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8 **ETHICS COMMISSION**
9 **CITY AND COUNTY OF SAN FRANCISCO**

10
11 In the Matter of Charges Against
12 ROSS MIRKARIMI,
13 Sheriff, City and County of San Francisco.
14

) **DECLARATION OF ELIANA LOPEZ**
)
)
)
)

15 I, Eliana Lopez, do declare:

16 1. I submit this declaration to the Ethics Commission In The Matter Of Charges
17 Against Ross Mirkarimi.

18 2. I have reviewed the allegations made by Mayor Lee against my husband Ross
19 Mirkarimi accusing him of acts of official misconduct.

20 3. My husband entered a plea of guilty to a violation of Penal Code Section 236 and
21 all of the original charges made by the San Francisco District Attorney's Office against him were
22 dismissed in exchange for his plea.

23 4. I did not cooperate with the District Attorney's Office's prosecution of my
24 husband. I did not cooperate with the San Francisco Police Department's investigation of my
25 husband.

26 5. I did not cooperate with either agency because the initial investigation came about
27 as a result of a conversation that I had with Ivory Madison (hereafter Ivory) on January 1, 2012.
28 I believed the conversation between Ivory and me was a protected, privileged and confidential

1 communication and that Ivory had no legal right or authority to disclose the contents of our
2 conversation to anyone. I spoke to Ivory in her role as an attorney. Ivory gave me legal advice.
3 I believed legal advice and legal communications were privileged.

4 6. Prior to that meeting Ivory had told me that she was an attorney, that she had
5 graduated from law school, that she was Editor and Chief of her law school's law review, that
6 she worked at the California Supreme Court, that she was an intern at Americans United for the
7 Separation for Church and State, and that her husband, Abe Mertens is also an attorney. Ivory
8 advertises all those facts about herself over the internet on various social networking sites.

9 7. On January 1, 2012, I sought legal advice from Ivory regarding a potential
10 custody dispute with my husband regarding our minor son, Theo. Ivory dispensed legal advice
11 to me. Ivory told me that because I am not an American citizen and because Ross and Theo are
12 American citizens I would have great difficulty obtaining custody of Theo if I wanted Theo and I
13 to live in Venezuela and Ross objected. My conclusion after that conversation and my own
14 experience was that as an American and politician, Ross is a powerful man and if he wanted, he
15 could win custody of Theo.

16 8. I explained the circumstances of the argument with Ross to Ivory. I told Ivory
17 that we had argued in the car on the way to lunch. I told her that Ross turned the car around and
18 said that we were not going to lunch. I told her that Ross had grabbed my arm in the car when I
19 was taking Theo out of the car seat. I showed the bruise on my arm.

20 9. I never said to Ivory or anyone, including Callie Williams, that Ross and I argued
21 anywhere but in the car. I told her that I went about my business the rest of the day but that I
22 was angry with Ross and very worried about whether I would obtain custody of Theo. I also told
23 Ivory that later that day, Ross and I made the decision to look for a couple's therapist.

24 10. I told Ivory that custody of Theo was my only concern. Ivory advised me that I
25 should make a video and that the video would be "evidence" in the event there was a custody
26 dispute. Ivory told me what I should say in the video. Ivory told me the video would be
27 confidential. I agreed to make a video, and did. Ivory told me she would hold the "evidence" so
28

1 that it would be safe and confidential. She told me the “evidence” was my property. I believed
2 Ivory Madison.

3 11. I did not tell anyone about my conversation with Ivory or that I had made a video.

4 12. On January 3, 2012, Ivory asked me to see her the next day or that night, even if it
5 was late. I was busy so I visited Ivory on January 4, 2012 after I had prepared Theo for school.
6 Ross took Theo to school that day so I was home alone. I went to Ivory’s home at around 9 a.m.
7 Ivory told me that she had talked to a friend of hers who got a divorce and that the way this
8 person gained custody of his children was by accusing his ex-wife of being a bad mother and a
9 bad person, and that I should do the same. Ivory told me that I should accuse Ross of domestic
10 violence so that I could get custody of Theo. Ivory told me the way to do it was that Phil
11 Bronstein would call the Police Chief, the District Attorney, and a third person who I cannot
12 remember now. We would all meet in Ivory and Abe’s house as my attorney’s office (Ivory and
13 Merten’s office is their home). Ivory asked me to show her my arm. The bruise was almost
14 gone. Ivory said, “Eliana, we have to do it now, tomorrow it will be gone!” She told me not to
15 take a shower, not to put on any makeup, and to keep myself in pajamas to that I looked as
16 disheveled as possible. Ivory spent more than an hour trying to convince me that calling the
17 police was the only way to be free of Ross. She kept repeating words that at the time were new
18 words for me, but she repeated them so many times that I learned them. Those words were,
19 “Screw him!”

