City Attorney Dennis Herrera News Release

San Francisco tells Monkey Parking to drop mobile app for auctioning city parking spots

Motorists face $300 fines for each violation under existing law, City Attorney says—and three startups could be liable for penalties of up to $2,500 for each transaction

SAN FRANCISCO (June 23, 2014)—San Francisco City Attorney Dennis Herrera today issued an immediate cease-and-desist demand to Monkey Parking, a mobile peer-to-peer bidding app that enables motorists to auction off the public parking spaces their vehicles occupy to nearby drivers. The app, currently available for iOS devices, describes itself on the Apple iTunes App Store as the "the first app which lets you make money every time that you are about to leave your on-street parking spot."

The letter Herrera's office issued this morning to Paolo Dobrowolny, CEO of the Rome, Italy-based tech startup, cites a key provision of San Francisco's Police Code that specifically prohibits individuals and companies from buying, selling or leasing public on-street parking. Police Code section 63(c) further provides that scofflaws—including drivers who "enter into a lease, rental agreement or contract of any kind" for public parking spots—face administrative penalties of up to $300 for each violation. Because Monkey Parking's business model is wholly premised on illegal transactions, the letter contends that the company would be subject to civil penalties of up to $2,500 per violation under California's tough Unfair Competition Law were the city to sue. Such a lawsuit would be imminent, Herrera's office vowed, should the startup continue to operate in San Francisco past July 11, 2014.

"Technology has given rise to many laudable innovations in how we live and work—and Monkey Parking is not one of them," Herrera said. "It's illegal, it puts drivers on the hook for $300 fines, and it creates a predatory private market for public parking spaces that San Franciscans will not tolerate. Worst of all, it encourages drivers to use their mobile devices unsafely—to engage in online bidding wars while driving. People are free to rent out their own private driveways and garage spaces should they choose to do so. But we will not abide businesses that hold hostage on-street public parking spots for their own private profit."

[MORE]

Herrera's cease-and-desist demand to Monkey Parking includes a request to the legal department of Apple Inc., which is copied on the letter, asking that the Cupertino, Calif.-based technology giant immediately remove the mobile application from its App Store for violating several of the company's own guidelines. Apple App Store Review Guidelines provide that "Apps must comply with all legal requirements in any location where they are made available to users" and that "Apps whose use may result in physical harm may be rejected."

Two other startups that similarly violate local and state law with mobile app-enabled schemes intended to illegally monetize public parking spaces in San Francisco will also face legal action in the form of cease-and-desist demands this week, according to the City Attorney's Office. Sweetch charges a $5 flat fee when its users obtain a parking spot from another Sweetch motorist. Sweetch drivers who pass their spots off to other Sweetch members are refunded $4 of that fee. ParkModo, which appears poised to launch later this week, according to recent employment postings on Craigslist, will employ drivers at a rate of $13.00 per hour to occupy public parking spaces in the Mission District. As with Monkey Parking and Sweetch, ParkModo then plans to sell the on-street parking spots to its paying members through its iPhone app. Sweetch and ParkModo members who make use of the apps to park in San Francisco are also subject to civil penalties of $300 per violation, and both companies are potentially liable for civil penalties of $2,500 per transaction for illegal business practices under the California Unfair Competition Law.

A copy of Herrera's demand letter to Monkey Parking and additional information about the San Francisco City Attorney's Office is available at: http://www.sfcityattorney.org/.

# # #

CITY AND COUNTY OF SAN FRANCISCO   OFFICE OF THE CITY ATTORNEY

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City Attorney

MICHAEL S. WEISS
Deputy City Attorney

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E-MAIL: michael.weiss@sfgov.org

June 23, 2014

Paolo Dobrowolny, CEO
Monkey Parking
Rome, Italy
via email: info@monkeyparking.it

      Re: Cease and Desist

Dear Mr. Dobrowolny:

     Your company, Monkey Parking, is test marketing a software application for mobile electronic communication devices that purports to allow users to buy and sell the right to occupy public street parking spaces in the City and County of San Francisco (the "City"). The City regulates and establishes the rates to temporarily occupy public parking spaces. The use of those public parking spaces is not subject to any private auction scheme; accordingly, your application violates the law, including but not limited to, the laws that we describe below.

     San Francisco Police Code Section 63(b) specifically prohibits the buying and selling of public street parking spaces. The San Francisco Police Code provides: "It shall be unlawful for any person, firm or corporation to enter into a lease, rental agreement or contract of any kind, written or oral, with or without compensation, for the use of any street or sidewalk." SFMPC §63(b). Any "person, firm or corporation who is in violation of this section shall be subject to an administrative penalty not to exceed $300 for each violation." SFMPC §63(c).

