

# San Francisco Bicycle Coalition Education Fund

[sfbike.org/edfund](http://sfbike.org/edfund)



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December 1, 2022

San Francisco County Transportation Authority Board  
1455 Market Street, 22nd Floor  
San Francisco, CA 94103

Re: *Bicycle Safety Education; Bike to Wherever Day Sponsorship*

Dear Commissioners:

We write concerning the above-titled programs, and to respond to comments raised at the recent November 8, 2022 meeting of the San Francisco County Transportation Authority (“SFCTA”) Board. We were present for the hearing but not asked to comment, and we now want to address the questions raised concerning our organization and these programs.

At the hearing, questions were raised concerning the allocation of funds controlled by the SFCTA for these programs. These programs are popular and aligned with the City’s stated objectives. In 2019, the Board of Supervisors passed its resolution declaring a climate emergency. The City’s Climate Action Plan provides that by 2030 at least 80% of all San Francisco trips should be low-carbon trips – e.g., public transit, walking, or biking. This is one of many such resolutions, and over the past decade the City and corresponding agencies have repeatedly stated their admirable goal of reducing motor vehicle dependence by fostering alternative, daily transportation, including riding a bicycle. See, for example, Vision Zero SF’s Action Strategy (calling for the establishment of an active transportation network by 2024) as well as Plan Bay Area 2040 (setting goals for increasing non-automobile mode share by at least 10%). Simply stated, the City has a long-standing policy of supporting alternative transportation that requires significant mode shifts away from polluting private vehicles to alternative forms of transportation, including cycling, for day-to-day transportation.

The programs discussed at the November 8 hearing are not new, and our organization has been completely transparent regarding their execution, use of funds, and impact. In 2019, consistent with the City’s goals, the SFMTA awarded a contract to the SF Bicycle Coalition, following a competitive open RFP process, to provide free bicycle education classes to the public. On an annual basis the San Francisco Bicycle Coalition puts on about 50 classes a year, educating about 800 people of all ages and experience levels. The classes take place throughout the city in every district, and the majority of participants in the classes are non-white and non-male, demonstrating our commitment to equity; we also provide the classes in four different languages, greatly exceeding the mandated number of language-accessible classes. The program is not only popular, but has been enormously successful at providing San Francisco residents with the requisite cycling skills to feel comfortable riding on our city streets. For example, six weeks after attending a class, we see a 30 percentage point increase

in students who rate their knowledge of their rights and responsibilities while biking in SF as ‘good’ or ‘excellent’. Since 2019, we have held over 150 classes under this contract. Pursuant to the contract, the SFMTA reimburses our organization to pay for instructors, staff administrative time, and the supplies necessary to provide these classes. The SF Bicycle Coalition does not earn a “profit” from this education program.

Similarly, for decades our organization has hosted “Bike to Work Day” (“BTWD” — rebranded in the pandemic to “Bike to Wherever Day” in recognition of how the pandemic impacted work commutes). The annual event highlights cycling as a feasible method of transportation in the city and is enormously popular. In 2022, thousands of people participated, with our employees and hundreds of volunteers staffing nineteen ‘Energizer Stations’ throughout the city, in all 11 districts, and also coordinating at least a half dozen neighborhood rides. To get a sense of the popularity of the event, in 2022 the page on our website showing the map for our Energizer Stations received 56,450 views.

Historically, SFMTA/SFCTA has provided sponsorship for the event, defraying a portion of the expenses of putting on BTWD, because the event is extremely beneficial in achieving the City’s goals. In 2022, SFMTA/SFCTA contributed \$38,475 towards the event, representing just over 32% of the total expenses associated with the event. The majority of the funding for this event comes from corporate and individual donations from San Francisco-based businesses and residents. Moreover, the budget for the event does not take into account the hundreds of volunteers who give their time and resources to make the event successful.

The SFMTA/SFCTA’s sponsorship of the event covers a fraction of the expenses for the event. For example, in 2022, we incurred \$98,522 in expenses, including staff time, supplies, stickers and other giveaways, and event rentals.

Both programs are important to the City’s stated climate and transportation goals, and we encourage the SFCTA to approve extending funding for these programs in 2023.

Questions were raised at the November 8, 2022 meeting concerning a recent complaint filed by the Sutton Law Firm with the Ethics Commission, as well as questions related to our organization’s structure, and, more generally, whether the City should provide financial support to nonprofits that engage in “political activity.” We address both sets of comments.

First, in terms of our organization, we have two separate and independent entities: the “San Francisco Bicycle Coalition Education Fund” is a 501(c)(3) and the “San Francisco Bicycle Coalition” which is a 501(c)(4). This is hardly a unique structure among non-profits in a variety of service fields. Our website plainly explains the distinction between the two entities:

**SF Bicycle Coalition vs. SFBC Education Fund**

The San Francisco Bicycle Coalition Education Fund is a 501(c)(3) organization that supports all of our organizational work except for endorsements of political candidates. The San Francisco Bicycle Coalition (SFBC) is a 501(c)(4) organization, which means that contributions to the SFBC are not tax-deductible. Your support of the SFBC Education Fund will be used for all of our important organizational needs except for direct political lobbying and candidate endorsements.

The vast majority of our budget (94%) supports the work of the 501(c)(3), including all of the work related to bicycle safety education and BTWD. While the 501(c)(4) entity is technically the recipient for the Bicycle Safety Education and BTWD, we document the transactions internally (with the approval of our independent

auditors) as being attributable to the 501(c)(3), and all funding for the Education contract and BTWD sponsorship is used solely for those activities. The 501(c)(4), through a volunteer Board of Directors, does provide candidate endorsements and very limited political activity. The 501(c)(4) does not fund candidates or campaigns in any way, and execution of the organization's 501(c)(3) programs is entirely independent of the Board's endorsement activities. The organizations are (and always have been) separate, with separate activities and finances.

Second, the timing of these questions seems plainly targeted and intended to silence our basic advocacy for safer streets and alternative transportation. We were not invited to discuss these issues at the November 8 hearing, and we are not aware of any similar inquiries being directed to other nonprofits that the City supports. For example, we're not aware of any inquiry concerning the City's substantial financial support of the Corporation of the Fine Arts Museums (and its museums) despite COFAM paying \$402,330 (according to its disclosures) to support the campaign in favor of Proposition I and against Proposition J.

The fact that supervisors who opposed Prop J are targeting funding for a popular, well-run program performed within a competitively-earned contract — which happens to be carried out by a legally-structured non-profit that supports Prop J — on the very day San Francisco voters overwhelmingly voiced their support for that proposition smacks of political retribution and an attempt to silence political speech protected by the First Amendment.

In September and October, leading up to the election, the lawyers paid for by Proposition I's sponsors spent tens of thousands of dollars threatening legal action against our organization, as well as the other non-profits that supported keeping JFK car-free. The lawyers also filed a complaint with the San Francisco Ethics Commission, which they also provided to the press, in a transparent attempt to silence our organization and other non-profits. The claims have no merit, and contrary to statements made at the November 8 meeting, we have always maintained that they lack merit. In responding to these accusations, we identified a single fundraising email sent to our members that referred to a "likely...measure on the November ballot" and more clearly differentiated between our two legal entities. Out of an abundance of caution, we went ahead and refunded all of the money we received from that email (\$5,680.50) and filed the appropriate filings with the Ethics Commission (as though we were actually soliciting money for the Proposition J campaign, which we were not).

We hope that this addresses any legitimate concerns of the Commissioners and the SFCTA Board. These programs are extraordinarily popular with the residents of San Francisco and are an essential component of the City's plan to meet its short and long term goals concerning alternative transportation and street safety.

Sincerely,

A handwritten signature in black ink that reads "Janelle P. Wong". The signature is written in a cursive, flowing style.

Janelle P. Wong  
Executive Director  
San Francisco Bicycle Coalition



Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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## Public comment for December 6, 2022, SFCTA Board meeting - ethics investigations of SF Bicycle Coalition

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Howard Chabner &lt;hlchabner@comcast.net&gt;

Thu, Dec 1, 2022 at 9:32 PM

To: Rafael.Mandelman@sfgov.org, Aaron.Peskin@sfgov.org, clerk@sfcta.org, Connie.Chan@sfgov.org, Catherine.Stefani@sfgov.org, Gordon.Mar@sfgov.org, Dean.Preston@sfgov.org, matt.dorsey@sfgov.org, Ahsha.Safai@sfgov.org, Shamann.Walton@sfgov.org, Myrna.Melgar@sfgov.org, Hillary.Ronen@sfgov.org  
Cc: Vin Budhai <vin@sfunite.org>, Richard Corriea <rlcorriea@gmail.com>, Howard Chabner <hlchabner@comcast.net>

Dear Chair Mandelman, Co-Chair Peskin and SF County Transportation Authority Board members:

At the November 8, 2022, SFCTA Board meeting, Commissioner Chan requested that Item 5 (as it relates to the funding of "Bike to Wherever Day Sponsorship 2023" and "Bicycle Safety Education and Outreach") be continued to a later date. The continuance was requested to allow pending ethics investigations of the San Francisco Bicycle Coalition by the California Fair Political Practices Commission (FPPC) and San Francisco Ethics Commission (SFEC) to be completed. The request to continue this item was supported by several Board members.

The attached documents contain the formal complaints made with the FPPC and SFEC about the San Francisco Bicycle Coalition and Walk San Francisco, the supporting documents that were submitted, the initial responses from the FPPC, and news coverage from the San Francisco Standard. The allegations are serious and concerning, and are still being investigated by the FPPC and SFEC. Therefore, I request that this item, and any other matters that may arise regarding funding, grants and contracts with the San Francisco Bicycle Coalition and Walk San Francisco, be further continued.

Please make this email and the attachments part of the official record of the December 6, 2022, SFCTA Board meeting.

Sincerely

Howard Chabner



SFBike-WalkSF-EthicsInvestigations 12.6.22 SFCTAPublic Comment Attachments.pdf  
4282K

ELECTION 2022

# Nonprofits Backing Car-Free JFK Drive, Great Highway Admit Fundraising Gaffes

Written by Josh Koehn

Published Oct. 13, 2022 • 11:17am



Fennel Doyle is seen attending a legislative session at City Hall in which the Board of Supervisors voted to make JFK Drive car-free in San Francisco on Tuesday, April 26, 2022. | Nick Otto

Two nonprofits working to keep JFK Drive and the Great Highway car-free appeared to skirt IRS and election rules this summer when they solicited tax-deductible donations to fund a campaign fight that has consumed City Hall for more than a year.

The San Francisco Bicycle Coalition and Walk San Francisco, which receive city funding and advocate for safer streets for cyclists and pedestrians, respectively, sent emails in July encouraging their members to make tax-free donations for the election battle on whether cars should return to the coveted roadways.

While 501c3 nonprofits can advocate on political issues and ballot measures, the money used to fund these campaigns has to be properly reported, and this money cannot be used for tax write-offs.

The proponents of Proposition I, which seeks to return vehicle access to the Great Highway in the Sunset and JFK Drive in Golden Gate Park, claimed in complaints filed with the state's Fair Political Practices Commission (FPPC) and the San Francisco Ethics Commission that the nonprofits violated these laws. Both the Bicycle Coalition and Walk SF support Prop. J, which would codify an ordinance passed by the Board of Supervisors to keep the roadways car-free, a move that occurred early in the pandemic.



A man rides a bike on John F. Kennedy Drive passing by the First Annual JFK Promenade Holiday Party in Golden Gate Park on Sunday, Dec. 19, 2021. | Photo by Ekevara Kitpowsong

While many parents, cyclists and pedestrians have celebrated the road closures, seniors and people with disabilities have joined forces with the de Young Museum, which JFK Drive runs by, to argue that the lack of access has created traffic congestion around the park and made public spaces harder to reach. The de Young blames JFK Drive's closure on its multimillion dollar losses.

Jim Sutton, an attorney working on the Prop. I campaign, told The Standard in a phone interview that the violations were “clear from the face of the letter” each organization sent out to members.

“There is no real defense. It’s kind of just what it is,” Sutton said. “I don’t know if they were intentionally flaunting campaign and tax laws, but the Bike Coalition doesn’t get to claim they’re a little nonprofit.”

A letter from the FPCC confirmed the complaint is being reviewed, while the Ethics Commission has not issued any findings on the allegations and is unlikely to do so until after the election.

**LET US KNOW HOW YOU CAN HELP THE CAMPAIGN**

With just 16 weeks until Election Day, Walk SF is already gearing up.

There's no time to waste in organizing to defeat the opposition's measure and pass the countermeasure to enshrine JFK Promenade's permanence.

We're asking you to donate \$50, \$100, or more so we can do everything possible to win. We aim to bring on a part-time staff person to focus on this campaign, plus do lots of the positive communications and volunteer mobilization that helped us win the first time around. As a small nonprofit, we're counting on you to chip in whatever you can.

**DONATE NOW TO SAVE CAR-FREE JFK**

This screenshot shows an email Walk SF sent to its members linking tax-free donations to the election campaign to keep JFK Drive car-free. The [SF Bicycle Coalition](#) sent at least one similar message.

Janelle Wong, executive director of the SF Bicycle Coalition, which has roughly 8,000 members and is expected to receive nearly \$564,000 in city grants and payments for 2022-23, said in a phone interview Wednesday that roughly \$5,400 was raised from the erroneous fundraising emails sent in July. All of that money, she added, was returned after the organization became aware of the issues raised in Sutton's Sept. 20 letter to her board.

“We didn't commit tax fraud, and certainly we're not trying to mislead anybody about our work,” Wong said. “We did reach out to members who donated money to that email and refunded all donations in an abundance of caution.”



Jodie Medeiros, executive director of Walk SF, said she reached out to Sutton last month to see if he could help her group with campaign compliance, only to learn that his firm was already working on Prop. I.

A short time later, she said, Sutton sent a letter accusing her group, which has fewer than 2,000 members and an annual budget of less than \$1 million, of breaking the law.

Medeiros acknowledged that Walk SF crossed a line in its campaigning and reporting, but the organization has since returned about \$5,000 garnered from the fundraising emails and filed the proper disclosures. Walk SF, which is expected to receive nearly \$265,000 in city grants and payments for 2022-23, also created a multipurpose organization to handle its campaign work in the future.

“It’s not surprising that they raise this now, in a fight in which they feel they need to do more to distract us from our core work,” Medeiros said. “We’re doing our best to continue advocating for safer streets in San Francisco.”



Walk San Francisco Executive Director Jodie Medeiros and Mayor London Breed lead a group on a stroll down Linden Street to City Hall for “Walk to Work Day” in San Francisco on Wednesday, April 10, 2019. | Paul Chinn/The SF Chronicle via Getty Images

Money has played a huge role in the fight over JFK Drive and the Great Highway, as the Corporation of Fine Arts Museums (COFAM)—a nonprofit linked to the de Young Museum—and a parents group called Kid Safe SF have combined to spend more than \$292,000 on lobbying and influencing efforts going back to last year. A key difference is that the parents’ group has mostly held community events while COFAM has funded meetings to bend the ears of city officials.

Meanwhile, Dede Wilsey, a longtime benefactor of the de Young, threw in \$200,000 of her own money in June to help gather signatures to get Prop. I on the ballot.

Prop. I backers spent more than \$650,000 by the end of September, and COFAM tossed in \$75,000 to support the measure last week. Meanwhile, Prop. J’s campaign spent just \$265 as of last month while the Grow SF PAC spent \$9,300

to support the measure while also opposing Prop. I. The Prop. J backers should soon come out of hibernation, though, as Yelp CEO Jeremy Stoppelman recently gave \$300,000 to support the car-free position.

If both ballot measures pass but one gets more votes, that one will become the law of the land. New polling by The Standard shows that voters are more inclined to keep the roads car-free, but the issue is far from decided.

Additional costs could come into play if Prop. I successfully overturns the will of the Board of Supervisors. A cost analysis by the San Francisco Controller's Office found that reopening the Great Highway to car traffic would trigger a 20-year, \$80 million infrastructure project, as coastal erosion is deteriorating the roadway.

Wong said the ongoing cost to taxpayers, on top of the benefits of car free streets, should not be lost on voters.

"In our mind, JFK Promenade is sort of the crown jewel of what's come out of the pandemic," she said, adding that the Great Highway's reopening would be particularly onerous. "I don't want my taxpayer dollars to go toward keeping a road open to cars while it is currently falling into the ocean."



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- DA Brooke Jenkins in Driver's Seat Ahead of Election, But Many Voters Still Undecided
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Josh Koehn can be reached [josh@sfstandard.com](mailto:josh@sfstandard.com)

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# THE SUTTON LAW FIRM

September 20, 2022

Walk San Francisco Foundation Board Members  
2601 Mission St., Ste. 400  
San Francisco, CA 94110

RE: Tax Fraud and Campaign Reporting Violations Being Committed by Walk SF

Dear Board Members:

On behalf of our client, Access for All, the political committee supporting Prop. I and opposing Prop. J on the November 2022 San Francisco ballot regarding JFK Drive in Golden Gate Park and the Great Highway, we want to make certain that you are aware that the fundraising and spending being done by the Walk San Francisco Foundation (“Walk SF”) to oppose Prop. I and support Prop. J, as we understand it is taking place, is tax fraud and violates campaign reporting laws. We are bringing this matter to your attention pursuant to your fiduciary obligations as members of the Walk SF Board of Directors, and we demand that the organization either refund all illegal donations to the donors, or immediately forfeit the money to the City.

