

File No. 211067

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Nov 8, 2021

Board of Supervisors Meeting

Date _____

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/rejecting the Mayor’s nomination for the appointment of Max Carter-**
4 **Oberstone 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/rejects the Mayor’s
15 nomination for the appointment of Max Carter-Oberstone to the Police Commission, Seat No.
16 7, for the unexpired portion of a four-year term ending April 30, 2022.



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, reading "London N. Breed".

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

MAX CARTER-OBERSTONE

EDUCATION

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

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

- 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

Date Initial Filing Received
Filing Official Use Only

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 / /

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.

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

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.

70

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CALIFORNIA FORM

FAIR POLITICAL PRACTICES COMMISSION

Name

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NAME OF BUSINESS ENTITY	GENERAL DESCRIPTION OF THIS BUSINESS ACTIVITY	FAIR MARKET VALUE (Select from drop down list)	NATURE OF INVESTMENT (Select from drop down list. If "other," describe)	IF APPLICABLE, LIST DATE (mm/dd/2019)	
				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

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CALIFORNIA FORM

FAIR POLITICAL PRACTICES COMMISSION

Name

<BLUE> is a required field

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				ACQUIRED	DISPOSED
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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		
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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		

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](#)

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

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STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
MICHAEL J. MONGAN
SOLICITOR GENERAL

November 2, 2021

San Francisco Board of Supervisors
Rules Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Washington, DC 20543

Re: Mayoral Appointment, Police Commission – Max Carter-Oberstone

Dear Rules Committee Members:

My name is Michael Mongan and I currently serve as the California Solicitor General. I am writing this letter in my individual capacity, and not on behalf of the California Department of Justice or the Attorney General. As a friend, colleague, and former supervisor of Max Carter-Oberstone, I strongly and wholeheartedly encourage you to support his appointment to the Police Commission.

I worked very closely with Max in California's Office of the Solicitor General for two years between 2016 and 2018, when he served as Associate Deputy Solicitor General. Our Office represents the People, the State, and state officials and agencies in selected cases before the state and federal appellate courts. Max was hired as part of our highly competitive Earl Warren Fellowship program. Even in a crowded and impressive field of applicants, Max stood out. He had worked as a legislative aide in the State Senate; interned at the Consumer Financial Protection Bureau; graduated with impressive marks from Stanford Law School; and completed prestigious clerkships with Judge Illston of the Northern District of California and Judge Noonan of the Ninth Circuit.

But those impressive credentials do not fully convey the talents and the skills that Max would bring to the Police Commission. Max is extremely smart and is a sophisticated and graceful writer. But what makes him even more valuable as a team-member is his dedication, work ethic, and creativity. Whatever the project—no matter how routine or banal it might have seemed on the surface—Max would dive in, research every aspect of the question, and think deeply about the legal and policy issues. I could always count on him to bring a fresh and thoughtful perspective. He was quick to identify new theories and helpful ideas about how to

structure and frame our arguments. And he was never shy about pointing out the problems with our existing arguments or suggesting approaches for improving them—but always careful to do so in a way that was sensitive and thoughtful to other members of the team.

Max is also a dedicated public servant. Throughout his career, he has looked for ways to serve his city and his State. From Washington to Sacramento to San Francisco, his career has always been more about giving back than getting ahead. He cares deeply about San Francisco, in particular, and is devoted to making sure that his native city is a safe and just place for all its residents. He also cares deeply about the rule of law. In case after case, I watched as Max worked tirelessly to ensure that our arguments were consistent with the law and served the best interests of the people of California. I know he would bring the same diligence to the work of the Police Commission.

Perhaps what is most impressive about Max are his qualities as a colleague and a human being. Throughout my career in private practice and public service, I have been blessed with the opportunity to work alongside many wonderful people. I can honestly say that, in all that time, I have never had a colleague who is more decent or generous than Max.

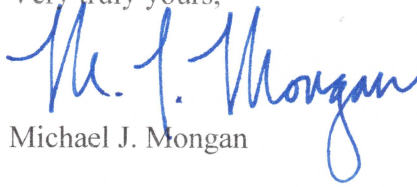
This became most clear to me in the fall and winter of 2017, during one of the busiest periods of my career, when I represented the State in a fast-moving appellate litigation in defense of the Deferred Action for Childhood Arrivals (DACA) policy. Max was already busy with his own cases at the time, but that did not deter him from volunteering to help lighten my load at every opportunity. Max barely went home during the four-day period we had to prepare and file our brief opposing the federal administration's petition for mandamus. He provided invaluable legal research and drafting assistance that strengthened our brief considerably. The brief was due on a Tuesday morning. By late Monday night, Max had finished all his projects, but I had hours of work left to complete. I encouraged him to go home and get some rest. But Max refused. I remember him telling me that if anyone else had to be in the office working at that hour, he thought it was only appropriate that he remain there, too. Max's moral support and his good humor during that all-nighter made what otherwise would have been a stressful and lonely period into one of the happiest memories of my career.

Max's kindness extends beyond the office. Just a few months after Max began his fellowship, we went out to lunch. As we walked through the building, I was surprised by the number of people I saw waving at Max—attorneys, legal assistants, custodial staff, security guards, cafeteria workers. With every wave, Max greeted the person by name. What astounded me was not just that Max knew all these people by name, but that he also knew a great deal *about* them. Max paused near the elevators to ask a custodian about his sick granddaughter, and then asked a young security guard near the front doors how he felt about the police entrance exam he had taken earlier in the week. It became clear to me that this was not a parlor trick; Max genuinely cared about all the people in our building, no matter what their position, and had taken the time over his first months on the job to introduce himself and to develop real friendships with them.

And Max stands out for his humility. Although he is not lacking in confidence, credentials, or experience, he never name-drops or boasts about his accomplishments. To the contrary—he is self-effacing and goes out of his way to put others at ease.

In short, Max is one of the smartest, kindest, and most decent people I have ever met. If confirmed to the Police Commission, he will work tirelessly on behalf of the people of the City and County of San Francisco. He has my strongest recommendation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "M. J. Mongan". The signature is fluid and cursive, with the first name "M." and last name "Mongan" clearly distinguishable.

Michael J. Mongan