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**Supervisor Ed Jew Files Opposition
to City Attorney's Attempt to Remove Him from Office**

SAN FRANCISCO (July 5, 2007) - Attorneys for San Francisco Supervisor Ed Jew filed, on his behalf, opposition to the application to file complaint *In Quo Warranto* to try title to public office before the close of business on Tuesday, July 3, 2007 with the office of the California Attorney General.

"Mr. Herrera spoke of a 'crisis in governmental legitimacy' at his press conference when he announced filing his papers with the Attorney General. I think the only 'crisis of legitimacy' is in his own office after reading the papers he filed and discovering that he concealed favorable information for Supervisor Jew from the Attorney General," said Steven F. Gruel, one of three attorneys representing Supervisor Jew.

Ed Jew's domicile is 2450 – 28th Avenue, San Francisco, in District 4. It has been his domicile for all periods of time required of candidates for the November 2006 Board of Supervisors race, and required of a duly elected Supervisor from District 4.

Supervisor Jew's response clearly explains his, and his family's, long ties to the house at 2450 – 28th Avenue, not just since July of 2006, *but for decades*. The Supervisor and his wife work in his family's Chinatown flower shop every day,

rising as early as 3:00 AM to purchase flowers and make deliveries before the Supervisor even begins his day at City Hall. He often works late into the evening. He spends far less time in his home than most people, but it is not uncommon in his family and culture. The City Attorney's attempt to project his own living standards onto Supervisor Jew for purposes of determining residency is not simply insensitive – it is discriminatory.

Supervisor Jew has owned, and does own, a number of residences, but has only one domicile: 2450 – 28th Avenue, San Francisco. Domicile is determined by intent and action. Supervisor Jew has provided evidence of resuming residency in his present home in late 2005 and early 2006. Since that time, he and his wife and daughter have occupied the home with increasing frequency and now spend their evenings there a majority of the time. Supervisor Jew is the only one who can determine his intent, although the City Attorney has attempted with his complaint to usurp that authority with unprecedented bias and prejudice.

Contrary to the intentionally false allegations of the City Attorney, Supervisor Jew has always had water service in his home. In fact, *the City Attorney's own declarations contradict his allegation*; his water usage is low, but not absent.

The City Attorney provided as evidence statements from nine neighbors who claimed no one lived in Supervisor Jew's home since tenants moved out in 2003. However, their statements are all contradicted by the affidavit filed by the District Attorney. If these nine neighbors all failed to see three adults living in the house for the better part of a year, is it any wonder they missed Supervisor Jew? We believe all of these statements should be discounted as unreliable.

In his haste to push Supervisor Jew out the door, the City Attorney even chose to ignore a witness statement that contradicted his predetermined conclusion, and did not include it in his application to the Attorney General. We conclude from this deliberately incriminating omission that there never was an investigation – only a piling on of unsubstantiated allegations, in concert with at least one other city department, designed to drive Supervisor Jew from office.

Finally, the City Attorney knows full well that the inexplicable actions of the District Attorney in filing criminal charges for the same alleged violations, prior to the conclusion of the civil matter, could have only one result: Supervisor Jew could no longer cooperate with the City Attorney's "investigation" without sacrificing his Constitutional rights and protections. Despite the City Attorney's feigned indignation and inference that Supervisor Jew ignored his requests for an interview, the City Attorney knew, and knows, that the egregious actions of the District Attorney made such cooperation impossible. Case law supports staying any civil proceeding until pending criminal proceedings are resolved because placing anyone in the predicament of civil versus criminal proceedings is inherently unfair.

In election law, the purpose of a residence requirement is to ensure that a candidate, and then an elected official, is not a mere “carpetbagger,” but someone who is truly connected to the people he or she represents. That public policy is overwhelmingly satisfied by Supervisor Jew’s actions and intent, as presented in his response to the Attorney General. Ed Jew has had a long and continuous history with District 4 satisfying all requirements for “domicile” under state and City law. The City Attorney’s Application is misleading, flawed, and does nothing to further the public interest.

We ask the Attorney General to deny the Application.