



**CITY OF HERCULES**

111 CIVIC DRIVE, HERCULES, CA 94547

PHONE: 510 • 799 • 8200

February 6, 2014

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

Re: Demand to Retract or Remove Misleading Internet Statements

Dear Ms. Orbison:

According to information posted on [www.herculescommunitytennisfoundation.org](http://www.herculescommunitytennisfoundation.org), a website you control and maintain, and based on statements you have made at various City Council meetings, you have established a non-profit corporation (Hercules Community Tennis Foundation or "HCTF") for the express purpose of collecting donations to fund certain repairs and/or improvements to various public tennis facilities within the City, including but not limited to repairing and re-surfacing courts, cutting down trees, and building restroom facilities.

While the City appreciates any efforts on behalf of citizens and volunteers to fund Hercules recreation programs, your efforts to date raise serious concerns. Your website contains information that may be misleading to the public, and requires that you take immediate action. You have not sought or received authorization to undertake park improvements on the City's behalf, and your organization has no affiliation with the City. Since you and your organization have no affiliation with the City, it is unclear what your fund raising activities are intended to accomplish. Anyone making on line donations to HCTF may be led to believe that donations will be used to fund certain specified park improvements sanctioned by the City, when in fact no authority has been granted by the City for you or your organization to undertake such improvements.

City Officials are also concerned that you are promising lower court fees to members who join your foundation, when the City has made no provision for such an arrangement. According to your website, you plan to charge a fee of \$225 for a three month tennis program for any individuals who first pay you an Annual membership Fee of up to \$35. Your "membership benefits" state that members will receive "discounted USTA-sanctioned court reservations" and "court reservation privileges." Yet the City has never agreed to provide you or your members priority access to courts or reduced court fees, and the City has never agreed to allow you or your organization to provide organized instruction at City tennis facilities.

In order to avoid confusing the public it is imperative that you cease representing that you have an affiliation with the City of Hercules and/or the Parks and Recreation Department of the City of Hercules.

It is important that you make clear to the public and prospective members of the HCTF that your activities are not sanctioned by the City of Hercules. Please immediately remove from your website any mention of fund raising activities that suggest they are for the purpose of improving park facilities, unless you receive written authorization from the City to engage in these activities on behalf of the City.

If you continue to raise funds online you must post at the top of your website's homepage in sufficiently large, bold type to be easily noticed a disclaimer to read as follows:

**"The City of Hercules has no affiliation with Hercules Parks-n-Community Tennis Foundation dba Hercules Community Tennis Foundation (HCTF) and Founder Pil Lee Orbison. The City of Hercules has not sanctioned any HCTF events on City property."**

In order to avoid any continued confusion or the potential for legal action, please make these changes by or before 5 pm on FEBRUARY 10, 2014. We thank you in advance for your cooperation in resolving this matter.

Regards,



Phil Batchelor  
Hercules Interim City Manager