



DENNIS J. HERRERA  
City Attorney

CHAD A. JACOBS  
Deputy City Attorney

DIRECT DIAL: (415) 554-4677  
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June 12, 2007

Steven Gruel  
655 Montgomery Street, Suite 1700  
San Francisco, CA 94111

Via E-Mail & U.S. Mail

Re: Letter Dated June 12, 2007 Regarding Supervisor Jew's Residency

Dear Steve:

We write in response to the letter you sent to us earlier today questioning the process we have undertaken to review the question of your client's residency. None of your characterizations of our office's motivation are remotely accurate.

When we began this process about three weeks ago, we made clear that it was in the public interest to resolve the question as soon as possible, and we have reiterated this goal throughout our review. We have also consistently extended every reasonable opportunity to your client to provide us with information that would help our inquiry. When your client left on vacation shortly after we began our review and requested an extension to respond to our initial request for information, we granted it. We have repeatedly requested to interview your client.

The purpose of our June 11, 2007 letter was consistent with this objective. We were giving your client another and final opportunity to present evidence that demonstrates his residency in the District from which he was elected to serve, and we wanted to make clear the importance of his doing so. We wrote, in the interest of time, to confirm what you and I had discussed on the telephone regarding the lack of evidence that your client actually resided at the 28th Avenue property during the relevant period and to identify the kinds of information you had not yet provided that might aid in establishing his residency there. We also sought to reiterate our request, which you had on his behalf declined, for an in-person interview. We consider an in-person interview important to help resolve the unanswered questions.

Your contentions about our making the letter public overlook two realities. First, you and your client have made numerous statements to the press, keeping this issue in the public eye and fueling press interest in the issue. The statement made by your client's office characterized the response he gave us and compelled us to contact you on Friday and subsequently confirm that conversation in writing. Second, we were legally required to provide a copy of the letter to the press in response to a written immediate disclosure request we received for records that relate to this matter. That request included the correspondence between us.

Finally, in both your letter of today's date and my conversation with your colleague yesterday, you appear to question the need for our June 11, 2007 letter. But experience in this and other matters has taught us that written communications are essential because they create a record about what has been sought, provided and denied. In a matter of this importance, establishing a clear written record is in your client's interest as well as the City's interest. A written record makes the process more transparent and serves not only ideals of fairness and justice but also the public interest in open government.

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From the beginning, we have made clear that we would perform an objective and fair review of the law and facts relating to this matter, and our record in this and other investigations demonstrates that is exactly what we are doing. We have reached no final conclusion related to this issue and as our letter of yesterday's date confirms, continue to seek any and all relevant information related to this matter. We continue to be committed to providing your client a final opportunity to furnish information as we described in our June 11, 2007 letter, but we see no reason to entertain further requests for an extension of our June 15, 2007 deadline.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

A handwritten signature in black ink, appearing to read "Chad A. Jacobs", written over the typed name below.

Chad A. Jacobs  
Deputy City Attorney

*Law Offices of*  
**Steven F. Gruel**

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**Fax, E-mail & U.S. Mail**

June 12, 2007

Chad A. Jacobs  
Deputy City Attorney  
Office of the City Attorney  
City Hall – 1 Dr. Carlton B. Goodlett Place, Suite 234  
San Francisco, CA 94102

**Re: City Attorney's letter Dated June 11, 2007**

Dear Mr. Jacobs:

On Friday afternoon, June 8, 2007, at approximately 3:00 p.m., we discussed the documents that had been provided to you pursuant to the City Attorney's request. The discussion was extremely cordial. As you will recall, I mentioned that we did not have, at that time, all the documents you requested. We focused on additional documents you considered helpful for your investigation. We explored various ways to arrange Supervisor Jew's interview with you given the apparently pending federal criminal investigation.

You indicated that we shared a common ground to work together to resolve this residency matter. You imposed no deadlines on Supervisor Jew. Rather, I was left with the clear understanding that this matter would proceed in an orderly, thoughtful fashion devoid of the dark taint of local politics.

Unfortunately, you either cynically mislead me or your managers completely usurped our working relationship. Either way, I have never witnessed a greater degree of "sandbagging" in 22 years of practicing law.

In less than one working day since our conversation, your office publicly distributed a letter wrongly claiming that Supervisor Jew was being unresponsive to your request, imposing new unilateral deadlines, and taking yet another opportunity to attempt to

inflame public opinion against Supervisor Jew. Such self-serving media jabs are completely destructive, and are thinly veiled efforts to score public opinion points against the Supervisor.

