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ETHICS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

In the Matter of Charges Against  
ROSS MIRKARIMI,  
Sheriff, City and County of San Francisco.

**DECLARATION OF IVORY S.  
MADISON**

13 I, IVORY S. MADISON, declare:

14 1. I have personal knowledge of the matters stated herein, except for those matters set  
15 forth on information and belief, which I believe to be true, and if called to testify, I can and will  
16 testify competently as to all matters set forth herein. The matters stated in this declaration do not  
17 purport to be exhaustive of all of my conversations or communications with Eliana Lopez regarding  
18 the conduct, statements, and abuse inflicted by her husband, Ross Mirkarimi. The matters stated in  
19 this declaration also do not purport to be exhaustive of all of the knowledge I have of actions taken  
20 by Ross, or those working for him or on his behalf.

21 2. I live on Webster Street in San Francisco, with my husband, Abraham Mertens, and  
22 our daughter, who is almost two years old. We purchased our home and moved in five years ago.  
23 Our building is next door to the building where Ross and Eliana live.

24 3. I am the Chief Executive Officer and Editor In Chief of Red Room Omnimedia  
25 Corporation, a social media company, online bookseller, and writers' community.

26 4. Although I'd had a few conversations with Ross since we moved in, in 2007, my  
27 husband and I did not become friends with him or Eliana until late 2010 or early 2011, when Eliana  
28 and I realized we shared certain interests in common, such as home births and other parenting

1 philosophies. As a result, my husband and I began to develop a close friendship with Eliana, and to  
2 a lesser extent, Ross. We spoke and saw each other often. Among other things, she invited us to her  
3 “Bilingual Rhythm and Motion Class,” a dance class for toddlers, which we attended for several  
4 months with our daughter. When she realized we had paid for the first few classes, she said we were  
5 too close of friends to pay, and refused to accept any further payment, despite our protest. As we  
6 became better friends, we spent even more time together, including at each other’s homes and out  
7 with the children.

8           5.       Over brunch at our house one day in 2011, Ross, who was still serving on the Board  
9 of Supervisors, told us the various reasons he wanted the sheriff’s job, including that it paid  
10 dramatically more than his current salary. We were happy to hear this, and wanted to do whatever  
11 we could to help our friends. My husband and I subsequently each donated the maximum amount  
12 allowable by law, although this was not an insignificant sum for us, agreed to be listed as co-hosts  
13 for a fundraiser for his campaign, although we were extremely busy with professional and personal  
14 responsibilities already, and we emailed hundreds of our friends and acquaintances encouraging  
15 them to support Ross. I was very happy on election night when it appeared that Ross had won.

16           6.       Eliana frequently discussed her life, her marriage, and Ross with both my husband  
17 and me. In the beginning, I assumed the best of Ross and of their marriage. I often gave Eliana  
18 advice about her complaints based on my assumptions that Ross generally treated her fairly and that  
19 the marriage was overall a happy one. It was not until a couple of weeks before the election when I  
20 began to realize how troubled their relationship was. I nonetheless continued to support Ross  
21 completely in his campaign, hoping that his behavior toward Eliana and Theo was temporary and  
22 due to the stress of the race. At the time, Eliana and I both believed that Ross would be a better  
23 husband and father after he won.

24           7.       After the election, Eliana told me she was surprised and disappointed to find that  
25 instead of Ross behaving better toward her and Theo, he was behaving worse. She told me that he  
26 was “on a power trip” and was barking orders at her as if she worked for him. Over the course of  
27 several conversations after the election, in both November and December, she revealed increasingly  
28 disturbing information about her relationship with Ross. Eliana told me that Ross refused to tell her

1 what his income was or how much money or assets he had. She said after she repeatedly demanded  
2 to know, over the course of more than two years, at least what his salary was, he had finally told her  
3 he earned \$50,000 a year. She did not believe him. She said he refused to put her name on holdings  
4 common to their marriage, such as bank accounts, their house, their cars, and credit cards. She said  
5 “he makes me beg for gas money, for money for food, for clothes for Theo, for everything.” She  
6 said that after she purposefully “embarrassed him by asking for money for food and gas in front of  
7 his friends,” he took her aside and told her that the reason he withholds money from her is that he  
8 just didn’t have it. However, she said, shortly thereafter, he was talking about and researching  
9 buying himself a new car, a new home, and other items. She asked him how he could afford those  
10 things, but not food and clothing for his family. She said Ross ignored her question.

11 8. I was disturbed by Eliana’s description of his behavior regarding what food she and  
12 Theo ate. She told me that Ross would not let her buy groceries, that he insisted on buying them,  
13 and that he bought only what she considered low-quality foods, based on price, not based on what  
14 she wanted to eat and wished to feed their son. Eliana prefers fresh organic produce and foods, but  
15 she said Ross would buy “only cheap, sugary juice blends from concentrate, in flavors I do not like,  
16 that I do not think are food and do not want to feed my son.” There was also an incident in which I  
17 took her to a restaurant for lunch, during which she told me that she has been “begging” Ross for  
18 two years to take her to a decent restaurant like that one and he would not, and she was so happy to  
19 eat decent food. She said Ross “never” lets her go to restaurants. In the context of the discussion, we  
20 both understood this to mean aside from him allowing her to buy casual take-out food, or for special  
21 celebrations a few times a year, that she was expected to eat the food he bought for her at home.  
22 Eliana said that when Ross brought home the groceries he instructed her and Theo to say, “Thank  
23 you, Daddy.” She said she explained to Ross that it is his responsibility to provide food for Theo,  
24 and not something a two-year-old needs to thank him for. I was saddened to hear about Ross’s  
25 behavior and did not know what to do to help. I tried to offer advice, such as that she buy groceries  
26 herself despite him forbidding her to do so, and that she go to restaurants she wanted to go to  
27 anyway. But she either did not seem to understand she had these options or did not want to exercise  
28 these options for some reason.