     Monkey Parking is facilitating and encouraging its users to enter unlawful agreements with each other, and misleading them into believing that their transactions are lawful. For each purchase and sale of a public parking space, Monkey Parking and each of its users may be subject to the $300 administrative penalty authorized by San Francisco Municipal Police Code Section 63(c).

     Also, Monkey Parking is facilitating and encouraging drivers to use cellphones and other wireless communication devices in a manner that distracts them, posing a safety hazard to the public and violating state laws that prohibit using cellphones and such other devices while driving.

     Because Monkey Parking's business model is premised on unlawful transactions, Monkey Parking, with each transaction, is committing an unlawful or unfair business practice that violates California Business and Profession Code Section 17200, also known as the Unfair Competition Law ("UCL"). The UCL authorizes this office to file a lawsuit against violators, seeking injunctive relief, and an award of civil penalties of up to $2,500 *per violation*. Each download, each purchase and each sale of a public street parking space may be considered a separate UCL violation.

     <u>Monkey Parking must immediately cease and desist its unlawful business practices within the City and County of San Francisco, or face legal action by this office.</u> No later than the close of business on July 11, 2014, please confirm in writing that Monkey Parking has discontinued all of its operations in the City that are the subject of this letter.
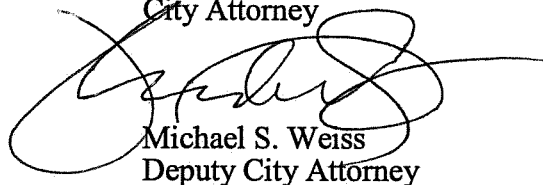
By a copy of this letter we are requesting Apple, Inc. to remove the Monkey Parking application from its App Store because it violates Apple's App Store guidelines, which provide, in relevant part: "Apps must comply with all legal requirements in any location where they are made available to users. It is the developer's obligation to understand and conform to all local laws." (See App Store Review Guidelines, Section 22.1) The App Store guidelines also provide, in relevant part: "Apps whose use may result in physical harm may be rejected." (See App Store Review Guidelines, Section 13.3)

If you have any questions, please contact me, or have your legal representative contact me directly. We look forward to a swift and amicable resolution.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Michael S. Weiss
Deputy City Attorney

cc: Bruce Sewell, General Counsel, Apple, Inc.
        via email: bsewell@apple.com

MonkeyParking: on-street parking on demand in San Francisco. Get rid of the pain with the Monkey! Make money every time that you leave your spot: not a job like Lyft, Uber or Sidecar but a smart way to refund your metered parking expenses!

By Paolo Dobrowolny

Open iTunes to buy and download apps.

View More by This Developer

View in iTunes

Free

Category: Navigation
Updated: Jun 04, 2014
Version: 3.0.8
Size: 7.0 MB
Languages: English, Italian
Seller: Paolo Dobrowolny
© 2012 MonkeyParking
Rated 4+

Compatibility: Requires iOS 6.0 or later. Compatible with iPhone, iPad, and iPod touch. This app is optimized for iPhone 5.

Customer Ratings

We have not received enough ratings to display an average for the current version of this application.

All Versions:
★ 47 Ratings

Description

MonkeyParking is the first app which lets you make money every time that you are about to leave your on-street parking spot:
– Set your spot on MonkeyParking
– Get notified about drivers willing to pay for it
– Leave the spot letting the driver park at your place
– Find the money in your bank account

You can use MonkeyParking when you really need a parking spot: just broadcast your bid. It's like "Hey I will pay somebody $5 to leave me the parking spot he is currently using!"

Stop circling the blocks and get some money when you leave a spot: this is MonkeyParking!

MonkeyParking: on-street parking on demand in San Francisco. Get rid of the pain with the Monkey! Make money every time that you leave your spot: not a job like Lyft, Uber or Sidecar but a smart way to refund your metered parking expenses! Support▸
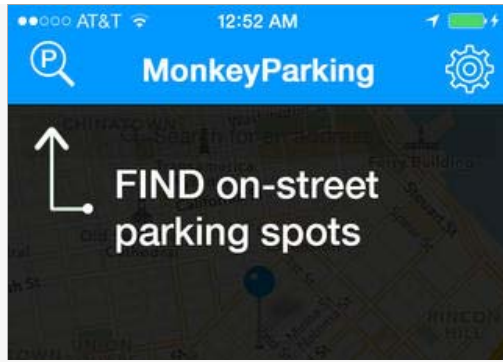
What's New in Version 3.0.8

