



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

COPY

SUSAN HARRIMAN
CHAIRPERSON

October 1, 2007

EMI GUSUKUMA
VICE CHAIRPERSON

John Rinaldi
Vote for Chicken
3359 Army Street
San Francisco, CA 94110

EILEEN HANSEN
COMMISSIONER

JAMIENNE S. STUDLEY
COMMISSIONER

Re: Notice of Ineligibility to Receive Public Funds under San Francisco Campaign and Governmental Conduct Code §1.100 *et seq.*

CHARLES L. WARD
COMMISSIONER

Dear Mr. Rinaldi:

JOHN ST. CROIX
EXECUTIVE DIRECTOR

On August 28, 2007, you submitted to the Ethics Commission a Declaration for Public Funds (SFEC-142(b)-2) and Qualifying Contribution List (SFEC-142(c)-2), accompanied by supporting documentation to establish eligibility to receive public funds for your election campaign. Thereafter, in response to my decision not to certify you, you resubmitted Form SFEC-142(c)-2 and supporting documentation on September 19.¹ We have now completed our review of your submission. The resubmission does not demonstrate that you raised at least \$25,000 in qualifying contributions in amounts ranging from \$10 to \$100, from at least 250 individuals who reside in San Francisco, by August 28, 2007. In failing to meet these criteria, you do not meet the requirements set forth in section 1.140.5 of the San Francisco Campaign and Governmental Conduct Code ("S.F. C&GC Code").

You also requested that I allow another resubmission. If given another opportunity to resubmit, you would still be unable to qualify for public funds because the sum of qualifying contributions and potentially qualifying contributions (i.e., contributions that may potentially qualify if you were to present the appropriate supporting documentation) is less than \$25,000 (i.e., \$20,514.71 + \$3,257.33 < \$25,000; the sum of items 1 and 2 below). Therefore, I have decided not to allow another resubmission.

Further explanation of my decision not to certify you for public funds follows.

The contributions you have reported can be divided into the following categories:

- | | |
|---|-----------------------------------|
| 1. Committee has provided sufficient evidence that contributions are qualifying. ² | \$20,514.71
(272 contributors) |
| 2. Contributions that could possibly qualify if the committee were able to produce satisfactory supporting documentation. | \$3,257.33 |
| 3. Contributions that cannot qualify for one or more of the following reasons, even if the committee were able to submit additional documents,: | \$3,357.66 |
| a) \$100 from the contributor has already been deemed qualifying | |
| b) The contribution was made by a business | |
| c) The contribution was a \$100 cash contribution (cash contributions must be less than \$100) | |
| d) The date of the contribution occurred after 8/28/07 | |
| e) The amount of the contributor's total contributions was less than \$10 (a qualifying contribution must be within the range of \$10 to \$100) | |

Within five calendar days of the date of this notice, you may submit a written request for reconsideration of the decision not to certify you. If you do not submit a request for reconsideration before the deadline, my decision not to certify is final. See S.F. C&GC Code § 1.142(g). If you submit a request for reconsideration and if, after reconsideration, I decline to certify you as eligible to receive public funds, you may appeal my decision to the Ethics Commission by delivering a written appeal to the Ethics Commission within five calendar days of my final determination. See S.F. C&GC Code §1.142(h) and EC Reg. 1.142-4(d).

If you have any questions about this determination, you may call me or Shaista Shaikh, Assistant Deputy Director, at (415) 252-3100.

Sincerely,

John St. Croix
Executive Director

¹ On September 26, 2007, you provided additional documents. The Commission's consideration of the additional documentation (i.e., evidence of San Francisco residency) is reflected in this letter. On September 28, 2007, you submitted additional documentation, which consisted of eight contribution entries not reported on the September 19 version of SFEC-142(c)-2. PayPal records show a contribution date of later than 8/28/07 for seven of these eight contributions. Even if the Commission were to consider documents that you submitted on September 28, 2007, the analysis and conclusion described above would be unaffected.

² See S.F. C&GC Code §1.104(o) and (v).