1           9.       We had several conversations in which Eliana revealed confusion about whether or  
2 not she could make decisions about her life and her son's life without Ross's permission. For  
3 example, one day, while riding in my car together, she told me that she owned a home and car in  
4 Venezuela and had savings there. I suggested she transfer some money here so she could do the  
5 things she had told me Ross prevented her from doing, such as buying Theo a mattress, keeping  
6 enough gas in the car, and eating what she wished to eat. But she seemed to believe that the only  
7 solution was for Ross to stop withholding money and controlling family purchases. One example of  
8 her ambivalence had to do with Ross's insistence on a longish hairstyle for Theo, over Eliana's  
9 objections. One day, against Ross's wishes, she had Theo's hair cut shorter, the way she had always  
10 wanted to. She told me, "I realized something amazing—I don't have to do whatever Ross says!"

11           10.       Eliana also shared with me information about Ross's neglect of their son on many  
12 occasions. Eliana told me that she both wanted Ross to spend more time with his son, and yet was  
13 afraid to leave Theo alone with Ross. She told me that Ross virtually never cared for Theo and had  
14 been alone with him perhaps an hour per month, here and there, over the course of Theo's entire  
15 life. A typical story was one she related to me in which Ross bit into a cookie, then spit it out and  
16 said it had gone bad. So he gave it to Theo to eat, "like he is a dog," Eliana said. I was shocked, but  
17 she said that was not why she was telling me the story; the reason was because Ross was so  
18 uninvolved in their lives that he did not even realize that Theo was at that time severely ill with a  
19 stomach flu, and had been unable to eat anything without vomiting for three days, except for small  
20 amounts of white rice. I also recall a time that she and Theo went to Venezuela for about three  
21 months. I expressed concern for Theo to be away from his father for so long, but Eliana said she had  
22 made either two or three trips of similar length, and because Ross spent so little time with Theo  
23 anyway, the separation was not an issue, and Theo thrived in Venezuela. In one email  
24 communication in which she explained why she was afraid to leave Theo alone with Ross, she  
25 detailed an incident to me, which read, in part: "Ross spent just 2 hours with Theo was a nightmare.  
26 I found Theo all wet, shoes, socks, pants, diaper, completely wet sleeping in the car at 8pm. When I  
27 asked: did you feed him? Ross did not have any answer. So I took Theo from the car seat and he  
28 was so weak, I changed his clothes and when I tried to feed him he just vomit over me pieces of

1 food and a lot water.” See Exhibit 47. (After the domestic violence investigation was underway, I  
2 became aware there was a child protective services investigation as a result of that incident.)

3 11. Eliana and I had decided after Christmas to get together at my home to discuss our  
4 goals for the coming year. I hoped that she would have a better year ahead and wanted to support  
5 her in any way I could. She came over to my home at approximately 9:00AM on January 1, 2012.  
6 When she arrived, she asked why I hadn’t called her for several days. I told her that I thought Ross  
7 was taking her on the weeklong vacation they had discussed for some time. She said that he had  
8 cancelled it and that she was very disappointed but not surprised. I said I felt bad that I hadn’t  
9 helped him pick a destination, as I’d told him I would about a month earlier. She said he was only  
10 interested in work and had already moved into the sheriff’s office and had worked there all week  
11 instead of the promised vacation. We sat down and started to chat, but Eliana suddenly interrupted  
12 the conversation and told me that she’d had a terrible fight with Ross the previous afternoon,  
13 December 31, 2011. She burst into tears and told me that they had been in the car, and he seemed to  
14 be in a really good mood, having even agreed to take them out for pizza for lunch. She described  
15 how it seemed like a good opportunity to bring up something she wanted. So she gingerly brought  
16 up the possibility that now that he no longer needs her to campaign for him, perhaps after the  
17 inauguration and public events, she could take a short trip to visit her family in Venezuela. She said  
18 Ross immediately started yelling, “Fuck you, fuck you!” And saying “You’re trying to take our son  
19 away from me!” According to Eliana, he went on a profane and accusatory tirade and turned the car  
20 around and said he wasn’t taking them anywhere. She told me that she began recording his rant on  
21 her mobile phone. I asked her if he realized she was taping him. She said no, she said she knew how  
22 to do this discreetly because she uses that function often, and this was not the first time she had used  
23 her phone to surreptitiously record him being verbally abusive. She said Theo began crying as a  
24 result of Ross’s behavior, and that she tried to get Ross to calm down because Theo understood  
25 every word of what Ross was saying. Eliana was angry, but kept herself contained for Theo’s sake.  
26 According to Eliana, Ross “dumped” her and Theo off at home, “as if I didn’t deserve to eat,” she  
27 said.  
28

1           12.     Eliana told me that the verbal abuse continued in the house, and escalated to physical  
2 abuse, and that both went on for some time. From her description, it sounded like a period of at least  
3 twenty or thirty minutes. During that time she said that Ross repeatedly grabbed, pulled and pushed  
4 her violently. Specifically, she said he slammed her against a wall while grabbing her arm and  
5 refused to let go. She took off her outer layer of clothing and showed me the large bruise on her  
6 upper arm that she said was caused by this. I was stunned and asked, "He did all of this in front of  
7 Theo?" And she said, yes, Theo was screaming and crying hysterically, watching the whole thing. I  
8 was shocked and saddened for the little boy, and I still am. She said "poor little Theo was  
9 traumatized." I asked Eliana what she did in response to Ross's attacks. She said that she did not  
10 respond to Ross with any violence nor did she match his level of upset, but instead was trying to  
11 calm him down for Theo's sake, repeatedly pleading with him in a quiet voice, "Please stop, look at  
12 what you're doing to our son. Do you know what this is going to do to him? Please stop, for our  
13 son."

14           13.     At some point, Eliana got away from Ross and ran out into the street to escape from  
15 him. She said there were about half a dozen people, whom she didn't recognize, walking down the  
16 street. She said that Theo was also in the street, crying, and that she said loudly to Ross, "Do you  
17 want me to call the police?" At which point, she said he calmed down immediately and said, "No,  
18 no, no, sorry, I'm sorry, please come back in the house." I asked, "Do you think he actually realized  
19 how much he had hurt you and Theo, or was just afraid for his career if he were arrested?" She said,  
20 "His career, only for his career."

21           14.     At some point, Eliana described a point in the fight in which she was inside, trying to  
22 keep him out of the house, and told me that she was pressing up against the door to keep him out. I  
23 do not recall if this was before or after his violent attack on her in the house. In listening to her  
24 telling me the story of the incident, I was more focused on the family dynamics than the logistics.  
25 She said she was "saying very loudly, Ross you have to stop, or I am going to call the police," and  
26 "I said it very loud so Callie can hear. I think she was home and I wanted to make sure she heard us,  
27 so maybe she will call the police." She was referring to their upstairs neighbor, Callie Williams. I  
28 did not understand at the time why Eliana did not call the police herself, but wanted Callie to do so.

1 I suggested Eliana call the police herself. She said she was considering it, but felt she needed to try  
2 therapy with Ross first. My impression is that she equated calling the police with filing for divorce,  
3 which she was not ready to do.

4 15. She told me that she had told Ross many times, "If you don't want to be married to  
5 me, we can get a divorce and be nice about it, it doesn't have to be like this." I told her that she  
6 deserved to be treated better and I was sure she could find a man who would be kind to her and  
7 Theo. I was surprised when she quickly replied: "I know, that's not it. It's that...he said to me: 'I  
8 am a very powerful man and I can take Theo away from you.'" She was quoting Ross verbatim and  
9 she broke down in tears again after doing so. This made me genuinely scared for Theo's future and  
10 hers. I asked if Ross had said that during their fight the previous day. She responded that he had first  
11 said it months earlier, that he had threatened her in this way more than once, and that she had at  
12 some point brought this up with him since she found it so disturbing, and she said that merely  
13 started another argument. Eliana did not clearly say he made this threat during the incident, so I am  
14 not sure if he repeated this threat during the incident. She brought it up in our conversation because  
15 every time she thought about or discussed divorce, or considered steps that could lead to divorce  
16 such as calling the police, she was stopped by her fear of this threat.

17 16. We talked about the large bruise on the upper part of her right arm, which she said  
18 was caused by Ross. I didn't ask her if that was the only mark he had left, and she didn't say  
19 anything to indicate if it was or was not. She said that this was the second time in 2011 that he was  
20 physically abusive to her. I did not ask her and do not know if she repeatedly emphasized "in 2011,"  
21 because there had been violence incidents prior to that. She said that the very first time Ross was  
22 physically abusive, she had called a friend in Venezuela who is a therapist, and the friend said that  
23 Ross didn't sound habitually violent and it was likely a one-time occurrence. Eliana looked at the  
24 fresh bruise and made a face like this had clearly been poor advice.

25 17. Eliana was afraid to fight with Ross in a divorce and custody proceeding for many  
26 reasons, she said, and one of these reasons was that she found him to be a very effective liar. She  
27 told me that Ross had lied to her face many times, and that although she felt that as an actor, she  
28 was exceptionally good at telling when someone is putting on a performance, she was disturbed by

1 how effectively he could lie to her and conceal information from her. She said that she had found  
2 out he was like this and knew that she “had made a terrible mistake” on the day she first arrived  
3 from Venezuela. She said that she flew twelve hours, pregnant, to move in with him, and he made  
4 her wait in the airport for two and a half hours for him to pick her up. She said that when he finally  
5 arrived, he said the delay was due to car trouble. She said, “But I am not an idiot, I saw later on  
6 Facebook that he was at a party at his office. I can read the time, and it was when I was sitting  
7 waiting at the airport. When I saw that I knew then that I should go straight back to the airport and  
8 go home. But I didn’t.” She blamed herself for ignoring warning signs like this. She said, “I was in  
9 love with who he said he was when I met him, a man who spends twenty hours a day helping  
10 people. That is who I wanted to marry, someone who helps people.”

11 18. I told her I wished I knew anything about family law, but as she knew, I was never a  
12 practicing attorney, nor did I have any personal knowledge of family law. Since I knew she was  
13 well aware that Abraham is an attorney, I told her that I was sure he would want to help, but  
14 couldn’t because he was not a family lawyer; however, I thought perhaps he could find an  
15 appropriate attorney to refer her to. Her response was that wasn’t necessary, she had already seen a  
16 lawyer, and did not need my help or Abraham’s help in any legal capacity, not even for a referral to  
17 an attorney. I said, “Okay, good,” and I suggested she check with the attorney before doing  
18 anything that might negatively affect her chances of getting custody. I also suggested she might also  
19 have to get an immigration lawyer. Eliana said she knew that. We both wondered what the legal  
20 ramifications would be if she and Theo moved out or attempted to return to Venezuela. The topic  
21 made her very sad. I asked her to let me know what she found out from her attorney or attorneys  
22 about those issues, because she and Theo could stay with us, if a lawyer advised her it was okay.

23 19. She expressed hope that the documentation she was already making about Ross’s  
24 abuse, such as the audio recording, would help her with the police or in a custody hearing. I told her  
25 I thought she should go to the police before the bruise fades, or at least take pictures of it. She said  
26 yes, she had also been thinking she should take pictures. I told her that I had a camera and a video  
27 camera and could go get them if she wanted my help. She chose the video camera. I asked if she  
28 was sure she wanted to make a video right then, and she said yes. So I went in the other room to



1 find the video camera. When I returned, I told her that I was uncomfortable doing this and did not  
2 want to be on the tape or involved in any way, so I would just turn it on when she was ready and she  
3 should say whatever she thought was important. Before I turned it on, I asked if she was ready, and  
4 she said yes, so I turned it on. I did not direct her or suggest any words for her to say. After less than  
5 a minute she paused, and was distraught, and I felt so uncomfortable taking a video of such a  
6 painful and personal matter, I turned it off. We made only the one video and did not edit it in any  
7 way. Afterwards, as she was leaving, I told her that as far as I was concerned, the video was her  
8 property and she could do whatever she wants with it.

9           20.     Eliana brought up the idea of calling Mike Hennessey, the recently retired former  
10 sheriff who had endorsed Ross to replace him, to see if he could intervene on her behalf and  
11 convince Ross to stop his abusive behavior and go into counseling. We discussed that perhaps in  
12 addition to Hennessey, other “male authority figures” who might have influence over Ross were  
13 former mayor Art Agnos and former President of the Board of Supervisors Aaron Peskin. Eliana  
14 said she didn’t have their mobile phone numbers, so I told her that I had a friend who might be able  
15 to help. My husband and I are close friends with Phil and Chris Bronstein. I told Eliana that Phil,  
16 who is the former executive editor for the San Francisco Chronicle, probably knew the three men  
17 and had their mobile phone numbers. Eliana said to go ahead and discuss the situation with Phil,  
18 and ask if he would help her and how he thinks she should handle making the calls.

19           21.     I told Eliana that I had a couple of friends who had experience with domestic  
20 violence issues and asked if she wanted me to ask their advice about what she should do. She said  
21 yes. Eliana also asked me to see if I could find her a referral to a couples’ therapist who specialized  
22 in abusive husbands and who would “not be fooled” by Ross.

23           22.     At one point during our conversation, Eliana’s phone rang, and she said it was Ross.  
24 He had either called, texted, or emailed her phone. Eliana said she slipped out of their house while  
25 he was in the shower, and now said he was calling because he was worried that she was at my home  
26 telling me about what happened, which she was. She did not answer his call.

27           23.     When I asked her if she felt she was in any physical danger, she said that she was not  
28 afraid of Ross physically because, since the incident, he had been on his “best behavior.” She

1 described him as being very careful to treat her in a respectful manner. She said the prior day, after  
2 he had calmed down and apologized, he instructed her not to go to the police and not to tell anyone  
3 about the abuse, but that her response was defiant and she told me she said to him, "I can tell  
4 whoever I want. This is my life. I will tell people." She said he looked "terrified." She seemed to  
5 feel that she temporarily had the power in the relationship, as long as Ross stayed so afraid she  
6 would go to the police. She also said Ross's occasional violence did not bother her as much as his  
7 daily emotional abuse, control, and general neglect of her and Theo. As a result of these factors, she  
8 did not feel she or Theo were in any immediate physical danger and I agreed with her.

9         24.     The entire conversation lasted about an hour and a half. I wanted to continue  
10 providing emotional support and help in figuring out what else I could do for her, but I had to go  
11 and so did she, so we agreed to meet later that evening to continue the discussion. Throughout the  
12 day, Abraham and I were saddened by the terrible pain suffered by Eliana and Theo the prior day.  
13 We discussed how foolish we felt for thinking that we were helping Eliana and Theo by advancing  
14 Ross's financial and professional interests by helping his campaign for Sheriff.

15         25.     That afternoon, we spoke on the phone very briefly and she said could not get away  
16 from Ross to meet again, and that he had decided that day that they were going overnight to  
17 Monterey the next morning. I said, "He's isolating you, taking you away from your support system,  
18 from the people you're telling about what he did." She agreed with my assessment. I asked again if  
19 she felt safe with him and she assured me she did, and had to go. She wrote me an email that  
20 evening, saying, in part, "Hello dear!! It was so helpful to talk to you! Thank you so much! I feel  
21 better." A true and correct copy of this email message is attached as Exhibit 48.

22         26.     Throughout her trip to Monterey with Mirkarimi, Eliana sent me email messages. At  
23 10:23AM on January 2, Eliana wrote me, "Hi dear! We are leaving to Monterey. Can you believe  
24 it? Today, Monday. I'm so tired. I feel like the character in the book you were talking about: "My  
25 husband is taking me to a route trip." We are coming back tomorrow and Ross will work again and I  
26 will have my life and peace back. I will call you!! Thank you! E." A true and correct copy of this  
27 email message is attached as Exhibit 49. When I read this email message, I knew she was referring  
28 to the novel *The Stepford Wives*, which had come up in a conversation between us unrelated to her

1 marriage or the domestic violence incident. I had explained to her that in the book, husbands tell  
2 their wives they are going on a romantic weekend trip, but actually, this is how and when they  
3 murder their wives and replace them with submissive robots. Her saying that she felt like a wife  
4 who might be getting tricked into being murdered while she was away made me suddenly very  
5 concerned for her safety. I wondered if she and I had both been wrong to think that she was in no  
6 physical danger with Ross. Abraham and I discussed it and decided that she was not in physical  
7 danger on the overnight trip since Ross was on his "best behavior" and would be for at least more  
8 several days.

9         27.     At 10:59AM, I sent an email to Eliana, stating in part, that the most important advice  
10 I received, from friends outside of San Francisco, was that she should report every incident to the  
11 police. Eliana replied at 11:18AM on January 2, stating, "I agree with everything. I'm realizing how  
12 serious it is and I have to be very careful to protect Theo and myself. I always believe in my  
13 instinct, and now I just would like to run away. Thank you so much!! I will call you back. E." A  
14 true and correct copy of this email message is attached as Exhibit 50.

15         28.     At 2:45PM on January 3, Eliana sent me an email, stating, "We are leaving  
16 Monterrey now. The Aquarium is nice and Ross fed us regularly without complain. He needs to feel  
17 that we are taking a vacation even though it is not true. But the most funny is that he needs to call  
18 everybody and says: 'by the way, I'm in Monterey in a family trip.' He got scared and he needs to  
19 feel that he is trying even though the trip is just a change in scenery. I will love to know what your  
20 therapist thinks we should do and I will push hard to take Ross the therapy. My poor Theo is so  
21 confused. The good thing is that we have a good and strong relationship. I talk to him a lot and he  
22 always understand. Thank you so much for be there in this moments." A true and correct copy of  
23 this email message is attached as Exhibit 51. In addition to the comment that Ross "fed us regularly  
24 without complain," she later told me on the 4th, "We had breakfast, lunch, and dinner, just like  
25 regular people, for a whole day!" This made her very happy. Also in a phone conversation on or  
26 around that time, she said that Theo had hit her, and she told him "No, you do not hit Mommy," and  
27 that Ross had chimed in and said, "Right, you do not hit Mommy," but that she had looked at him  
28

1 coldly and said, "You do not get to say that, I don't want to hear that from you, after what you've  
2 done." She said that Ross did not argue with her about this and walked away.