Did you know?
Monkeys open their bananas in a way that likely appears upside down to most people. To clarify: by 'upside down', we mean 'from the bottom' – that is, from the side without a stem... and it is so easier to do!!!
check it on: http://bit.ly/banana-peeling

iPhone Screenshots

Customers Also Bought

Parcheggio Veloce...
Travel
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Etineris booking o...
Travel
View In iTunes ▶

Luceverde Roma
Navigation
View In iTunes ▶

myCicero
Travel
View In iTunes ▶

Infoblu Traffic Roma
Navigation
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App Store ✓
Like 9,833,430

Become a fan of the iTunes and App Store pages on Facebook for exclusive offers, the inside scoop on new apps and more.

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	AirPlay	Link to iTunes	Redeem iTunes Gift Cards
	Accessibility		iTunes Corporate Sales
			Free Single of the Week

Shop the Apple Online Store (1-800-MY-APPLE), visit an Apple Retail Store, or find a reseller.

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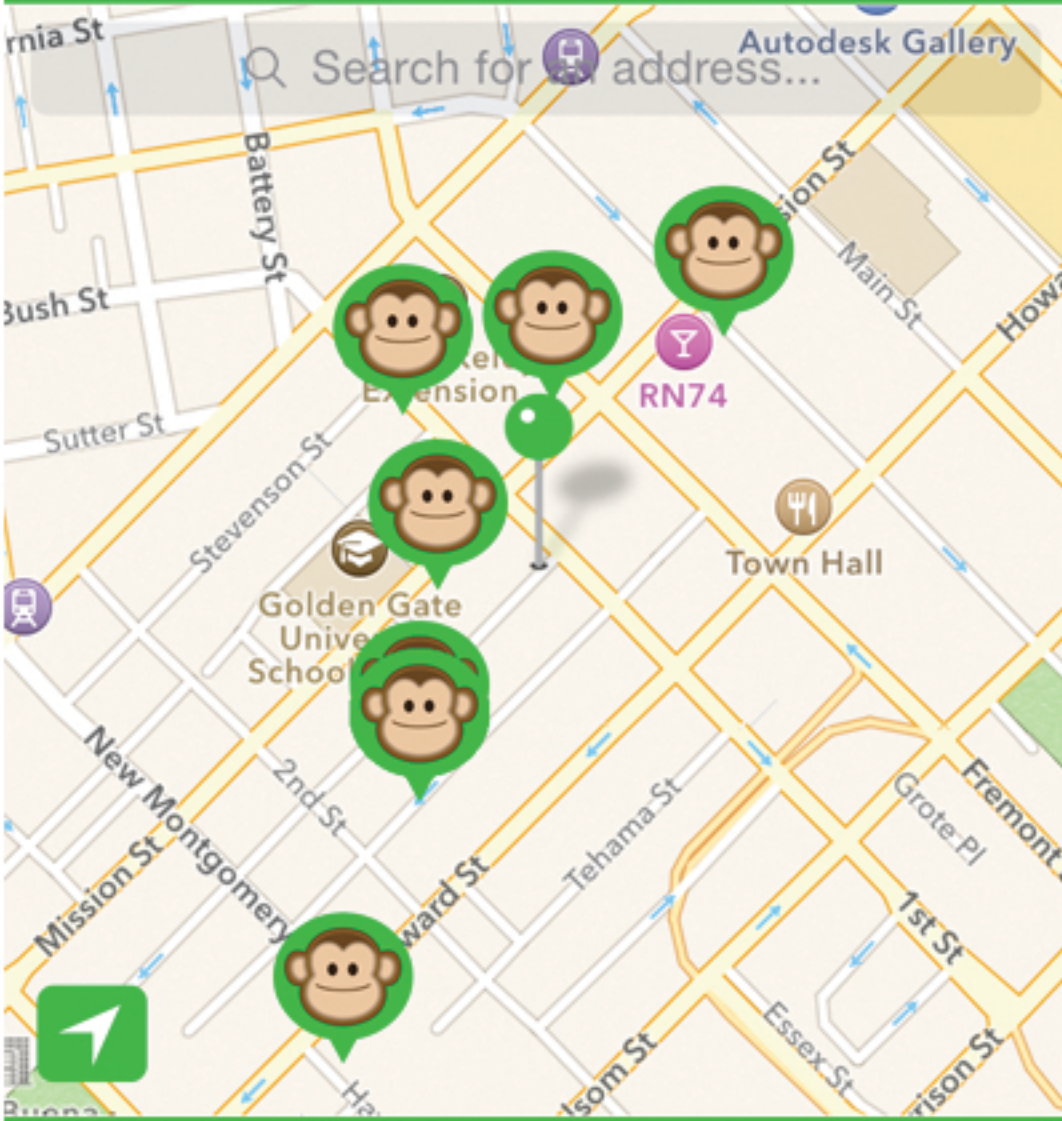
Store | Mac | iPod | iPhone | iPad | iTunes | Support

