

1 [Advanced Written Determination Regarding Statement of Incompatible Activities - Small
2 Business Commission - Tiffany Carter]

3 **Motion finding that Tiffany Carter’s proposal to apply for grants and contracts**
4 **administered by the Office of Economic and Workforce Development (“OEWD”) and to**
5 **seek assistance from OEWD relating to the growth of the restaurant she owns and to**
6 **benefit the mission of SF Black Wallstreet LLC and SF Black Wallstreet Foundation are**
7 **not incompatible with the Statement of Incompatible Activities of the Small Business**
8 **Commission, of which she is a member, subject to conditions.**

9
10 WHEREAS, Tiffany Carter (“Carter”) is a member of the Small Business Commission
11 (“SBC”), appointed by the Board of Supervisors, and the owner of a restaurant, Boug dot LLC
12 (doing business as Boug Cali), which generates less than \$1 million in annual revenue; and

13 WHEREAS, Carter is a founding member of the SF Black Wallstreet Foundation, a
14 community organization which promotes Black sovereignty through advancing home
15 ownership, economic development, and spatial justice in San Francisco’s Black communities.
16 Carter receives no financial compensation as a member of the SF Black Wallstreet board;

17 WHEREAS, Carter is a member of the SF Black Wallstreet LLC, the business entity
18 with the same mission as the SF Black Wallstreet Foundation, and may receive compensation
19 in the future under this position; and

20 WHEREAS, Members of the Small Business Commission are subject to a Statement of
21 Incompatible Activities (“SIA”) that guides employees of the Office of Economic and Workforce
22 Development (“OEWD”) and members of the SBC about the kinds of activities that are
23 incompatible with their public duties and therefore prohibited; and

24 WHEREAS, Section 3.218 of the Campaign and Governmental Conduct Code
25 authorizes City employees and officers to seek an Advance Written Determination (“AWD”)

1 from their employer or appointing officer that a proposed activity is or is not incompatible with
2 the governing SIA; and

3 WHEREAS, An AWD that a proposed activity is not incompatible with the applicable
4 SIA provides the requestor with immunity from any subsequent enforcement action for
5 violation of the SIA if the material facts are as presented in the requestor's written submission;
6 and

7 WHEREAS, Carter submitted a request for an AWD confirming that the following
8 activities are not incompatible under the SBC's SIA: 1) applying for OEWD grants to support
9 her restaurant, Boug Cali, and 2) seeking assistance from OEWD to identify a new location for
10 her restaurant ("Proposed Activities"), and 3) applying for OEWD grants to support the SF
11 Black Wallstreet Foundation Carter's request is on file with the Clerk of the Board of
12 Supervisors in Board File No. 2220777; and

13 WHEREAS, Notwithstanding this prohibition, Carter's proposed activities are not
14 incompatible with the SBC's SIA because the City and County aspires to a diversity of
15 representation on its Boards and Commissions, particularly encouraging women and
16 members of the BIPOC, Immigrant, LGBTQ+, Reentry and other underrepresented
17 communities to serve on their own time; and

18 WHEREAS, BIPOC, Immigrant, LGBTQ+, Reentry and other underrepresented
19 communities also experience significant barriers to accessing small business financial and
20 technical support, as well as pre-development, lease, capital tenant improvement and
21 acquisition funding, and having to choose between equitable access to small business grants,
22 loans or other forms of public assistance can be a disincentive to authentic and diverse
23 representation on the Small Business Commission; and

24 WHEREAS, Small business owners in the restaurant industry have very small margins,
25 and without significant outside investment from private investors, are unable to afford high

1 commercial rents, required upgrades to bring restaurant spaces up to code, or even broker
2 services to help locate viable space; and

3 WHEREAS, Carter does not receive compensation for her volunteer service on the
4 board of SF Black Wallstreet Foundation, which is a community organization that seeks to
5 bolster economic development among Black San Franciscans; and

6 WHEREAS, Carter’s small business, Boug Cali, does not generate enough revenue
7 currently to qualify her to pay gross receipts tax; and

8 WHEREAS, Carter does not currently but may receive compensation as a member of
9 the SF Black Wallstreet LLC, now, therefore, be it

10 MOVED, That based on the information submitted, the Board of Supervisors finds that
11 the Proposed Activities are not incompatible with the SIA of the SBC, subject to the following
12 conditions:

- 13 • Carter will submit another AWD request if she applies for additional grants,
14 loans or support after two years of the adoption of this motion or if Boug Cali
15 begins to generate over \$1 million in revenue annually; and
- 16 • Carter will submit another AWD request if she receives compensation totaling
17 over \$1,000 per month as a member of the SF Black Wallstreet LLC; and
- 18 • The Board of Supervisors may hold a hearing to re-evaluate this AWD approval
19 at any point.

20
21 n:\govern\as2022\9690021\01606207.docx