

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



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April 4, 2007

John St. Croix
Executive Director
San Francisco Ethics Commission
30 Van Ness Avenue
San Francisco, CA 94102

Re: Formal advice to Beverly Prior

Dear Mr. St. Croix:

This Office is in receipt of your formal advice to Beverly Prior regarding the application of Campaign and Governmental Conduct Code section 3.222. This Office concurs with the Ethics Commission's conclusion that Ms. Prior has not violated section 3.222. We base our concurrence on the totality of the unique facts presented in this matter, including the pre-existing contractual language cited by the Commission regarding work authorizations and modifications; the fact that the parties contemplated the need for such modifications when they entered into the contracts; the parties' apparent conformity to industry practice regarding architectural contracts and modifications; the \$101,990 net financial loss to Ms. Prior resulting from the two modifications; the absence of any indication that the parties drafted the relevant contract provisions in anticipation of Ms. Prior becoming a City officer; and the absence of any evidence of favorable or preferential treatment as a result of Ms. Prior's service on the Arts Commission. Please do not hesitate to contact me if you have any questions about this matter.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Jon Givner
Deputy City Attorney

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