1. Tax fraud. As you know, as a 501(c)(3) nonprofit organization, the law places strict limits on the ability of Walk SF to become involved in political campaigns. Whereas money given to Walk SF is tax deductible, money given to a campaign to support or oppose a ballot measure is not tax deductible. (See Int. Rev. Code section 501(c)(4) [ballot measure campaigns qualify as 501(c)(4), not 501(c)(3), nonprofits; donations to 501(c)(4) nonprofits are not tax deductible].) The law explicitly prohibits individuals from taking a tax deduction if they give money to a 501(c)(3) for the purpose of supporting or opposing a ballot measure. (26 U.S.C. section 170(f)(9) [no tax deduction allowed for donation to 501(c)(3)s to be used for lobbying or ballot measures].)

The language in recent Walk SF solicitations is explicit that the funds are being earmarked to support Prop. J and oppose Prop. I: “We’re asking you to donate \$50, \$100, or more so we can do everything possible to win”; “Donate Now to Save Car-free JFK.” At the same time, the Donate page tells donors that “All donations are tax deductible.” (Print-outs from website attached.) By soliciting donations to a 501(c)(3) nonprofit and informing donors that their donations are tax deductible, Walk SF therefore may be committing tax fraud – because donors may not deduct donations used for ballot measure activities from their taxes. Any money raised under these circumstances must therefore be refunded to donors, and the organization must inform these donors that they should not attempt to declare the amount as a charitable donation on their taxes.

2. Over-spending on political and lobbying activities. We also want to make certain that you are aware that the law prohibits Walk SF from spending more than an “insubstantial” percentage of its annual budget on ballot measure campaigns and other lobbying activities. (Int. Rev. Code section 501(c)(3); Treasury Reg. 1.501(c)(3)-(1)(c)(3)(ii)(b) [nonprofits do not qualify as 501(c)(3)s unless “no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.”].) Although the IRS does not specify exactly how much qualifies as “substantial,” it is generally understood to be more than approximately 10 percent of an organization’s annual budget. (See Seasongood v. Commissioner of Internal Revenue (1955) 227 F.2d 907 [court found 5 percent to be insubstantial] & Haswell v. United States (1974) 500 F.2d 1133 [court found 16 percent to be substantial].)<sup>1</sup>

Any organization which spends more than an insubstantial percentage of its annual budget on ballot measures and lobbying must pay significant penalties to the IRS and risks losing its tax-exempt status, and – notably with respect to your fiduciary obligations – any Walk SF Board member or staff who is aware that the organization is spending more than an insubstantial percentage of its budget on the ballot measure campaign may be penalized personally. (26 Code Fed. Regs. section 4911.)

Walk SF has evidently made the passage of Prop. J and defeat of Prop. I a priority this year. These ballot measures make up the majority of Walk SF’s website – the very first entry on the website reads “The campaign to pass Measure J and save car-free JFK has launched – get involved today!” – and the organization has put out numerous emails, social media posts and other communications to its members and the public about the ballot measures.<sup>2</sup> It is actively recruiting volunteers for the campaign, and has even hired an employee, whose title is “Campaign Associate,” to work on the campaign. (From the Walk SF website: “Nick is Walk SF’s newest team member, and is working on the Slow Our Streets campaign and the campaign to save car-free JFK on the ballot in November.”) The time, effort and resources which Walk SF spent convincing the Board of Supervisors and Mayor to support the closure

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<sup>1</sup>It seems that Walk SF may have elected to follow the monetary limits on ballot measure and lobbying expenditures set out in Internal Revenue Code section 501(h). Based on those limits, and based on our assumption that Walk SF’s annual expenditures are between \$500,000 and \$1 million, the organization may not spend more than \$100,000 to \$175,000 on its efforts to close JFK Drive, support Prop. J, oppose Prop. I, and all other lobbying and ballot measure activities during this fiscal year.

<sup>2</sup>The website also indicates that Walk SF is spending resources to urge a vote for Prop. L on this November’s ballot.



of JFK Drive and the Great Highway earlier this year also counts towards this “insubstantial” test. We of course have no way of knowing exactly how much Walk SF has spent, or will spend, on these lobbying and ballot measure campaigns, but all publicly-available information demonstrates that the JFK Drive issue is one of the organization’s priorities, if not its primary focus, this year. We believe that the Walk SF Board of Directors therefore has a fiduciary obligation to make certain that the organization’s spending on the JFK Drive issue stays below 10 percent for this fiscal year.

3. Failure to file campaign reports. The law clearly provides that money which a 501(c)(3) nonprofit raises for the purpose of supporting or opposing a ballot measure is reportable as a political contribution. When a nonprofit organization raises funds to support or oppose a ballot measure, it turns itself into a “political committee” which must register and file reports with the Ethics Commission. (Cal. Govt. Code section 84222; 2 Cal. Code Regs. section 18422.) As noted above, the language in recent Walk SF communications and on its Donate page is explicit that the funds are earmarked to support Prop. J and oppose Prop. I. Not only might this fundraising violate tax law, Walk SF should also have been filing public reports with the San Francisco Ethics Commission disclosing these fundraising activities.<sup>3</sup>

We could not find any registration for Walk SF on the Ethics Commission’s website.<sup>4</sup> The law clearly provides that the public has the right to know the identity of funders of political campaigns; the campaign laws are premised on giving information to voters about the financial supporters and opponents of measures appearing on the ballot so that they can make informed choices about how to vote. By not registering with the Ethics Commission, Walk SF is therefore depriving San Francisco voters of information about what individuals and entities are opposing Prop. I and supporting Prop. J, and by doing so seems to be violating campaign reporting laws.

The Ethics Commission has the authority to levy fines up to the three times the amount not properly reported. (S.F. Camp. & Govt. Conduct Code section 1.170.) In

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<sup>3</sup> We also question, given how involved Walk SF and its staff seems to be with the Prop. J campaign, whether the organization should be listed as a “sponsor” of “Save John. F Kennedy Promenade,” the political committee which is raising and spending funds to support Prop. J and oppose Prop. I. (See Cal. Govt. Code section 82048.7.)

<sup>4</sup> Under the campaign law, the applicable percentage of Mr. Giorgio’s salary (or perhaps his entire salary) is reportable as an “in-kind contribution” from Walk SF to the Save John F. Kennedy Promenade political committee. (Cal. Govt. Code section 82015; 2 Cal. Code of Regs. section 18423.) We could not find any references to these in-kind contributions on any reports on the Ethics Commission’s website.

addition, City law also requires organizations which have raised money for political purposes but not filed campaign reports to forfeit this money to the City. (S.F. Camp. & Govt. Conduct Code section 1.114(f).) We therefore believe that the organization should immediately register and file reports with the Ethics Commission disclosing its donors, and at the same time forfeit all funds raised in response to the Prop. J/Prop. I solicitations to the City.

\* \* \*

We do not question the right of Walk SF to take a position on local ballot measures, and our client looks forward to a robust debate about the pros and cons of Prop. I and Prop. J throughout the upcoming campaign season. However, the individuals and organizations supporting Prop. J and opposing Prop. I – including Walk SF, its Board of Directors, its staff, and its donors – have a responsibility to comply with all applicable tax and campaign laws, just as Access for All and its supporters are doing. As the organization’s own Bylaws state:

“A director shall perform the duties of a director in good faith, in a manner such director believes to be in the best interest of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.”  
(Section 3.15.)

An ordinarily prudent person, when confronted with the possibility that the organization is committing tax fraud and not complying with public transparency requirements, would presumably follow up with the organization’s Executive Director and legal counsel in order to make certain that the organization corrects these legal errors and omissions. We therefore call upon the members of the Walk SF Board to have Walk SF immediately either refund the money which it has raised illegally to donors, or forfeit this money to the City.

By copy of this letter, we are also asking the San Francisco Ethics Commission and California Fair Political Practices Commission to investigate these legal violations and make certain that Walk SF files reports disclosing the individuals and entities which have been financing its ballot measure activities.

Walk San Francisco Foundation Board Members  
September 20, 2022  
Page 5

Thank you for your prompt attention to this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Jim Sutton".

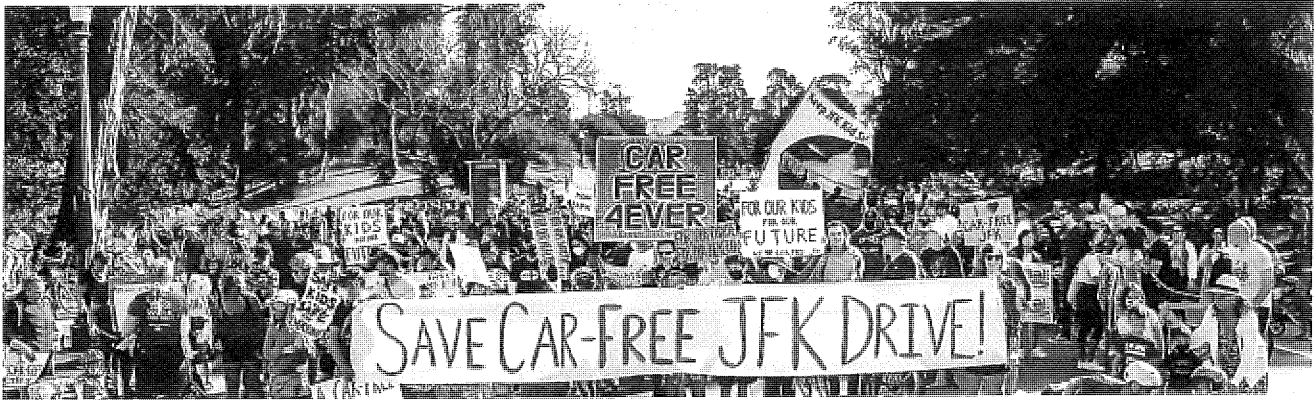
James R. Sutton

cc: Patrick Ford, Esq., SFEC Director of Enforcement  
Angela Brereton, Esq., FPPC Director of Enforcement  
Jodie Medeiros, Executive Director, [jodie@walksf.org](mailto:jodie@walksf.org)  
Nick Giorgio, Campaign Associate, [nick@walksf.org](mailto:nick@walksf.org)

Attachments

JRS/lc

#2328.01



## Ballot measure would take away car-free JFK – but we won't let it win

BY JODIE MEDEIROS / JULY 13, 2022

Opponents have likely succeeded in putting a measure on the November ballot to take away car-free JFK (now known as JFK Promenade).

The ballot measure would remove the 1.5-miles of car-free space on JFK Drive in Golden Gate Park, plus put traffic back on the car-free sections of MLK Drive and Bernice Rogers that together create a safe corridor through the entire park.

The measure would also end car-free space on the Great Highway on weekends, prevent the planned Great Highway Extension closure to address coastal erosion and sea level rise, plus transfer control of the Great Highway from SF Recreation & Parks to the SF Department of Public Works.

Opponents still don't see how essential these car-free spaces are for our health, safety, and climate – nor how popular they are. More than 300,000 people use the JFK Promenade each month!

And the City has been working quickly to get a suite of improvements in place to improve mobility in and around Golden Gate Park, including the free 100% ADA parking lot in the Music Concourse, new taxi stands near the de Young Museum and California Academy of Sciences, improved transit service to the park, and expanded free shuttle service between key park destinations and transit. More solutions are in the works, too, like low-floor shuttle buses and more affordable rates at the 800-spot Music Concourse parking garage for those who need to drive.

**But here's what we know from our car-free JFK campaign last fall and spring. Not only do huge numbers of people love these safe spaces, many of you will do everything possible to keep them. And you know that Walk SF will, too.**

So while this isn't going to be easy, together we will prevail in keeping JFK Promenade forever. Let's hit the ground running, shall we?

**LET US KNOW HOW YOU CAN HELP THE CAMPAIGN**

**With just 16 weeks until Election Day, Walk SF is already gearing up. There's no time to waste in organizing to defeat the opposition's measure and pass the countermeasure to enshrine JFK Promenade's permanence.**

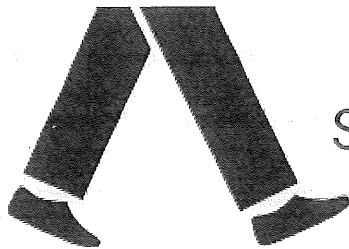
**We're asking you to donate \$50, \$100, or more so we can do everything possible to win. We aim to bring on a part-time staff person to focus on this campaign, plus do lots of the positive communications and volunteer mobilization that helped us win the first time around. As a small nonprofit, we're counting on you to chip in whatever you can.**

**DONATE NOW TO SAVE CAR-FREE JFK**

**Your gift is essential because we know the opposition is very well-resourced.** [A political action committee was set up in support of the anti-car-free ballot measure](#) and is sponsored by the Corporation of the Fine Arts Museums (the parent organization for the de Young Museum) and the Open the Great Highway Alliance. The Corporation of the Fine Arts Museums has an annual budget of more than \$50,000,000.

Walk SF has believed in these car-free spaces from the very beginning for one reason: **safety**. In a city where an average of three people are hit every day while walking, we need significant safe spaces for pedestrians. It's that simple. This campaign is about our safety, and these spaces are critical in making San Francisco a city that prioritizes people on our streets.

*Banner image: Sergio Ruiz*



**SUBSCRIBE TO OUR E-NEWSLETTER**



7/18/22, 10:59 AM

Ballot measure would take away car-free JFK – but we won't let it win - Walk San Francisco

**Change our streets,  
change our future.**



With your support of Walk SF today, we can push for – and win – life-saving changes on our streets.

Walk SF Foundation is a 501(c)(3) charitable organization and all donations are tax-deductible to the highest extent of the law.





## It's launch time for our campaign to save car-free JFK (again)!

BY MARTA LINDSEY / AUGUST 18, 2022

**It's true: the fate of car-free JFK must be decided – again – by the voters this fall.**

Very few people know yet that there's now a ballot measure to take away this safe space for people in Golden Gate Park called Proposition I (so a big NO on Prop I).

But there's also now Proposition J (say hooray for Prop J to save JFK!). Proposition J would reaffirm the legislation that made JFK Promenade permanent in April and make sure we don't have to go to the ballot again on this issue

And on a related note, Proposition N would transfer the management of the overpriced, underutilized 800-space parking garage in Golden Gate Park to SF Rec and Park to better support equity and access.

So we need to start getting the word out now to vote **NO** on I, **YES** on J, and **YES** on N There are just 7 weeks until voters get their mail in ballots, and 11 weeks until Election Day on November 8.

So here's how you can jump into the campaign with Walk SF and save car-free JFK (again):

- **Fill out our campaign sign-up form.** Whether you want to put a sign in your window, talk to voters, do behind-the-scenes work, or share a talent – [tell us how you're in it to win it.](#)
- **Come to the overall campaign kickoff and canvassing event on Saturday, August 27 from 10AM – 12PM.** This is being organized by Safe Parks for All campaign, which Walk SF is part of. After a gathering on JFK Promenade, folks will fan out to nearby neighborhoods to canvas [RSVP to attend](#)
- **Come to our volunteer meet-and-greet on Wednesday, August 31 from 5PM – 7PM.** We'll share updates, socialize, and sign folks up for all kinds of opportunities this fall. [RSVP to attend.](#)

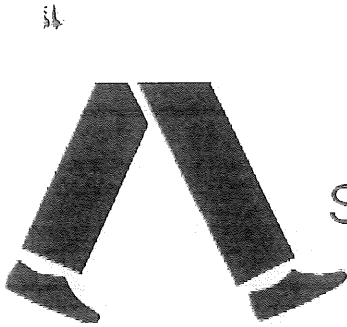
We have a ton of work to do to protect the JFK Promenade that we love. We're going to need to reach *so many people*. But I know so many of you care and *will* step up The power of all of us is how we won the first time, so let's do it again!

And [listen to this guy](#) – he makes it clear how much your donation of any size is needed right now. We're so grateful to the folks who have recently made a gift to be sure Walk SF can do everything possible to protect JFK Promenade.

[DONATE NOW](#)

Walk SF has believed in these car free spaces for a long time for one reason safety. In a city where an average of three people are hit every day while walking, we need significant safe spaces for pedestrians. It's that simple. This campaign is about our safety, and these spaces are critical in making San Francisco a city that prioritizes people on our streets.

*Questions about the campaign? Contact Nick at [nick@walksf.org](mailto:nick@walksf.org).*



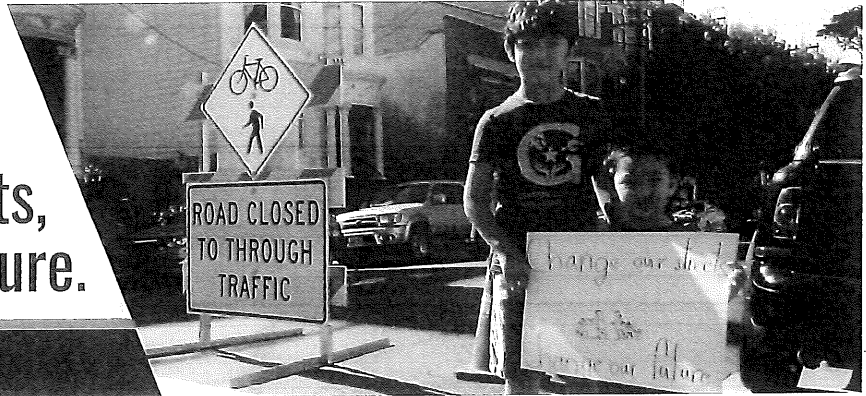
SUBSCRIBE TO OUR E-NEWSLETTER

SIGN UP

8/20/22, 3:56 PM

It's launch time for our campaign to save car-free JFK (again)! - Walk San Francisco

**Change our streets,  
change our future.**

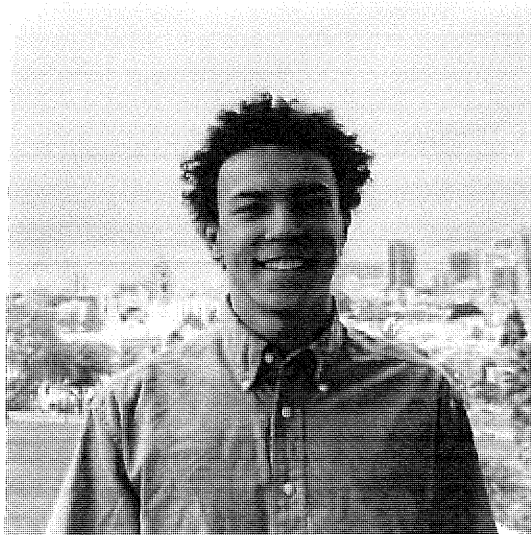


With your support of Walk SF today, we can push for – and win – life-saving changes on our streets.