3 29. I replied to one of Eliana's email at 2:50AM on January 3, stating, "I have a male  
4 therapist for you, recommended by my therapist, with experience in dealing with highly successful  
5 men who are complete assholes like your husband. ☺ Also, I have other good news. Can you come  
6 over tonight, or in the morning? I'd like to see you tonight if possible! Even late." A true and  
7 correct copy of this email message is attached as Exhibit 52. I wanted to resume our conversation  
8 that Ross had interrupted with the trip. Eliana responded at 3:04 p.m., stating, "That sounds great!  
9 Ok, let me see at what time we are finally in San Francisco. I will text you. ☺" A true and correct  
10 copy of this email message is attached as Exhibit 53.

11 30. At 8:36PM on January 3, Eliana sent me a email, stating, "Hello! We are at home.  
12 I'm going to read to Theo to put him down. Ross is out. Looks like better tomorrow. ☹" A true and  
13 correct copy of this email message is attached as Exhibit 54.

14 31. At 8:33AM on January 4, Eliana forwarded me an invitation to a dinner party in  
15 Ross's honor—sent to her by Ross's aunt, Patricia Forsyth—set for Friday, January 6, in which Pat  
16 was asking if she should include us at the dinner. Eliana wrote, "Hello! Untie Pat, even though Ross  
17 is insulting her all the time, she is doing everything she can for Ross. She sent me this email last  
18 night. I don't want to go. I would like to get sick and stay in bed. ☹ Let me know what works for  
19 you and I will stop by to talk." A true and correct copy of this email message is attached as Exhibit  
20 55. I sent Eliana a text at 8:29AM, "Are you free at 9AM? I'm on a call until then." She texted me  
21 back immediately, "yes." At 9:02AM she sent me an email, asking "Are you ready?" A true and  
22 correct copy of these messages is attached as Exhibit 56.

23 32. I recall Eliana arriving at my home on January 4 at around 9:30AM. We spoke for  
24 approximately an hour. Our conversation was focused on which of her options she was going to  
25 pursue next: filing a police report, finding out more information from her lawyer, reaching out to  
26 Hennessey, Agnos, or Peskin, or getting Ross to agree to counseling.

27 33. I would characterize her attitude as ready to call the police and file a report with only  
28 slight trepidation about not fully understanding the process and wondering how Ross would react.

1 Eliana does not bruise easily and heals quickly, so when she showed me the bruise again that day, it  
2 had already faded quite a bit and looked like it would be gone within another couple of days. We  
3 agreed she needed to go to the police before it completely disappeared. She wondered what the  
4 police would do after she called, and I said I had no idea. I was not familiar with law enforcement  
5 methods and processes. She said she had to plan it carefully for when Theo was at daycare. She  
6 wanted to know what protection the police might offer her. She wondered if a report of a domestic  
7 violence incident made four days after it occurred would be taken seriously. She was particularly  
8 concerned that the police might interview Mirkarimi at work and that he would talk his way out of  
9 it, whether because of his position or his personality. She was afraid that they would not arrest him,  
10 and instead, that he would come home angry. She described a theoretical scene of being home alone  
11 with Theo and Ross coming in, angry with her for calling the police, and she said she could not do  
12 that unless the police stayed with her in the house to protect her. She asked if they would stay with  
13 her, and I said I have no idea, but could find out. We wondered if she could change the locks on her  
14 door because the house is in his name only. She said that also, before she called the police, she  
15 wanted to call her father to discuss the matter with him and see if he agreed she should call the  
16 police. I said I would try to find out the answers to her questions. We agreed to get back together  
17 later that day.

18 34. I did some work at my desk, and then did a search online for something along the  
19 lines of "San Francisco Police Domestic Violence," found the main number for the San Francisco  
20 Police Department's Domestic Violence Unit, and called from my landline. I spoke to an Inspector  
21 John Keane. I explained that I had a friend who was considering filing a police report about an  
22 incident of domestic violence and that she had some questions about how the report would be  
23 handled. I began to ask Eliana's questions, and then Inspector Keane began to ask me questions. He  
24 asked why my friend was convinced that the police would believe the abuser rather than the victim.  
25 I said because he's in law enforcement. Among other questions, Inspector Keane asked me my  
26 name, and then the names of the victim and the perpetrator. I did not feel comfortable lying to or  
27 refusing to cooperate with a police officer, so I answered his questions. I ended the conversation by  
28

1 asking if my friend wished to open an investigation, if that were the number she should call. His  
2 response was, "I hate to tell you this, but you did just open an investigation."

3 35. When I checked my mobile phone I found that Eliana had sent me a text message at  
4 12:24PM, stating "Hello Ivory, I'm not going to call the police. I'm going to open a record with my  
5 doctor." A true and correct copy of this message is attached as Exhibit 57. When I saw this, I was  
6 upset because I did not want to have done anything against her wishes. I was also very surprised  
7 about her change of heart, which I assumed was due to her conversation with her father, and I tried  
8 to imagine why a father would tell his daughter to protect her husband instead of herself in Eliana's  
9 situation. That seemed unlikely to me. I was late for an appointment and decided I would call or see  
10 Eliana when I returned.

11 36. I do not recall which inspectors explained it to me, and how much was explained to  
12 me at that time on the phone and how much was explained later by the inspectors who were  
13 assigned the case, but they informed me that domestic violence investigations are mandated by  
14 federal law. They told me that regardless of whether the victim cooperates or not, and they told me  
15 that about 80% of victims refuse to cooperate and instead attempt to protect their abusers, which  
16 was the reason for the legislation that mandated the investigations. I told them I had previously been  
17 aware of "mandatory arrest laws" but not "mandatory investigations."

18 37. My husband and I arrived home at approximately 3:30PM and saw Eliana in front of  
19 my home, and I told her I needed to talk to her. She came inside with us. I told her that I had called  
20 the police to get the answers she wanted, and I described how the call had gone from information  
21 gathering to inadvertently opening an investigation. Eliana understood that I had not intended to do  
22 anything against her wishes. In our home, she either placed a call or received a call and was walking  
23 in our hallway on the phone. I heard her tell the person on the phone exactly what had happened.  
24 Eliana then handed me the phone and said the woman on the phone was a friend of Ross's who was  
25 a domestic violence advocate. I asked the woman her name, and the woman said it was "Linnette,"  
26 but that she did not want her name associated with this situation in any way. (A couple of months  
27 later, I learned that the woman was Linnette Peralta Haynes, Ross's campaign manager for the  
28 sheriff's race.) Linnette chastised me for involving the police. She seemed angry and was insistent

1 that I, rather than Ross, was the one who had hurt and “disempowered” Eliana, so much so that I  
2 said, “Did you say you were a domestic violence advocate?” and she said yes, she used to be. I said  
3 she didn’t sound like one. At this point, the police were ringing the buzzer and knocking on the  
4 front door. Linnette continued to berate me. I said I understood that she was upset I had triggered a  
5 police investigation, but that was done and the police were now at the door, so I asked, “What do  
6 you suggest I do now?” She said that I should refuse to talk to them, or tell them I had lied, or that I  
7 was mistaken and was talking about another couple. I responded, “I’m not going to lie to the  
8 police.” After more of her insistence that I should not tell the police the truth, I said the  
9 conversation was not productive, and I handed the phone back to Eliana. Eliana ended the call. I  
10 said to Eliana that she seemed ready to call the police that morning, so maybe she should go ahead  
11 and talk to them and see how they could help her. The police continued to knock, and I asked her  
12 what she wanted me to do. She said almost verbatim what Linnette had said. Eliana said, “Make  
13 them go away, don’t answer the door, don’t tell them anything, tell them you made it up, tell them  
14 you lied.” I repeated that I could not lie to the police, and I could not refuse to cooperate with the  
15 police. She said she had to be able to tell Theo that she had tried counseling first, that she had done  
16 things “the right way,” because this was the father of her son. She said she would not cooperate  
17 with the investigation and again asked me not to cooperate any further. I suggested that maybe the  
18 police could get Ross into counseling, maybe it would be a wake-up call for him if there were an  
19 investigation. She said that she couldn’t do this to Ross and Ross’s career. I reminded her that Ross  
20 was not the victim here, she was. I also said something along the lines of that she was responsible  
21 for protecting herself and Theo, not Ross’s career. I told her I had to open the door, so we walked  
22 downstairs to the front door together and I opened it. I was distraught because Eliana and I were  
23 very close and had always agreed on everything up until the moment on the stairs when she asked  
24 me to lie to protect Ross.

25         38.     Inspectors Michael Becker and Rich Daniele were waiting outside and attempted to  
26 speak to Eliana as she left. As Eliana walked away, she told the inspectors to “Talk to her,” pointing  
27 at me, “She is the one who called. I have nothing to say.”  
28

1           39.     The inspectors came into the living room and asked me questions, and I answered  
2 them all truthfully. At one point they officially interviewed me and taped it. At some point, the  
3 police asked me if Eliana had created any relevant documentation, such as videos, photos, email, or  
4 texts. They asked to see the video, I said no. I said it belonged to Eliana was up to her to decide  
5 what to do with it. They asked if I owned the video camera and I said yes. They asked if the video  
6 camera was in the house with us, and I said yes. They said that despite my feeling the video  
7 belonged to Eliana, in fact, legally the camera and the video itself were my property and in my  
8 possession. I said I wasn't comfortable showing it to them without her permission. They cordially  
9 explained briefly about obstruction of justice and destruction of evidence being crimes, and about  
10 how easily they could get a search warrant for any evidence relevant to their investigation. They  
11 explained to me that they could freeze the scene, obtain a search warrant, and seize the video  
12 camera. They explained they could do the same regarding my phone, in order to obtain text  
13 messages and email messages from Eliana. Abraham and I decided that they would have to get a  
14 search warrant, then. I watched them on the phone and saw how easily they were able to get a  
15 warrant for the video camera and my phone. I realized there was no way to prevent them from  
16 getting the video, and all of the text messages and email. They were in our home from  
17 approximately 4PM to 11PM, while they obtained and served a warrant for the video camera and  
18 my phone, and took the devices with them. (Later, when my video camera was returned, I watched  
19 the video, then deleted it permanently. It was exactly as I remembered and was a true and accurate  
20 reflection of Eliana's statement and image. I have been informed that the video is being submitted  
21 by the City Attorney's office as "Exhibit 4.")

22           40.     During and after my police interview, Eliana tried to reach me, on my cell phone and  
23 my landline, many times. I did not answer all of her calls, and I do not recall the exact number of  
24 calls, but I believe it was about a dozen attempts to call me over the course of less than two hours. I  
25 recall two conversations with Eliana when I did answer or return her calls. In the earlier call, I asked  
26 her where she was. She said she was at the sheriff's office. I asked her if Ross was there. She said no  
27 but that he was meeting her there soon. I asked who was there and there was a long pause. She said,  
28 "I am seeing the right people." She demanded that I delete the video, and I told her that would be a



1 crime and I could not do that. She persisted and I had to explain, as kindly as possible, repeatedly,  
2 "Eliana, I'm not going to jail to protect Ross, that doesn't make any sense." She said "But Ross is a  
3 victim, too," and it was clear from the context and other things she was saying that she meant a  
4 victim of his mother. She had previously told me extensively about Ross's mother so I understood  
5 what she was referring to, but I said, "No, Eliana, Ross is not the victim here. You are the victim."  
6 She insisted that at least I must promise not to show it to them. I said, "I promise not to show it to  
7 them...unless they obtained a court order or search warrant, in which case I would have no choice."  
8 She wanted me to promise not to show it to them under any circumstances. I explained yet again  
9 that I was not going to destroy or withhold evidence and go to jail to protect Ross for abusing her.  
10 The police inspectors were in the room with me for at least part of one of the conversations as I was  
11 saying, "Yes, I promise not to show it to them, unless they have a court order or search warrant." At  
12 the end of our final conversation, Eliana became desperate and asked me what I thought would  
13 happen if she told the police that Abraham and I had been arguing loudly and she had heard us. It  
14 was the first time she had suggested she might retaliate against me for obeying the law. I said that  
15 she could do so if she wished but that she knew it was not true.