20 13. I asked Ivory questions, trying to show her that her plan was maybe good for a
21 comic book, but not for real life. I wanted her advice about divorce and custody. Calling the
22 police was not my idea. I told her that I wanted to try therapy first because this had never
23 happened before. Ross does not drink, he does not use drugs, he does not have lovers, he just
24 worked too many hours, and maybe I was not the right woman for him. I told Ivory that I could
25 not call the police and destroy Ross. Ivory ignored me. Ivory told me that Abe Mertens, as my
26 attorney, would call Ross, explain to Ross the situation, and Mertens would change the locks to
27 my house. Ivory kept repeating, “Eliana, screw him, this is your opportunity, I have so many
28 friends that want to help you, everything is ready, you just have to make the decision.” Ivory did

1 not listen to me. I told her that I had to talk to my dad first. That was the only statement that
2 stopped her, and I then left her house. I did not get back to her. When Ivory texted me on
3 January 4, 2012, later that day, I responded very briefly, and not as nicely as usual, because I
4 realized that Ivory was calling Ross` enemies against my wishes. I texted Ivory, "I`m not going
5 to call the police, I will open a medical report."

6 14. Ivory had also advised me to tell Callie Williams about my argument with Ross so
7 that I could have more witnesses to help me in the event there was a custody dispute case. I did
8 as Ivory instructed and disclosed to Callie Williams that Ross and I had an argument and that he
9 had grabbed my arm and that I got a bruise. I told Callie that Ross and I had argued before about
10 custody of Theo. English is my second language. I have learned English in the last few years.
11 Perhaps Callie misunderstood what I said or perhaps I did not say it properly but I was trying to
12 tell her that I was worried about getting custody of Theo and that Ross and I had argued about
13 custody, that he had grabbed my arm, and that we had argued before about custody.

14 15. Callie Williams declared in her Declaration that she was not at home on
15 December 31, 2011. However, she sent an email to me on January 5, 2012, advising that the
16 police had come to her house that night, and that she told them that she had not heard anything,
17 i.e., fighting between Ross and I, on December 31, 2011. I never told Williams that I had run out
18 of the house screaming because that never happened. Finally, contrary to Williams` statement
19 that she found my request that she not speak to the police "surprising and disturbing," Williams
20 emailed me in reply on January 6, 2012, stating, "I read some of the articles that are out. I just
21 want you to know, I have not said anything. I wouldn`t do that to you. I`m sure the stress you
22 are going through right now is very hard and I respect your privacy. You are in my thoughts –
23 Callie."

24 16. I was considering my options and waiting for Ross to agree to go to counseling
25 and therapy before I wanted to file for divorce. I believed, and still believe, that Ross is a good
26 and kind person. Ross is Theo`s father. Ross had a difficult and sad childhood. My childhood
27 was happy, beautiful, and loving. I want that type of childhood for Theo. I believe that all
28

1 people are capable of change and development. I believed that with counseling Ross would be a
2 great father and husband.

3 17. Rather than let Ross and I work out our relationship Ivory called the police and
4 told the police about our conversation. Ivory did not have my permission to disclose our
5 conversation to anyone. Ivory knew before 1 p.m. that she had opened an investigation.
6 However, Ivory did not call me or text me as a lawyer, or even a friend, who was supposedly
7 taking care of me. She waited until the police were almost there, at 3:34 p.m., to tell me about
8 the police.

9 18. When Ivory told me that she had called the police and the police were on their
10 way I was angry with her and felt betrayed.

11 19. I sought the help of Lynette Peralta Haynes to intervene on my behalf to Ivory
12 and ask Ivory to respect her promise to me of confidentiality. Ms. Haynes is a domestic violence
13 counselor and I thought she would be able to assist in reminding Ivory that she had represented
14 to me that our conversation was confidential.

