

File No. 130407

Committee Item No. 2

Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 5/16/13

Board of Supervisors Meeting

Date 6/4/13

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

(Use back side if additional space is needed)

- Form 700
- _____
- _____
- _____
- _____

Completed by: Linda Wong

Date 5/13/13

Completed by: L.W.

Date 5/21/13

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Appointment – Ethics Commission]

2

3 **Motion appointing Brett Andrews, term ending February 1, 2017, to the Ethics**
4 **Commission.**

5

6 MOVED, That the Board of Supervisors of the City and County of San Francisco does
7 hereby appoint the hereinafter designated person to serve as a member of the Ethics
8 Commission, pursuant to the provisions of the San Francisco Charter Section 15.100, for the
9 term specified:

10 Brett Andrews, seat 1, Dorothy Liu, resigned, shall be broadly representative of the
11 general public, for the unexpired portion of a six-year term ending February 1, 2017.

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Board of Supervisors
 City and County of San Francisco
 1 Dr. Carlton B. Goodlett Place, Room 244
 (415) 554-5184 FAX (415) 554-7714

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

2013 APR 19 PM 4:36

AK

Application for Boards, Commissions, Committees, & Task Forces

Name of Board, Commission, Committee, or Task Force: Ethics Commission

Seat # or Category (if applicable): Commissioner District: City-wide

Name: Brett Andrews

Home Address: Polk St #2004 Zip: 94102

Home Phone: 415- - - - - Occupation: Executive Director

Work Phone: 415-972-0801 Employer: Positive Resource Center

Business Address: 785 Market St. 10th Fl. Zip: 94103

Business E-Mail: Brett@positive-resource.org Home E-Mail: - - - - -@gmail.com

Pursuant to Charter Section 4.101 (a)2, Boards and Commissions established by the Charter must consist of electors (registered voters) of the City and County of San Francisco. For certain other bodies, the Board of Supervisors can waive the residency requirement.

Check All That Apply:

Registered voter in San Francisco: Yes No If No, where registered: _____

Resident of San Francisco Yes No If No, place of residence: _____

Pursuant to Charter section 4.101 (a)1, please state how your qualifications represent the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, sex, sexual orientation, gender identity, types of disabilities, and any other relevant demographic qualities of the City and County of San Francisco:

I am writing to express my interest in being considered as a candidate for the Ethics Commission. I would embrace the challenge of this important role with integrity and enthusiasm. As a proud LGBT, African American man, I have devoted my professional career to working with nonprofit organizations that serve economically disadvantaged and traditionally underrepresented individuals – social and economic justice are the cornerstones of my life's work. As far back as my years in high school and college, through student government, I have actively participated in the political process. For the last twenty years as an executive director, I worked closely with government agencies on funding, program development, community needs assessments, and education and training initiatives.

Business and/or professional experience:

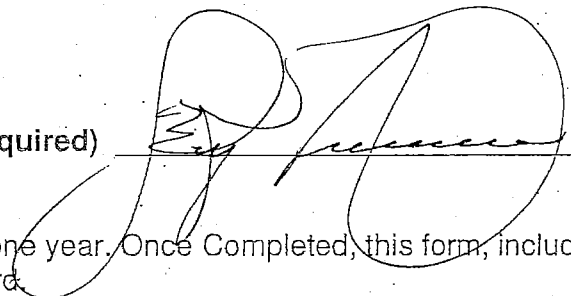
For the past 10 years I have served as the Executive Director of Positive Resource Center, a 26 year old San Francisco Based non-profit that provides benefits counseling and employment services to individuals affected by HIV/AIDS or mental health disabilities I have worked closely with the Mayor's Office, the Board of Supervisors, the Department of Public Health, the Human Services Agency, and the Mayor's Office of Economic and Workforce Development. On numerous occasions I have provided analysis on various health and human services issues at City public hearings, to include the Department of Public Health: Health Commission. As a former Alice B. Toklas Board Member, I worked closely with political candidates and elected officials, helping to educate them on issues impacting the non profit community.