Walk SF Foundation is a 501(c)(3) charitable organization and all donations are tax deductible to the highest extent of the law

Prior to joining Walk SF, she led community engagement for a K 12 school Aly moved to SF from LA in order to get out of the car, know her community, and walk! She loves to explore SF's stairways and picnic in the park with her family.

Contact Aly via email or call at 415.234.0328



Nick Giorgio, Campaign Associate

*pronouns: he/him*

Nick is Walk SF's newest team member, and is working on the Slow Our Streets campaign and the campaign to save car-free JFK on the ballot in November. Nick is a recent graduate of San Francisco State University. Nick is passionate about transportation equity.

Contact Nick via email.



## How can YOU to help defeat the measure that would take away car-free JFK?



Right now, Walk SF is gearing up to defeat the measure on the November ballot that would take away car-free JFK (now known as JFK Promenade) and the car-free space on the Great Highway on weekends.

This campaign is going to take everything ALL of us have got. And we want to know what you've got! :) This will really help us with planning.

Please sign up below to let us know the different ways you're interested in helping. We'll be in touch later this summer with more details on how to get active.

While this isn't going to be easy, together we will prevail in keeping JFK Promenade forever.

Questions? Contact Marta at [marta@walksf.org](mailto:marta@walksf.org). You can also learn more at [walksf.org/carfreejfk](http://walksf.org/carfreejfk).

  (not shared) Switch account



\* Required

First Name \*

Your answer

Last Name \*



Your answer

Email Address \*

Your answer

Zip Code \*

Your answer

Cell phone number

Your answer

Can we text you?

Yes

No

Do you have skills you'd like to offer the campaign (examples: social media, videography, graphic design, photography)? List here.

Your answer





Do you have connections to a business/school/group that may be willing to endorse the countermeasure to SAVE car-free JFK? List here.

Your answer

Do you have a street-facing window for a sign, once these are made? If YES, please add your street address (we got your zip code above).

Your answer

Which volunteer opportunities are you most interested in?

- Canvassing door-to-door
- Tabling at events like farmers' markets and high-traffic locations and events (like Hardly Strictly Bluegrass)
- Doing outreach on JFK Promenade or the Great Highway
- Administrative support of the campaign, like data entry
- Volunteer coordination

Would you be interested in hosting a DIY gathering of friends and neighbors to talk with them about this issue?

- Sounds interesting, tell me more!
- Probably not.

How many hours do you plan to dedicate to the campaign?

- 2-4
- 4-8



- 8-12
- 12-16
- This is all I'm going to do this fall.

Anything else you want us to know, or ideas you have?

Your answer

Submit

Clear form

Never submit passwords through Google Forms.

This form was created inside of Walk San Francisco. [Report Abuse](#)

Google Forms



# THE SUTTON LAW FIRM

September 20, 2022

Board Members  
San Francisco Bicycle Coalition/San Francisco Bicycle Coalition Education Fund  
P.O. Box 425959  
San Francisco, CA 94142-5959

RE: Tax Fraud and Campaign Reporting Violations

Dear Board Members:

On behalf of our client, Access for All, the political committee supporting Prop. I and opposing Prop. J on the November 2022 San Francisco ballot regarding JFK Drive in Golden Gate Park and the Great Highway, we want to make certain that you are aware that the fundraising and spending being done by the San Francisco Bicycle Coalition Education Fund (“the Bike Coalition Ed Fund” or “Ed Fund”) to oppose Prop. I and support Prop. J, as we understand it is taking place, is tax fraud and violates campaign reporting laws. We are bringing this matter to your attention pursuant to your fiduciary obligations as members of the Bike Coalition Ed Fund’s Board of Directors, and we demand that the organization either refund all illegal donations to the donors, or immediately forfeit the money to the City.

1. Tax fraud. As you know, as a 501(c)(3) nonprofit organization, the law places strict limits on the ability of the Bike Coalition Ed Fund to become involved in political campaigns.<sup>1</sup> Whereas money given to the Bike Coalition Ed Fund is tax deductible, money given to a campaign to support or oppose a ballot measure is not tax deductible. (See Int. Rev. Code section 501(c)(4) [ballot measure campaigns qualify as 501(c)(4), not 501(c)(3), nonprofits; donations to 501(c)(4) nonprofits are not tax deductible].) The law explicitly prohibits individuals from taking a tax deduction if they give money to a 501(c)(3) for the purpose of supporting or opposing a ballot measure. (26 U.S.C. section 170(f)(9) [no tax deduction allowed for donation to 501(c)(3)s to be used for lobbying or ballot measures].)

The language in recent fundraising solicitations put out by the Ed Fund is explicit that the funds are being earmarked to support Prop. J and oppose Prop. I: “We’re raising money right now to fund our campaign to ensure this ballot measure does not pass. Every dollar given today will go towards the labor and resources to turn out voters to protect JFK Promenade.” and “Every dollar given today will support our work as we prepare for the November election

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<sup>1</sup>We understand that the Ed Fund’s related organization, the Bicycle Coalition, is a 501(c)(4) nonprofit not subject to the tax deductibility issues raised in this letter – but all of the fundraising solicitations we have seen are for the Ed Fund, not this related 501(c)(4).

and fight to make our streets safer and more accessible.” At the same time, the Donate page tells donors to “Chip in with a tax-deductible gift right now to ensure JFK Promenade stays car-free forever.” And “Your donation to the San Francisco Bicycle Coalition Education Fund is tax deductible.” (Print-outs from website attached.) By soliciting donations to a 501(c)(3) nonprofit and informing donors that their donations are tax deductible, the Bike Coalition Ed Fund therefore may be committing tax fraud – because donors may not deduct donations used for ballot measure activities from their taxes. Any money raised under these circumstances must therefore be refunded to donors, and the organization must inform these donors that they should not attempt to declare the amount as a charitable donation on their taxes.

2. Over-spending on political and lobbying activities. We also want to make certain that you are aware that the law prohibits the Bike Coalition Ed Fund from spending more than an “insubstantial” percentage of its annual budget on ballot measure campaigns and other lobbying activities. (Int. Rev. Code section 501(c)(3); Treasury Reg. 1.501(c)(3)-(1)(c)(3)(ii)(b) [nonprofits do not qualify as 501(c)(3)s unless “no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.”].) Although the IRS does not specify exactly how much qualifies as “substantial,” it is generally understood to be more than approximately 10 percent of an organization’s annual budget. (See Seasongood v. Commissioner of Internal Revenue (1955) 227 F.2d 907 [court found 5 percent to be insubstantial] & Haswell v. United States (1974) 500 F.2d 1133 [court found 16 percent to be substantial].)

Any organization which spends more than an insubstantial percentage of its annual budget on ballot measures and lobbying must pay significant penalties to the IRS and risks losing its tax-exempt status, and – notably with respect to your fiduciary obligations – any Bike Coalition Ed Fund Board member or staff who is aware that the organization is spending more than an insubstantial percentage of its budget on the ballot measure campaign may be penalized personally. (26 Code Fed. Regs. section 4911.)

The Bike Coalition has evidently made the passage of Prop. J and defeat of Prop. I a priority this year. These ballot measures are featured on the Bike Coalition’s website, and the organization has put out emails, social media posts and other communications to its members and the public about the ballot measures. (Print-outstanding from website attached.) The time, effort and resources which the Bike Coalition spent convincing the Board of Supervisors and Mayor to support the closure of JFK Drive and the Great Highway earlier this year, if financed out of the Ed Fund, also counts towards this “insubstantial” test. We of course have no way of knowing exactly whether these expenses are being paid by the Bike Coalition Ed Fund’s 501(c)(3) account or the Bike Coalition’s 501(c)(4) account, or exactly how much the Bike Coalition Ed Fund has spent, or will spend, on these lobbying and ballot measure

campaigns, but believe that the Board of Directors has a fiduciary obligation to make certain that the Ed Fund's spending on the JFK Drive issue stays below 10 percent for this fiscal year.

3. Failure to file campaign reports. The law clearly provides that money which a 501(c)(3) or 501(c)(4) nonprofit raises for the purpose of supporting or opposing a ballot measure is reportable as a political contribution. When a nonprofit organization raises funds to support or oppose a ballot measure, it turns itself into a "political committee" which must register and file reports with the Ethics Commission. (Cal. Govt. Code section 84222; 2 Cal. Code Regs. section 18422.) As noted above, the language in the Bike Coalition Ed Fund's fundraising solicitations and Donate page is explicit that the funds are earmarked to support Prop. J and oppose Prop. I. Not only might this fundraising violate tax law, the Bike Coalition Ed Fund should also have been filing public reports with the San Francisco Ethics Commission disclosing these fundraising activities.

We could not find any registration for the Bike Coalition on the Ethics Commission's website.<sup>2</sup> The law clearly provides that the public has the right to know the identity of funders of political campaigns; the campaign laws are premised on giving information to voters about the financial supporters and opponents of measures appearing on the ballot so that they can make informed choices about how to vote. By not registering with the Ethics Commission, the Bike Coalition Ed Fund is therefore depriving San Francisco voters of information about what individuals and entities are opposing Prop. I and supporting Prop. J, and by doing so may be violating campaign reporting laws.

The Ethics Commission has the authority to levy fines up to the three times the amount not properly reported. (S.F. Camp. & Govt. Conduct Code section 1.170.) In addition, City law also requires organizations which have raised money for political purposes but not filed campaign reports to forfeit this money to the City. (S.F. Camp. & Govt. Conduct Code section 1.114(f).) We therefore believe that the organization should immediately register and file reports with the Ethics Commission disclosing its donors, and at the same time forfeit all funds raised in response to the Prop. J/Prop. I solicitations to the City.

\* \* \*

We do not question the right of the San Francisco Bicycle Coalition to take a position on local ballot measures, and our client looks forward to a robust debate about the pros and

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<sup>2</sup>The Bike Coalition evidently used to maintain a "slate mailer organization" which filed reports with the Ethics Commission and California Secretary of State, but the most recent reports are from 2011.

San Francisco Bicycle Coalition Board Members  
September 20, 2022  
Page 4

cons of Prop. I and Prop. J throughout the campaign season. However, the individuals and organizations supporting Prop. J and opposing Prop. I – including the Bike Coalition Ed Fund, its Board of Directors, its staff, and its donors – have a responsibility to comply with all applicable tax and campaign laws, just as Access for All and its supporters are doing. We therefore call upon Board members to have the Bike Coalition Ed Fund immediately either refund the money which it has raised illegally to donors, or forfeit this money to the City.

By copy of this letter, we are also asking the San Francisco Ethics Commission and California Fair Political Practices Commission to investigate these legal violations and make certain that the Bike Coalition Ed Fund files reports disclosing the individuals and entities which have been financing its ballot measure activities.

Thank you for your prompt attention to this important issue.

Sincerely,



James R. Sutton

cc: Patrick Ford, Esq., SFEC Director of Enforcement  
Angela Brereton, Esq., FPPC Director of Enforcement  
Janelle Wong, Executive Director, [janelle@sfbike.org](mailto:janelle@sfbike.org)

Attachments

JRS/lc

#2328.01

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**Fwd: About that ballot measure.**

1 message

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Thu, Jul 14, 2022 at 5:33 PM

**From:** SF Bicycle Coalition <membership@sfbike.org>  
**Date:** July 14, 2022 at 5:10:06 PM EDT  
**To:**  
**Subject:** About that ballot measure.



To view this email as a web page, click here.

July 14, 2022

**Hi ,**

Thank you for the hard work we all did in achieving car-free JFK Promenade. **The struggle for slow, safe, and equitable streets is not over.** As you may have heard, there will likely be a measure on the November ballot that wants to bring cars back to JFK, all of Golden Gate Park, and the Great Highway — permanently. This ballot measure is being supported with a great deal of money and resources to revert these special community spaces back to a place for fast-moving vehicle traffic and parking.

There are over 1,200 miles of street space in San Francisco — most of which are devoted to car traffic and vehicle parking. Over the last two years, we've worked hard to create and protect places like car-free JFK. Now, we need your support to ensure we can protect these cherished miles of car-free space for people biking, walking, rolling, and playing to enjoy for future generations of San Franciscans.

We're raising money right now to fund our campaign to ensure this ballot measure does not pass. **Every dollar given today will go towards the labor and resources to turn out voters to protect JFK Promenade.**

Chip in with a tax-deductible gift right now to ensure JFK Promenade stays car-free forever.

[GIVE NOW](#)

**We need you right now to help preserve this groundbreaking open space in Golden Gate Park.** Our advocacy will protect JFK Promenade, get the word out to voters, and we will make sure that SFMTA and Rec and Park continue to implement accessibility projects in Golden Gate Park so everyone can enjoy the promenade.

**Justin Hu-Nguyen (he/him/his)**  
**Director of Advocacy**



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[FOLLOW US ON INSTAGRAM](#)



[FOLLOW US ON FACEBOOK](#)



7/18/22, 10:18 AM

San Francisco Bicycle Coalition  
1720 Market Street  
San Francisco, CA 94102

YOUR MEMBERSHIP STATUS:

Not a Member

CURRENT UNTIL:

This email was sent by:

**San Francisco Bicycle Coalition**

1720 Market Street San Francisco, CA, 94102, US

[Update Profile](#) [Unsubscribe](#)

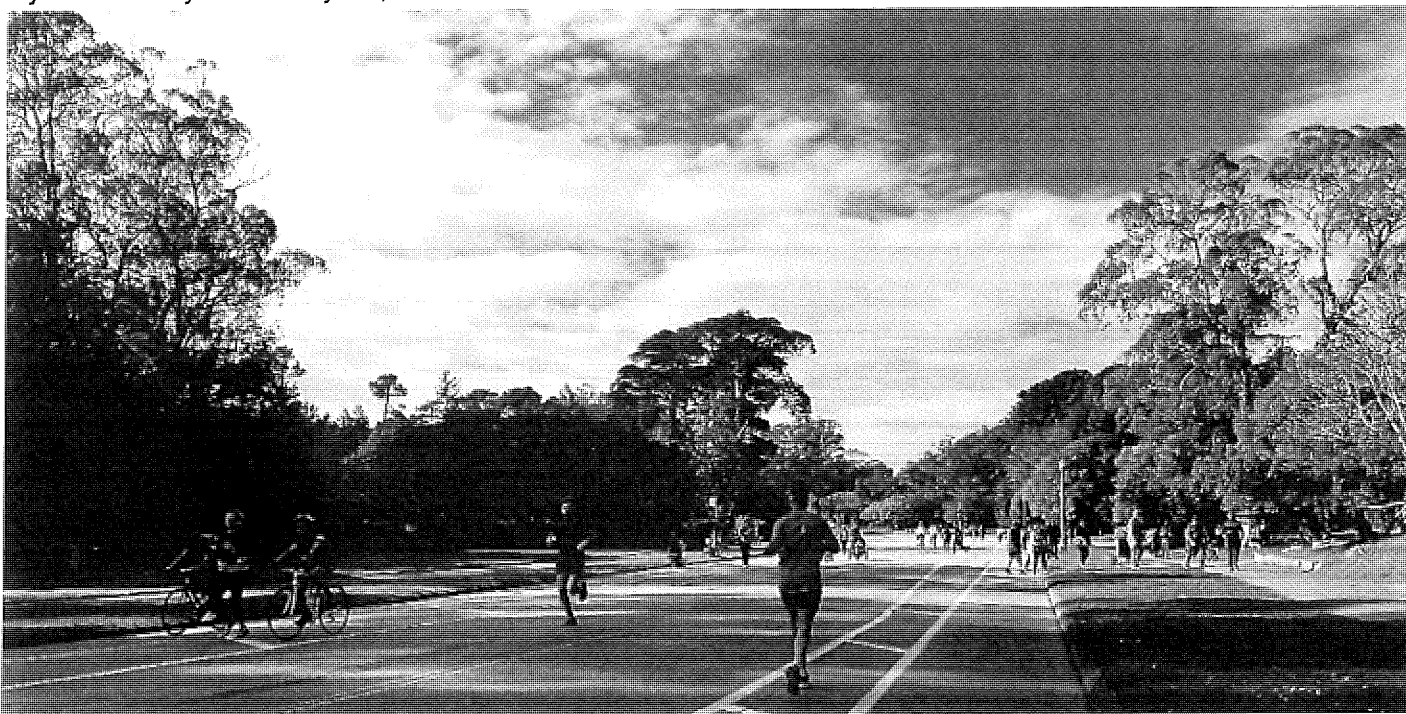


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Car-free JFK is going on the November ballot – here's why

By Rachel Clyde on July 25, 2022



Opponents to the JFK promenade have introduced a measure for the November ballot that would undo car-free JFK, the Great Highway weekend promenade, and all other car-free spaces in Golden Gate Park. So what does this mean for the future of car-free spaces in SF?

After securing car-free JFK in late April, powerful opponents began working on an ordinance to undo all of our hard work. The Access for All campaign collected over 17,000 signatures in three weeks to get their measure in front of voters. We have yet to see if they have the 9,000 valid signatures needed, but it's very likely since they submitted nearly double that. The "Access for All Ordinance," as the ballot measure is called in its submission, is backed by the Corporation of the Fine Arts Museums and Open the Great Highway Alliance.