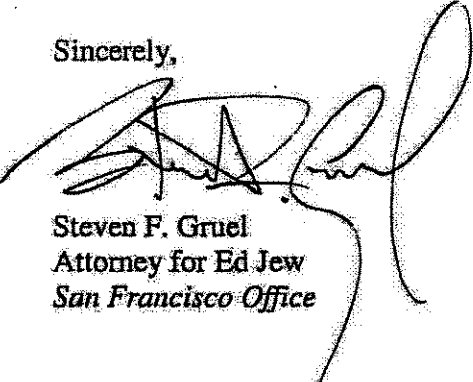
Not only has your office displayed a degree of unprofessionalism which I have never witnessed, but the City Attorney's actions further underscore what is discussed on the streets - that this "investigation" is politically driven against the Supervisor.

I question your office's objectivity in this matter and demand that your office immediately and publicly retract the misleading statements given to the media. I seriously doubt that any amount of documents or any number of interviews with Supervisor Jew will dissuade the City Attorney from the conclusion he has evidently already reached.

I will discuss with the Supervisor your recent letter, I further request that all future communications be in writing, an unfortunate, but now necessary, requirement.

I also request that we agree, in advance, on a mutually-acceptable schedule for all future document productions and any interviews, to avoid this type of situation in the future.

Sincerely,



Steven F. Gruel  
Attorney for Ed Jew  
San Francisco Office

cc. Supervisor Ed Jew



DENNIS J. HERRERA  
City Attorney

CHAD A. JACOBS  
Deputy City Attorney

DIRECT DIAL: (415) 554-4677  
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June 11, 2007

Steven Gruel  
655 Montgomery Street, Suite 1700  
San Francisco, CA 94111

Re: Request for Documents and Interview to Demonstrate Residency in District 4

Dear Steve:

We write this letter for two reasons: first, to confirm our continued request for documents from your client, Supervisor Ed Jew, demonstrating that he has met the residency requirements of the City's Charter; and second, to one last time renew our request for an in-person interview of the Supervisor.

As we discussed on Friday, June 8, 2007, the documents that your client provided to this office did not fully respond to our initial request. For example, your client provided tax returns for 2005 and not 2006, and he did not include schedules that may have a bearing on the residency issue. Your client provided no responses related to our request for documentation of telephone or cable services associated with 2450 28th Avenue, provided incomplete records of other utility services, and gave incomplete or no responses to our request for information related to homeowner's tax exemptions and renter's tax credits. We reiterate our request for the documents that your client failed to provide last week. While you stated in your cover letter that the Federal Bureau of Investigation ("FBI") might have seized some information relevant to our inquiry, we are unclear whether you meant the documents mentioned above or other documents. To that end, it would help our inquiry if your client would provide to us a copy of the search warrant receipt from the FBI and a list of the relevant documents or categories of relevant documents he believes the FBI has taken.

In addition, as I mentioned to you in our Friday conversation, the documents your client provided to us do not persuasively demonstrate that he resided in District Four under the requirements of the Charter. Most of the documents he provided relate to the address he claims is his business address on Waverly Street. Therefore, we would like to offer your client a final opportunity to provide us with *any* documentation or other information that demonstrates his actual habitation at 2450 28th Avenue or his intent to make 2450 28th Avenue his domicile on and after July 1, 2006. Examples might include: (1) a clear statement about where your client and his family have since June 1, 2006 spent their nights and kept their household belongings – i.e., clothing, house wares, jewelry, and family photographs; (2) copies of any homeowner's or renter's insurance policies in your client or his spouse's name for the period June 1, 2006 to the present; or (3) copies of automobile insurance policies for any vehicles registered to your client or his spouse; (4) copies of any bills, including internet or credit card bills, that your client or his wife receives or has received at 2450 28th Avenue; (5) proof of magazine or newspaper subscriptions delivered to your client or his spouse at 2450 28th Avenue between July 1, 2006 and the present; and (6) additional statements from neighbors. These are just examples, and you may redact personal or financial information from any documents you produce, so long as the redacted information is not relevant to the question of your client's residency. We welcome any

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further information of any kind that your client can provide that demonstrates that 2450 28th Avenue was and is his domicile for the relevant period.

For the same purpose, we renew our request to interview your client to resolve the factual issues related to our inquiry as expeditiously as possible. As I noted to you in our discussion last Friday, the Supervisor or his representatives have continued to make statements to the press about his residency, including as late as last Friday. If your client is able to make statements to the press regarding the status of his residency, then we do not understand why he is unwilling to make statements on the record to this office. If he refuses such an interview, we will be left with the written information you have provided and the statements he and his representatives have made to the press as representing his side of the story.

