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SAN FRANCISCO
ETHICS COMMISSION

BY _____

February 15, 2010

Mabel Ng
Deputy Executive Director
Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053

Re: Post Employment and Post Service Compensated Advocacy Waiver

I would like to formally request written advice and a waiver for post employment/ service restrictions on communicating with a former department from the San Francisco Ethics Commission. I am one of 5 members of the Access Appeals Commission (AAC) and was appointed by the San Francisco Building Inspection Commission. I was not aware of restrictions on compensated advocacy when I was appointed to the AAC in December 2009. Since it appears that the Ethics Commission will deny my waiver request for compensated advocacy which I requested in my correspondence to you dated January 21, 2010, I would like a clarification of the one year post employment restrictions of Section 3.234 of the San Francisco Campaign and Government Conduct Code. Paragraph (C)(2) of section 3.234 reads as follows:

No current or former officer or employee of the City and County, for one year after termination of his or her service or employment with any department, board, commission, office or other unit of the City, shall with the intent to influence a government decision, communicate orally, in writing, or in any other manner on behalf of any other person (except the City and County) with any officer or employee of the department, board, commission, office or other unit of government, for which the officer or employee served.

Does this restriction apply broadly to the entire Department of Building Inspection or more narrowly to only the Access Appeals Commission of which I am a member? If it only restricts my communications with the Access Appeals Commission, then I do not require a waiver. On the other hand, if it applies to all communications with anyone in the Department of Building Inspection, then I would need a waiver.

As I have previously described in my correspondence to you dated January 21, 2010, I am a sole proprietor of a two person architectural business in the City. I have one draftsman that is serving an internship and is not yet a licensed California architect.

It would be a hardship for me to not be able to practice my vocation. In order to perform my architectural responsibilities, I need to personally meet with staff at the Planning De-

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partment, Building Department, Fire Department, Public Works and other City agencies involved in the review of permit applications. Last year, approximately 70% of my business was for San Francisco projects that required a building permit from the City and approximately 76% in the year prior. I apply for approximately 5 to 10 building permits per year with the San Francisco Department of Building Inspection for projects that our firm is serving in the role of the project architect where we would typically prepare plans. In my role as an architect, I present drawings related to permit applications to City agencies for review to assure compliance with codes.

Thank you for your consideration of my waiver request so that I can continue to practice my vocation when I leave the Access Appeals Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Zachary Nathan".

Zachary Nathan, AIA

cc. Richard Halloran, Secretary to the Access Appeals Commission