The implications of this ballot measure go beyond just car-free JFK. The ballot language details that the Great Highway will have car traffic 24/7 in both directions permanently. This includes the extension

between Sloat and Skyline, which is already scheduled to be closed permanently due to climate change and beach erosion in 2023. This is part of the [Ocean Beach Climate Change Adaptation Plan](#) and was set in motion years ago. Not only will we no longer have car-free space on the Great Highway, but further maintenance of this road due to climate change and beach erosion will take a large financial toll on city resources.

The language also states that the other car-free spaces in Golden Gate Park will be reopened to traffic — meaning we will lose the car-free western portion of Martin Luther King Jr. Drive as well. This is a crucial piece of a Beach-to-Bay car-free connection that allows people to cross the city safely. The Board of Supervisors unanimously passed a [resolution](#) in October 2021 urging the SFMTA and Rec and Park to make improvements to Golden Gate Park so that the city could achieve this Beach-to-Bay connection.

The good news is, in response to the Access For All measure, Supervisors Mandelman, Melgar, Ronen, and Dorsey submitted their own counter ballot measure that will codify the April 26 vote to make car-free JFK permanent.

There are two ways the battle between these measures can play out in favor of preserving car-free space in SF. First, if the anti-car-free measure gets less than 50% voter approval and the Supervisors' measure gets more than 50% voter approval. This would make the JFK Promenade city code. Second, if the anti-car-free measure gets over 50% voter approval, but the Supervisors' measure gets a higher approval, it will cancel out the other and JFK Promenade will become city code.

Last Monday, July 18, the Board of Supervisors Rules Committee brought us closer to achieving this by approving the counter measure to codify the car-free spaces in Golden Gate Park. Additionally they approved a ballot measure for November that would repeal the infamous Prop J and allow the City to operate and manage the parking garage below the Music Concourse instead of the Concourse Authority, an independent nonprofit board. Then, the SFMTA will be able to lower the parking rate and make the garage more affordable and accessible for people with disabilities and seniors.

Be ready to vote and rally your friends in November. And, every dollar given today will support our work as we prepare for the November election and fight to make our streets safer and more accessible.

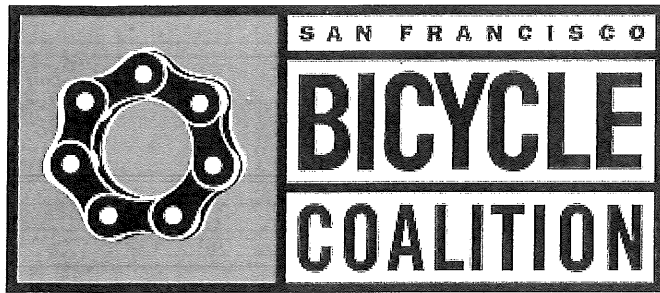
[GIVE NOW](#)

Categories: [Campaign Updates](#), [Elections](#), [Golden Gate Park](#), [JFK Drive](#)

Tags: [Board of Supervisors](#), [Ocean Beach](#), [JFK Drive](#), [SF Elections](#), [Mayor London Breed](#), [Great Highway](#), [MLK Jr. Drive](#), [Beach-to-Bay](#)

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Summer Appeal 2022

*Your donation to the San Francisco Bicycle Coalition Education Fund is tax deductible. If our embedded form does not display below, [please open it in a new window](#).*

YOUR DONATION:

**DONATION AMOUNT**

<input type="checkbox"/>	\$50
<input type="checkbox"/>	\$10
<input type="checkbox"/>	\$20
<input type="checkbox"/>	\$30
<input type="checkbox"/>	\$50
<input type="checkbox"/>	Other

## BILLING AND CONTACT INFORMATION

FIRST NAME: \*

MIDDLE INITIAL:

LAST NAME: \*

EMAIL: \*

COUNTRY: \*

ADDRESS: \*

CITY: \*

STATE: \*

ZIP / POSTAL CODE: \*

PHONE:\*

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Message to the San Francisco Bicycle Coalition

### PAYMENT DETAILS

Credit Card  eCheck

NAME ON CARD: \*

CREDIT CARD NUMBER: \*

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Promoting the Bicycle for Everyday Transportation.

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[Contact Us](#)



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 6, 2022

Eli Love

Via email: [elove@campaignlawyers.com](mailto:elove@campaignlawyers.com)

**Re: Complaint No. COM-09222022-02962; Walk San Francisco Foundation**

Dear Mr. Love,

The Enforcement Division of the Fair Political Practices Commission received your sworn complaint alleging violations of the campaign disclosure provisions of the Political Reform Act. After reviewing the complaint, we have concluded that we will require additional time beyond the initial 14-day period to await the Respondent's response and evaluate this matter in order to determine whether additional investigation is appropriate. We appreciate your patience in this regard.

Please be advised that, at this time, we have not made any determination about the validity of the allegations you have made or about the culpability, if any, of the person you identify in your complaint. If you have any questions regarding this letter, you may contact Ginny Brown at [gbrown@fppc.ca.gov](mailto:gbrown@fppc.ca.gov).

Sincerely,

*Angela J. Brereton*

Angela J. Brereton, Chief  
Enforcement Division

AJB:gab

cc: Tom Willis o/b/o Walk San Francisco Foundation



STATE OF CALIFORNIA  
**FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 6, 2022

Eli Love

Via email: [elove@campaignlawyers.com](mailto:elove@campaignlawyers.com)

**Re: Complaint No. COM-09222022-02958; San Francisco Bicycle Coalition, San Francisco Bicycle Coalition Education Fund**

Dear Mr. Love,

The Enforcement Division of the Fair Political Practices Commission received your sworn complaint alleging violations of the campaign disclosure provisions of the Political Reform Act. After reviewing the complaint, we have concluded that we will require additional time beyond the initial 14-day period to await the Respondent's response and evaluate this matter in order to determine whether additional investigation is appropriate. We appreciate your patience in this regard.

Please be advised that, at this time, we have not made any determination about the validity of the allegations you have made or about the culpability, if any, of the person you identify in your complaint. If you have any questions regarding this letter, you may contact Ginny Brown at [gbrown@fppc.ca.gov](mailto:gbrown@fppc.ca.gov).

Sincerely,

*Angela J. Brereton*

Angela J. Brereton, Chief  
Enforcement Division

AJB:gab

cc: Andrew Werbrock o/b/o San Francisco Bicycle Coalition, San Francisco Bicycle Coalition Education Fund



# THE SUTTON LAW FIRM

October 14, 2022

Angela Brereton, Esq.  
Chief of Enforcement Division  
Fair Political Practices Commission  
1102 Q St., Ste. 3000  
Sacramento, CA 95811

RE: Admission of Violations by WalkSF

Dear Ms. Brereton:

This letter follows up the complaint which we filed last month notifying the FPPC about the failure of the Walk San Francisco Foundation (“WalkSF”) to register as a political committee and file campaign reports disclosing its receipts and expenditures in connection with two measures appearing on this November’s San Francisco ballot. We want to make certain that you are aware that WalkSF has filed a Statement of Organization (Form 410) in response to our complaint, and also has given a statement to the press, effectively admitting that it violated the law.

Specifically, WalkSF filed a Form 410 on October 2, 2022 indicating that it qualified as a committee over two months earlier on July 25, 2022. (Copy attached.) The Statement of Organization also states that WalkSF is primarily-formed to support Props. J and L.<sup>1</sup> This Statement of Organization is an admission that WalkSF has violated the law – in fact, WalkSF has now admitted that it has violated several provisions of the Political Reform Act, including:

1. Failure to file a Statement of Organization within 10 days of qualifying as committee (maximum penalty: \$5,000); and
2. Failure to file a 7/1/22 to 9/24/22 pre-election report (maximum penalty: \$5,000 or the amount not properly reported, whichever is greater); and

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<sup>1</sup>WalkSF’s communications clearly indicate that the organization is also opposing Prop. I, the other measure on the November ballot dealing with closing JFK Drive in Golden Gate Park. (See attached examples, in addition to materials attached to the original complaint.) Some of these communications also include the organization’s support of Prop. N, dealing with the parking garage in Golden Gate Park. Indicating on its Form 410 that it is primarily-formed to support Props. J and L but leaving off Props. I and N could be additional legal violations, subject to additional fines.

Angela Brereton, Esq.

October 14, 2022

Page 2

3. Failure to file 24-hour reports for \$1,000+ contributions received on or after August 8 (maximum penalty: \$5,000 x number of contributions); and

4. Failure to include proper “Ad paid for by” disclaimers on its flyers, website, electronic media ads and other communications (maximum penalty: \$5,000 x number of communications or three times the cost of each individual communication, whichever is greater).

WalkSF has been one of the biggest promoters of closing JFK Drive in Golden Gate Park, sending out multiple emails, writing and sharing blog posts on its website, and having a very significant social media presence during the time period when the Prop. J initiative petitions were circulating. (Additional posts attached.) Since that time, it has only intensified its reportable campaign activities -- hiring a “Campaign Organizer,” sending representatives to political endorsement meetings, organizing volunteer canvassing, etc.

Even though the organization actively solicited contributions during this entire time period in order to pay for the cost of this staff and its communications, the public has absolutely no idea where this money came from or how much it totals. These errors and omissions are especially egregious because WalkSF told contributors that their donations are tax deductible, even though money used for ballot measures is not tax deductible. The FPPC adopted the special disclosure rules for “multi-purpose organizations” (see Cal. Govt. Code section 84222) exactly to address this situation: to require nonprofit organizations such as WalkSF which raise and spend money to influence ballot measure elections to abide by the same transparency rules applicable to political committees.

The press has reported that WalkSF raised about \$5,000 during its months-long fundraising campaign, and that the organization has evidently refunded all of these funds (presumably in order to rectify concerns about tax fraud). (Copy of article attached.) However, it has not yet filed a Form 460 disclosing these transactions. As you know, WalkSF still has a legal obligation to disclose these contributions on Form 460s and perhaps Form 497s, even if it ultimately refunded them. Moreover, WalkSF also still has a legal obligation to disclose all of its expenditures on these ballot measures – and if it didn’t use the illegally raised funds for this purpose, it still has a legal obligation to inform the public of the actual funding sources for these expenditures.

We understand that the FPPC is giving WalkSF more time to respond to the allegations in the complaint before it decides whether to conduct a full investigation and levy fines. We urge the FPPC not to close the matter without taking further action – WalkSF and its donors are sophisticated political players in San Francisco whose actions are having a

Angela Brereton, Esq.

October 14, 2022

Page 3

significant impact on an important public policy issue affecting residents of the City and entire Bay Area. It may be coming clean and filing reports now – but that’s only because it was caught breaking the law and was turned in to the FPPC. Given how WalkSF has been flaunting the law, the FPPC has an obligation to independently confirm whether the information which it lists on its late-filed campaign reports regarding the amount of money raised, the number of contributors, and the measures which it is supported and opposing is accurate.

We therefore request the FPPC act immediately, before the election, to make certain that the public is aware of WalkSF’s contributions and expenditures before voting on Props. I and J.

Sincerely,



James R. Sutton

Attachments

cc: Zoe Astrachan, Interim Board President  
Jodie Medeiros, Executive Director, [jodie@walksf.org](mailto:jodie@walksf.org)  
Nick Giorgio, Campaign Associate, [nick@walksf.org](mailto:nick@walksf.org)

JRS/dfm  
#2328.01

# Statement of Organization Recipient Committee

## Statement Type

Initial  
 Not yet qualified or  
 Date qualification threshold met

07 / 25 / 2022

Amendment  
 Termination - See Part 5

Date qualification threshold met \_\_\_\_\_  
 Date of termination \_\_\_\_\_

Date Stamp \_\_\_\_\_

**CALIFORNIA 410 FORM**

For Official Use Only

## 2. Treasurer and Other Principal Officers

### 1. Committee Information

NAME OF COMMITTEE: Walk San Francisco Foundation Committee to Support Props L and J  
 (501(c)(3))

I.D. Number (if applicable): Pending

NAME OF TREASURER: Stacy Owens  
 STREET ADDRESS (NO P.O. BOX): \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ AREA CODE/PHONE: \_\_\_\_\_

NAME OF ASSISTANT TREASURER, IF ANY: Peter Sullivan  
 STREET ADDRESS (NO P.O. BOX): \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ AREA CODE/PHONE: \_\_\_\_\_

NAME OF PRINCIPAL OFFICER(S): Jodie Medeiros  
 STREET ADDRESS (NO P.O. BOX): \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ AREA CODE/PHONE: \_\_\_\_\_

NAME OF PRINCIPAL OFFICER(S): \_\_\_\_\_  
 STREET ADDRESS (NO P.O. BOX): \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ AREA CODE/PHONE: \_\_\_\_\_

FULL MAILING ADDRESS (IF DIFFERENT): \_\_\_\_\_  
 STATE: CA ZIP CODE: 94110 AREA CODE/PHONE: (415) 431-9255

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL): fillings@seowenscompany.com

COUNTY OF DOMICILE: San Francisco, CA JURISDICTION WHERE COMMITTEE IS ACTIVE: San Francisco, CA

Attach additional information on appropriately labeled continuation sheets.

### 3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the information provided is true and correct.

Executed on 10/2/2022 By \_\_\_\_\_  
 DATE DATE

Executed on \_\_\_\_\_ By \_\_\_\_\_  
 DATE DATE

Executed on \_\_\_\_\_ By \_\_\_\_\_  
 DATE DATE

Executed on \_\_\_\_\_ By \_\_\_\_\_  
 DATE DATE

TREASURER  
DATE MEASURE PROPONENT

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT  
SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

Walk San Francisco Foundation Committee to Support Props L and J (501(c)(3))

I.D. NUMBER

Pending

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

AREA CODE/PHONE

BANK ACCOUNT NUMBER

ADDRESS

CITY

STATE

ZIP CODE

## 4. Type of Committee Complete the applicable sections.

### Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY CHECK ONE	CHECK ONE	
				Nonpartisan	Partisan (list political party below)
			Nonpartisan	Partisan	(list political party below)
			Nonpartisan	Partisan	(list political party below)

### Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)  
IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION  
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

Sales Tax for Transportation Projects : L

San Francisco, CA

SUPPORT

OPPOSE

Recreational Use of JFK Drive in Golden Gate Park : J

San Francisco, CA

SUPPORT

OPPOSE

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

I.D. NUMBER

COMMITTEE NAME  
Walk San Francisco Foundation Committee to Support Props L and J (501(c)(3))

Pending

## 4. Type of Committee (Continued)

### General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee

COUNTY Committee

STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

### Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

Walk San Francisco Foundation

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

Non-Profit Organization

STREET ADDRESS

NO. AND STREET

CITY

San Francisco

STATE

CA

ZIP CODE

94110

AREA CODE/PHONE

(415) 431-9255

### Small Contributor Committee

\_\_\_\_\_  
Date qualified

### 5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
  - There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
  - Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.



## San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220, San Francisco, CA 94102

Phone: 415.252.3100 . Fax: 415.252.3112

[ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org) . [www.sfethics.org](http://www.sfethics.org)

Received on:

10-02-2022 | 17:58:40 PDT

### Electronic Document Transmission Cover Sheet

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A Public Document

During the closure of the Ethics Commission's physical office due to the Order of the Health Officer No. C19-07, the Ethics Commission will now accept certain paper forms via this Electronic Document Transmission Cover Sheet that do not have an existing electronic submission process available at <https://sfethics.org/compliance/e-file>. The forms that can be filed using this cover sheet are: SFEC Form 112a, SFEC Form 142a, FPPC Form 410, FPPC Form 470 (For filers not required to file electronic statements. See SFC&GCC Sec. 1.112), FPPC Form 501, Acknowledgment of Mandatory Campaign Audit, and all campaign consultant forms. **Forms submitted using this cover sheet that are illegible or have an existing electronic submission process will be rejected.**

You may attach a scan, photograph, or electronic PDF of a form to this cover sheet. For SFEC Form 112a, SFEC Form 142a, Acknowledgment of Mandatory Campaign Audit, FPPC Form 470 and FPPC Form 501, you may sign this cover sheet in lieu of completing the verification requirements on the form. For FPPC Form 410 and all campaign consultant forms, you must attach a scan or photograph of the form that includes required signatures on the form. The Ethics Commission will not enforce notarization or original wet signature requirements during the office closure. Forms submitted using this cover sheet per these guidelines will be processed and considered filed as of the date stamp on this cover sheet. **Hard copies with original wet signatures or notarization requirements must be delivered or postmarked and mailed to the Ethics Commission no later than 15 days after the Ethics Commission posts notice on [sfethics.org](http://sfethics.org) that the physical office has re-opened.** **Subscribe to receive Interested Persons email notices from the Ethics Commission at [sfethics.org](http://sfethics.org).**

**Please note: Do not use this cover sheet to transmit documents or other records for the purposes of an audit or complaint.**

1. FILER INFORMATION
<b>NAME OF FILER</b> Walk San Francisco Foundation Committee to Support Props L and J (501(c)(3))
<b>NAME OF PERSON SUBMITTING THIS COVER SHEET</b> Peter Sullivan
<b>COMMENTS</b>

2. ATTACH FORM
<b>TYPE OF FORM</b> FPPC Form 410
The completed form will be appended to this cover page. The attachment must be a legible scan, photograph, or electronic PDF of the form. Illegible attachments will be rejected.


<b>3. VERIFICATION</b>	
<p>I have used all reasonable diligence in preparing the statement attached to this cover sheet. I have reviewed the statement attached to this cover sheet and to the best of my knowledge, the information I have provided here is true and complete.</p> <p><b>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</b></p>	
<b>SIGNATURE</b>	<b>DATE SIGNED</b>





## What will it take to protect the car-free space we love on JFK Promenade?

BY MARTA LINDSEY / JULY 27, 2022

**The story of this car-free JFK volunteer and supporter will inspire you**

Meet recently visited his hometown of Baroda, India. In the summertime in Baroda, the roads around the city's parks are closed to vehicle traffic from around 6AM – 10AM every day.