As I have noted to you and other attorneys providing legal representation to your client in this matter, we believe it is in the public interest to resolve this matter as quickly as possible. **With that in mind, we ask that your client provide us with the documents and information we request in this letter and make your client available for an interview, all no later than the close of business on Friday, June 15, 2007.**

Please do not hesitate to contact us if you or Supervisor Jew have any questions related to this letter or if you are willing to establish a date and time for an in-person interview between the Supervisor and this office.

Very truly yours,

DENNIS J. HERRERA  
City Attorney



Chad A. Jacobs  
Deputy City Attorney



DENNIS J. HERRERA  
City Attorney

CHAD A. JACOBS  
Deputy City Attorney

DIRECT DIAL: (415) 554-4677  
E-MAIL: chad.jacobs@sfgov.org

May 23, 2007

The Honorable Ed Jew  
San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Request for Documents

Dear Supervisor Jew:

As you know, significant questions have arisen regarding whether you have remained a resident of District Four during your incumbency. Charter section 13.110(e) states, "[e]ach member of the board of supervisors, commencing with the general municipal election in November, 2000, shall be elected by the electors within a supervisorial district, and must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of candidacy for the office of supervisor, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office." In light of these questions about your qualification to serve under the Charter, the City Attorney's Office is obligated to investigate these matters. It is in the public interest to resolve these questions as quickly as possible.

This inquiry requires an analysis of both law and fact. To that end, in coordination with the District Attorney's Office, we request that you provide the following factual information to us in writing by the close of business next Tuesday, May 29, 2007:

- A copy of your 2006 state and federal tax returns (you may redact any and all information on the returns that you choose other than the address used to file your return and the amount of property taxes for which you claimed a deduction, if any).
- A copy of your driver's license.
- A copy of the vehicle registration cards for any vehicle registered in your name.
- A copy of the following utility bills for your residence located at 2450 28th Avenue for the period June 1, 2006 through April 30, 2007:
  - any gas and electric bills [from Pacific Gas and Electric]
  - any waste removal bills from [Sunset Scavenger or Norcal Waste]
  - any cable or satellite television bills [from Comcast Cable, Direct TV, the Dish Network or VOOM]
  - any telephone bills [from AT&T or SBC].
- A statement disclosing whether you maintain a homeowner's property tax exemption pursuant to Section 218 of the California Revenue and Taxation Code, and if so, the address of the dwelling where you maintain such exemption.

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- A statement disclosing whether you maintain a renter's tax credit pursuant to Section 17053.5 of the California Revenue and Taxation Code, and if so, the address of the dwelling where you maintain such credit.

Thank you in advance for your cooperation with this request. Please let us know if you cannot provide the requested information and the reason why. If we do not receive this information from you by the deadline stated above, we will be compelled to seek to obtain it by other means.

Should you have any questions regarding this request, please contact Deputy City Attorney Chad Jacobs at 554-4677 or our Chief of Investigations, Tom Boyd, at 554-4264.

Very truly yours,

DENNIS J. HERRERA  
City Attorney



Chad A. Jacobs  
Deputy City Attorney

cc: District Attorney, Kamala D. Harris  
June Cravett, Assistant District Attorney





DENNIS J. HERRERA  
City Attorney

May 23, 2007

The Honorable Ed Jew  
San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102.

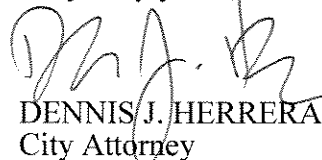
Re: Request for Official Inquiry

Dear Supervisor Jew:

I write in response to your May 22, 2007 letter requesting an official inquiry into whether an employee or employees of the Public Utilities Commission (the "PUC") violated section 3.228 of the San Francisco Campaign and Governmental Conduct Code by releasing data related to water usage at your father's home located on 28th Avenue. I do not believe such an inquiry is warranted based on my understanding of the facts as described below.

Section 3.228 prohibits City officers and employees from willfully or knowingly disclosing any confidential or privileged information unless authorized or required by law to do so. For the purposes of this section, the phrase "confidential or privileged information" is defined to include "information that at the time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or Public Records Act." S.F. Campaign and Governmental Conduct Code § 3.2228. Therefore, the disclosure of public records is clearly outside the scope of section 3.228. Because you stated in your letter and in comments to the public that your father's home is also your residence, the Public Records Act specifically permits disclosure of this information. *See* California Government Code section 6254.16, a copy of which is attached. As a result, the PUC lawfully released the information relating to water usage at your residence on 28th Avenue.

Very truly yours,



DENNIS J. HERRERA  
City Attorney

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6254.16. Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows:

(a) To an agent or authorized family member of the person to whom the information pertains.

