

Evans, Derek

From: Axis of Love SF, Shona Gochenaur <axisoflovesf@gmail.com>
Sent: Monday, September 26, 2016 1:04 PM
To: Debbie Tharp
Cc: Brown, Vallie (ECN); Cityattorney, (CAT); Goossen, Carolyn (BOS); ericmar08@gmail.com; Evans, Derek; Sister Dana; Jean Elle (NBC Universal, KNTV); Mark Matthews (NBCUniversal, KNTV); Joshua Sabatini; Omar Figueroa; Petra DeJesus; Davidcamposesq@yahoo.com; Sunny Angulo; Dragonfly de La Luz; Cohen, Malia (BOS); Chan, Yoyo (BOS); Yee, Norman (BOS); Kim, Jane (BOS); Lopez, Barbara (BOS); Chris Roberts; edie lerman; San Francisco Bay View; editor@sfchroncile.com; Jennifer Nicoletto; black brown; Brendan Hallinan; cannabizwatch@gmail.com; CA Liberty Alliance; Steve Kubby; stewart richlin; Hsieh, Frances (BOS); John Entwistle; John Avalos; SF League of Pissed Off Voters; PAC for Harvey Milk LGBT Democratic Club; Shona; Flavio Lacayo; savecannabis@a2c2.us; Hezekiah Allen; George W.M. Mull, LLM; Sider, Dan (CPC); Weintraub, June; William W. West; Chandra Batra; Mayra Delgado; James Anthony; AskEdR@aol.com; Christine Gasparac; valerie@wamm.org
Subject: Re: Urgent & Time sensitive//Cannabis State Legalization Task Force - item before the board Tomorrow

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> Dear President of the Board of Supervisors London Breed and City Attorney Dennis Herrera
>
> I am writing this letter to reiterate our concerns regarding this taskforce. Our previously expressed concerns regarding possible illegal lobbying efforts and possible illegal campaign efforts by this taskforce for both the Scott Weiner State Senate race and Prop 64 are becoming more serious with the developments of the past few weeks.
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> Several articles have promoted Supervisor Weiner, despite the fact that this taskforce is a government entity paid for by the People. It is our understanding that such activities are prohibited by law and that this taskforce and other government agencies are prohibited from political campaigning for ballot initiatives with taxpayer money.
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> I feel that this taskforce has been used to openly promote Prop 64 and has now even restricted its own members from engaging in public opposition to Prop 64 during their own private, off-duty time.
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> Again, I reiterate, to our understanding this is in direct violation of California law.
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> Prop64 is a controversial issue with the state-wide cannabis stakeholders, the Small Farmers Association, and many private citizens. One of the largest farmers' association is not coming out in support of this ballot initiative, many large and well-recognized organizations are openly opposing it and many citizens are campaigning against it. Despite the clear division in California's voters, this taskforce is acting as if this ballot measure is already written law in defiance of its purpose, thus purposely misleading San Francisco's agencies and voters. Was not this taskforce created to consider all contingencies for the benefit of our public? At the very least this is an ethical violation and a failure to meet its purpose.
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> Our group represents just one of many who oppose this issue—not because we oppose the idea of

legalization, but because we oppose the many injustices that will arise against the citizens of this state should the ballot measure pass. Prop 64 outlaws compassion by denying open sharing and cooperation for the production of affordable medicine for those who are sickest and most in need. Prop 64 also has components that will adversely impact the African American community, as well as other disabled and low-income demographics. We feel that it is therefore in direct conflict with many stated policy directives of our City.

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> Now, Michelle Aldrich, a matriarch of our City's cannabis community has now vacated her position from this taskforce. Did she leave this taskforce as a result of the taskforce's propensity to stifle differing opinions? Is this yet another red flag that something more broad is amiss with these already questionable efforts?

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> It is time for this City to begin an investigation into these matters. The first matter of concern must be inquiries into the fact that this taskforce is being used as an unfair campaign tool. An equally important matter of investigation is that this force is being used to manufacture consent and bolster the career efforts of lobbyists.

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> We do not simply object to these actions because the taskforce is being used to push a proposition that would further restrict cannabis rights in a city that has, by law, established itself as a sanctuary for those patients most in need. We object to these illegal actions on the sheer basis that there is a reason that California has made these types of government-backed campaign activities illegal. Use of vast taxpayer funds and government resources for the manipulation of public opinion, whether blatant or subtle, would lead to great injustice for the most vulnerable members of our state who can ill-afford to compete with such resources, no matter what issue was at stake.

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> To learn more about a few of the laws and rulings that we are reviewing in regards to this issue, please refer to:

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> California Gov't Code Sections 3201-3209,

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> Cal. Gov't Code §34501.5, which provides: (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor. (b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive. (Please see our above statement regarding the taskforce's propensity to give the impression that no public opposition among our constituency exists for this controversial measure.),

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> and

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> Cal. Gov't Code § 3206 ("No officer or employee of a local agency shall participate in political activities of any kind while in uniform.").

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> We have noted that many public agencies attempt to fall back on the Supreme Court's decisions in *Vargas v. City of Salinas* (*Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 24 (*Vargas*), when circumventing ethics by engaging in political activities with taxpayer funds. However, we have noticed that this ruling was extremely specific toward which activities were allowed. It is important to emphasize our conclusion that barring the personal political actions of a member of a committee in their private time, whether by direct order or duress, would fall FAR outside the scope that could be relied upon per this ruling. Furthermore, the rights of individual officers of any government agency to participate in political activity during their own private time are specifically enumerated by State law. (See Cal. Gov't Code Sec. 3203.)

