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Via E-Mail & U.S. Mail

June 13, 2007

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

James R. Sutton
150 Post Street, Suite 405
San Francisco, CA 94108

Bill Fazio
Law Offices of Bill Fazio
234 Van Ness Ave.
San Francisco, CA. 94102

Re: Meeting and E-Mail Today Regarding Supervisor Ed Jew's Residency

Gentlemen:

I write in response to Mr. Fazio's e-mail request at 12:41 p.m. today on behalf of Supervisor Jew that the City Attorney "hold off and abstain from further action until the criminal matter is resolved." I also write to address the separate request early this afternoon by Messrs. Gruel and Sutton on behalf of Supervisor Jew that the City Attorney extend for one week the time within which Supervisor Jew may respond to our recently reiterated request for an interview and for any other information he wishes to provide that might aid in establishing his residency at the 28th Avenue property.

We have discussed your requests with the City Attorney and he is not willing to grant either of them. Consistent with the City Attorney's obligations under the Charter to the citizens of San Francisco, we will not delay our investigation any further than we already have, much less do so for the indefinite period it may take to resolve the various criminal proceedings pending against your client, particularly because we have already afforded your client ample opportunity to provide information to us. We have repeatedly emphasized the strong interest of San Francisco citizens, particularly those in District Four, in having a prompt resolution of whether your client met the residency requirement for the position he has held as representative of that District.

As we stated in our June 12, 2007 letter to Mr. Gruel, for the past three weeks, we have offered your client every opportunity to provide us with information demonstrating, both through documents and an in-person interview, that he has resided in the house his father owns on 28th Avenue in satisfaction of the requirements under the Charter. We granted your client an

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extension from our initial request because he chose to keep his plans to travel out of the country. Further, when the information he provided, coupled with that we obtained from other sources, did not resolve the question, we informed you that he had not persuasively demonstrated his residency in District Four and invited him one last time to provide any additional information that might aid in making that showing. We also renewed our earlier requests, which you had already declined, to interview your client in person.

We understand that your client's actions have put him in the unenviable position of being the subject of both pending criminal charges and an investigation into whether he meets the residency requirement for office. That is unfortunate, and we understand that he would prefer to postpone the resolution of whether he met and meets the residency requirements for the office in which he is serving until the criminal proceedings against him are resolved. But what is at stake here is the integrity of San Francisco's form of representative democracy. The voters of this City adopted a system of government in which the citizens of each district would be represented by an individual who resides in their district and shares the same stake and perspective in local policy matters that they do. A substantial question has been raised as to whether your client was a resident of District Four either 30 days before he filed his nomination papers or at any time during his incumbency. Until this issue is resolved, the cloud of uncertainty over whether District Four has a legitimate representative on the Board of Supervisors will hang over the deliberations and decisions of that body. This situation is untenable.

The City Attorney has more than fulfilled and will continue to fulfill his obligation to be fair to your client. In doing so, however, he cannot ignore his paramount duty to the citizens of the City and County of San Francisco and will not countenance further delay in this matter. Once again, if your client has any additional information to provide on this issue, whether documentary, verbal or otherwise, he should provide it to us by Friday, June 15, 2007.

Very truly yours,

DENNIS J. HERRERA
City Attorney



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