(b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.

(c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.

(f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

Member, Board of Supervisors  
District 4



City and County of San Francisco

ED JEW  
趙悅明

May 22, 2007

Dennis Herrera  
San Francisco City Attorney  
#1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Mr. Herrera:

I write to request an official inquiry by your office into the apparent willful public disclosure of confidential personal information by an employee or employees of the Public Utilities Commission.

As reported in this morning's Chronicle, an undisclosed source at the Water Department made public water bills from my father's house located on 28<sup>th</sup> Avenue in my district, where I reside.

Unlike other utilities, the Water Department is owned by the City & County, and the Department's employees are City employees. Section 3.228 of the San Francisco Campaign and Governmental Conduct Code states:

No current or former officer or employee of the City and County shall: (a) willfully or knowingly disclose any confidential or privileged information, unless authorized or required by law to do so; or (b) use any confidential or privileged information to advance the financial or other private interest of himself or herself or others. Confidential or privileged information is information that at the time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or California Public Records Act.

I would completely understand a disclosure of private information if a prior official determination had been made that it served the public interest. But in this case, a Water Dept. employee violated my father's privacy for the sole purpose of attempting to cast doubt on my official place of residence. Additionally, the information given to the reporter(s) was partial information, i.e., selectively culled to influence the intended conclusion.

My attorneys believe that asking for an investigation into this incident by your office is the first step that I should take to ensure that our municipally owned Water Department is not abusing its authority and the public trust. Toward that end, I look forward to your early reply.

Sincerely,

  
Supervisor Ed Jew

EJ/brm

**SFGate.com**

## **S.F. supervisor is investigated over question of city residency Law required him to live in District 4 for at least 30 days by the time he filed for his board seat**

Wyatt Buchanan, Robert Selna, Cecilia M. Vega, Chronicle Staff Writers  
Tuesday, May 22, 2007



The San Francisco city attorney opened an investigation Monday into whether Supervisor Ed Jew meets the residency requirements to hold his west-side board seat, as new information emerged raising questions about the rookie lawmaker's claim to reside at a house on 28th Avenue in the city's Sunset District.

Jew filed to run for District 4 supervisor on Aug. 11, 2006, and won a surprise victory three months later for the Board of Supervisors post, besting candidates backed by the mayor and other elected officials in the contest for the open seat.

To qualify to run, Jew, a Chinatown flower shop operator and real estate investor, was required to have been a domiciled resident of District 4, which encompasses the Sunset District, for at least 30 days by the time he filed to become a candidate.

But city officials familiar with utility service at the 28th Avenue house that Jew claims as his primary residence say water to the home had been shut off since March 2006 and the service wasn't started in Jew's name until Sept. 11, 2006 -- 60 days after he would have been required to live there.

Moreover, water usage figures for the property since then are at odds with what would be expected if Jew had been using the home -- in the 2400 block of 28th Avenue -- as his permanent residence.

Jew has been under intense scrutiny since Friday, when FBI agents carrying out a criminal investigation unrelated to the residency questions searched his City Hall office, his flower shop, the home at 2450 28th Ave. and another residential property in Burlingame where his wife and daughter reside.

Neighbors told Chronicle reporters seeking information on the FBI investigation that the house on 28th Avenue had been vacant for an extended period and that they rarely saw Jew coming and going there.

Jew, his City Hall legislative aides and a lawyer representing him in connection with the criminal investigation did not return messages seeking comment for this story.

defined as "that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning."

Election laws allow for more than one residence but only one domicile, and maintaining a domicile requires a physical presence in the home, the spokesman, Matt Dorsey, said.

Jew said he believes the businessmen from whom he accepted the \$40,000, owners of Quickly tapioca drink shops, erroneously told the FBI that the supervisor pressured them to employ a certain consultant to help them resolve problems related to permits.

Jew acknowledged recommending a consultant, Robert Chan of Bridge Consulting, whom he has known for several years, but insisted he did nothing inappropriate. He said he accepted the money from the men because they told him they owed it to Chan but preferred to make the payment through him.

On Monday, Jew's office announced that defense lawyer Steven F. Gruel has been hired to represent Jew in connection with the federal criminal investigation.

Gruel is a former federal prosecutor and worked with the FBI for 16 years. Gruel has agreed to represent the supervisor only if Jew limits his comments to the media and to law enforcement, according to a news release from Jew's office.

Gruel, who was in court in Los Angeles Monday, said no one should draw conclusions of guilt or innocence from a search warrant alone.

"My client is cooperating fully to clear up this apparent misunderstanding," Gruel said in the written statement.

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/05/22/MNG7QPV65J1.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle