

**Via Facsimile and US Mail**

August 11, 2015

Mr. John Doe
123 Main Street
San Francisco, CA 94523

RE: Notice of Skelly Meeting and Recommendation for a Ten (10) Day Suspension

Dear Mr. Doe:

The Department of Agriculture/Weights and Measures has scheduled a hearing to provide you with the opportunity to respond to the charges listed below. The Department intends to suspend you for ten (10) working days. The Department is recommending this action for the following violations:

1. Dishonesty
2. Misuse of City Resources
3. Insubordination
4. Violation of San Francisco Charter, section 2.109, Rates, Fees and Similar Charges.
5. Violation of San Francisco Charter, section C8.105(f), Conflict of Interest and Other Prohibited Practices

As a 3480 Farmers Market Manager, your duties include assigning space to bonafide growers; achieve moderate economies through promoting maximum use of market spaces and collection of fees; supervising the gathering, preparing and maintaining of ordinary operating financial records and reports.

The proposed action is based on the following acts or omissions:

San Francisco Charter section 2.109 states that "...the Board of Supervisors shall approve by Ordinance or reject any rate, fee or similar charge to be imposed by any department official..." On March 2, 2015, you unilaterally raised Flea Market fees from \$20.00 to \$30.00 without approval of the Board of Supervisors. A copy of a random sample of receipts is attached to this letter. As early as January 2014 you began working with the City Attorney's Office on the process of raising fees at the Market. In June 2014 you worked closely with the City Attorney's Office to prepare the Ordinance for submission to and approval by the San Francisco Board of Supervisors. In light of your numerous conversations and your personal involvement in the process, you are well aware that an Ordinance is required to raise fees and that the fee increase must be authorized. Therefore, your decision to unilaterally raise fees in violation of the San Francisco Charter section 2.109 is a gross demonstration of poor judgment and well below the expectations of a Manager. Your conduct resulted in the need to refund the money or credit back to approximately 160 vendors.

San Francisco Charter section 8.105(f) states, "No officer or employee of the City and County receive, directly or indirectly, any compensation, reward or gift from any source except compensation from the City and County..." On March 29, 2014 you issued a memorandum

to your subordinates reiterating Charter requirement not to accept any products from farmers or vendors. Despite your knowledge and many reminders that receiving gifts is inappropriate you accepted free produce on April 11, 2015. Ms. Apple, a vendor at the Farmers Market, verified on April 11, 2015 you accepted three (3) pounds of apricots without paying for them.

Additionally, Brad Smith has confirmed on May 28, 2015, you accepted perfume from another vendor without paying for it.

On August 2, 2014, I issued a letter of reprimand to you directing you to cease taking or receiving products from vendors without paying for them. The letter stated that such behavior will not be tolerated and is a violation of the City Charter, section 8.105(f). In that letter you were clearly warned, "If you violate Section 8.105(f) the City Charter further disciplinary action will be taken, up to and including termination." Your receipt of free produce from Ms. Apple on April 11, 2015 violated my clear written directive not to do so. As such your conduct constitutes insubordination.

Each of these charges independently constitutes just cause for a ten (10) day suspension. I am enclosing documentation in support of the charges against you as follows:

- Summary of Investigation, dated July 26, 2015
- San Francisco Charter, Section 8.105
- Random samples of receipts, dated March 2, 2015
- Statement of Vendor, dated April 11, 2015
- Brad Smith's statement of observation, dated April 28, 2015
- Memo from you reminding staff to refuse gratuities date August 2, 2014
- Your written reprimand dated September 1, 2014

You have the right to respond in writing or respond orally by attending a Skelly meeting or respond both orally and in writing, to the facts contained in this letter. If you choose to respond in writing, you have until August 25, 2015 to provide comments to Skelly Officer James Dean. If you wish to respond orally, you may meet with Mr. Dean on Wednesday, August 25, 2015 at 2:00 pm. Mr. Dean is located at One South Van Ness, 4th Floor. Please confirm your attendance at the Skelly Hearing with Mr. Dean by calling him at (415) 557-1234.

You have the right to have a representative of your choice at the meeting with Mr. Dean. The Department reserves the right to supplement this letter and provide additional documentation in support of this recommendation prior to the Skelly meeting.

If you choose not attend the Skelly meeting or not to submit any written materials for review, the Department will proceed to make a final decision regarding your termination based on the information before it. If you have any questions please feel free to contact me.

Sincerely,

Dale Blueberry
Departmental Personnel Officer
Department of Agriculture/Weights and