Civic Activities:

Vice President, San Francisco HIV/AIDS Provider Network (2004 – present)
Board Member, National Working Positive Coalition (2009 – present)
Steering Committee Member, San Francisco Human Services Network (2005- present)
Member, San Francisco CBO Workforce Coalition (2012 – present)
Community Advisory Board Member, San Francisco Pride Celebration (2012 – present)
Former Board Member, Alice B. Toklas Democratic Club (2007 – 2011)

Have you attended any meetings of the Board/Commission to which you wish appointment? Yes No

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made. (Applications must be received 10 days before the scheduled hearing.)

Date: 4/19/13 Applicant's Signature: (required) 

Please Note: Your application will be retained for one year. Once Completed, this form, including all attachments, become public record.

FOR OFFICE USE ONLY:
Appointed to Seat #: _____ Term Expires: _____ Date Seat was Vacated: _____

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Received
Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
Andrews Brett Franklin

1. Office, Agency, or Court

Agency Name
Ethics Commission
Division, Board, Department, District, if applicable
Your Position
Commissioner

► If filing for multiple positions, list below or on an attachment.

Agency: _____ Position: _____

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

State Judge or Court Commissioner (Statewide Jurisdiction)
 Multi-County _____ County of San Francisco
 City of San Francisco Other _____

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

Annual: The period covered is January 1, 2012, through December 31, 2012.
-or-
The period covered is ____/____/____, through December 31, 2012.
 Assuming Office: Date assumed 05 / 01 / 2013
 Leaving Office: Date Left ____/____/____ (Check one)
 The period covered is January 1, 2012, through the date of leaving office.
 The period covered is ____/____/____, through the date of leaving office.
 Candidate: Election year _____ and office sought, if different than Part 1: _____

4. Schedule Summary

Check applicable schedules or "None." **► Total number of pages including this cover page: _____**

Schedule A-1 - Investments - schedule attached Schedule C - Income, Loans, & Business Positions - schedule attached
 Schedule A-2 - Investments - schedule attached Schedule D - Income - Gifts - schedule attached
 Schedule B - Real Property - schedule attached Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-
 None - No reportable interests on any schedule

5. Verification

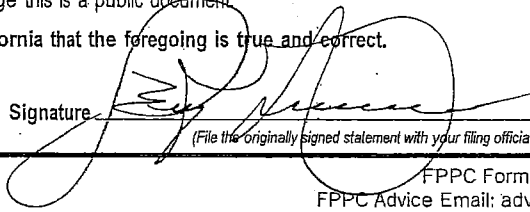
MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)
301k Street, #2004 San Francisco CA 94102

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL)
(415 , _____) _____ @gmail.com

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 04/19/2013
(month, day, year)

Signature 
(File the originally signed 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.

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name _____ _____ _____

▶ NAME OF BUSINESS ENTITY
T Rowe Price

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
Mutual Fund

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other 403(b)
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:
 _____ / _____ / 12 _____ / _____ / 12
 ACQUIRED DISPOSED

Comments: _____

SCHEDULE C
Income, Loans, & Business
Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

Positive Resource Center

ADDRESS (Business Address Acceptable)

785 Market Street, 10th Floor, SFO, CA 94103

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Non-profit

YOUR BUSINESS POSITION

Executive Director

GROSS INCOME RECEIVED

- \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income

Loan repayment Partnership

Sale of _____
(Real property, car, boat, etc.)

Commission or Rental Income, list each source of \$10,000 or more

Other _____
(Describe)

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income

Loan repayment Partnership

Sale of _____
(Real property, car, boat, etc.)

Commission or Rental Income, list each source of \$10,000 or more

Other _____
(Describe)

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* 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:

NAME OF LENDER*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

- \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

INTEREST RATE

_____ % None

TERM (Months/Years)

SECURITY FOR LOAN

None Personal residence

Real Property _____
Street address

City

Guarantor _____

Other _____
(Describe)

Comments: _____

Wong, Linda (BOS)

From: Board of Supervisors
Sent: Monday, May 20, 2013 12:45 PM
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: File 130407: ethics commission appointment

From: vicki leidner [mailto:vleidner@astound.net]
Sent: Monday, May 20, 2013 12:01 PM
To: Board of Supervisors
Subject: ethics commission appointment

Dear Supervisors,

This doesn't make any sense to me. I believe in a strong and empowered Ethics Commission. Good government is transparent and yes, ethical. Please consider this regarding the upcoming vote and request that both applicants have been forwarded for your consideration. An unbiased candidate may serve the interests of the voters more effectively than someone who potentially profits from their appointment.

