

This Week's Friday Report



San Francisco Hispanic Chamber of Commerce

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FRIDAY REPORT: May 29, 2009

Upcoming Events

- [2009 Latino Business Leadership Awards Call for Nominations](#)
- [Jun 25 - Business Mixer with Latino Winemakers](#)

Check the [Mark Your Calendars](#) Section for more information about these events.



WEATHER

San Francisco Weekend Weather

| Saturday ³⁰ | Sunday ³¹ |
|---|--|
| <p>High 64°F Low 54°F</p> <p>Mostly Sunny</p> | <p>High 61°F Low 53°F</p> <p>Partly Cloudy</p> |
| Precip: 10% | Precip: 10% |

NEWS

Procurement Opportunity — Doyle Drive Project

Join us for a meeting with Caltrans and the SFCTA to learn about construction opportunities regarding the Doyle Drive project on June 2nd from 1p-4p at 111 Grand Avenue, Oakland.

Project acceleration is needed to achieve:

- To achieve seismic safety earlier To achieve seismic safety earlier
- To reduce risk of cost growth To reduce risk of cost growth
- To meet Economic Stimulus timetable To meet Economic Stimulus timetable
- To take advantage of the favorable market To take advantage of the favorable market conditions
- Help create jobs and support the local and Help create jobs and support the local and regional economy regional economy

Doyle Drive Project Acceleration details available at

http://www.dot.ca.gov/dist4/smallbusiness/docs/043009_doyledrive.pdf

Mayor Newsom Kicks-Off San Francisco's 2010 Census Efforts

05/27/09 - Today, Mayor Gavin Newsom issued an Executive Directive authorizing the Office of Civic Engagement and Immigrant Affairs to oversee the city's census efforts, launched the 2010 Census Complete Count Committee, co-sponsored a resolution urging the federal government to recognize same-sex couples in the 2010 Census count, and announced plans to send a letter to the U.S. Secretary of Commerce calling for adequate local funding for outreach.

"Over the last decade, San Francisco lost millions of dollars in federal money because our city's population was undercounted by the federal government in the last Census," said Mayor Newsom. "Moving forward, I want to make sure we are doing everything we can to secure all dollars available to the City."

Over 100,000 San Francisco residents were left out of the 2000 Census, costing San Francisco over \$300 million in lost federal dollars over the past 10 years.

The newly launched 2010 Census Complete Count Committee will work together with the Office of Civic Engagement and Immigrant Affairs in an aggressive outreach campaign to raise awareness of the importance of participating in the 2010 Census. Together they will work to secure an accurate, fair and complete count of every single person, and commercial and non-profit business and organization.

In addition, Mayor Newsom reiterated his call for recognizing same-sex couples in the 2010 Census count. In 2008, San Francisco issued more than 3,500 same-sex marriage licenses, and California issued approximately 18,000. With same-sex marriage legal in Iowa, Massachusetts, and Connecticut, Mayor Newsom stressed the importance of a fair and complete count.

"Same-sex couples pay taxes just like everyone else and need to be counted in the 2010 Census," said Mayor Newsom. "Counting them in the statistical data will allow the federal government to make informed and appropriate policy decisions."

The Census helps determine the allocation of billions of dollars per year in federal and state funding to communities, and their findings are used to decide funding, representation, and services.

New Crackdown on Employers of Undocumented Immigrants Could Affect North Bay Businesses

This month the Obama Administration announced a new policy of more aggressively pursuing prosecution of employers of illegal immigrants, changing the focus and methods of the previous Bush administration. The policy was recently implemented following a worksite raid; the undocumented workers were released from custody and given temporary status so that they could testify in a criminal case against their employer. It coincides with new efforts to target employers who hire undocumented workers indirectly, through independent contractors, rather than putting them on payroll. Employers like Walmart who hired subcontractors with illegal workers have been hit with punitive fines and prosecution.

Together these new policies and practices of the federal government increase the risk to many employers in the North Bay, where immigrants make up roughly a quarter of the local workforce and contribute so much to our economy and our society. This article describes the new federal government crackdown and the way it could affect North Bay businesses. In a future article, we will explore what employers can do to protect themselves from the risk of criminal or civil penalties, and protect their workers from deportation.

Starting in 2006, U.S. Immigration and Customs Enforcement (ICE) initiated stepped up enforcement against employers of the undocumented. ICE began aggressively bringing criminal and civil cases against employers and even seizing corporate assets. Last year, 863 employers of illegal workers were arrested on criminal charges and over \$30 million in fines were imposed. Federal prosecutors began to charge employers with money laundering, harboring of illegal aliens, and violations of the Racketeer Influenced and Corrupt Organizations Act (RICO). 18 USC §1961 et seq. Convictions on these charges can result in prison sentences of up to 20 years. 18 USC §1963.

