

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMUNITY ARTS ADVOCATES, INC.)
and STEPHEN H. BAIRD,)
Plaintiffs,)
v.)
CITY OF BOSTON,)
Defendant.)

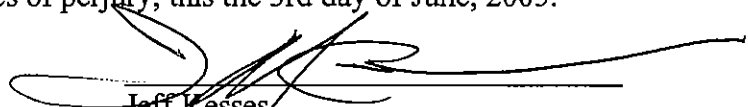
CIVIL ACTION NO. 04-11618-NG

DECLARATION OF JEFF KESSES

I, Jeff Kesses, declare and state as follows upon personal knowledge:

1. I am a portrait artist. I often perform publicly as a portrait artist, setting up on the streets and sidewalks of the City of Boston and drawing passers-by.
2. I have worked as a public portrait artist since the spring of 2004.
3. I currently reside in Boston, Massachusetts.
4. In September of 2004, I attempted to set up to draw public portraits at downtown crossing in Boston. I noticed that a hat vendor was watching me as I set up. When a Boston Police Officer came by, the hat vendor spoke to the officer. The police officer then came over to me. I showed the officer my Vendor's permit from the City of Boston. The officer said that the permit was not valid in downtown crossing. The officer said I needed a permit from the Downtown Crossing Association. The Officer said I had to leave. I packed up my materials and left.
5. I then went to set up by South Station and was able to draw in that space. However, this space is not nearly as good a space as downtown crossing for interacting with passers-by.
6. I possess a Vendor's Permit from the City of Boston. The City gave me the permit with a map which appears to me to cover most of the City of Boston, including downtown crossing. However, I have been told by police that it the Vendor's permit only permits me to engage in public drawing in certain specified and more limited areas and during certain times.

Signed under the pains and penalties of perjury, this the 3rd day of June, 2005.


Jeff Kesses