Respectfully,
Vicki Leidner
770 Shotwell
San Francisco, CA 94110

Supes to Decide Future for Ethics

This week the Board of Supervisors may take up their one appointment to the SF Ethics Commission. The appointee will serve until 2017 -- years past the terms of some of the supes who will vote on this, the only appointment the Board can make.

Two candidates applied, but the Rules Committee forwarded only the candidate who has political ties to themselves, Brett Andrews. He is backed only by an organization regulated by the Ethics Commission. They did not forward Hulda Garfolo, who chaired the Civil Grand Jury report on Ethics called Sleeping Watchdog. Garfolo is backed by Friends of Ethics and more than two dozen community leaders.

Two of the three Rules Committee members have been in office for less than six months and appear to lack any knowledge of the Civil Grand Jury report or the Harvey Rose report on Ethics calling for reforms.

Wong, Linda (BOS)

From: Board of Supervisors
Sent: Monday, May 20, 2013 11:05 AM
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: BOS Support for Brett Andrews
Attachments: BOS Support for Brett Andrews .pdf

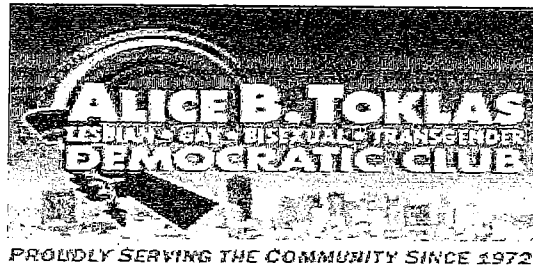
From: Martha Knutzen [<mailto:kipnisknut@aol.com>]
Sent: Saturday, May 18, 2013 6:19 AM
To: Board of Supervisors
Subject: BOS Support for Brett Andrews

Please include this letter of support for your June 4th meeting to support Brett Andrews for the Ethics Commission. If you need additional information, please contact me at 415-652-2916.

Thank you,

Martha Knutzen
Co-Chair
Alice B Toklas LGBT Democratic Club

Sent from my iPad



May 18, 2013

Clerk, Board of Supervisors
City Hall, Room 244
San Francisco, Ca. 94102-4689

Members of the San Francisco Board of Supervisors
San Francisco CA 94102

Re : Letter of Support for Brett Andrews' Application for a position on the Ethics Commission

Dear Supervisors:

At its Board meeting on April 22, the Alice B. Toklas LGBT Democratic Club unanimously voted to urge your support for Brett Andrews' application for the Ethics Commission. On May 16th, the Rules Committee unanimously voted to recommend Brett for the Ethics Commission. The full Board vote is on June 4th.

We believe Brett is a highly qualified candidate whose background in both politics and organizational management will bring an additional perspective to the current Commission. Many current Alice Board members who worked with Brett while he served on our Board spoke of his integrity and helpful advice about organizational management while he served on our Board. He was an asset to our Board and we know he will make a positive contribution to the Ethics Commission.

Brett Andrews has been of tremendous service to our community as the Executive Director of the Positive Resource Center, a successful non-profit offering employment services and benefits counseling to people struggling with AIDS related health issues. He was active politically for many years before his service on the Alice Board, gaining practical experience about how political campaigns operate and the challenges they face in advocating for civil rights.

We are proud to recommend approval of this application and whole heartedly urge your support.

Sincerely,

Martha Knutzen

Ron Flynn

Co-Chairs

Alice B Toklas LGBT Democratic Club

Wong, Linda (BOS)

From: Martha Knutzen [mailto:martha@knutzen@aol.com]
Sent: Friday, April 26, 2013 6:59 AM
To: Wong, Linda (BOS)
Subject: Support for Brett Andrews for Ethics Commission [1] to the Rules Committee
Attachments: Support for Brett Andrews for Ethics Commission [1].pdf

Sent from my iPad



Honorable Members the San Francisco Board of Supervisors' Rules Committee

Re : Support for Brett Andrews' application for a position on the Ethics Commission

Dear Supervisors Yee, Breed and Cohen:

The Alice B. Toklas LGBT Democratic Club Board of Directors unanimously voted to urge your support for Brett Andrews' application for the Ethics Commission.

