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June 16, 2009

Patrick Buscovich
Patrick Buscovich & Associates
235 Montgomery Street, Suite 823
San Francisco, CA 94104-2906

Dear Mr. Buscovich:

I am enclosing a formal advice letter from the Ethics Commission regarding whether the compensated advocacy ban under San Francisco Campaign and Governmental Conduct Code section 3.224 applies to you as a member of the Board of Examiners. I am also enclosing letters from the City Attorney's Office and District Attorney's Office regarding the same question. As you know, a formal opinion provides a requester immunity from subsequent enforcement if the material facts are as stated in the request for advice, and only if both the City Attorney and District Attorney concur with the Commission's advice. In this case, as you can see from the enclosed letters, while the City Attorney has concurred in the advice, the District Attorney has not. For that reason, you cannot rely on the Ethics Commission's letter as a grant of formal immunity. In other words, the compensated advocacy ban in section 3.224 applies to you as a member of the Board of Examiners.

At this time, I'd suggest that you bring again to the Commission a request for a waiver from section 3.224. Please let me know if you are available to attend the Commission's meeting on July 13, 2009 at 5:30 p.m. in Room 408 City Hall.

Sincerely,

John St. Croix
Executive Director

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