	\$2,000 - \$10,000	Stock	
Ticker: TAN	Solar energy ETF	\$10,001 - \$100,000	Stock	
Ticker: BAR	Gold ETF	\$2,000 - \$10,000	Stock	
Ticker: EARTH	ETF tracking MSCI Global Environment Select Index	\$2,000 - \$10,000	Stock	
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Ticker: FSLEX	Clean energy ETF	\$2,000 - \$10,000	Stock	
Masterworks.io	Securitized art	\$10,001 - \$100,000	Stock	
RealFi	REIT	\$10,001 - \$100,000	Stock	
Ticker: GOOG	Internet company	\$100,001 - \$1,000,000	Stock	
Ticker: ABNB	Travel company	\$100,001 - \$1,000,000	Stock	
Ticker: ARKK	Innovation ETF	\$10,001 - \$100,000	Stock	
Ticker: ARKG	Genomic Revolution ETF	\$10,001 - \$100,000	Stock	
Ticker: ARKF	Fintech ETF	\$10,001 - \$100,000	Stock	
Ticker: SHOP	Shopify	\$10,001 - \$100,000	Stock	
Ticker: TTD	Advertising company	\$2,000 - \$10,000	Stock	
Ticker: LMND	Insurance company	\$2,000 - \$10,000	Stock	
Ticker: PTON	Exercise/wellness company	\$2,000 - \$10,000	Stock	
Ticker: FVRR	Freelancing marketplace	\$2,000 - \$10,000	Stock	
Ticker: AMZN	Retail company	\$2,000 - \$10,000	Stock	
Ticker: SQ	Payments company	\$2,000 - \$10,000	Stock	
Ticker: HA	Airline	\$2,000 - \$10,000	Stock	
Ticker: APPN	Software company	\$2,000 - \$10,000	Stock	
Air Angels	Venture Capital Firm	\$10,001 - \$100,000	Partnership	

**SCHEDULE C**  
**Income, Loans, & Business**  
**Positions**

(Other than Gifts and Travel Payments)

**CALIFORNIA FORM** **700**  
 FAIR POLITICAL PRACTICES COMMISSION  
 Name \_\_\_\_\_

<BLUE> is a required field

\* Select from drop down list

\*\*You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

1. Income Received					2. Loans Received or Outstanding					
NAME AND ADDRESS OF SOURCE	BUSINESS ACTIVITY, IF ANY	YOUR BUSINESS POSITION	GROSS INCOME RECEIVED*	CONSIDERATION FOR WHICH INCOME WAS RECEIVED* (if "other," describe)	NAME AND ADDRESS OF LENDER** (Business Address Acceptable) AND GUARANTOR, IF ANY	BUSINESS ACTIVITY, IF ANY	HIGHEST BALANCE*	INTEREST RATE (%)	TERM (Mos/Yrs)	SECURITY FOR LOAN REAL PROPERTY ADDRESS/OTHER INFORMATION*
Orrick, Herrington & Sutcliffe LLC 405 Howard St. San Francisco, CA 94105	Law firm	Senior Associate	Over \$100,000	Legal work						
Policing Project (NYU Law School) 40 Washington Square South Suite 302 New York, NY 10012	Non-profit think tank	Orrick Justice Fellow	\$10,001-\$100,000	Legal work						



**Barry Friedman**, *Director*

DATE: November 3, 2021

San Francisco Board of Supervisors  
Rules Committee  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Members of the Rules Committee:

My name is Barry Friedman, I am the Co-Founder and Faculty Director of the Policing Project, a non-profit center at NYU Law School focused on promoting democratic accountability in policing. I am writing in support of Max Carter-Oberstone's nomination to the Police Commission. Max is a Senior Associate in Orrick, Herrington & Sutcliffe's Supreme Court & Appellate group, but is spending a year working at the Policing Project full-time through the Orrick Justice Fellows program.

In his relatively short time at the Project, Max has become an invaluable member of our team, and has made an impressive impact by successfully leading a number of our key initiatives. In his first few weeks on the job, Max designed our Fourth Amendment impact litigation strategy, which aims to limit arbitrary and discriminatory police searches and seizures. He has also already begun to implement this strategy. Just last month, Max authored an amicus brief in a Ninth Circuit case implicating important Fourth Amendment questions. He has also been hard at work developing a case to challenge a racially discriminatory police search program, which we hope to file in court soon.

Max has also taken a leading role in drafting some of the Project's most important model legislation. He was the lead drafter of our model law to curtail the use of pretextual traffic stops, and co-authored our model law on officer decertification.

In all his endeavors, Max has produced consistently outstanding work product. He is an analytical thinker that approaches problems with pragmatism, creativity, humility, and an open mind. He is also a brilliant writer who is able to communicate ideas vividly, clearly, and persuasively.

I have no doubt that Max's impressive intellect, work ethic, and genuine passion for the issue of police reform would make him an incredible asset to the Police Commission. I recommend him with great enthusiasm and without reservation.

Best Regards,



Barry Friedman

**From:** [Michael Mongan](#)  
**To:** [Young, Victor \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [ChanStaff \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Ronen, Hillary](#); [Preston, Dean \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#)  
**Subject:** Mayoral Appointment, Police Commission - Max Carter Oberstone  
**Date:** Tuesday, November 2, 2021 5:25:18 PM  
**Attachments:** [Mongan Letter re Carter-Oberstone 11.2.21.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please find attached a letter of today's date expressing my strong support, in my individual capacity as a friend and former colleague of Max Carter-Oberstone, for his appointment to the Police Commission. Please let me know if you have any difficulties opening this file or if you require any additional information.

Best,  
Mike Mongan

Michael J. Mongan  
Solicitor General  
California Department of Justice  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102  
(415) 510-3920  
[Michael.Mongan@doj.ca.gov](mailto:Michael.Mongan@doj.ca.gov)

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