Brett is a former Alice Board member, and we know him well. He is a highly qualified candidate whose background in both politics and organizational management will bring an additional perspective to the current Commission. Many current Alice Board members spoke of his integrity and helpful advice about organizational management while he served on our Board. He was an asset to our Board and we know he will make a positive contribution to the Ethics Commission.

Brett has been of tremendous service to our community as the Executive Director of the Positive Resource Center, a successful non-profit offering employment services and benefits counseling to people struggling with AIDS related health issues. He was active politically for many years before his service on the Alice Board, gaining practical experience about how political campaigns operate and the challenges they face in advocating for civil rights.

As a openly gay person of color in a leadership position, he serves as a role model for many. To all, he serves as an example of leadership with integrity. Because of his background, he is uniquely qualified to serve on the Commission.

We are proud to recommend approval of this application and whole heartedly urge your support.

Sincerely,

Martha Knutzen
Ron Flynn
Co-Chairs
Alice B Toklas LGBT Democratic Club



Board of Supervisors
 City and County of San Francisco
 1 Dr. Carlton B. Goodlett Place, Room 244
 (415) 554-5184 FAX (415) 554-7714

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2013 APR 30 PM 4:52
 6

Application for Boards, Commissions, Committees, & Task Forces

Name of Board, Commission, Committee, or Task Force: Ethics Commission

Seat # or Category (If applicable): 1 District: N/A

Name: Hilda E. Garfalo

Home Address: Bush Street, San Francisco, CA Zip: 94115

Home Phone: (415) — Occupation: Retired

Work Phone: same as above Employer: N/A

Business Address: 400 McAllister (During CGJ term) Zip: 94102

Business E-Mail: Hgarfalo@gj@yahoo.com Home E-Mail: same

Pursuant to Charter Section 4.101 (a)2, Boards and Commissions established by the Charter must consist of electors (registered voters) of the City and County of San Francisco. For certain other bodies, the Board of Supervisors can waive the residency requirement.

Check All That Apply:

Registered voter in San Francisco: Yes No If No, where registered: _____

Resident of San Francisco Yes No If No, place of residence: _____

Pursuant to Charter section 4.101 (a)1, please state how your qualifications represent the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, sex, sexual orientation, gender identity, types of disabilities, and any other relevant demographic qualities of the City and County of San Francisco:

As a member of the 2010-2011 Civil Grand Jury, I chaired the committee which closely examined SF's Ethics Commission. The jury found Ethics has failed miserably in its mandated mission. I would like to help bring credibility, and public trust to this commission, which avoids transparency as often as it can.

Business and/or professional experience:

1971-1983: Nurse working in private practice for Interlist - Cardiologists - Beverly Hills and Santa Monica, CA
1984-1988: Security Administrator for Beverly Hilton Hotel. 1993-2005: Business owner

Civic Activities:

Dept. Elections: Pollworker ~ Precinct Inspector (Since 2008)
2010-2011: Civil Grand Jury {chaired 2 investigative committees
co-chaired a third.
2012-2013: Civil Grand Jury

Have you attended any meetings of the Board/Commission to which you wish appointment? Yes No

I have attended numerous E.C. meetings, including all pertaining to Sheriff MirKarimi's case.

For appointments by the Board of Supervisors, appearance before the RULES COMMITTEE is a requirement before any appointment can be made. (Applications must be received 10 days before the scheduled hearing.)

Date: 30th April 2013 Applicant's Signature: (required) Nilda E. Garfola

Please Note: Your application will be retained for one year. Once Completed, this form, including all attachments, become public record.

FOR OFFICE USE ONLY:
Appointed to Seat #: _____ Term Expires: _____ Date Seat was Vacated: _____

Please type or print in ink.

2013 MAY -9 PM 3:59

NAME OF FILER (LAST) Gaffolo, (FIRST) Hilda (MIDDLE) E. Ak

1. Office, Agency, or Court
 Agency Name San Francisco Ethics Commission
 Division, Board, Department, District, if applicable _____ Your Position _____

► If filing for multiple positions, list below or on an attachment.