iTunes Preview

Overview   Features   iTunes Charts

iTunes is the world's easiest way to organize and add to your digital media collection.

We are unable to find iTunes on your computer. To download the free app Sweetch SF by Sweetch, Inc, get iTunes now.

Already have iTunes? Click I Have iTunes to open it now.

I Have iTunes

iTunes 11
For Mac + PC

Free Download ⬇

Sweetch SF

View More by This Developer

By Sweetch, Inc

Open iTunes to buy and download apps.

Description

Park on-street instantly with Sweetch.
We match drivers looking for spots with drivers leaving their spots. You pay $5 to park, you get $4 back when you help a Sweetch buddy park.
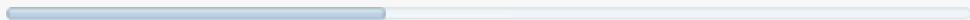
Sweetch, Inc Web Site ▸   Sweetch SF Support ▸   ...More

What's New in Version 1.0.4

- Small redesign
- Handle network connection errors
- Credit card not mandatory on signup

View in iTunes

Free
Category: Navigation
Updated: Jun 16, 2014
Version: 1.0.4
Size: 6.5 MB
Language: English
Seller: Sweetch, Inc
© 2014 Sweetch, Inc.
Rated 4+

Compatibility: Requires iOS 7.0 or later. Compatible with iPhone, iPad, and iPod touch. This app is optimized for iPhone 5.

Customer Ratings

We have not received enough ratings to display an average for the current version of this application.