Organizers set up games and activities for kids, youth, and adults on these roads. Vendors set up shop and sell fresh juice and breakfast foods. The streets quickly fill with people. "It's a hotspot for everyone from grandparents to grandkids," says Meet.

Meet and I share a love of another car-free space: JFK Promenade. He was one of the many people who gave a lot of time to save car-free JFK last fall and spring. He learned about the campaign from a friend's Instagram, and decided to volunteer to help gather postcards out on JFK Drive. I was with Meet at that first shift.

Meet told me he's usually shy when talking to people in a situation like that, but his competitive side kicked in. He ended up with a massive stack of signed postcards that day and at future shifts – and said the whole experience was a great boost to his confidence! (How's that for a reason to volunteer with our campaign to defeat the November ballot measure that would take away car-free JFK?)

And Meet's efforts, along with hundreds of other volunteers, is how we built such a strong movement of support for permanence leading up to the victorious vote at the Board of Supervisors in April.

## LET US KNOW HOW YOU CAN HELP THE NEW CAMPAIGN

Meet didn't just volunteer, though. He made a generous donation to Walk SF. And when I asked him about it, what he said was pretty incredible – and I hope it inspires you to give, too.

"If the goal is to make car-free JFK a permanent thing," said Meet, "I don't want Walk SF to have to choose between things we need to do for the campaign just because we don't have enough resources. I want us to do them all. I've noticed in American culture sometimes people are shy about asking, but we need to ask."

So... we're asking. As Meet put it, "Even a donation as small as the cost of your Netflix subscription for a few months helps." Your gift will make it possible for us to hire part-time organizers, spread positive messages about the JFK Promenade far and wide, and activate huge numbers of people to turn out for car-free JFK.

### DONATE NOW

"Throughout history, San Francisco has been at the forefront on so many issues," continued Meet. "It should be on this, too."

It turns out that Meet started walking in Golden Gate Park because of the smell of eucalyptus: the smell takes him back home to Baroda. That smell is certainly stronger along JFK Drive now that this park road is no longer full of traffic as a dangerous cut-through street.

*Eager and ready to get involved in the ballot measure campaign to save car-free JFK? [Fill out our interest form](#) – we'll be activating folks soon!*

## SUBSCRIBE TO OUR E-NEWSLETTER

### SIGN UP



## The campaign to pass Measure J and save car-free JFK has launched – get involved today!

BY MARTA LINDSEY / AUGUST 31, 2022

Earlier tonight, I snapped this photo of some of our Measure J volunteers out on JFK Promenade.

I love this picture. Here's why it's especially inspiring to me.

Everyone in the photo is so passionate about protecting this safe space for people. They're holding the faded banner from the *first* campaign to save car-free JFK, which we used weekend after weekend. To me, this photo represents how strong our on-the-ground organizing was – and will be – thanks to so many wonderful volunteers.

**This is how we'll pass Measure J on the November 8 ballot, and keep JFK Promenade forever, for real!**

- **Measure J (Yes on J)** on the November ballot will reaffirm the legislation passed in April that made the 1.5-miles of safe space on JFK Drive permanent.
- **Measure N (Yes on N)** will transfer ownership of the 800-space parking garage underneath the de Young Museum and California Academy to SF Rec and Park so parking can be made more affordable for San Francisco seniors, people with disabilities, and low-income families who need to drive to the park.
- And **Measure I (No on I)** would take away JFK Promenade and do other troubling things.

That's why with less than six weeks until ballots start arriving in the mail, we need you to start signing up for shifts for the Yes on J (plus No on I, Yes on N) campaign.

- Sign up for a Friday or Sunday shift/s with Walk SF on JFK Promenade. Every week up to

Election Day, Walk SF's Campaign Associate, Nick Giorgio will lead volunteers from 3PM – 6PM on Fridays and 10AM – 1PM on Sundays. The focus will be registering folks to vote, talking with people about the various measures (most have no idea JFK is at risk!), pass out literature, and recruit volunteers for the overall campaign. [Sign up now](#).

- **Sign up for visibility and canvassing events happening around the city.** The overall Measure J campaign has upcoming volunteer opportunities, too, and will soon have many more posted. [Sign up now](#).

We also think a key part of the campaign needs to be neighbor-to-neighbor conversations.

**Are you willing to knock on the doors of 60 likely voters that live on or very near your block?**

We have the tools (an amazing app) and supplies to make this easy for you. And imagine if all of us actually talked with 60 neighbors! [Fill out our volunteer form](#) and we'll be in touch about how to do this.

A big thank you to everyone who came out to our volunteer gathering tonight who already (wow!) signed up for shifts and to talk with neighbors. And thank you to everyone who's donated to the campaign already. Every bit helps, so [please make a gift if you haven't yet](#).

### **DONATE NOW TO HELP THE CAMPAIGN**

*Questions about the Measure J campaign? Contact Nick at [nick@walksf.org](mailto:nick@walksf.org).*

## SUBSCRIBE TO OUR E-NEWSLETTER

**SIGN UP**

# Sign Up for Volunteer Shifts with Walk SF on JFK Promenade & Neighbor Door Knocking

One of the ways Walk SF is working to pass Measure J is to lead volunteers on two shifts each week out on JFK Promenade.

We know from the first campaign to save car-free JFK that this is a fantastic way to connect with people who care about this safe space.

**Please sign up for as many shifts as you can.** We'll provide a mini-training at the beginning of each shift, plus have voter registration materials, literature, and signs.

This form is also where you can share your interest in knocking on doors of your neighbors who are likely to vote. These neighbor-to-neighbor conversations are really effective!

**Questions?** Contact Nick Giorgio at [nick@walksf.org](mailto:nick@walksf.org).

[Ichanncal@gmail.com](mailto:Ichanncal@gmail.com) [Switch account](#)



\* Required

Email \*

Your email

First Name \*

Your answer

Last Name \*

Your answer

Zip Code \*

Your answer

Cell Phone \*

Your answer

Can we text you if needed? \*

Yes

No

Were you a volunteer with the first campaign to save car-free JFK?

Yes

No



Which shifts can you sign up for on JFK Promenade (at 8th Avenue)?

- Fri. Sept. 9 3:00PM-6:00PM
- Sun. Sept. 11 10:00AM - 1:00PM
- Sun. Sept. 18th 10:00AM- 1:00PM
- Fri. Sept 23 3:00pm - 6:00pm
- Sun. Sept. 25 10:00AM - 1:00PM
- Fri. Sept. 30 3:00PM-6:00PM
- Sun. Oct. 2 10:00AM - 1:00PM
- Fri. Oct. 7 3:00PM-6:00PM
- Sun. Oct. 9 10:00AM - 1:00PM
- Fri. Oct. 14 3:00PM-6:00PM
- Sun. Oct. 16 10:00AM - 1:00PM
- Fri. Oct. 21 3:00PM-6:00PM
- Sun. Oct. 23 10:00AM - 1:00PM
- Fri. Oct. 28 3:00PM-6:00PM
- Sun. Oct. 30 10:00AM - 1:00PM
- Fri. Nov. 4 3:00PM-6:00PM
- Sun. Nov. 6 10:00AM - 1:00PM
- Mon. Nov. 7 (Day before Election Day!) 8:00AM - 10:00AM
- Mon. Nov. 7 (Day before Election Day!) 4:00PM - 6:00PM
- Other:

Are you interested in knocking on doors right near where you live to talk with neighbors about Measure J? If so, we'll get you supplies and info on how to do this on your schedule. We can reach a LOT more people in a powerful way if folks can give just 2 hours to do this!

- Yes
- No

Any questions or ideas for us?

Your answer

A copy of your responses will be emailed to the address you provided.

**Submit**

**Clear form**

Never submit passwords through Google Forms.

**reCAPTCHA**  
[Privacy](#) [Terms](#)

This form was created inside of Walk San Francisco. [Report Abuse](#)

**Google Forms**





# THE SUTTON LAW FIRM

October 17, 2022

VIA E-MAIL ONLY

Angela Brereton, Esq.  
Chief of Enforcement Division  
Fair Political Practices Commission  
1102 Q St., Ste. 3000  
Sacramento, CA 95811

RE: Admission of Violations by the San Francisco Bicycle Coalition

Dear Ms. Brereton:

This letter follows up the complaint which we filed last month notifying the FPPC about the failure of the San Francisco Bicycle Coalition (“The Bike Coalition”) to register as a political committee and file campaign reports disclosing its receipts and expenditures in connection with two measures appearing on this November’s San Francisco ballot. We want to make certain that you are aware that the Bike Coalition has filed a Statement of Organization (Form 410) and campaign report (Form 460) in response to our complaint, and also has given a statement to the press, effectively admitting that it violated the law.

Specifically, the Bike Coalition filed a Form 410 on October 2, 2022 indicating that it qualified as a committee over two months earlier on July 14, 2022. (Copy attached.) The Bike Coalition also filed a Form 460 on October 4 listing \$5,680 in unitemized contributions and \$265 in expenditures. (Copy attached.) These reports are an admission that The Bike Coalition has violated the law – in fact, The Bike Coalition has now admitted that it has violated several provisions of the Political Reform Act, including:

1. Failure to file a Statement of Organization within 10 days of qualifying as committee (maximum penalty: \$5,000); and
2. Failure to file a 7/1/22 to 9/24/22 pre-election report by September 29 (maximum penalty: \$5,000 or the amount not properly reported, whichever is greater); and
3. Failure to file 24-hour reports for \$1,000+ contributions received on or after August 8 (maximum penalty: \$5,000 x number of contributions); and
4. Failure to include proper “Ad paid for by” disclaimers on its flyers, website, electronic media ads and other communications (maximum penalty: \$5,000 x number of

Angela Brereton, Esq.

October 17, 2022

Page 2

communications or three times the cost of each individual communication, whichever is greater).

The Form 460 is prima facie inaccurate because it does not list any of the expenditures which the Bike Coalition has spent on public communications supporting Prop. J and opposing Prop. I since July. The Bike Coalition has been one of the biggest promoters of closing JFK Drive in Golden Gate Park, sending out multiple emails, writing and sharing blog posts on its website, and having a very significant social media presence over the last three months. (Additional posts attached.) None of these expenses show up on the Form 460.

The Bike Coalition told the press that it refunded all of these funds (presumably in order to rectify concerns about tax fraud), though these refunds do not appear on the Form 460. (Copy of article attached.) If it did not use the illegally-raised funds to pay for its campaign expenditures, then it has a legal obligation to disclose what funds it did use.

We understand that the FPPC is giving the Bike Coalition more time to respond to the allegations in the complaint before it decides whether to conduct a full investigation and levy fines. We urge the FPPC not to close the matter without taking further action – the Bike Coalition and its donors are sophisticated political players in San Francisco whose actions are having a significant impact on an important public policy issue affecting residents of the City and entire Bay Area. It may be coming clean and filing reports now – but that's only because it was caught breaking the law and was turned in to the FPPC. Given how the Bike Coalition has been flaunting the law, the FPPC has an obligation to independently confirm whether the information which it lists on its late-filed campaign reports regarding the amount of money raised, the number of contributors, and its campaign expenditures is accurate.

We therefore request the FPPC act immediately, before the election, to make certain that the public is aware of the Bike Coalition's contributions and expenditures before voting on Props. I and J.

Sincerely,



James R. Sutton

cc: Marie Jonas, Board President  
Janelle Wong, Executive Director

Attachments

JRS/lc

#2328.01



## San Francisco Ethics Commission

25 Van Ness Avenue, Suite 220, San Francisco, CA 94102

Phone: 415.252.3100 . Fax: 415.252.3112

[ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org) . [www.sfethics.org](http://www.sfethics.org)

Received on:

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**Please note: Do not use this cover sheet to transmit documents or other records for the purposes of an audit or complaint.**

1. FILER INFORMATION	
NAME OF FILER San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))	
NAME OF PERSON SUBMITTING THIS COVER SHEET Peter Sullivan	
COMMENTS	

2. ATTACH FORM	
TYPE OF FORM FPPC Form 410	
The completed form will be appended to this cover page. The attachment must be a legible scan, photograph, or electronic PDF of the form. Illegible attachments will be rejected.	

**3. VERIFICATION**

I have used all reasonable diligence in preparing the statement attached to this cover sheet. I have reviewed the statement attached to this cover sheet and to the best of my knowledge, the information I have provided here is true and complete.

**I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**SIGNATURE**

**DATE SIGNED**

# Statement of Organization Recipient Committee

## Statement Type

Initial

Not yet qualified

or

Date qualification threshold met

07 / 14 / 2022

Amendment

Date qualification threshold met

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Termination - See Part 5

Date of termination

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

# CALIFORNIA 410 FORM

For Official Use Only

Date Stamp

## 1. Committee Information

NAME OF COMMITTEE

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

## I.D. Number (if applicable)

Pending

## 2. Treasurer and Other Principal Officers

NAME OF TREASURER

Stacy Owens  
STREET ADDRESS (NO P.O. BOX)  
[REDACTED]

STREET ADDRESS (NO P.O. BOX)  
[REDACTED]  
CITY STATE ZIP CODE AREA CODE/PHONE  
San Francisco CA 94102 (415) 226-9168

CITY STATE ZIP CODE AREA CODE/PHONE  
Oakland CA 94607 (510) 423-4300

FULL MAILING ADDRESS (IF DIFFERENT)  
[REDACTED]

Peter Sullivan  
STREET ADDRESS (NO P.O. BOX)  
[REDACTED]

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)  
fillings@seowenscompany.com  
COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE  
San Francisco, CA San Francisco, CA

CITY STATE ZIP CODE AREA CODE/PHONE  
Oakland CA 94607 (510) 423-4300  
Janelle Wong  
STREET ADDRESS (NO P.O. BOX)  
[REDACTED]

Attach additional information on appropriately labeled continuation sheets.

## 3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of

Executed on 10/2/2022 By [REDACTED]

Executed on \_\_\_\_\_ By \_\_\_\_\_

Executed on \_\_\_\_\_ By \_\_\_\_\_

Executed on \_\_\_\_\_ By \_\_\_\_\_

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

I.D. NUMBER

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

Pending

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

AREA CODE/PHONE

BANK ACCOUNT NUMBER

ADDRESS

CITY

STATE

ZIP CODE

## 4. Type of Committee Complete the applicable sections.

### Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY CHECK ONE	Partisan (list political party below)	
				Nonpartisan	Partisan

### Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)  
IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION  
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

	CHECK ONE	
	SUPPORT	OPPOSE
Recreational Use of JFK Drive in Golden Gate Park : J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicles on JFK Drive in Golden Gate Park and the Great Highway : I	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

# CALIFORNIA 410 FORM

Page 3 of 3

I.D. NUMBER

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

Pending

## 4. Type of Committee (Continued)

### General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee

COUNTY Committee

STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

### Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

San Francisco Bicycle Coalition

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

Non-Profit Organization

STREET ADDRESS

NO. AND STREET

CITY

San Francisco

STATE

CA

ZIP CODE

94102

AREA CODE/PHONE

(415) 226-9168

### Small Contributor Committee

\_\_\_\_\_ / \_\_\_\_\_  
Date qualified

## 5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
  - This committee does not anticipate receiving contributions or making expenditures in the future;
  - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
  - This committee has no surplus funds; and
  - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

# Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Date Stamp

E-Filed  
10/04/2022  
14:13:58  
Filing ID:  
204983206

Date of election if applicable:  
(Month, Day, Year)

Statement covers period  
from 07/01/2022 through 09/24/2022

SEE INSTRUCTIONS ON REVERSE

## 1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall (Also Complete Part 5)
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

## 2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement (Also file a Form 410 Termination)
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

## 3. Committee Information

I.D. NUMBER  
Pending

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

## Treasurer(s)

NAME OF TREASURER  
Stacy Owens  
MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE  
San Francisco CA 94102 (415) 226-9168  
MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY STATE ZIP CODE AREA CODE/PHONE  
Oakland CA 94607 (510) 423-4300  
NAME OF ASSISTANT TREASURER, IF ANY  
Peter Sullivan  
MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

CITY STATE ZIP CODE AREA CODE/PHONE  
Oakland CA 94607 (510) 423-4300  
OPTIONAL: FAX / E-MAIL ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS  
fillings@seowenscompany.com

## 4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/04/2022 Date By Stacy Owens Signature of Treasurer or Assistant Treasurer  
Executed on \_\_\_\_\_ Date By \_\_\_\_\_ Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor  
Executed on \_\_\_\_\_ Date By \_\_\_\_\_ Signature of Controlling Officeholder, Candidate, State Measure Proponent  
Executed on \_\_\_\_\_ Date By \_\_\_\_\_ Signature of Controlling Officeholder, Candidate, State Measure Proponent



**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

**CALIFORNIA  
FORM 460**

Page 2 of 6

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE \_\_\_\_\_

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE) \_\_\_\_\_

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP \_\_\_\_\_

**Related Committees Not Included in this Statement:** *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE  
See continuation for Part 6a \_\_\_\_\_

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROponent \_\_\_\_\_

OFFICE SOUGHT OR HELD \_\_\_\_\_ DISTRICT NO. IF ANY \_\_\_\_\_

**7. Primarily Formed Candidate/Officeholder Committee** *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>

*Attach continuation sheets if necessary*

Recipient Committee Campaign Statement  
Part 6a. Primarily Formed Ballot Measure Committee (continued)

NAME OF BALLOT MEASURE  
Recreational Use of JFK Drive in Golden Gate Park

BALLOT NO. OR LETTER J JURISDICTION San Francisco, CA SUPPORT/OPOSE Support

NAME OF BALLOT MEASURE  
Vehicles on JFK Drive in Golden Gate Park and the Great Highway

BALLOT NO. OR LETTER I JURISDICTION San Francisco, CA SUPPORT/OPOSE Oppose

# Campaign Disclosure Statement Summary Page

Amounts may be rounded to whole dollars.