Courts have approved the use of federal laws creatively to prosecute those who hire illegal workers. One appeals court recently upheld a conviction of an employer for "harboring" an illegal alien if the employer had "knowledge or reckless disregard of the alien's unlawful status."

U.S. v. Kim, 193 F.3d 567 (2d Cir. 1999). Employers are now routinely being prosecuted under another criminal statute which prohibits the "practice of hiring or continuing the employment of an unauthorized alien." 8 USC §1324a.

ICE has also begun to fine and prosecute companies who do not hire the undocumented worker directly, but through "subcontractors" who perform tasks such as cleaning and maintenance, farm labor or construction. An ICE raid against a Kentucky construction developer, Fischer Homes, resulted in the arrest of 76 undocumented workers and the prosecution of six company supervisors for "conspiracy" and "harboring illegal aliens". This was true even though the workers were not on the payroll of the company, but rather paid by subs hired by Fischer. The company was charged with knowingly using subcontractors to avoid compliance with the requirement to employ only workers with proper work authorization.

The same argument was made against Walmart, who hired independent contractors to clean their stores. The contractors routinely employed undocumented immigrants to do the cleaning. The federal government took the position that the megacompany was legally responsible for the widespread use of store cleaning staff without work permission. Although Walmart contested the charges, they agreed to pay an \$11 million fine and change their practices. It is now clear that simply hiring through subs or independent contractors does not absolve you of liability under the immigration law.

See 8 USC §1324a(f). President Obama repeatedly stated in his campaign that he would be even tougher against those who hire undocumented immigrants. The first changes in Department of Homeland Security (DHS) policy are already evident in his first 100 days in office. In February, Secretary of Homeland Security Janet Napolitano reversed past ICE policy in the handling of a raid on an industrial employer in Washington state. When she learned of the raid after the fact, Napolitano released the arrested illegal immigrants, gave them temporary status and work permission, and enlisted them to testify against the company that employed them.

This represents a new tactic in the handling of such raids by the federal government. During the 8 years of the Bush Administration, undocumented workers were always arrested in raids and subsequently deported, some after being prosecuted for identity theft for using others' social security numbers. It was often difficult to prosecute the employers without the workers around to testify. In the new guidelines just announced, the Department calls for more severe fines and criminal prosecution against employers found to violate these laws. The directives instruct ICE field offices and agents to focus on employers and supervisors. Moreover, they suggest the approach used in Washington may be employed more often: use the workers themselves to help prosecute their bosses.

"Enforcement efforts focused on employers better target the root causes of illegal immigration" state the new guidelines. "ICE must prioritize the criminal prosecution of actual employers who knowingly hire illegal workers because such employers are not sufficiently punished or deterred by the arrest of their illegal work force."

North Bay employers should heed the clear message sent by the federal government: they are going after those who hire immigrants who lack proper documentation showing they have the right to work. Especially in these tough economic times, one should expect the calls for this type of workplace enforcement of immigration laws to grow. Our local economy depends upon the important contributions of immigrants to the workplace. There are steps that can be taken to make sure your immigrant workers have the proper work authorization, or help them obtain it. My next article will cover what an employer can and should do to avoid being at risk of more severe federal civil and criminal penalties.

Christopher A. Kerosky of the law firm of Kerosky & associates has been recognized as one of the top immigration lawyers in Northern California for the last four years in San Francisco Magazine "Super Lawyers" edition. He graduated from U.C. Berkeley Law School and previously worked for the U.S. Department of Justice in Washington D.C. He has an office in San Francisco for 20 years, but recently opened a Santa Rosa office after moving with his family to the North Bay.

5/19/09 — Cost of Cigarette Litter May Fall on San Francisco's Smokers

By Jessie McKinley, New York Times

In what he casts as an attack on litterbugs and nicotine addiction alike, Mayor Gavin Newsom wants to impose a fee on an age-old inhabitant of city streets: the cigarette butt.

The proposal, to be introduced next month to the San Francisco Board of Supervisors, would add 33 cents to the cost of a pack of cigarettes, to offset the estimated \$10.7 million the city spends annually removing discarded butts from gutters, drainpipes and sidewalks.

The added cost, Mr. Newsom hopes, will also dampen smokers' urge to light up. "In general, fees help reduce the consumption and use of tobacco," he said in an interview. "And we think that will have a very beneficial public health component."

Officials here say the municipal fee would be the first in the country to take aim specifically at cigarette butts, particularly filters, which are not biodegradable. But the idea is expected to run into fierce opposition from tobacco companies.

"Obviously we think people should follow the littering laws, in California and elsewhere," said Frank Lester, a spokesman for Reynolds American Inc., the nation's second-largest manufacturer of cigarettes. "But we oppose any additional taxation on smokers to pay for that."