All Versions:
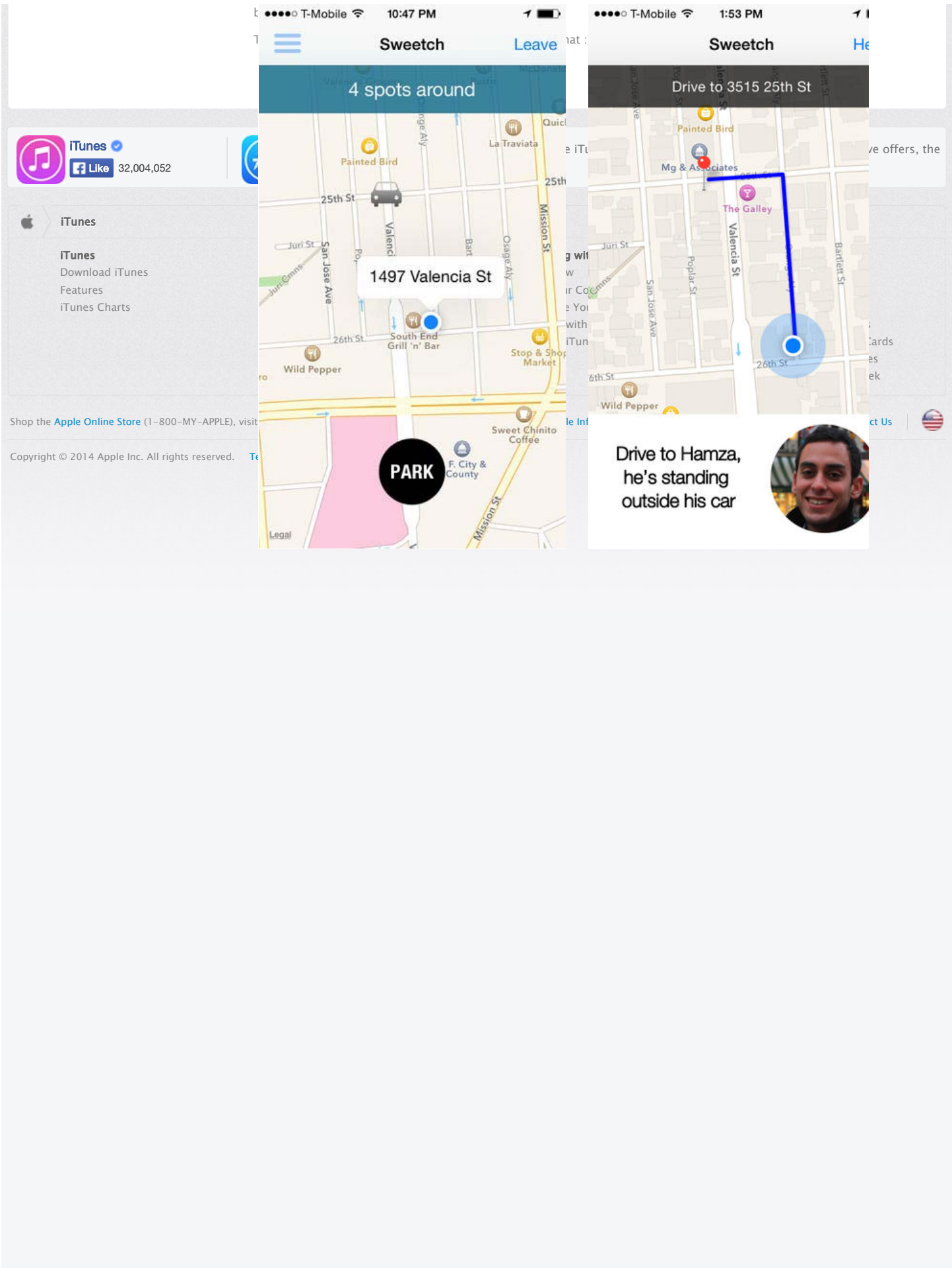★★★★ 9 Ratings

iPhone Screenshots

Customer Reviews
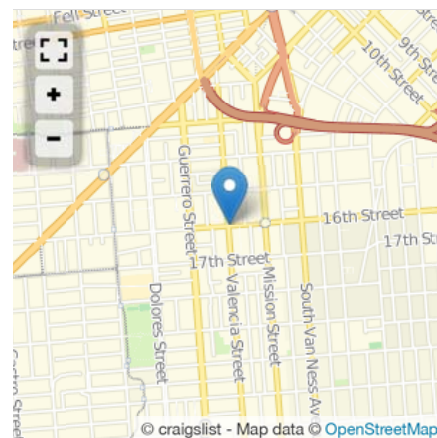
Waw ★★★★★
by Abderaz

Found a spot this morning using this, amazing experience, didn't imagine parking could be this easy.

Awesome customer support ★★★★

contact   ☐ prohibited [?]   Posted: 4 days ago

★ Earn $13.00 P/H Just To Park! (mission district)

16th street at Valencia

(google map) (yahoo map)

compensation: **$13.00 per hour**

part-time

Get paid $13.00 per hour just to park!

Our company is launching an awesome app that rewards people to sell their on-street parking spots before leaving to people who need a spot.

To help us promote the app, we are looking for 20 people with cars and iPhones to park around the mission and use the app to offer their parking spots to people looking for parking.

The hours will be from 5:30-9:00pm Thurs-Sat starting June 26th.

This is how it works:
1. You download the app from the app store.
2. When you want to work, you will contact our field manager to check in.
3. The field manager will then instruct you as to what area and type of spot you are to park in.
4. You will then find a spot in the area and park.
5. Once you are parked, using the app, you will offer the spot for sale.
6. While you are waiting for someone to purchase the space, you will distribute postcards and promote the app.
7. Once someone purchases the spot, you will complete the transaction with the buyer and then find another space to park in and start the process all over again!

If you are interested, please click on the link below (Paste into your browser) and provide your information so we can contact you and get you started.

https://docs.google.com/forms/d/1To5Ck5FrPBMrh35SvJp-WDRg0WDyaLLyuo1_MS8pyV8/viewform?usp=send_form

We look forward to working with you!

- Principals only. Recruiters, please don't contact this job poster.
- do NOT contact us with unsolicited services or offers

post id: 4524258999   posted: 4 days ago   updated: 2 days ago   email to friend   ♥ best of [?]

Get Paid To Park!

Earn $13.00 Per Hour To Simply Park Your Car!
Starts June 26, 2014

Enter Your Full Name

Enter Your Cell Number

Enter Your Email Address

Are You 18 or Older?

◉ Yes

◉ No

Do You Have A Drivers License

◉ Yes

◉ No

Do You Have an Iphone?

◉ Yes

◉ No

Do You Have an Android Phone?

◉ Yes

◉ No

Can You Work Thur-Sat 5pm-8pm?

◉ Yes

◉ No

◉ Only some of the time

Are You Willing To Distribute Flyers and Stickers?

◉ Yes

◉ No

Submit

Never submit passwords through Google Forms.

100%: You made it.