15 20. On the afternoon of January 4, 2012 I reminded Ivory of her promise to me. I
16 spoke with her husband, Abe Mertens that afternoon and advised him of Ivory's promise to me.
17 He said there was nothing he could do and that I should help Ivory out by cooperating with the
18 police.

19 21. I did not talk to the police. I believed that if I spoke to the police I would waive
20 my claim that my conversations with Ivory and then Mertens were privileged as that is the way
21 the law is in Venezuela and what I believed the law was here in the United States.

22 22. I obtained an attorney, Cheryl Wallace, and she asserted the claim of privilege on
23 my behalf to investigators and in open Court to Judge Breall on January 19, 2012 at Ross'
24 arraignment. Judge Breall said that the arraignment was not the time to raise the issue.

25 23. I directed my new attorney Paula Canny to advise Ivory and her husband that I
26 was exercising my rights and to ask them not to disclose what I believed were privileged and
27 confidential communications.

1 24. Ross was not ever involved in my efforts to assert my right to claim the attorney
2 client privilege to my conversation with Ivory as well as my right to control the dissemination of
3 the video. Ross never told me not to talk to the police or anyone else about what had happened.

4 25. Ivory never explained to me that she was not licensed to practice law in California
5 or anywhere for that matter. In fact her words and actions implied exactly the opposite – that she
6 was competent to dispense legal advice and that it was lawful for her to do so. Ivory told me she
7 was a lawyer. Ivory has also told other people she was a lawyer. Attached hereto are several
8 postings from the internet regarding Ivory Madison. Exhibit 1 is Ivory’s bio page from
9 redroom.com. Exhibit 2 is Ivory’s Facebook page. Exhibit 3 is Ivory’s LinkedIn page. All
10 describe Ivory in varying ways as “Holding a Juris Doctorate,” “Trained as an attorney,” “Editor
11 in Chief of her Law Review,” “Interned at the California Supreme Court,” and Served as a Law
12 Fellow. In her comic book entitled *Huntress*, Ivory identifies that she has been a lawyer.
13 Attached hereto as Exhibit 4 is the cover of Ivory’s comic book, *Huntress*. The description of
14 Ivory in the book provides: “...While as far as I know Ivory doesn’t have a crossbow, or a
15 propensity for rooftops, **she has been a lawyer...**” I could have talked to anyone I wanted about
16 my concerns about custody of Theo. I picked Ivory because I believed she was a lawyer and that
17 she could give me legal advice and that our conversations were privileged.

18 26. Ivory disclosed many intimate facts about her friends and acquaintances and
19 others on January 4, 2012 in her attempts to convince me to call the police. Those facts are
20 salacious and invasive to their privacy, and I will not act in the way that she does.

21 27. Ivory and Mertens describe in their declarations the “naked pictures” that we have
22 in our home. Those pictures, that I love, are by the photographers Brett Weston, Edward Weston
23 and Ruth Bernhard. The pictures are valuable works of art.

24 28. Ross has never hit me, punched me, battered me, or beat me. We have argued
25 about money, as many couples do. Ross and I have struggled in our relationship. However,
26 Ross has consistently tried to be a better and better parent to Theo and loving and supportive to
27 me. The fact that Ross has agreed to our continued stay in Venezuela and his support of me and
28 Theo in Venezuela demonstrates his growth.

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29. If I were called to testify the above would be my testimony.

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

Executed this 02 day of July, 2012 at Caracas, Venezuela.

A handwritten signature in black ink, appearing to read 'Eliana Lopez', written over a horizontal line.

ELIANA LOPEZ.

- Signed Via Facsimile -

EXHIBIT 1

Ivory Madison's redroom.com Bio Page



Ivory Madison (/member/ivory-madison) AUTHOR

Ask me about the time I tried to kill the poet laureate of the United States.