Agency: _____ Position: _____

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

State Judge or Court Commissioner (Statewide Jurisdiction)
 Multi-County _____ County of San Francisco
 City of San Francisco Other _____

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

Annual: The period covered is January 1, 2012, through December 31, 2012. Leaving Office: Date Left _____ (Check one)
 -or- The period covered is _____ through _____
 The period covered is January 1, 2012, through the date of leaving office.
 The period covered is _____ through the date of leaving office.
 Assuming Office: Date assumed _____
 Candidate: Election year 2013 and office sought, if different than Part 1: _____

HEG

4. Schedule Summary

Check applicable schedules or "None." ► Total number of pages including this cover page: 1

Schedule A-1 - Investments - schedule attached Schedule C - Income, Loans, & Business Positions - schedule attached
 Schedule A-2 - Investments - schedule attached Schedule D - Income - Gifts - schedule attached
 Schedule B - Real Property - schedule attached Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-
 None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS (Business or Home Address Recommended - Public Document)

STREET Bush Street, CITY San Francisco, STATE CA ZIP CODE 94115

DAYTIME TELEPHONE NUMBER (415) _____ E-MAIL ADDRESS (OPTIONAL) _____@yahoo.com

I have used all reasonable diligence in preparing this statement. I have reviewed my 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 9th May 2013 Signature Hilda E. Gaffolo
 (month, day, year) (File the originally signed statement with your filing official.)

Wong, Linda (BOS)

From: LARRY BUSH [sfwtrail@mac.com]
Sent: Thursday, May 16, 2013 4:06 AM
To: Norman Yee; norman.yee@sfgov.com; Breed, London; Cohen, Malia; Wong, Linda (BOS); True, Judson; Chiu, David
Subject: Support for Hulda Garfalo for Ethics Appointment
Attachments: Foe ltr of support for H Garfalo.pdf

Good Morning:

I am attaching a letter of support for Hulda Garfalo for the Board's appointment to the San Francisco Ethics Commission which will be heard at today's meeting.

The letter sets forth specific reasons why Hulda would be an excellent choice to further the new directions that are the basis for President Chiu's proposed Ethics reforms drafted in conjunction with City Attorney Dennis Herrera.

The letter is signed by 29 longtime experienced community leader from every part of the city and includes five former Ethics Commissioners, the past local chairs of Common Cause, members of the Sunshine Task Force, and others.

We submit this letter of support respectful of the importance of this appointment and the Rules Committee and full Board's serious intent to ensure that the Ethics Commission operates to help protect the public trust.

Thank you for your consideration of this recommendation.

May 15, 2013

Please sign last page

Re: May 16, 2013 Rules Committee agenda, Item 2, Ethics Commission appointment,
Recommendation of Hulda Garfolo

To the Rules Committee of the San Francisco Board of Supervisors:

We, the undersigned members of Friends of Ethics, are writing to the Rules Committee to endorse Hulda Garfolo for appointment to the San Francisco Ethics Commission. Our group consists of former Ethics Commissioners and staff, the primary drafter of the ordinance that created the Ethics Commission, and other advocates for enhancing good government reform. We are joined by other community members and activists for good government. Of the two applicants for the Board's single appointment to the Commission, Ms. Garfolo is the clear choice for several reasons:

1. **Garfolo has relevant experience.** Ms. Garfolo's background makes her an excellent choice for the Commission. Ms. Garfolo was a member of the 2010-11 Civil Grand Jury, which authored two relevant in-depth reports, one regarding the Ethics Commission's performance and the other regarding San Francisco's Whistleblower program, which highlight various problems with the program. The first report, produced by a CGJ committee chaired by Ms. Garfolo, demonstrated a sophisticated understanding of the Commission's mandates and called for the televising of Ethics Commission meetings on SFGOTV. The latter subsequently led to the passage of legislation televising the meetings, a pro-transparency effort which had been long opposed by staff of the Ethics Commission.

Ms. Garfolo has attended numerous Ethics Commission meetings. She also attended the 2013 Interested Persons meeting held to discuss the findings of the Legislative Analyst report, "Comparison of City and County of San Francisco and City of Los Angeles Ethics Laws," which made recommendations yet to be adopted by the Commission for strengthening good government laws and public confidence.

2. **Politics as usual vs. reform advocacy.** The Charter requires that the Board's selection for the Ethics Commission be "broadly representative of the general public," as opposed to being representative of a narrow slice of the public. In terms of the mission of the Ethics Commission, this requirement speaks to appointing someone who robustly understands and supports the Commission's public interest obligations, which include education, legislative recommendations, and enforcement regarding good government laws, particularly the following key areas: campaign finance reform; lobbying disclosure; official conflicts of interest; open government; prohibition against retaliation of whistleblowers.