16 41. I discovered later that she had also sent me three emails during this same period of  
17 time. At 4:14PM, Eliana sent me an email from her mobile phone, stating, "Dear Ivory, I really  
18 hope you respect my feelings and work with me in a healthy way without to mess it up. This is my  
19 family and my son's dad." A true and correct copy of this e-mail message is attached as Exhibit 58.

20 42. At 4:16PM, Eliana sent me an email from her mobile phone, stating, "Hello dear! I  
21 have been calling social workers, therapists and lawyers. I don't want to make impulsive decisions  
22 because Ross is a victim was well. He couldn't escape from his circumstances. How you said: he  
23 could got married with a shy and quiet person, not he got married to me that face and scream if I  
24 have to be heard. I want to teach that to Theo as well." A true and correct copy of this email  
25 message is attached as Exhibit 59.

26 43. At 5:36PM I received my last communication from Eliana. She sent me an email,  
27 still from her mobile phone, stating, "I'm so sorry you misunderstood everything." A true and  
28 correct copy of this email message is attached as Exhibit 60. It did not sound like she had written it,

1 and it was obvious to me that she had given up on persuading me to obstruct the investigation and  
2 was now going to deny her own allegations against Ross.

3           44.     At the end of the evening, when I saw the warrant and saw that my name and address  
4 was listed on the warrant, I became concerned for my own privacy. I am very private about my  
5 personal life and was embarrassed to have my email or texts shown to anyone, even law  
6 enforcement. I did not realize that the identity of private citizens who cooperate with law  
7 enforcement under these circumstances would become a matter of public record, even against their  
8 wishes. I did not want my name associated with this matter in any way. I asked the police if they  
9 had a way to keep their police report, the search warrant, or any other documents containing my  
10 identity from being seen by anyone other than the police department or others involved in the  
11 matter. They said no. I pressed on this point, saying I had seen documents online where the  
12 witness's name was blacked out, and asked if they could do that, and they said that was only done  
13 when ordered by a judge, such as when the witness's life is in imminent danger, "like a mob  
14 witness." I hoped that the case would not be reported in the press at all, and that if it were, that my  
15 name would not be mentioned. I asked if they had any suggestions for how to keep my name out of  
16 this, and protect my privacy, but they had none other than to avoid reporters. The inspectors  
17 promised to return my phone the next day as soon as possible and assured me I had done the right  
18 thing. After they left, Abraham and I discussed whether or not Ross would "do the right thing, too."

19           45.     Eliana never told me that Ross grabbed her arm in the car, that he grabbed her only  
20 once, that he grabbed her only briefly, that grabbing her arm was the only violent act he committed  
21 against her that day, that he showed concern for the well-being of his son during the incident, nor  
22 that he let go of her when she indicated he should let go. She never said that he said anything  
23 resembling that "this country has powerful laws" that she may have misheard as "I am a powerful  
24 man," nor did she mention that either of them had revealed to each other that they had seen  
25 attorneys regarding her travel or child custody. Ross's statements to the media containing those  
26 assertions, as well as characterizing himself as "trying to be a father" by protecting his son from a  
27 supposedly highly agitated Eliana, and her bruise resulting from him attempting to "guide" her arm,  
28 are not only inconsistent with what Eliana told me on January 1, they are directly contradictory to

1 the affirmative statements she made to me and on the video. They are also, in my opinion,  
2 inconsistent with her subsequent email and text messages to me after the incident.

3         46. In the aftermath of my having cooperated with law enforcement, there have been  
4 many claims by Ross and others regarding the truth of the matter, regarding me personally and  
5 professionally, regarding the evidence created by Eliana that was obtained with my cooperation, and  
6 regarding my statements about what I was told by Eliana. I am a private citizen who, previous to  
7 this period, led a normal private personal life, other than the requirements of my career. The past  
8 five months have been some of the most difficult of my life, due not to my status as a witness in a  
9 legitimate police investigation, but due primarily to the unethical and defamatory media tactics and  
10 legal tactics employed by Ross against me, and the damage these tactics have caused to my personal  
11 and professional life. On more than one occasion, reporters have contacted me and informed me that  
12 they received information about me that I know to be false, misleading, and defamatory, and that  
13 the source of the information was Ross, attorneys on Ross's payroll, or Ross's endorsed  
14 spokespeople fighting to defend him. I chose to outwardly ignore these tactics and have avoided  
15 public comment or appearance with rare exception. Ross has repeatedly made affirmative  
16 statements, on the record to the press and public, claiming that the honest and correct statements  
17 that my husband and I have made in good faith to law enforcement investigators, are entirely  
18 fabricated. And he has claimed that we, and other witnesses, are motivated by interests other than  
19 Eliana's well-being and our responsibility to cooperate with law enforcement. It is not remotely  
20 plausible to me, given his participation in the facts of these matters, relationships with the various  
21 witnesses, access to the evidence in his criminal case, and other factors, that he is unaware that his  
22 assertions are false and defamatory. It is also implausible to me that he has no involvement in or  
23 ethical culpability for the assertions of a short list of people whose similar or identical assertions he  
24 has explicitly endorsed and disseminated. His continuing to engage in these behaviors on a regular  
25 basis over the course of five months and counting, his having done so in part while serving as an  
26 elected official and in law enforcement, and to have done so toward credible and well-intentioned  
27 witnesses in a criminal case, is not only troubling to me as the victim of it, but also as a citizen of  
28 San Francisco.