(/member/ivory-madison)

[Home \(/member/ivory-madison/\)](#) | [Books \(/member/ivory-madison/books\)](#) | [Blog \(/member/ivory-madison/blog\)](#)

Ivory Madison's Biography

Chief Executive Officer and Editor in Chief [Ivory Madison](#) (<http://www.redroom.com/author/ivory-madison>) founded Red Room. Madison is a writer, editor, and entrepreneur living in her hometown of San Francisco. A former management consultant to startups and Fortune 500 companies, Madison combines her business acumen with her dedication to supporting writers. Red Room began as the [Red Room Writers Society](#) (<http://www.redroom.com/where-we-came-from>) in

2002, where she personally helped hundreds of aspiring and professional writers complete their books. As a result, Madison was named "Best Writing Coach" by *San Francisco* magazine. A frequent keynote speaker and panelist on writing, entrepreneurship, and social media, she has been a guest lecturer to the faculty and writing coaches at the Stanford Graduate School of Business and the Stanford Publishing Course. Trained as an attorney, Madison was Editor in Chief of her Law Review, interned at the California Supreme Court, and served as a Law Fellow at [Americans United for the Separation of Church and State](#) (<http://www.redroom.com/americans-united-for-the-separation-church-and-state>). Her adventures have also included episodes as a New Orleans restaurateur, radical feminist politico, and torch singer at the Plush Room. Her feminist-mafia-noir graphic novel, *Huntress: Year One* (<http://www.redroom.com/publishedwork/huntress-year-one>), was published by DC Comics in February 2009 and is now in its second printing. It tells the origin story of a strong female superhero. Madison is twenty-nine. Yes, still.

MEMBER INFO

Currently in: San Francisco, California

Married to: To my hero.

Member since: Dec 2007

UPCOMING WORKS

Huntress: Year One, a six-issue comic book miniseries published by DC Comics, was released issue by issue beginning in May 2008, then collected and released as a graphic novel in January 2009. The "Year One" concept, invented by comics legend Frank Miller in *Batman: Year One*, covers the year a hero first became a hero.

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EXHIBIT 2

Ivory Madison's Facebook Page



Search



Find Friends Home



Ivory Madison

CEO & Founder at Red Room Omnimedia Corporation (redroom.com) Lives in San Francisco, California From San Francisco, California

Add Friend Message

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- Photos
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Work and Education

Employers

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CEO & Founder · San Francisco, California

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Friends (793)



Report/Block

Arts and Entertainment

Movies

Motherland

MOTHERLAND
-a

Activities and Interests

Other

A Great Good Place for Books, Unfans, redroom.com, City Lights Bookstore, Michael Hyatt, Edinburgh Castle Pub, Marxist School of Sacramento, Afghan Women's Writing Project, Mia King, Gloria Steinem, Soft Skull Press, A Band of Wives, Lynda Carter, Literary Death Match, Americans United for Separation of Church and State and 2 more

Basic Information

About Ivory CEO and founder of Red Room (redroom.com), author, and non-practicing lawyer. 80-hour a week workaholic with perfect husband and daughter. Occasional superhero-related activities. I put the "ROI" in heroine.

Red Room (redroom.com) founder and CEO Ivory Madison is a writer, editor, and entrepreneur living in her hometown of San Francisco. A former management consultant to startups and the Fortune 500, Madison has finally combined her love of writing with her business acumen. Before launching redroom.com, she founded the Red Room Writers Society in 2002, where she personally helped hundreds of aspiring and professional writers complete their books. As a result, Madison was named Best Writing Coach by San Francisco magazine. Trained as an attorney, Madison was Editor in Chief of her school's Law Review, interned at the California Supreme Court, and served as a Law Fellow at Americans United for the Separation of Church and State. Her adventures have also included episodes as a New Orleans restaurateur, radical feminist politico, and torch singer at the Push Room. Her noir graphic novel, Huntress: Year One, was published by DC Comics in February 2009. It tells the origin story of a strong female superhero.

Sex Female

Contact Information

Facebook <http://facebook.com/ivory.madison>

EXHIBIT 3

Ivory Madison's LinkedIn Page

ivory madison

CEO, entrepreneur, writer, and non-practicing lawyer.

San Francisco Bay Area Online Media

Join LinkedIn and access ivory madison's full profile.

