



111 Civic Drive - Hercules, CA 94547 - (510) 799-8200

March 11, 2014

Ms. Pil Orbison
1511 Sycamore Avenue, #325
Hercules, CA 94547

Re: City Demand to Cease Unsanctioned HCTF Activities

Dear Ms. Orbison:

On February 6, 2014, Hercules City Manager Phil Batchelor sent you a letter demanding that you take steps to avoid misleading the public that your tennis programs are affiliated with the City. I am attaching a copy of Mr. Batchelor's letter.

On or about February 7, 2014, the City received a letter from your attorney, Christopher Wimmer, responding to the City Manager's letter; a copy of Mr. Wimmer's letter is attached.

Following receipt of his letter, I had several discussions with Mr. Wimmer. I also forwarded to Mr. Wimmer a number of the emails you have sent to City staff, containing unfounded allegations regarding City staff and City recreation programs. On or about February 24, 2014, Mr. Wimmer informed me by email that he no longer represents you.

I am providing you with a summary of the City's concerns regarding your proposed fund raising efforts and use of City facilities:

- You have not followed the City's process for becoming an instructor at City facilities. There is a process that all individuals who provide lessons at City facilities must follow. The "Instructor Packet" materials are on the City's website. Applying to be an instructor does not guarantee that your application will be accepted. <http://www.ci.hercules.ca.us/index.aspx?page=166>

- You are attempting to collect money from the public on line via Paypal, ostensibly to fund improvements at City court facilities, and in exchange you are promising to provide “court reservation privileges” and “USTA sanctioned court reservations” at the City’s Refugio Valley tennis courts. The USTA has not been authorized to run programs on City facilities. All Hercules City tennis facilities are posted with signs stating, “City approved lessons only, no private instruction.” You do not have the authority to reserve the City tennis courts for the exclusive use of your non-profit members, or to provide private tennis lessons.
- The City Manager requested that you post a disclaimer on your website and in your promotional materials to make clear that your programs are not affiliated with or sanctioned by the City of Hercules. You have refused to post the requested disclaimer on your website, and you continue to represent that your programs are sanctioned by the City.
- As recently as yesterday, March 10, 2014, you posted information on public property in the vicinity of the tennis courts regarding your program. You do not have permission to post this information on public property. The posting of bills, posters, and flyers on City owned property is not allowed.
- Hand written information on some of your recent posters suggests that the proposed events are sanctioned by the City Attorney. I am the City Attorney, and I have not approved the posting of any such materials at City facilities, nor have I approved your use of City tennis facilities for your non-profit programs. As stated above, you must submit an “Instructor Application” that must be approved by the City in order to provide private instruction at public facilities in Hercules.
- Earlier today, you sent an email to a number of City officials stating that you intend to retain a contractor to undertake work on City property. You do not have the authority to retain a private contractor to undertake a public work of improvement on City property.

- You have sent a number of emails to City officials and employees, making unfounded allegations that the City has possession of documents that belong to you. You have been informed on numerous occasions that the City does not have any documents that belong to you.

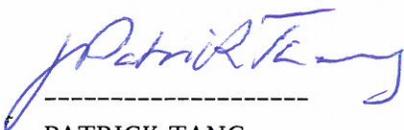
Your stated goal is to raise funds, via your non-profit organization, to assist the City in repairing and improving City tennis facilities. The City appreciates any efforts on behalf of citizens and volunteers to fund Hercules recreation programs and the maintenance of Hercules facilities. However, as with any individual or group who wants to provide instruction at City facilities, you must follow the City's requirements for use of City facilities.

By this letter we are putting you, your non-profit, and your non-profit members on notice that the Spring and Summer Tennis Camps that you have advertised on your website have not been approved by the City of Hercules. **These programs must be cancelled until and unless you receive permission from the City for such activities.**

The City is reiterating its demand that you post on your website the disclaimer provided to you in the February 6, 2014 letter to you from Mr. Batchelor. This Disclaimer must be posted before the City considers any submission from you to provide instructions at Hercules facilities.

The City is reserving the right to take any and all legal action necessary to prevent you from violating the City's regulations and policies regarding use of City recreational facilities, and to prevent you from representing that the City has approved your non-profit activities on City property.

Regards,



PATRICK TANG

Hercules City Attorney