SUMMARY PAGE

Statement covers period from 07/01/2022 through 09/24/2022

Page 4 of 6

**CALIFORNIA FORM 460**

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

I.D. NUMBER  
Pending

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions ..... Schedule A, Line 3	\$ 5,680.50	\$ 5,680.50
2. Loans Received ..... Schedule B, Line 3	0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS ..... Add Lines 1 + 2	\$ 5,680.50	\$ 5,680.50
4. Nonmonetary Contributions ..... Schedule C, Line 3	0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED ..... Add Lines 3 + 4	\$ 5,680.50	\$ 5,680.50

## Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ \_\_\_\_\_

21. Expenditures Made \$ \_\_\_\_\_

## Expenditures Made

6. Payments Made ..... Schedule E, Line 4	\$ 265.50	\$ 265.50
7. Loans Made ..... Schedule H, Line 3	0.00	0.00
8. SUBTOTAL CASH PAYMENTS ..... Add Lines 6 + 7	\$ 265.50	\$ 265.50
9. Accrued Expenses (Unpaid Bills) ..... Schedule F, Line 3	0.00	0.00
10. Nonmonetary Adjustment ..... Schedule C, Line 3	0.00	0.00
11. TOTAL EXPENDITURES MADE ..... Add Lines 8 + 9 + 10	\$ 265.50	\$ 265.50

## Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made\*  
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) \_\_\_\_\_ Total to Date \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

## Current Cash Statement

12. Beginning Cash Balance ..... Previous Summary Page, Line 16	\$ 0.00
13. Cash Receipts ..... Column A, Line 3 above	5,680.50
14. Miscellaneous Increases to Cash ..... Schedule I, Line 4	0.00
15. Cash Payments ..... Column A, Line 8 above	265.50
16. ENDING CASH BALANCE ..... Add Lines 12 + 13 + 14, then subtract Line 15	\$ 5,415.00

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED ..... Schedule B, Part 2 \$ 0.00

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents ..... See instructions on reverse \$ 0.00

19. Outstanding Debts ..... Add Line 2 + Line 9 in Column B above \$ 0.00

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

\*Amounts in this section may be different from amounts reported in Column B.

# Schedule A Monetary Contributions Received

Amounts may be rounded  
to whole dollars.

SCHEDULE A

**CALIFORNIA 460  
FORM**

Statement covers period  
from 07/01/2022  
through 09/24/2022

Page 5 of 6

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

I.D. NUMBER

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

Pending

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
<b>SUBTOTAL \$</b>				0.00		

## Schedule A Summary

- Amount received this period – itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ 0.00
- Amount received this period – unitemized monetary contributions of less than \$100 ..... \$ 5,680.50
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 5,680.50

\*Contributor Codes  
 IND – Individual  
 COM – Recipient Committee  
 (other than PTY or SCC)  
 OTH – Other (e.g., business entity)  
 PTY – Political Party  
 SCC – Small Contributor Committee

# Schedule E Payments Made

SCHEDULE E

CALIFORNIA  
FORM

Statement covers period

from 07/01/2022

through 09/24/2022

Page 6 of 6

SEE INSTRUCTIONS ON REVERSE

I.D. NUMBER

San Francisco Bicycle Coalition Education Fund, Yes on J/No on I (nonprofit 501(c)(3))

Pending

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- |  |  |  |
|--|--|--|
| <b>OMP</b> campaign paraphernalia/misc.                                  | <b>MBR</b> member communications                     | <b>RAD</b> radio airtime and production costs                        |
| <b>CNS</b> campaign consultants  | <b>MTG</b> meetings and appearances                  | <b>RFD</b> returned contributions                                    |
| <b>CTB</b> contribution (explain nonmonetary)*                           | <b>OFC</b> office expenses                           | <b>SAL</b> campaign workers' salaries                                |
| <b>CVC</b> civic donations   | <b>PET</b> petition circulating                      | <b>TEL</b> t.v. or cable airtime and production costs                |
| <b>FIL</b> candidate filing/ballot fees                                  | <b>PHO</b> phone banks                               | <b>TRC</b> candidate travel, lodging, and meals                      |
| <b>FND</b> fundraising events  | <b>POL</b> polling and survey research               | <b>TRS</b> staff/spouse travel, lodging, and meals                   |
| <b>IND</b> independent expenditure supporting/opposing others (explain)* | <b>POS</b> postage, delivery and messenger services  | <b>TSF</b> transfer between committees of the same candidate/sponsor |
| <b>LEG</b> legal defense   | <b>PRO</b> professional services (legal, accounting) | <b>VOT</b> voter registration  |
| <b>LIT</b> campaign literature and mailings                              | <b>PRT</b> print ads                                 | <b>WEB</b> information technology costs (internet, e-mail)           |

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
SalesForce San Francisco, CA 94105	WEB			265.50
			<b>SUBTOTAL \$</b>	265.50

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

## Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) ..... \$ 265.50
- Unitemized payments made this period of under \$100 ..... \$ 0.00
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0.00
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... **TOTAL \$** 265.50

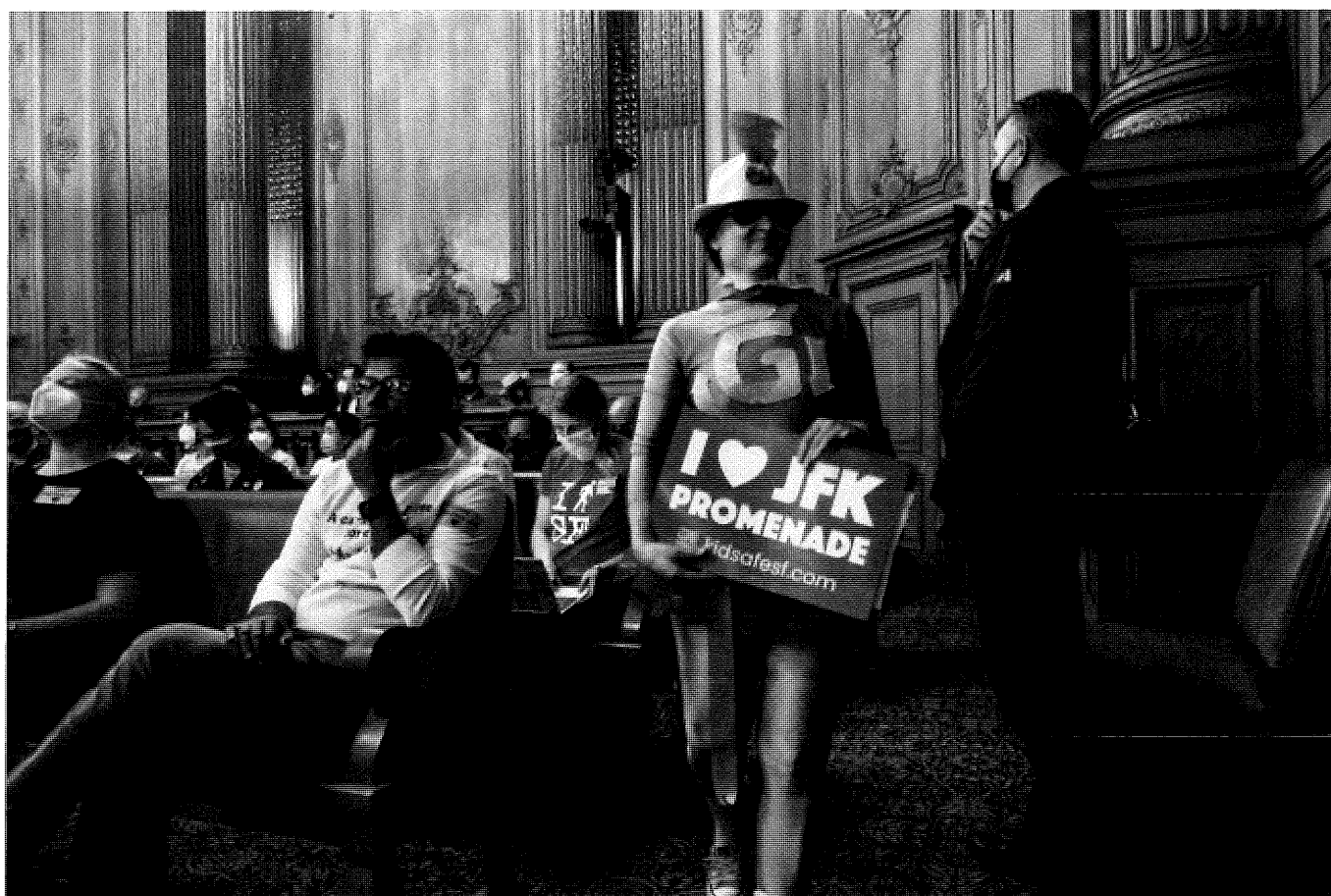
San Francisco

POLITICS

# Nonprofits Backing Car-Free JFK Drive, Great Highway Admit Fundraising Gaffes

Written by **Josh Koehn**

Published Oct. 13, 2022 • 11:17am



Fennel Doyle is seen attending a legislative session at City Hall in which the Board of Supervisors voted to make JFK Drive car-free in San Francisco on Tuesday, April 26, 2022. | Nick Otto

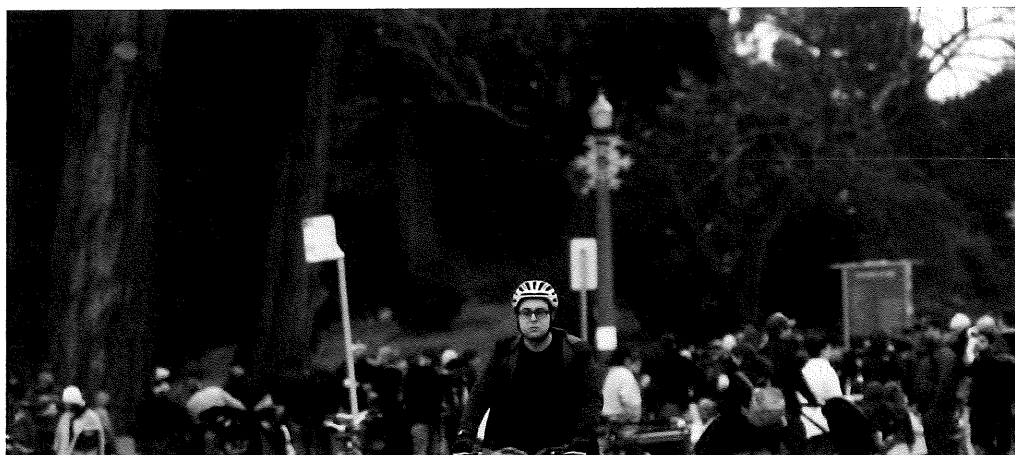
Two nonprofits working to keep JFK Drive and the Great Highway car-free appeared to skirt IRS and election rules this summer when they solicited tax-deductible donations to

fund a campaign fight that has consumed City Hall for more than a year.

The San Francisco Bicycle Coalition and Walk San Francisco, which receive city funding and advocate for safer streets for cyclists and pedestrians, respectively, sent emails in July encouraging their members to make tax-free donations for the election battle on whether cars should return to the coveted roadways.

While 501c3 nonprofits can advocate on political issues and ballot measures, the money used to fund these campaigns has to be properly reported, and this money cannot be used for tax write-offs.

The proponents of Proposition I, which seeks to return vehicle access to the Great Highway in the Sunset and JFK Drive in Golden Gate Park, claimed in complaints filed with the state's Fair Political Practices Commission (FPPC) and the San Francisco Ethics Commission that the nonprofits violated these laws. Both the Bicycle Coalition and Walk SF support Prop. J, which would codify an ordinance passed by the Board of Supervisors to keep the roadways car-free, a move that occurred early in the pandemic.





A man rides a bike on John F. Kennedy Drive passing by the First Annual JFK Promenade Holiday Party in Golden Gate Park on Sunday, Dec. 19, 2021. | Photo by Ekevara Kitpowsong

While many parents, cyclists and pedestrians have celebrated the road closures, seniors and people with disabilities have joined forces with the de Young Museum, which JFK Drive runs by, to argue that the lack of access has created traffic congestion around the park and made public spaces harder to reach. The de Young blames JFK Drive's closure on its multimillion dollar losses.

Jim Sutton, an attorney working on the Prop. I campaign, told The Standard in a phone interview that the violations were “clear from the face of the letter” each organization sent out to members.

“There is no real defense. It’s kind of just what it is,” Sutton said. “I don’t know if they were intentionally flaunting campaign and tax laws, but the Bike Coalition doesn’t get to claim they’re a little nonprofit.”

A letter from the FPPC confirmed the complaint is being reviewed, while the Ethics Commission has not issued any findings on the allegations and is unlikely to do so until after the election.

LET US KNOW HOW YOU CAN HELP THE CAMPAIGN

**With just 16 weeks until Election Day, Walk SF is already gearing up.**

There's no time to waste in organizing to defeat the opposition's measure



and pass the countermeasure to enshrine JFK Promenade's permanence.

We're asking you to donate \$50, \$100, or more so we can do everything possible to win. We aim to bring on a part-time staff person to focus on this campaign, plus do lots of the positive communications and volunteer mobilization that helped us win the first time around. As a small nonprofit, we're counting on you to chip in whatever you can.

**DONATE NOW TO SAVE CAR-FREE JFK**

This screenshot shows an email Walk SF sent to its members linking tax-free donations to the election campaign to keep JFK Drive car-free. The SF Bicycle Coalition sent at least one similar message.

Janelle Wong, executive director of the SF Bicycle Coalition, which has roughly 8,000 members and is expected to receive nearly \$564,000 in city grants and payments for 2022-23, said in a phone interview Wednesday that roughly \$5,400 was raised from the erroneous fundraising emails sent in July. All of that money, she added, was returned after the organization became aware of the issues raised in Sutton's Sept. 20 letter to her board.

"We didn't commit tax fraud, and certainly we're not trying to mislead anybody about our work," Wong said. "We did reach out to members who donated money to that email and refunded all donations in an abundance of caution."

Jodie Medeiros, executive director of Walk SF, said she reached out to Sutton last month to see if he could help her group with campaign compliance, only to learn that his firm was already working on Prop. I.

A short time later, she said, Sutton sent a letter accusing her group, which has fewer than 2,000 members and an annual budget of less than \$1 million, of breaking the law.

Medeiros acknowledged that Walk SF crossed a line in its campaigning and reporting, but the organization has since returned about \$5,000 garnered from the fundraising emails and filed the proper disclosures. Walk SF, which is expected to receive nearly \$265,000 in city grants and payments for 2022-23, also created a multipurpose organization to handle its campaign work in the future.

“It’s not surprising that they raise this now, in a fight in which they feel they need to do more to distract us from our core work,” Medeiros said. “We’re doing our best to continue advocating for safer streets in San Francisco.”



Walk San Francisco Executive Director Jodie Medeiros and Mayor London Breed lead a group on a stroll down Linden Street to City Hall for “Walk to Work Day” in San Francisco on Wednesday, April 10, 2019. | Paul Chinn/The SF Chronicle via Getty Images

Money has played a huge role in the fight over JFK Drive and the Great Highway, as the Corporation of Fine Arts Museums (COFAM)—a nonprofit linked to the de Young Museum—and a parents group called Kid Safe SF have

combined to spend more than \$292,000 on lobbying and influencing efforts going back to last year. A key difference is that the parents' group has mostly held community events while COFAM has funded meetings to bend the ears of city officials.

Meanwhile, Dede Wilsey, a longtime benefactor of the de Young, threw in \$200,000 of her own money in June to help gather signatures to get Prop. I on the ballot.

Prop. I backers spent more than \$650,000 by the end of September, and COFAM tossed in \$75,000 to support the measure last week. Meanwhile, Prop. J's campaign spent just \$265 as of last month while the Grow SF PAC spent \$9,300 to support the measure while also opposing Prop. I. The Prop. J backers should soon come out of hibernation, though, as Yelp CEO Jeremy Stoppelman recently gave \$300,000 to support the car-free position.

If both ballot measures pass but one gets more votes, that one will become the law of the land. New polling by The Standard shows that voters are more inclined to keep the roads car-free, but the issue is far from decided.

Additional costs could come into play if Prop. I successfully overturns the will of the Board of Supervisors. A cost analysis by the San Francisco Controller's Office found that reopening the Great Highway to car traffic would trigger a 20-year, \$80 million infrastructure project, as coastal erosion is deteriorating the roadway.

Wong said the ongoing cost to taxpayers, on top of the

benefits of car-free streets, should not be lost on voters.

“In our mind, JFK Promenade is sort of the crown jewel of what’s come out of the pandemic,” she said, adding that the Great Highway’s reopening would be particularly onerous. “I don’t want my taxpayer dollars to go toward keeping a road open to cars while it is currently falling into the ocean.”



← Tweet

Search Twitter



SF Bicycle Coalition @sfbike



New to Twitter?

Sign up now to get your own p



Canvas door-to-door with us and @KidSafeSF this Saturday for Prop J! Let's ensure the #carfreeJFK Promenade is permanently codified into city legislation this November.