In 2012, the Supervisors faced a choice similar to the one faced now – to appoint someone with little experience regarding the Ethics Commission or to appoint a good government advocate with a demonstrated track record of knowledge regarding the

Commission. In 2012, a majority of the Supervisors opted to appoint the inexperienced applicant, instead of the advocate supported by reformers. Shortly after the appointment, the law firm employing the new appointee announced the start of their compliance practice within the jurisdiction of the Ethics Commission, raising the specter of a conflict of interest.

This year, the Supervisors should not make the same mistake of appointing a political insider instead of a reformer supported by the public. In terms of experience with the Ethics Commission and its mandates, Ms. Garfalo's aforementioned background is clearly superior to that of the other applicant, Brett Andrews. The only experience with the Commission's jurisdiction that can be inferred from Mr. Andrews' application is that he was a Board member of the Alice B. Toklas Democratic Club, since it maintains a campaign committee that has filed reports with the Commission. Such experience is representative of the regulated community rather than the broad public interest.

Mr. Andrews' application touts his relationship with the Mayor's office, Board of Supervisors, and various departments, the leaders of which fall under the Ethics Commission's jurisdiction for disclosure of economic interests and other regulations. The Club letter of support included with Mr. Andrews' application touts his background in politics as something that would "bring an additional perspective to the current Commission." A review of the political backgrounds of most of current Ethics Commissioners and the years of articles regarding the Commission easily demonstrates that politics as usual is the last thing the Commission needs more. It is unclear what additional – or relevant – perspective Mr. Andrews would bring since he has no ethics or policy experience. The Board's appointee should not require "on-the-job" training in good government reform.

3. **Conflict of interest for applicant working for City-funded non-profit.** In 2006, exemplary Ethics Commissioner Joe Lynn resigned from his Commissioner post. Appointed in 2003 after having worked for the Commission on staff as the Campaign Finance Officer, Lynn said that his 2006 resignation was necessary because he believed his new job working for both the HIV Planning Council and HIV Prevention Council created a potential conflict of interest for continuing to serve as an Ethics Commission based on the fact that his employers received funding from the City & County. Since current applicant Brett Andrews is the Director of Positive Resource Center (PRC), which receives local government funding, Joe Lynn, where he still with us today, would no doubt be the first to both praise the work of PRC, which Lynn greatly admired, and decry the conflict of appointing PRC's director to an Ethic Commissioner post.
4. **Cloud of whistleblower retaliation hangs over Andrews' non-profit.** An August 16, 2012 article published the Bay Area Reporter ("Ex-staffer sues Positive Resource Center") discusses a lawsuit filed by a former employee of PRC alleging wrongful termination for raising concerns to the Mr. Andrews and the PRC Board. The former employee had been the managing legal director of the agency's benefits counseling program for many years and alleged a conflict of interest involving a PRC contract with the Social Security Administration. An August 16, 2012 posting on the California Civil

Rights Law Group site ("Attorney Fired for Blowing Whistle on Bay Area Non-profit") described this case as one of whistleblower retaliation. Apparently, the disposition of the case is still pending. With a cloud of whistleblower retaliation hanging over applicant Andrews' non-profit agency, it would be inappropriate to appoint Andrew to a government agency that is charged with enforcing San Francisco's ordinance regarding Protection of Whistleblowers.

For the foregoing reasons, Friends of Ethics strongly urges the Rules Committee to forward Ms. Garfalo to the full Board with a recommendation for appointment to the Ethics Commission. She is an excellent and experienced choice for this important Commission and will, we believe, make the Board of Supervisors proud as she implements her experience and commitment to ethics regulation.