As a LinkedIn member, you'll join 150 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and ivory madison know in common
- Get introduced to ivory madison
- Contact ivory madison directly

[View Full Profile](#)

ivory madison's Overview

Current	CEO and Founder at redroom.com (Red Room Omnimedia Corporation)
Past	writer at DC Comics President and Founder at Red Room Writers Society (Red Room LLC) Owner and Senior Partner at Madison St John LLC
Education	Hated law school.
Connections	378 connections
Websites	Company Website Company Website Personal Website

ivory madison's Summary

CEO embarking on an ambitious startup to extend the vibrant writing community we've founded here in San Francisco into a global online community for writers and readers: redroom.com

A former management consultant and current multiple-business owner, founder, The Red Room Writers Society (which helps writers find each other and achieve their dreams); founder, Madison St.John, LLC (a communications consulting and training firm); and a published writer and award-winning editor/writing coach.

Holding a Juris Doctorate, formerly a James Madison Law Fellow for Americans United for Separation of Church & State, intern at the California Supreme Court, and Editor in Chief of the Law Review, an activist and philanthropist, former NOW chapter president, and most recently, co-founder of The Wedding Ring Foundation.

ivory madison's Experience

CEO and Founder

redroom.com (Red Room Omnimedia Corporation)

January 2007 – Present (5 years 2 months)

writer

DC Comics

Public Company, 201-500 employees. Publishing industry.
2006 – 2009 (3 years)

President and Founder

Red Room Writers Society (Red Room LLC)

June 2002 – January 2007 (4 years 8 months)

Owner and Senior Partner

Madison St.John LLC

January 2000 – December 2006 (7 years)

ivory madison's Education

Hated law school.

J.D., law

Activities and Societies Editor in Chief, Law Review Student Government

ivory madison's Additional Information

- | | |
|----------|--|
| Websites | <ul style="list-style-type: none">• Company Website• Company Website• Personal Website |
|----------|--|

Interests Hobbies include singing at the Plush Room, writing graphic novels for DC Comics, and saving the world

Groups and Associations.

EXHIBIT 4

Huntress Cover

Ivory Madison
writer

Cliff Richards
penciller

Art Thibert (chapters 1-3)

Norm Rapmund (chapters 4-6)