Sign up wi

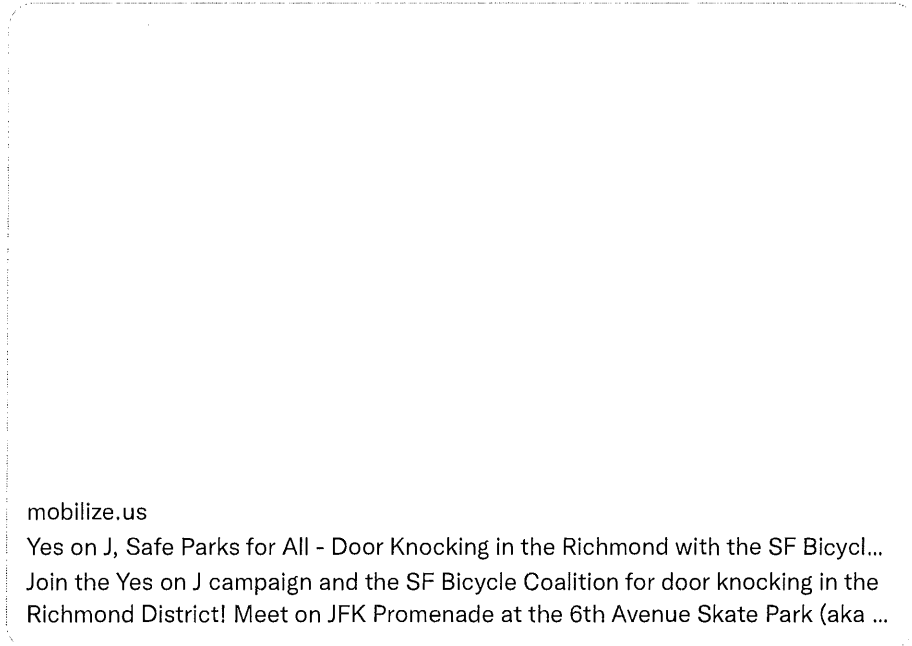
Sign up with pho

By signing up, you agree to th Privacy Policy, including Cook

Relevant people

SF Bicycle Coa @sfbike Promoting trans through bicycle reducing the ba Join the mov

Kid Safe SF @KidSafeSF San Francisco p safe streets anc kids and all San @SafeParksFor #YesOnJFK



mobilize.us Yes on J, Safe Parks for All - Door Knocking in the Richmond with the SF Bicycl... Join the Yes on J campaign and the SF Bicycle Coalition for door knocking in the Richmond District! Meet on JFK Promenade at the 6th Avenue Skate Park (aka ...

9:28 AM · Sep 20, 2022 · Twitter Web App

3 Retweets 14 Likes



SF Activists @greatdebate10 · 21h Replying to @sfbike and @KidSafeSF VOTE YES ON I NO ON J NO ON L

There I fixed it for ya



1



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### Relevant people

**SF Bicycle Coalition** Follow  
@sfbike  
Promoting transportation justice through bicycle advocacy and by reducing the barriers to biking. 🚲 🚗  
🔗 Join the movement: bit.ly/3E7c1ej

**Kid Safe SF** 兒童安... Follow  
@KidSafeSF  
San Francisco parents advocating for safe streets and a greener city for our kids and all San Franciscans.  
@SafeParksForAll is our campaign for #YesOnJFK

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Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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## Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

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**Stephen Gorski** <sjgorskilaw@gmail.com>

Sat, Dec 3, 2022 at 2:46 PM

To: clerk@sfcta.org, Shamann.Walton@sfgov.org, Aaron.Peskin@sfgov.org, Dean.Preston@sfgov.org, Ahsha.Safai@sfgov.org, Hillary.Ronen@sfgov.org, Catherine.Stefani@sfgov.org, connie.chan@sfgov.org, Gordon.Mar@sfgov.org, myrna.melgar@sfgov.org, matt.dorsey@sfgov.org, rafael.mandelman@sfgov.org, sjgorskilaw@gmail.com

**To:**

clerk@sfcta.org, shamann.walton@sfgov.org, Aaron.Peskin@sfgov.org, Dean.Preston@sfgov.org, Ahsha.Safai@sfgov.org, Hillary.Ronen@sfgov.org, catherine.stefani@sfgov.org, connie.chan@sfgov.org, gordon.mar@sfgov.org, myrna.melgar@sfgov.org, matt.dorsey@sfgov.org, Rafael.Mandelman@sfgov.org

**From:** Stephen J. Gorski[Sjgorskilaw@gmail.com](mailto:Sjgorskilaw@gmail.com)**Date:** December 3, 2022**Re:** Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

Dear Mr. Saunders, and Commissioners of the SFCTA,

Please include this email as my Public Comment objecting to two of the ten items on Item 6 of the Agenda. Mr. Saunders, please see that each member of the Board receives a copy to read and consider prior to the meeting. Please acknowledge receipt and delivery of this Public Comment into the permanent record.

This is to object to Prop K funds going to the following listed under Item Number 6:

\$200,000.00 for Bicycle Facility Maintenance

\$110,000.00 for Bicycle Safety Education and Outreach

I object to my Prop K taxes going to support a private interest group, specifically to the 3% of San Franciscans who exclusively use bicycles for transportation. Regarding bicycle safety, education and outreach and bicycle facility maintenance, this should be the private expense of those interested in bicycling and not funded by our City's taxpayers. Taxpayers don't pay for tennis or skiing or skydiving or any other kind of recreational activity and it is wrong to do it for bicyclists. These two items do not make our streets safer, they waste our money.

Please do not approve the \$200,000.00 for Bicycle Facility Maintenance or the \$110,000.00 for Bicycle Safety Education and Outreach on your agenda under Item 6.

Thank you.

Stephen J. Gorski

40+ year resident and voter

District 4

Sent from my iPad



Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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## Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

---

Judi Gorski &lt;judigorski@gmail.com&gt;

Sat, Dec 3, 2022 at 1:46 PM

To: Transportation Authority <clerk@sfcta.org>, Shamann Walton <shamann.walton@sfgov.org>, Aaron Peskin <Aaron.Peskin@sfgov.org>, Dean Preston <Dean.Preston@sfgov.org>, Ahsha Safai <Ahsha.Safai@sfgov.org>, Hillary Ronen <Hillary.Ronen@sfgov.org>, Catherine Stefani <catherine.stefani@sfgov.org>, Connie Chan <connie.chan@sfgov.org>, Gordon Mar <gordon.mar@sfgov.org>, myrna.melgar@sfgov.org, matt.dorsey@sfgov.org, Rafael.Mandelman@sfgov.org, Judi - gmail Gorski <judigorski@gmail.com>

To:

Clerk of the Transportation Authority Elijah Saunders

[clerk@sfcta.org](mailto:clerk@sfcta.org), [shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org), [Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Dean.Preston@sfgov.org](mailto:Dean.Preston@sfgov.org), [Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org), [Hillary.Ronen@sfgov.org](mailto:Hillary.Ronen@sfgov.org), [catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org), [connie.chan@sfgov.org](mailto:connie.chan@sfgov.org), [gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org), [myrna.melgar@sfgov.org](mailto:myrna.melgar@sfgov.org), [matt.dorsey@sfgov.org](mailto:matt.dorsey@sfgov.org), [Rafael.Mandelman@sfgov.org](mailto:Rafael.Mandelman@sfgov.org)

From: Judi Gorski  
[judigorski@gmail.com](mailto:judigorski@gmail.com)

Date: December 3, 2022

Re: Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

Dear Mr. Saunders, and Commissioners of the SFCTA,

Please include this email as my Public Comment objecting to two of the ten items on Item 6 of the Agenda. Mr. Saunders, please see that each member of the Board receives a copy to read and consider prior to the meeting. Please acknowledge receipt and delivery of this Public Comment into the permanent record.

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Please do not approve the \$200,000.00 for Bicycle Facility Maintenance or the \$110,000.00 for Bicycle Safety Education and Outreach on your agenda under Item 6.

Thank you.  
Judi Gorski  
40+ year resident and voter  
District 4





Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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## Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

---

Alyse \_ &lt;honorlabor@hotmail.com&gt;

Sat, Dec 3, 2022 at 4:22 PM

To: Transportation Authority <Clerk@sfcta.org>, "Shamann.Walton@sfgov.org" <Shamann.Walton@sfgov.org>, "Aaron.Peskin@sfgov.org" <Aaron.Peskin@sfgov.org>, "Dean.preston@sfgov.org" <Dean.Preston@sfgov.org>, "Ahsha.Safai@sfgov.org" <Ahsha.Safai@sfgov.org>, "hillary.ronen@sfgov.org" <Hillary.Ronen@sfgov.org>, "Catherine.Stefani@sfgov.org" <Catherine.Stefani@sfgov.org>, "connie.chan@sfgov.org" <connie.chan@sfgov.org>, "Mar, Gordon (BOS)" <gordon.mar@sfgov.org>, "myrna.melgar@sfgov.org" <myrna.melgar@sfgov.org>, "matt.dorsey@sfgov.org" <matt.dorsey@sfgov.org>, "Rafael.Mandelman@sfgov.org" <Rafael.Mandelman@sfgov.org>

December 3, 2022

To: Clerk of the Transportation Authority Elijah [Saundersclerk@sfcta.org](mailto:Saundersclerk@sfcta.org), [shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org), [Aaron.Peskin@sfgov.org](mailto:Aaron.Peskin@sfgov.org), [Dean.Preston@sfgov.org](mailto:Dean.Preston@sfgov.org), [Ahsha.Safai@sfgov.org](mailto:Ahsha.Safai@sfgov.org), [Hillary.Ronen@sfgov.org](mailto:Hillary.Ronen@sfgov.org), [catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org), [connie.chan@sfgov.org](mailto:connie.chan@sfgov.org), [gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org), [myrna.melgar@sfgov.org](mailto:myrna.melgar@sfgov.org), [matt.dorsey@sfgov.org](mailto:matt.dorsey@sfgov.org), [Rafael.Mandelman@sfgov.org](mailto:Rafael.Mandelman@sfgov.org)

From: Alyse Ceirante, resident, Outer Sunset

Re: Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

Dear Mr. Saunders and Commissioners of the SFCTA,

Please include this email as my Public Comment objecting to two of the ten items on Item 6 of the Agenda. Mr. Saunders, please see that each member of each member of the Transit Authority receives a copy of this email to read and consider prior to the meeting. Please acknowledge receipt and delivery of this Public Comment into the permanent record.

I am writing to object to public taxes being used to finance a private special interest group of questionable standing; specially, the San Francisco Bicycle Coalition.

According an article from Bike Hike (self-described as "All of cycling information sources") fewer than 6.8% of San Franciscans cyclists commute to work on a regular basis\*. Those who use bikes for recreation purposes was last recorded at 16% (and this includes the bike commuters). Given that percentage is so small, I object to Prop K funds going to the following items listed under Item Number 6:

\$200,000.00 for Bicycle Facility Maintenance

\$110,000.00 for Bicycle Safety Education and Outreach

It is hardly fair that San Francisco spends \$310,000 for less than 16% of the population, especially when the majority of that percentage use their bikes occasionally and only for pleasure. The money is needed for other projects that benefit a greater number of people. Golden Gate Park, for example, has been inaccessible to many seniors and people with disabilities for close to three years. The money could be much better spent on the elderly (23% of the population and growing,

according to San Francisco Human Services Agency), and those with disabilities (one in ten San Franciscans, according to same source.)

Additionally, spending this kind of money on the SF Bicycle Coalition under the present circumstances is especially egregious: "Janelle Wong, executive director of the SF Bicycle Coalition, which has roughly 8,000 members and is expected to receive nearly **\$564,000** in city grants and payments for 2022-23, said in a phone interview Wednesday that roughly \$5,400 was raised from the erroneous fundraising emails sent in July." (from San Francisco Standard). How much more was "erroneously" received by previous fundraising emails? Will we ever know? And do they really need \$564,000? What do they use it for? Couldn't it be put to better use?

The bicycle lobby, in its guise as the SF Bicycle Coalition, has far too much power and influence in San Francisco, much to the detriment of most residents here. It is time for San Francisco to reassesses their spending priorities and look to those with most need. The Bicycle Coalition, a private special interest agency with thousands of dollars donated by their members, does not need it. They can easily finance their facility maintenance and safety and education outreach on their own.

Thank you for taking this into consideration. I hope you reach a moral and ethical decision.

\*This can be deduced from Bike Hike's statistics of cities with the most bicycle commuters: "Davis, California 23.2%, Berkeley, California 9.7%, Boulder, Colorado 8.9%, Cambridge, Massachusetts 8%, Somerville, Massachusetts 7.8%, Palo Alto, California 7.3%, Portland, Oregon 7.2%, Eugene, Oregon 6.8%." As San Francisco does not make this list, and as Eugene, which is last on the list, has 6.8% bicyclists shoe commuter regularly to work, it is apparent that San Francisco has fewer than 6.8%.



Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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## Public Comments for the Permanent Record - Transportation Authority Board Meeting - December 6, 2022 - 10:00 am Prop K Funds Item #6

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Tony Villa &lt;tvoobsf@gmail.com&gt;

Sat, Dec 3, 2022 at 4:29 PM

To: Transportation Authority <clerk@sfcta.org>, Shamann Walton <shamann.walton@sfgov.org>, Aaron.Peskin@sfgov.org, Dean.Preston@sfgov.org, Ahsha.Safai@sfgov.org, Hillary.Ronen@sfgov.org, catherine.stefani@sfgov.org, Connie Chan <connie.chan@sfgov.org>, "Mar, Gordon (BOS)" <gordon.mar@sfgov.org>, myrna.melgar@sfgov.org, matt.dorsey@sfgov.org, Rafael.Mandelman@sfgov.org

Dear Clerk,

Please forward to all board members for the Dec 6 Transportation Authority Board Meeting

In regards to Prop K funds, Item 6

I object to taxpayer dollars given to special interest lobby groups (Sf Bicycle Coalition). Who gives you the right to give taxpayer money to lobby groups? All of you supervisors are funneling tax payer dollars to these special interest groups to get votes!! A perfect example of more corruption at City Hall. Who will be next to join our past public works director, Mohamad Neru?

I object to \$200,000 for bicycle facility maintenance! Where is this money going? How do you justify this expenditure? Do we have an audit in place or any type of plan?

\$110,000 for bicycle safety education and outreach? Where did the \$1,000,000 you gave SF Bicycle Coalition over the last 2 years go? It went to lobby City Hall! Wasted money!!

I am a senior citizen and a dying breed in the city. I am a native San Franciscan that still remains living here. Most have left because it is no longer safe and has become a garbage dump. Growing up our transportation system was one of the best in the country. We could get anywhere by bus. Your foolish ideas and spending have ruined the city. What was once the greatest place on earth has been replaced by a transient tech community where our city leaders have bowed down to their money. Look at the tax breaks given to all these companies that have become empty office space. Muni is still broken, most SFMTA projects are over budget and long behind deadlines. Uber and taxi prices have skyrocketed and buses are unreliable. Our streets are not even safe to walk on. Our roads are full of potholes and human feces. Tents lining our streets and people living in cars have become the norm in the family neighborhoods of the city. Yet I don't see this in Pacific Heights, the Sea Cliff, St Francis Woods and other wealthy areas of the city. You cater to the wealthy and neglect the working class. There are waiting lists to get into private schools because our school system is so bad.

I was a member of the SF Bike Coalition for over 20 years. The direction was to share the roads and promote bicycle safety. It was a grassroots organization of people who rode bicycles. Not techie millennials to ride electric bicycles up a hill and leave it there for somebody to pick up. I see press releases of teaching kids to ride their bikes to school. In reality it looks good but the kids will most likely get robbed and their bicycles stolen when alone on the streets. Why do I not see anything about telling pedestrians and kids not to look at their cell phones when crossing the street?? I see our youth and adults riding bicycles and staring into their phones... clueless! Why don't you make our streets and transportation better rather than give millions away that are wasted! Go by any school and you will see lines of cars picking up and driving their kids to school because it's not safe out there. Your closed roads and slow streets only made traffic worse and more dangerous. The empty parklets that you are so proud of create blind spots making the roads even more dangerous. Look how many commercial spots with for rent signs there are with empty parklets taking up parking spaces. Stop wasting money and solve the problems. Giving money to lobby people is not going to solve your problems. Why don't you publish this in your travel guides? You, yes you, have made San Francisco the laughing stock of the world.

Tony Villa  
SF Native and taxpayer



San Francisco  
County Transportation  
Authority

Elijah Saunders <elijah.saunders@sfcta.org>

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## SFCTA Meeting, Tuesday, December 6th, at 10a.m.

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Anna Bockris <abockris@gmail.com>  
To: "clerk@sfcta.org" <clerk@sfcta.org>

Sat, Dec 3, 2022 at 6:19 PM

Dear Clerk,

This relates especially to item 6 on your agenda regarding Proposition(s) L/K.

I am requesting no more city money is used to pay for bicycle/cycling issues, or for anything that impacts or makes it more difficult for motorists to drive and park their cars. This would include narrowing or lessening the number of car lanes, removal of parking spaces, and the placing of plants and other items on sidewalks which make it difficult for motorists to open their car doors when car is parked.

Many San Francisco residents need to drive their cars. Muni is not sufficiently safe or frequent enough to rely on. In certain parts of the city it is barely existent. Neither is it healthy. Older people, and those not able bodied are dependent on their cars. The older population is growing fast in this city. Cyclists, of course, have the right to safely share the streets, but it is not equitable or practical for cyclists to be given preference or better access and convenience than motorists.

Please make this email part of public record.

Thank you.



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## Public comment

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'Shawna J. McGrew' via Clerk <clerk@sfcta.org>

Mon, Dec 5, 2022 at 11:31 AM

Reply-To: "Shawna J. McGrew" <sunsetfog@aol.com>

To: "clerk@sfcta.org" <clerk@sfcta.org>, "gordon.mar@sfgov.org" <gordon.mar@sfgov.org>, "connie.chan@sfgov.org" <connie.chan@sfgov.org>, "aaron.peskin@sfgov.org" <aaron.peskin@sfgov.org>, "ahsha.safai@sfgov.org" <ahsha.safai@sfgov.org>, "hillary.ronen@sfgov.org" <hillary.ronen@sfgov.org>, "catherine.stefani@sfgov.org" <catherine.stefani@sfgov.org>, "myrna.melgar@sfgov.org" <myrna.melgar@sfgov.org>, "rafael.mandelman@sfgov.org" <rafael.mandelman@sfgov.org>, "matt.dorsey@sfgov.org" <matt.dorsey@sfgov.org>, "dean.preston@sfgov.org" <dean.preston@sfgov.org>

My Prop K taxes should be used for the L street car to run, the N Judah to show up as much as the over trains instead of N for Never comes.