Philip Morris USA, the nation's biggest cigarette company, generally echoed that anti-fee sentiment, though it said it would not comment on Mr. Newsom's proposal specifically until it was formally presented to the board.

San Francisco has already proved to be tough on smokers. Last year the city imposed a ban on the sale of tobacco at drugstores, a restriction that is being challenged in state and federal courts.

Mr. Newsom, moreover, has shown a willingness to legislate good health in other ways, proposing a fee in 2007 on any large store that sells drinks with high levels of fructose corn syrup. This so-called soda

tax has not yet been taken up by the Board of Supervisors but is expected to be debated there this summer, said Nathan Ballard, a mayoral spokesman.

Mr. Newsom said cigarette butts became a target after San Francisco's annual "litter audit" found that cigarette detritus made up a quarter of all the trash in the city's public spaces. With the city spending some \$44 million a year on litter cleanup - and facing a \$500 million deficit for the coming fiscal year - a fee was born.

"It's not a huge part of the overall budget," the mayor said of the \$11 million or so in annual revenue that the fee could generate. "But it's enough to keep street sweepers employed."

But Mr. Lester, of Reynolds American, said smokers were often targets of budget-crunched legislators, most recently on April 1, when the federal excise tax on cigarettes rose 62 cents a pack, to \$1.01. "We feel smokers are already paying their fair share," he said.

Serena Chen, regional director of policy and tobacco programs for the American Lung Association in California, said litter-mitigation efforts aimed specifically at cigarettes had been proposed in legislatures in a couple of states (though never enacted), but that a city-level approach was new and welcome.

"Anytime you raise the price of cigarettes, you discourage new starters," Ms. Chen said, "and you increase the motivation of people who want to quit."

MARK YOUR CALENDARS

2009 Latino Business Leadership Awards Call for Nominations

The SFHCC, Wells Fargo Bank, and the San Francisco Business Times announce the call for nominations for the 2009 Most Influential Latinos in the San Francisco Bay Area.

The Latino Business Leadership Awards recognizes outstanding executives and business owners from the region's most vibrant firms. We are soliciting nominations for individuals who are leaders in their companies and communities, and who have impacted education, public policy and the business climate.

Nomination categories:

- Corporate
- Emerging Leader - 40 or younger
- Entrepreneur
- Professionals
- Arts & Entertainment

You may nominate yourself, or a deserving leader. Please direct questions to Richard Ventura, CEO and President, San Francisco Hispanic Chamber of Commerce, at 415-278-9611 X 102 or richard@sfhcc.com.

The deadline for nominations is **June 20, 2009**

Please download your Nomination Form at:

http://www.sfhcc.com/download/2009_LBLA_Nomination_Form.pdf 

Submit completed nomination forms to staff@sfhcc.com or richard@sfhcc.com.

June 25 - Business Mixer with Latino Winemakers

The SFHCC and Larkspur Hotels are excited to announce the June Business Mixer with Latino Winemakers to launch the re-opening of the Union Square hotel and introduce the San Francisco business community to wine makers from our community.

Mix and mingle with your fellow chamber members, network with other local businesses, enjoy appetizer, meet Latino winemakers and taste their wines at the newly opened Hotel Abri located at 127 Ellis Street between Cyril Magnin and Powell Streets.

Participating Winemakers:

- Alex Sotelo Cellars
- Americava Winery
- Black Coyote Wines
- Ceja Vineyards
- Encanto Vineyards
- Marita's Vineyard
- Quintessa
- Reynoso Vineyards
- Valdez Family Winery

Cost:

Members

With pre-registration (ends June 22nd): \$25

Without pre-registration at the door: \$ 35

Non-Members

With pre-registration (ends June 22nd): \$35

Without pre-registration at the door: \$45

Accommodations:

Hotel Abri offers discounted nightly rate of \$99 between 6/23-6/29. Call Larkspur's Central Reservations Office (866) 823-4669 and ask for the SF HISPANIC CHAMBER OF COMMERCE rate with promotion code 001396SFHC or go to <https://reservations.synxis.com/LBE/rez.aspx?Hotel=17233&Chain=5175&promo=001396SFHC>

Transportation/ Parking:

Nearest public parking available at Ellis-O'Farrell Garage (www.eofgarage.com) located at 123 O'Farrell Street, San Francisco, CA 94102. Evening rate over 2 hours: \$6.50. Overnight Rate: \$27. Check website for most current garage rates. Nearest BART/MUNI station - Powell Station

Please register online at https://secure05.secure-transact.net/~sfhccco/shop/product_info.php?products_id=150

PROCUREMENT

Jun 2 — Want to Help Accelerate the Doyle Drive Project? Learn About Project Opportunities June 2nd.