Rebecca Buchman (chapters 5-6)
inkers

Jason Wright
colorist

Sal Cipriano
letterer

Original series covers by
Matthew Clark and Jason Wright

Introduction by
Paul Levitz

HUNTRESS

Y E A R

O N E

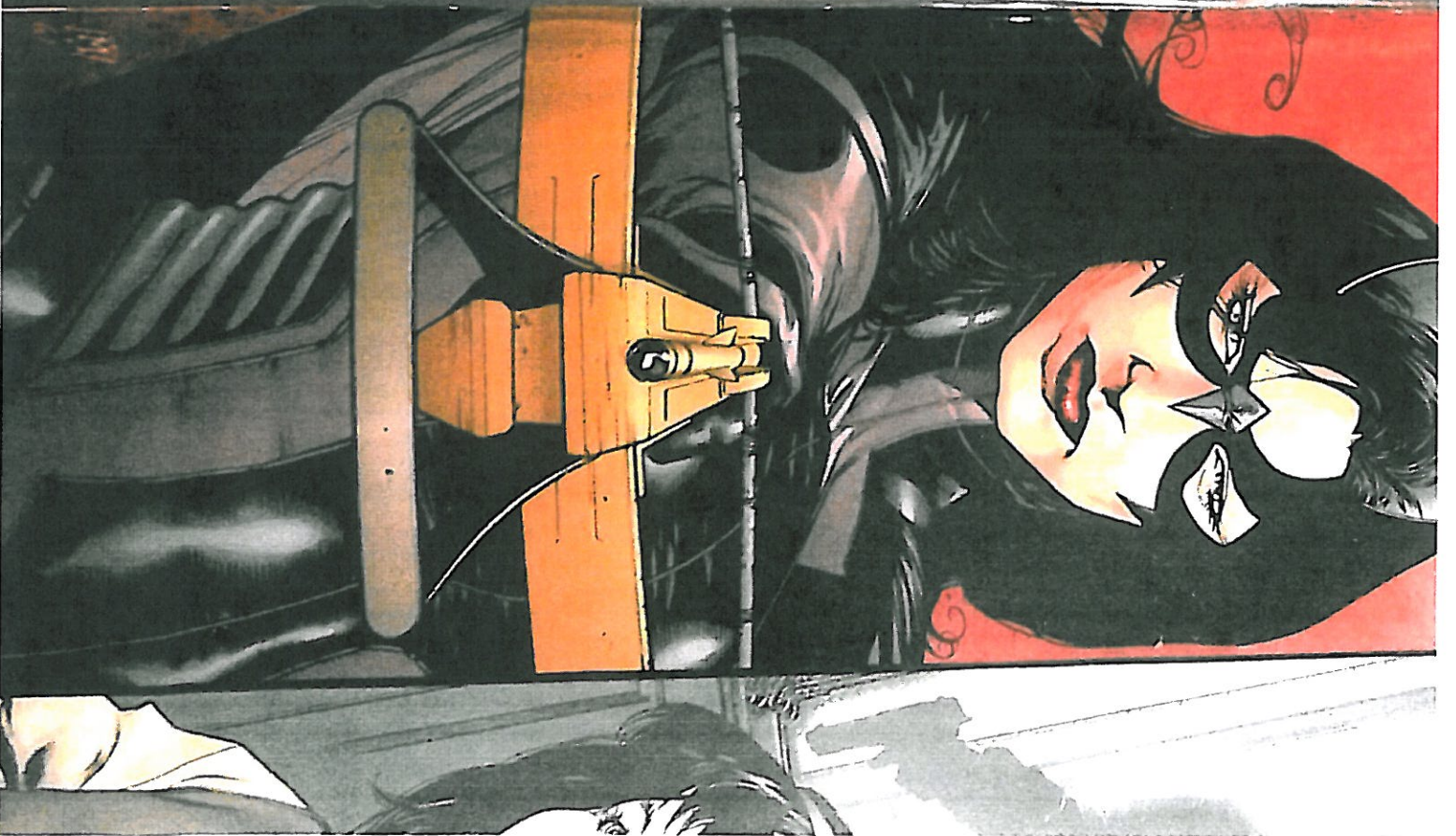




Creators often demonstrate one of the magical characteristics of folk tales: the ability to tell and retell a story, changing with the times and circumstances of the listeners, and of the storyteller, until only the essential kernel remains intact. In the process, the tale is kept alive and relevant to new generations of listeners, and if you look closely at the changes, you can learn something about the storytellers as well.

The *Minutemen* who stare down at me from Joe Simon's now-thirty-year-old beautiful oils was Bruce Wayne and Selina Kyle's daughter, a crusading lawyer by day, a leather-clad super heroine by night. When *CRISIS ON EARTH!* LAERTIS equated her disappearance into the maelstrom of DC continuity, she was referred, from the keyboard of Greg Cavalieri, now as a Marfa family princess turned to the side of the anti-heroes. Further alterations provided as Greg Fuchs embellished her life, and now, to the volume you're holding, her story has come into the hands of Tracy Madison.

It's an interesting exercise to listen for the storyteller in the story, especially in the case. While as far as Tracy doesn't have a crusade, or a propensity for roid rage, she has been a lawyer, and even a crusader for a good cause or two in her life. She brings all this, and her own own admirable will and determination, to the raveling of Helena Bertinelli's journey. It's good to see my old character widely reinterpreted, in the hands of a writer whose skills should make her one of comic's most talented new voices. Tracy's version is far from the story I imagined in *Cavalieri's* Village Era era, and that's as it should be. For a folk tale to live on, it needs to evolve through the centuries, and here, there is the best definition version of the origin of the *Minutemen* for the twenty-first century.



When *CRISIS ON INFINITE EARTHS* required her disappearance into the maelstrom of DC continuity, she was reborn, from the keyboard of Joey Cavalieri, now as a Mafia family princess turned to the side of the mob-busters. Further alterations proceeded as Greg Rucka embellished her life, and now, in the volume you're holding, her story has come into the hands of Ivory Madison.

It's an interesting exercise to listen for the storyteller in the story, especially in this case. While as far as I know Ivory doesn't have a crossbow, or a propensity for rooftops, she has been a lawyer, and even a crusader for a good cause or two in her life. She brings all this, and her own considerable will and determination, to the retelling of Helena Bertinelli's journey. It's good to see my old character, suitably transformed, in the hands of a writer whose skills should make her one of comics' most talented new voices. Ivory's version is far from the story I imagined in Greenwich Village last century, and that's as it should be. For a folk tale to live on, it needs to evolve through the centuries, and here, then, is the first definitive version of the origin of the Huntress for the twenty-first century.