

From: [Fontana, Georgianne](#)
To: [Peskin, Aaron \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Carroll, John \(BOS\)](#); Elain.O'neil@sfgov.org; martha.bailey@jcdeaux.com; francois.nion@jcdeaux.com
Cc: [O'Brien, Harry](#)
Subject: JCDecaux Letter re File No 200222
Date: Tuesday, June 30, 2020 3:48:14 PM
Attachments: [JCDecaux Letter re File No 200222 4824-1787-8209 v.1.pdf](#)

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

Ladies and Gentlemen,

Attached is your copy of the letter that Harry O'Brien sent to Supervisor Mar.

Georgianne

Georgianne Fontana

Secretary to Jeffrey A. Bernstein, Seth J. Pardee, Jessica N. Wilson, Harry O'Brien (Temporary)
Coblentz Patch Duffy & Bass LLP
415-677-5228 | Office 415-391-4800

This transmittal is intended solely for use by its addressee, and may contain confidential or legally privileged information. If you receive this transmittal in error, please email a reply to the sender and delete the transmittal and any attachments.

From: Fontana, Georgianne
Sent: Tuesday, June 30, 2020 3:41 PM
To: Gordon.Mar@sfgov.org
Cc: O'Brien, Harry <hobrien@coblentzlaw.com>
Subject: JCDecaux Letter re File No 200222

Supervisor Mar,

Attached for your review is a letter from Harry O'Brien.
Please confirm receipt of this email transmission.

Thank you. Georgianne

Georgianne Fontana

Secretary to Jeffrey A. Bernstein, Seth J. Pardee, Jessica N. Wilson, Harry O'Brien (Temporary)
Coblentz Patch Duffy & Bass LLP
415-677-5228 | Office 415-391-4800

This transmittal is intended solely for use by its addressee, and may contain confidential or legally privileged information. If you receive this transmittal in error, please email a reply to the sender and delete the transmittal and any attachments.

Harry O'Brien
D 415.772.5723
hobrien@coblentzlaw.com

June 30, 2020

VIA ELECTRONIC MAIL

Hon. Gordon Mar, Chair
Government Audit & Oversight Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: File No. 200222
Resolution Urging Invalidation of the 2019 Revenue Agreement — JCDecaux

Dear Supervisor Mar:

This office represents JCDecaux San Francisco, LLC ("JCDecaux San Francisco") and its parent company JCDecaux North America, Inc. (together, "JCDecaux").

At its hearing this week, the Government Audit and Oversight Committee is scheduled to consider the above-referenced resolution that would urge the Department of Public Works and the Office of the City Attorney "to cease any further implementation of the [Agreement], including by invalidating" the rights granted to JCDecaux San Francisco. There is no basis for approval of the proposed resolution or for the invalidation of the Agreement.

The Board's approval of the Public Toilet and Public Service Kiosk Agreement (the "Agreement") last year, by a 10-0 vote, followed a competitive solicitation and an extensive public review process. The Agreement was executed on behalf of the City by the Deputy Director of the Department of Public Works on October 8, 2019 and is now in effect.

When the criminal charges against Mr. Nuru first became public in late January, 2020, JCDecaux immediately commenced an internal investigation to confirm that none of its personnel had engaged in any wrongdoing and to be prepared to cooperate with authorities in response to any inquiries arising out of Mr. Nuru's indictment or any related investigations. On behalf of JCDecaux, I personally reached out to the City Attorney's office and relayed that JCDecaux was not aware of any inappropriate conduct, that it was undertaking an internal investigation, and that it was available to cooperate fully with the City Attorney's investigation.

Our internal investigation on behalf of JCDecaux has now been completed and found no evidence that Mr. Nuru had any inappropriate influence on the negotiation of the Agreement, nor that Mr. Nuru or anyone else acted improperly in connection with or subsequent to the execution of the Agreement. Mr. Nuru's involvement in the negotiation and execution of the Agreement was relatively minimal, and all communications between Mr. Nuru and JCDecaux involved other

Hon. Gordon Mar, Chair
June 30, 2020
Page 2

City personnel, none of whom is alleged, to our knowledge, to be implicated in any of Mr. Nuru's alleged wrongdoing. We are aware of no payments, benefits, or other advantages that Mr. Nuru sought or received from JCDecaux or anyone else in connection with the Agreement.

The proposed resolution asserts, apparently in reliance upon an unsupported claim in the *Mission Local* newspaper, that former Director of Public Works Mohammed Nuru was "wined and dined" at JCDecaux's head office in Plaisir, France. This assertion is simply untrue. Mr. Nuru has never visited any JCDecaux facility in France. Mr. Nuru was neither wined nor dined by JCDecaux in France or anywhere else.

JCDecaux again takes this opportunity to state unequivocally its belief that the Public Toilet and Public Service Kiosk Agreement reflects a wholly appropriate arms-length negotiation between JCDecaux and the City and County of San Francisco. JCDecaux followed a complex regulatory process involving multiple government agencies including the Office of the City Attorney, the Department of Public Works, and the Board of Supervisors; was responsive to the input of numerous stakeholders, including the San Francisco Arts Commission and the Historical Preservation Commission; and supported a competition of City-selected architectural firms to design the facilities that it is now diligently engineering and manufacturing. The proposed resolution appears to have been prompted by a misunderstanding of the facts.

JCDecaux is proud of its relationship with the City and County of San Francisco and looks forward to continuing to serve its residents for years to come.

Respectfully submitted,



Harry O'Brien
For Coblentz Patch Duffy & Bass LLP

cc: Hon. Aaron Peskin
Hon. Matt Haney
John Carroll, Clerk to Government Audit & Oversight Committee
Elaine O'Neil, Deputy City Attorney
Martha Bailey, General Counsel, JCDecaux North America
Francois Nion