Join us for a meeting with Caltrans and the SFCTA to learn about construction opportunities regarding the Doyle Drive project on June 2nd from 1p-4p at 111 Grand Avenue, Oakland. Project acceleration is needed to achieve:

- To achieve seismic safety earlier To achieve seismic safety earlier
- To reduce risk of cost growth To reduce risk of cost growth
- To meet Economic Stimulus timetable To meet Economic Stimulus timetable
- To take advantage of the favorable market To take advantage of the favorable market conditions
- Help create jobs and support the local and Help create jobs and support the local and regional economy regional economy

Doyle Drive Project Acceleration details available at

http://www.dot.ca.gov/dist4/smallbusiness/docs/043009_doyledrive.pdf

Jun 9 — Women in Business 2009: The Bridge to Quality - Join WBENC's National Conference and Business Fair



In June 2009, WBENC will host its 10th annual Women in Business conference in San Francisco, CA. This annual national conference and business fair is the largest event of its kind in the nation for women's business enterprises (WBEs). During the three-day event, WBEs, senior corporate executives, supplier diversity and procurement professionals, and government representatives foster many business opportunities by participating in an ambitious agenda that includes networking activities, workshops, general sessions and the Business Fair. Details at <http://www.wbenc.com/>

EVENTS BY OTHER ORGANIZATIONS

Thru Mau 31 — "Boleros for the Disenchanted"

American Conservatory Theater (A.C.T.) brings together a dazzling cast of film and television actors with José Rivera, the Academy Award-nominated screenwriter of *The Motorcycle Diaries*, in this brilliant new work.

Part love story, part comedy, *Boleros for the Disenchanted* journeys from an exuberant Puerto Rican village in 1953 to almost 40 years later in America, all while probing the mysteries of marriage. Acclaimed actors Robert Beltran (*Big Love*, *Star Trek: Voyager*) and Rachel Ticotin (*Sisterhood of the Traveling Pants*, *Total Recall*) star alongside the fresh talents of Drew Cortese, Lela Loren, Dion Mucciaccito, and Michele Vazquez.

Running Now until May 31st. Visit www.act-sf.org/boleros for more details and ticket information.

May 29 — Palomita Education Fund presents the 2nd Annual "Piensa Más Alla... Think Beyond"

The Palomita Education Fund presents the 2nd Annual "*Piensa Más Alla... Think Beyond*" to be held on May 29th, 2009 at Terra SF. The event is an evening to celebrate creative expression through fashion

and art with VIP's of the Latino community, including artists, entertainers, entrepreneurs and innovators. This special celebration is held each year to benefit the Palomita Education Fund "PEF". The purpose of the PEF is to award scholarships to assist Latino students in completing their undergraduate college education. These scholarships are available through a merit and need-based competition of high school seniors of Latino background who will be entering undergraduate programs. The Hispanic Scholarship Fund has partnered with PEF to coordinate and manage awarding the individual scholarships. During the event, models will showcase the Palomita™ & Chucho® apparel lines and the special edition tees, designed by celebrities of the Latino community. Celebrity designers for 2009 include Adrienne Bailon, Andy Garcia, Cesar Millan, Christina Milian, Eva Longoria-Parker, Jaslene Gonzalez, LENA, Maria Conchita Alonso, Tony Gonzalez, Tony Romo, Raquel Welch, Rosario Dawson, Valerie Cruz, and Walter Perez. These limited edition, celebrity designed tees are auctioned off through a live auction during the evening and guests will also be able to shop a unique display of silent auction items. To buy event or Raffle tickets please visit <http://www.palomitacllothing.com/events> or call (415) 507-1596 for more information.

JOB POSTING

Are you looking for a challenging career?

Growing insurance agency in Burlingame is looking for a fulltime/part time team member, who has a high commitment to quality policy holder service, excellent communication skills, and 2+ yrs in customer service/ sales experience.

- Temporary position to permanent upon meeting requirements
- Incentive oriented compensation system with health insurance benefit
- Currently interviewing for immediate opening

PREFERRED QUALIFICATIONS:

Spanish Speaking/Bilingual preference

HOW TO APPLY:

Please reply your resume to wenling@wlcheng.com

FEATURED MEMBERS

Florist

A New Leaf Florist

1501 Franklin Street
San Francisco CA, 94109
P: 415-771-1066
W: www.anewleaffloristandplants.com

NEW MEMBERS

Chamber members have access to exclusive benefits that build relationships, increase visibility, and generate business leads. They're the first to learn about economic trends and developments that shape the City's business environment and their own companies' growth. And they influence decision makers in San Francisco and beyond, helping ensure that San Francisco means business-in every sense.

Welcome additions to the San Francisco Hispanic Chamber of Commerce. Memberships can be purchased online using the following link:

<http://sfhcc.com/members/join.html>

Alison Campos

Student Membership

League of Creative Minds

42 Darrell Place
San Francisco, CA 94133
Non-profit Membership

P: (415) 296-1541

W: <http://www.creativelegates.org/>