Sincerely,

Print

Signature

Oliver Luby	_____	Oliver Luby
Eileen Hansen	_____	Ms. Hansen was not available to sign in person but asked that her name be added
Larry Bush	_____	Larry Bush
HANCOY WUERFEL	_____	Hancoy Wuerfel
George Woodring	_____	G. S. Woodring
MARC SALOMON	_____	Marc Salomon
Karen Babbitt	_____	Karen Babbitt
AARON PESKIN	_____	Aaron Peskin
Nancy Shanahan	_____	Nancy Shanahan
Bob Wockendorf	_____	Bob Wockendorf
Charles Marsteller	_____	Charles Marsteller
Paul Melbostad	_____	Paul Melbostad
TEN JOHNSON	_____	Ten Johnson
Bob Plunthold	_____	Mr. Plunthold was not available to sign in person but asked that his name be added

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Sincerely,

Print RICHARD T. HANSEN

Shirley F. Hansen
RAYMOND J. BERARD
ZOANNE NORDSTROM

Marvay Tender

SUZANNE BUSHWELL

Buffy Martin-Tarbox

Timothy C. Jennings

Angela O'Neill

Christopher Cook

MARY ANNE MILLER

Paul Page

FAZON GOODMAN

MILO F. HANKIE

Signature Richard T. Hansen

Shirley F. Hansen
Raymond J. Berard
Zoanne Nordstrom

Marvay Tender

Suzanne Bushwell

Buffy Martin-Tarbox

Timothy C. Jennings

ANGELA O'NEILL

Christopher Cook

MARY ANNE MILLER

PAUL PAGE

FAZON GOODMAN

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Sincerely,

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DONALD E ELLISON, EA
HOWARD WANG

Signature

Donald E. Ellison, E.A.
Howard Wang

San Francisco
BOARD OF SUPERVISORS

Date Printed: May 7, 2013

Date Established: November 6, 2001

Active

ETHICS COMMISSION 2002

Contact and Address:

John St. Croix Executive Director
Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Phone: (415) 252-3100

Fax: (415) 252-3112

Email: john.st.croix@sfgov.org

Authority:

Charter Section 15.100. (Proposition E – Elections, Ethics & Outside Counsel approved by the voters on November 6, 2001)

Board Qualifications:

The Ethics Commission shall consist of five members, one member of whom is appointed by the Board of Supervisors. The member appointed by the Board of Supervisors shall be broadly representative of the general public.

The Mayor, the City Attorney, the District Attorney and the Assessor each shall appoint one member of the Commission that comprise the other four members. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Assessor shall have a background in campaign finance. The member appointed by the District Attorney shall be broadly representative of the general public.

The members shall serve six-year terms, provided that the first five commissioners to be appointed to take office on the first day of February 2002 shall by lot classify their terms so that the term of one commissioner shall expire at 12:00 noon on each of the second, third, fourth, fifth and sixth anniversaries of such date, and on the expiration of these and successive terms of office, the appointments shall be made for six-year terms. In the event of a vacancy, the officer who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term.

"R Board Description" (Screen Print)

San Francisco
BOARD OF SUPERVISORS

Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105. No person may serve more than one six-year term as a member of the Commission, provided that persons appointed to fill a vacancy for an unexpired term with less than three years remaining or appointed to an initial term of three or fewer years shall be eligible to be appointed to one additional six-year term. Any term served before the effective date of this Section shall not count toward a member's term limit. Any person who completes a term as a Commissioner shall be eligible for reappointment six years after the expiration of his or her term.

During his or her tenure, a member of the Commission may not: hold any other City or County office or be an officer of a political party. No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure, or a City officer running for any elective office. Participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure, or participating in decisions by organizations to participate in a campaign.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

The Commission serves the public, city employees and officials and candidates for public office through education and enforcement of ethics laws. The Commission provides open access to public records in ethics-related matters. The Commission acts as filing officer for, and auditor of, financial disclosure statements filed by political candidates and committees and designated City and County employees. The Commission assesses fees and penalties for failure to adhere to deadlines and requirements, audits statements to ensure compliance with contribution limits, administers an education program, and produces educational materials. It also oversees registration and regulation of lobbyists, investigates ethics complaints, provides advice on ethical matters and publishes statistical reports.

Its duties include: filing and auditing of campaign finance disclosure statements; campaign consultant registration and regulation; lobbyist registration and regulation; filing officer for statements of economic interest; administration of the Whistleblower program; investigations of ethics complaints; enforcement education and training; and providing advice and statistical reporting.

"R Board Description" (Screen Print)

San Francisco
BOARD OF SUPERVISORS

Reports: Statistical reports

Sunset Date: None

"R Board Description" (Screen Print)