I object to using \$200,000.00 for the Bike Coalition and \$110,000.00 for bike safety education. My parents taught me about bike safety. Maybe the bike coalition should offer to offer it free.

The above amount of money should go to REAL shuttles for seniors and/or make Muni free for Seniors

Thank you

Shawna McGrew

[Sunsetfog@aol.com](mailto:sunsetfog@aol.com)

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Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

## Public Comments for Transportation Authority Board Meeting - December 6, 2022 - 10:00 am

'Charles Perkins' via Clerk <clerk@sfcta.org>

Mon, Dec 5, 2022 at 3:48 PM

Reply-To: Charles Perkins <cperkinssf@yahoo.com>

To: "clerk@sfcta.org" <clerk@sfcta.org>, "shamann.walton@sfgov.org" <shamann.walton@sfgov.org>, "Aaron.Peskin@sfgov.org" <Aaron.Peskin@sfgov.org>, "Dean.Preston@sfgov.org" <Dean.Preston@sfgov.org>, "Ahsha.Safai@sfgov.org" <Ahsha.Safai@sfgov.org>, "Hillary.Ronen@sfgov.org" <Hillary.Ronen@sfgov.org>, "catherine.stefani@sfgov.org" <catherine.stefani@sfgov.org>, "connie.chan@sfgov.org" <connie.chan@sfgov.org>, "gordon.mar@sfgov.org" <gordon.mar@sfgov.org>, "myrna.melgar@sfgov.org" <myrna.melgar@sfgov.org>, "matt.dorsey@sfgov.org" <matt.dorsey@sfgov.org>, "Rafael.Mandelman@sfgov.org" <Rafael.Mandelman@sfgov.org>

Dear Mr. Saunders, and Commissioners of the SFCTA,

Please include this email as my Public Comment objecting to two of the ten items on Item 6 of the Agenda. Specifically, I object to Prop K funds going to the following listed under Item Number 6:

\$200,000.00 for Bicycle Facility Maintenance

\$110,000.00 for Bicycle Safety Education and Outreach

The anti-driver Bike Coalition agenda has ruled this town for too long, and I object to any more of my tax dollars going to support a private interest group, specifically to the 3% of San Franciscans who exclusively use bicycles for transportation. Cars are not going away anytime soon. San Francisco needs to embrace that fact. The best way to combat climate change, by far and by all unbiased accounts, is to shift people into non-fossil-fuel-burning vehicles. Stop spending public money on things like "Bike to Wherever Day" and, here, bicycle maintenance--something bicyclists, who don't pay gas tax, should pay themselves--and use that money instead to build up electric vehicle infrastructure and to provide purchase and ownership incentives. I hope to buy an electric vehicle as my next car, and a local subsidy (like the feds, state, and many other local governments provide) would go a long way towards making that happen.

As to the Bike Coalition itself, and its allies like Walk SF (predominantly overlapping membership), these are first and foremost political action groups (the BC being recognized as one of SF's two most powerful lobbying groups), yet San Francisco has given them easily tens of millions of tax dollars over the years. That is an abomination of the democratic process and has to stop. Giving a special interest group tax money, with the group then lobbying government to support what is becoming more and more its controversial agenda, is perverse. On the BC website right now:

**The deadline to protect the Great Highway Park is just a day away.**

**Act now!**

Send an email to  
your Supervisor

The City's priorities need to change.

Thank you,  
Charles Perkins  
San Francisco





Elijah Saunders &lt;elijah.saunders@sfcta.org&gt;

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**PUBLIC COMMENT OPPOSING APPROVAL OF ITEM 6, SFCTA AGENDA OF 12-6-22**

---

**Mary Miles** <page364@earthlink.net>  
To: clerk@sfcta.org, tilly.chang@sfcta.org

Mon, Dec 5, 2022 at 4:50 PM

FROM:

Mary Miles

Attorney at Law

[364 Page St., #36](#)[San Francisco, CA 94102](#)email: [page364@earthlink.net](mailto:page364@earthlink.net)

TO:

Clerk of the Transportation Authority

San Francisco County Transportation Authority

[1455 Market Street, 22nd Floor](#)[San Francisco, CA 94103](#)[clerk@sfcta.org](mailto:clerk@sfcta.org)

DATE: December 5, 2022

**PUBLIC COMMENT: OPPOSITION AND OBJECTIONS TO ITEM 6, SFCTA AGENDA, DECEMBER 6, 2022**

This public comment OPPOSES AND OBJECTS to ITEM 6 on the SFCTA Agenda for December 6, 2022 (SFCTA's proposed award of Proposition K Funds to SFBC, Walk SF, and more for Bicycle projects). Please assure that this Comment and my previous comments (below) to the SFCTA CAC are distributed to all members of the SFCTA Board and that this Comment will be placed in all applicable SFCTA files.

SFBC (San Francisco Bicycle Coalition) is a private 501(c)(4) corporation that improperly receives public money from City contracts. Both SFBC and WalkSF are under investigation by the FPPC, and Walk SF has received a "Very Poor" rating from Charity Navigator, due to IRS issues. (<https://www.charitynavigator.org/ein/472000881>; <https://sfstandard.com/politics/jfk-drive-great-highway-sf-bicycle-coalition-walk-campaign>)

Neither of these organizations should receive public money from the City.

Nor should the City continue its extravagant allocations for bicycle projects that represent less than 3 percent of San Franciscans' travel mode choice. (See (Corey, Canapary & Galanis Research: San Francisco Municipal Transportation Agency (SFMTA) Travel Decisions Survey 2021, p. 5.)

Please also note my objection to SFCTA's failure to comply with the Brown Act by posting its Agenda and packet in a publicly accessible place at least 72 hours before the December 6, 2022 meeting. Notice for the December 6, 2022 hearing was not distributed until after 8:30 p.m. Friday, December 2, 2022.

My original opposition letters to SFCTA CAC are below. Item 6 on today's Agenda parallels the CAC Item. My Objections ignored by the CAC remain and are now before this Board. Please assure that this entire Comment is distributed to all members of the SFCTA Board and placed in all applicable files of this Board.

Sincerely,

Mary Miles

---

PUBLIC COMMENT SUBMITTED TO SFCTA CAC ON 10/25/22 FOR THEIR 10/26/22 MEETING

FROM:

Mary Miles

Attorney at Law

[364 Page St., #36](#)

[San Francisco, CA 94102](#)

email: [page364@earthlink.net](mailto:page364@earthlink.net)

TO:

Clerk of the Transportation Authority

SFCTA Board

San Francisco County Transportation Authority

[1455 Market Street, 22nd Floor](#)

[San Francisco, CA 94103](#)

[clerk@sfcta.org](mailto:clerk@sfcta.org)

**PUBLIC COMMENT OPPOSING SFCTA AGENDA ITEM 5: "Allocate \$941,758 in Prop K Funds and Appropriate \$175,516. . .for Five Requests."**

This Public Comment OPPOSES SFCTA Agenda Item 5. Please distribute this Comment and attachment to all members of the SFCTA Board in advance of the November 8, 2022 meeting, and place a copy of this Comment in all applicable files.

This Comment OBJECTS to the proposed Resolution allocating \$967,274 in Proposition K public money for bicycling Projects and propaganda, including:

1) **“Bike to Wherever Day” (\$41,758 granted to the San Francisco Bicycle Coalition (“SFBC”) with no competitive bidding).**

The “Bike to Wherever Day” claims to be the former SFBC Project called “Bike to Work Day.” SFBC and SFCTA apparently believe that since the new age of remote work, taxpayers should now fund a bicycling event with free gifts for SFBC to “promote cycling.” (Packet, pdf, p.4.)

SFBC is a private 501(c)(4) lobbying corporation, and should not receive *any* public funds for that purpose. The contracts have for more than a decade been improperly awarded to SFBC with **no competitive bidding**. (See, *e.g.*, Attachment A to this Comment.)

Both SFBC and Walk SF are under investigation by the California Fair Political Practices Commission. (<https://youtu.be/iybDatCtoWU> ; see also, *e.g.*, <https://www.charitynavigator.org/ein/472000881> [“Walk San Francisco” receives failing rating from Charity Navigator based on IRS and other factors].)

The San Francisco Bicycle Coalition has fewer than 10,000 members, less than one percent of San Francisco travelers. According to MTA’s data, the bicycle mode share (preferred travel mode) is less than three percent of San Franciscans. (Corey, Canapary & Galanis Research: San Francisco Municipal Transportation Agency (SFMTA) Travel Decisions Survey 2021, p. 5.)

SFBC should not be awarded any more public money to advertise in its self-interest. The “Bike to Wherever Day” is a frivolous waste of public money for special interest public relations that should now end.

2) **“Bicycle Safety Education and Outreach” (\$110,000 granted to SFBC with no competitive bidding).** Again, the SFBC, as a 501(c)(4) lobbying corporation should not receive public funding for “outreach” or “education.” SFCTA’s “Allocation Request Form” falsely claims SFBC was “awarded” this grant “through a competitive bid process.” (Packet, pdf, p. 25.) MTA conducted *no* competitive bidding for that grant. (See, *e.g.*, Attachment A.)

SFCTA should award **no public money to SFBC**.

3) **“Beale Street Bikeway and Transit Lane” (initial outlay of \$640,000, with a total cost of \$2,311,181 for a “cycle trax” bicycle Project in downtown San Francisco).**

SFCTA staff proposes awarding an initial Proposition K allocation of \$640,000 for “a two-way class IV bike facility” between Market and Howard Streets, along with removal of traffic lanes and parking, and other changes to “facilitate bike and pedestrian movements” affecting Mission, Beale, Howard, and Natoma Streets in downtown San Francisco. (Packet, pdf, p. 34.)

The Beale Project has received no environmental review, in plain violation of the California Environmental Quality Act (“CEQA”), Pub. Res. Code §§21000 *et seq.*, since it will clearly have significant impacts, including traffic congestion, energy consumption, parking, VMT, air quality, GHG, and public safety.

The Beale Project will ultimately cost the taxpayers \$3,556,181, including \$970,000 from Prop. K funding. (Packet, pdf p. 38.) The piecemealed \$640,000 proposed *today* is only the beginning of another large bicycle Project that will cause worsened traffic conditions and make driving and parking more miserable for travelers in San Francisco.

Not surprisingly, the Project has “received support” from SFBC and Walk SF. (Packet, pdf, p. 34.) However, those groups are less than one percent of City travelers.

Moreover, SFBC’s publicly funded campaign to force travelers to choose bicycling as their “mode choice” has failed, since MTA’s own data shows that bicyclists are less than 3 percent of the people’s travel mode choice. (Corey, Canapary & Galanis Research: San Francisco Municipal Transportation Agency (SFMTA) Travel Decisions Survey 2021, p. 5.)

With the downsizing and closing of tech offices in the downtown area, millions more for this and other wasteful bicycle Projects should be permanently shelved, and no longer funded with millions in public money.

4) “**Brotherhood Way Safety and Circulation Plan**” (initial outlay of \$175,516 ) with a later “phase” of \$817,328) for studying street changes in a large area of Southwestern San Francisco that includes major traffic corridors from Park Merced to Daly City.

This proposal initiates the first “phase” of a large Project affecting travel on major streets and freeways (*e.g.*, 19th Street, I-280, **Brotherhood Way**, and others) (Packet MAP, pdf p. 59.) The Project has received **no environmental review**, and may not lawfully proceed and receive public funding until it does, since it will clearly have significant impacts on including traffic congestion, energy consumption, parking, VMT, air quality, GHG, and public safety. The proposed “study” should be in the form of an Environmental Impact Report (EIR). No other funding should be allocated until that EIR is completed.

SFCTA nevertheless proposes that the public begin funding this Project with \$175,516. (Packet, pdf, p. 53.) The sky is the limit for the Project’s ultimate costs, which are not disclosed.

The “Brotherhood Way Safety and Circulation Plan” should receive NO public funding until *after* an EIR and full mitigation findings are approved. If federal funding is proposed, an EIS should also be completed before any allocation of money.

## OPEN MEETING VIOLATIONS

This Comment also objects to SFCTA’s violation of the Brown Act by failing to acknowledge and consider public comment on its October 25, 2022 approval of funding the “Howard Street” Project. (See Attachment B to this Comment.)

Further SFCTA CAC’s failure to allow public comment at its October 26, 2022 CAC meeting on the above bicycle projects now at Item 5 of the SFCTA Agenda violates the Brown Act. CAC’s failure to acknowledge the public comment that it received in approving allocations for the bicycle projects described above also violates the basic purpose of public meeting laws, to allow public input on agenda items.

All of those violations must be addressed by reconsidering the items approved by CAC and this Board on October 25 and 26, 2022.

## CONCLUSION

The public’s approval of Proposition K did not contemplate huge expenditures for bicycle projects. This public money should be spent on improving travel for the 97% of the public that does not have the leisure time and money for bicycling.

Because it does not comply with CEQA, please do *not* approve the \$941,758 in more bicycle funding under Proposition K at Agenda Item 5.

For all of the above reasons, SFCTA should not approve any public funding of SFBC activities, and should not approve the Bicycle Projects at Item 5 of the November 8, 2022 Agenda.

Mary Miles

ATTACHMENT: pdf copy of this Comment with Attachments A and B

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AND PUBLIC COMMENT SENT 10/25/22 FOR SFCTA CAC 10/26/22 MEETING:

FROM:

Mary Miles

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TO:

Clerk of the Transportation Authority

Community Advisory Committee (CAC)

San Francisco County Transportation Authority

[1455 Market Street, 22nd Floor](#)

[San Francisco, CA 94103](#)

[clerk@sfcta.org](mailto:clerk@sfcta.org)

**PUBLIC COMMENT OPPOSING SFCTA CAC, October 26, 2022, AGENDA ITEM 6: [“Final Approval] Approve the Transportation Authority’s Project Priorities for the Senate Bill I Local Partnership Competitive Grant Program”] AND AGENDA ITEM 7: “Allocate \$941,758 in Prop K Funds and Appropriate \$175,516...for Five Requests.”**

This Public Comment OPPOSES SFCTA CAC Agenda Item 6, in particular the proposed “SFPW: Transbay Howard Streetscape Improvements.” [“Project”] Please distribute this to all members of the SFCTA CAC in advance of its October 25, 2022 meeting, and place a copy of this Comment in all applicable files.

The Project (Item 6(2)) proposes an increment of \$12,875,000 to eliminate traffic lanes and parking on a busy downtown arterial and to construct protected bicycle lanes on Howard Street from the Embarcadero to 4th Street. The Project has already been partially implemented as “Vision Zero Quickbuild Projects” for which no accounting is provided, and states it will also extend from “4th to 11th Street, nearly two miles.” The total is not just the \$12,875,000 today, but is **\$66,175,175** for this *one* bicycle Project! (Packet Attachment 1, SB1 “Priorities”).

Just today one of the large tech offices on Howard Street, “Snapchat,” shuttered its operations with more than 1,200 layoffs. (<https://www.sfgate.com/bayarea/article/snapchat-closes-san-francisco-office-17530730.php>) In short, if any office workers rode bicycles to offices on Howard Street, they haven’t done so since the new age of remote work. Thus, obstructing vehicles and commerce on Howard Street for this \$66,175,175 bicycle path is one more stupendous waste of public money, much like the dismal billion-dollar (including bonds) bicycle path on a raised sidewalk called “Better Market Street.”

The alleged CEQA review is claimed to be part of the “Transit Center EIR.” It is not, and the Project will clearly have significant impacts on transportation, congestion, parking, air quality, VMT, energy consumption, and public safety, affecting emergency vehicles, and evacuation in emergencies, with no proposed mitigation measures or alternatives in the “Transit Center EIR” for those impacts. This Project cannot be lawfully approved without environmental review and mitigation under CEQA.

The SFCTA “Community Advisory Committee” did not hear the Howard Street Item-- one more reason to NOT approve it today-- because “this item was not ready for presentation to the CAC in September because staff needed to gather additional project details.” (Packet [Staff Memo, 10/11/22, at page 4].)

Meanwhile, SFCTA’s Citizen Advisory Committee approved October 26, 2022 another \$941,758 in bicycle funding, including “Bike to Wherever Day Sponsorship 2023” \$41,758; “Bicycle Safety Education and Outreach \$110,000 (both of which are grants *without* competitive bidding to the San Francisco Bicycle Coalition); “Beale Street Bikeway” \$640,000, and “BART Hearing Loop,” a total expenditure of \$941,758 in Prop. K sales tax funds.

The San Francisco Bicycle Coalition has fewer than 10,000 members, less than one percent of San Francisco travelers. According to MTA’s data, the bicycle mode share (preferred travel mode) is less than three percent of San Franciscans. (Corey, Canapary & Galanis Research: San Francisco Municipal Transportation Agency (SFMTA) Travel Decisions Survey 2021, p. 5.)

The public’s approval of Proposition K and SB 1 did not contemplate huge expenditures for bicycle projects. This public money should be spent on improving travel for the 97% of the public that does not have the leisure time and money for bicycling.

Because it does not comply with CEQA, please do *not* approve the \$12,875,000 in SB 1 public money today (SFCTA CAC AGENDA ITEM 6) for the “Howard Streetscape Plan,” and do not approve the \$941,758 in more bicycle funding under Proposition K (SFCTA CAC AGENDA ITEM 7).

Mary Miles

<https://www.youtube.com/watch?v=iybDatCtoWU&t=2s>