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> It is our contention that the taskforce may be engaging in the exact opposite intentions of these codes and rulings by limiting private political actions of its members and using the taskforces own political force as a

campaigning agency to mislead the public in violation of law. We find this very alarming and request that this matter be investigated as a possible violation of ethics and/or the law.

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> Patients before Profits,

> Shona Gochenaur

> I am available for any further questions directly as well, 415-240-5247

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> On Fri, Sep 16, 2016 at 12:04 PM, Axis of Love SF, Shona Gochenaur <axisoflovesf@gmail.com> wrote:

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>> Dear San Francisco Rules Committee

>> I write in concern that my previous suspicion that this taskforce would be used for illegal lobby efforts as well as campaign efforts for Scott Weiner state Senate race.

>> This has come to pass, in several articles promote supervisor Weiner, lobbyists endeavors that chairman has used his position in a questionable manner.

>> Given short notice this is simply a outline, more information shall follow in board packet.

>> This taskforce has been used to promote prop64 and has restricted members from public opposition.

>> Prop64 is controversial in the state wide cannabis stakeholders , the small farmers association, and one of the largest farmers association are not coming out in support, yet this taskforce is acting as if the ballot is a done deal, this purposely misleading San Francisco departments, and voters.

>> This ballot outlaws compassion and has component that adversely impact , in specific the African American community, as well as other disabled and low in come demographic and therefore is in direct conflict with many stated policy directives of our City.

>> We view the vacate of a matriarch of sf cannabis community, Michelle Aldrich as yet another red flag that something is amuck here, and that the city needs to begin a investigation if this is a legal advisory board or a unfair campaign tool being used to manufacturing consent and career efforts of lobbyists, for this law if passed would further restricted access to medical cannabis in a city that by law has established itself as a sanctuary for medical cannabis to secure access to our most in need patients.

>> Patients before Profits,

>> Shona Gochenaur

>> I am available for any further questions directly as well, 415-240-5247

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>> On Sep 16, 2016 11:16 AM, "Axis of Love SF, Shona Gochenaur" <axisoflovesf@gmail.com> wrote:

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>>> Now, wow, I am not prepared. I guess I can write a letter of concern follow up by a legally reviewed packet and sign on letter from concerned organizations to be included for the full board.

>>> Deep breathes, letter will follow.

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>>> On Sep 16, 2016 11:06 AM, "Evans, Derek" <derek.evans@sfgov.org> wrote:

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>>>> Well, actually, I would need it now for the Committee packet (preparing that now). But if I get it after today, I can attached it to the file and make sure Supervisors get a copy, and it would be included in the Board packet.

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>>>> From: Axis of Love SF, Shona Gochenaur [mailto:axisoflovesf@gmail.com]

>>>> Sent: Friday, September 16, 2016 10:09 AM

>>>> To: Evans, Derek <derek.evans@sfgov.org>; Letitia Pepper <letitiapepper@yahoo.com>

>>>> Subject: RE: Cannabis State Legalization Task Force - Appointment Hearing (Seat 11) - September 22, 2016

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>>>> Hi thanks when would you need the written testimony by for packet? I will be consulting with a few attorney to help draft something to the legal points for the packet and to be copied to ethics and city attorney.

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>>>> On Sep 16, 2016 9:59 AM, "Evans, Derek" <derek.evans@sfgov.org> wrote:

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>>>>> Shona,

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>>>>> You can provide written testimony that I can include as part of the packet. I can include the last email you sent, if you'd like. And you may address it to all Supervisors, which would also be included at the back of the Board agenda, under Petitions and Communications.

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>>>>> Lastly, you can contact the City Attorney and Ethics Commission separately.

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>>>>> Regards,

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>>>>> Derek K. Evans

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>>>>> Assistant Clerk, Board of Supervisors

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>>>>> (415) 554-7702

>>>>>

>>>>> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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>>>>> The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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>>>>> From: Axis of Love SF, Shona Gochenaur [mailto:axisoflovesf@gmail.com]

>>>>> Sent: Friday, September 16, 2016 9:55 AM

>>>>> To: Evans, Derek <derek.evans@sfgov.org>

>>>>> Subject: RE: Cannabis State Legalization Task Force - Appointment Hearing (Seat 11) - September 22,

2016

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>>>> No, but I would like my concerns of illegally lobbying passed to correct channel in city attorney and ethics commission.

>>>> And I may do general comments regarding at rules.

>>>> Thanks

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>>>> On Sep 16, 2016 9:01 AM, "Evans, Derek" <derek.evans@sfgov.org> wrote:

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>>>>> Hi Shona,

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>>>>> Does that mean you would like to be considered for Seat 11? Please advise.

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>>>>> Thank you,

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>>>>> Derek K. Evans

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>>>>> Assistant Clerk, Board of Supervisors

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>>>>> (415) 554-7702

>>>>>

>>>>> Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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>>>>> From: Axis of Love SF, Shona Gochenaur [mailto:axisoflovesf@gmail.com]

>>>>> Sent: Thursday, September 15, 2016 9:19 PM

>>>>> To: Evans, Derek <derek.evans@sfgov.org>; Cityattorney, (CAT) <cityattorney@sfgov.org>; Kim,

Jane (BOS) <jane.kim@sfgov.org>; John Avalos <john@avalos2012.org>; Hsieh, Frances (BOS)

<frances.hsieh@sfgov.org>; babara.lopez@sfgov.org; Davidcamposesq@yahoo.com; Goossen, Carolyn (BOS)

<carolyn.goossen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Petra DeJesus

<petradejesus@comcast.net>; ericmar08@gmail.com; Jennifer Nicoletto <nicolettolaw@gmail.com>; Chris