1           47.     I have never had any political motivations or considerations whatsoever related to  
2 this matter, nor am I allied or have coordinated with anyone politically regarding this matter. I find  
3 Ross's public comments implying there is a political conspiracy against him personally, and  
4 specifically his implicating me or my husband (and other witnesses) in these conspiracies, to be  
5 absurd. As noted in Paragraph 5, it is a matter of public record that my husband and I donated the  
6 maximum allowable by law to Ross's campaign. We also agreed to be listed as co-hosts of a  
7 fundraiser for him, and emailed hundreds of our friends and acquaintances encouraging that they  
8 support him. I was not acquainted with any of the other candidates from the November sheriff's  
9 race, and have not been influenced by anyone who was opposed to Ross's candidacy. I was not  
10 acquainted with nor did I support the current mayor, Ed Lee, or district attorney, George Gascon, in  
11 the November election, and it is a matter of public record that I financially supported opposing  
12 candidates in those races.

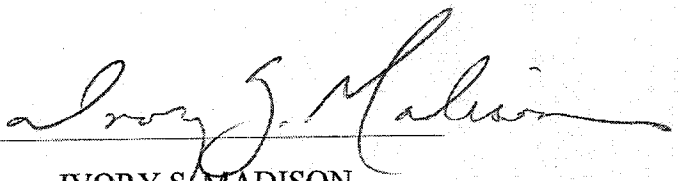
13           48.     With Eliana's consent and interest, as mentioned above, I contacted Phil Bronstein  
14 about the situation between Ross and Eliana as an entirely personal matter. I did not contact Phil as  
15 "a newsman" just as I did not relate to Eliana as "the sheriff's wife." These are private friendships  
16 between people, not industries. I did not contact Phil for any reason other than to ask for his help  
17 protecting Eliana, and specifically, if he would help Eliana by either calling the three men we  
18 discussed or giving her their numbers so she could call them. He was concerned for Eliana's safety  
19 and agreed to do as she asked.

20           49.     I received a letter dated February 16, 2012, signed by attorney Paula Canny, at a time  
21 when it was anticipated that I would be testifying in criminal court as to these matters. The stated  
22 purpose of the letter, a true and correct copy of which is attached as Exhibit 61, was to dissuade me  
23 from testifying at the criminal trial as to what Eliana told me about Ross's abuse of her, and  
24 demanding that I refuse to cooperate with the Police Department and District Attorney's office in  
25 obtaining the evidence created by Eliana that could be used against Ross in the criminal case against  
26 him. The letter states: "The purpose of this letter is to state in writing the obvious. **Please cease and**  
27 **desist any further disclosure of any communications that you shared with Eliana Lopez on or**  
28 **about January 1, 2012 and thereafter.**" [Bolding of the second sentence was in the original letter

1 from Canny.] The letter goes on to state, in part: “Your conduct is improper and illegal,” referring  
2 explicitly to my complying with search warrants and answers questions from investigators with the  
3 Police Department and District Attorney’s office. The letter sets forth the false premise that I  
4 misrepresented myself as a licensed, practicing attorney who had “been to Court many times, that  
5 you knew what to do in custody dispute cases, and that you were helping her [Eliana] in her custody  
6 dispute case.” As Eliana knows, I have never been to court, have little to no idea what to do in  
7 custody dispute cases, was not advising her in a legal capacity with her theoretical custody dispute,  
8 and as noted above in Paragraph 18, I reiterated this in our conversation on January 1. The  
9 correspondence between myself and Eliana, over the course of the subsequent three days, reflects  
10 that she did not want or need my help finding an attorney or providing legal advice or assistance.  
11 The correspondence supports that she asked instead for my help that day providing friendship,  
12 emotional support, in finding a referral for a couples’ therapist who has experience dealing with  
13 abusive husbands, in my finding out from Phil the mobile phone numbers of the men whom Ross  
14 might listen to if they told him to stop physically abusing her, and that she wanted advice from any  
15 friends of mine, including attorneys, who knew anything about domestic violence that might be of  
16 use to her in deciding how to best protect herself and Theo. In addition, the larger body of all our  
17 correspondence and communications, as well as her first few weeks of extensive interviews and  
18 comments to the media about her upset at my actions, refer to me as a friend and neighbor, but  
19 never as an attorney or someone whom she approached for legal advice. Anyone who knows me  
20 personally, including Ross, knows that my work, as CEO of Red Room, is a demanding, full-time  
21 career, completely unrelated to law. There are serious consequences attached to my success or  
22 failure with my company, and while I occasionally make time to support a friend in need, it is not  
23 plausible that I would make a false claim to practice law, and even less likely, family law. This  
24 “legal theory” appeared suddenly and for the explicitly stated purpose of preventing the video to be  
25 admitted into evidence and dissuading me from testifying or further cooperating with the  
26 investigation. It also had the effect, as it was put forward outside of this letter, of defaming me.  
27 Regarding the letter’s assertion that I told Eliana our conversation would be confidential, whether in  
28 a binding or non-binding sense, not only is this untrue, but the correspondence between us before

1 and after the conversation demonstrates that Eliana was not only comfortable with but actively  
2 encouraged me to tell people I thought could be helpful to her, and never expressed any concern  
3 whatsoever about whom or how many people I discussed the matter with. Other than my single,  
4 unsolicited comment as a friend, that I felt the video was her property, as noted in Paragraph 19, we  
5 did not discuss any issues of privacy or confidentiality regarding Ross's abuse, her marriage, or her  
6 documentation of his abuse and threat. It is a matter of public knowledge that Canny's have been  
7 unwaveringly aligned with Ross's defense. It was reported in the press that the District Attorney  
8 noted it is unusual for a domestic violence victim to have a criminal defense attorney and unusual in  
9 that the attorney was coordinating with defendant's counsel, as was the case in Ross's criminal  
10 proceedings. Ross has stated to the press that he is solely responsible for compensating Canny for  
11 her legal work related to the criminal charges, and does so out of what he refers to as his "Ross  
12 Mirkarimi Legal Defense Fund." Therefore, I find it implausible to consider that the creation of this  
13 "theory" and letter, and the related actions taken by this attorney, actions that would directly benefit  
14 Ross by dissuading or discrediting a witness against him, and that if successful could keep probative  
15 evidence against him out of court, did not involve and was not condoned by the person paying her  
16 to do it: Ross.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing  
18 is true and correct. Executed this June 15<sup>th</sup>, 2012.

19  
20   
21 IVORY S. MADISON  
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27  
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