

BEFORE THE ETHICS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

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In the Matter of ) SFEC No. 19-131115  
 )  
Lynette Sweet and )  
Sweet for Supervisor )  
2010, )  
 )  
Respondents. )  
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DISCUSSION AND POSSIBLE ACTION ON HEARING ON THE MERITS

Monday, September 26, 2016

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Reported by: Marlene Puaoi, CSR  
California CSR No. 7370

In the Matter of Lynette Sweet  
and Sweet for Supervisor 2010

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BE IT REMEMBERED that pursuant to public notice and in a regularly scheduled meeting of the Ethics Commission of the City and County of San Francisco, Agenda Item 4, Discussion and possible action on Hearing on the Merits for Complaint No. 19-131115, *In the Matter of Lynette Sweet and Sweet for Supervisor 2010*, was called for consideration by COMMISSION CHAIRMAN PAUL A. RENNE, and the following proceedings were had and were reported by me, Marlene Puaoi, a Certified Shorthand Reporter in and for the State of California.

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A P P E A R A N C E S

ETHICS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

PAUL A. RENNE, Chairman

PETER G. KEANE, Vice Chairman/Commissioner

QUENTIN L. KOPP, Commissioner

DAINA C. CHIU, Commissioner

ATTORNEY FOR COMPLAINANT:

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1 Monday, September 26, 2016

5:54 p.m.

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3 CHAIRMAN RENNE: Turning to Item No. 4, Discussion  
4 and possible action on Hearing on the merits of  
5 Complaint No. 19-131115, *In the Matter of Lynette Sweet*  
6 *and Sweet for Supervisor 2010.*

7 This matter was before the Commission -- was it two  
8 meetings ago?

9 MS. ARGUMEDO: In March. In March.

10 CHAIRMAN RENNE: Yes. And at that time, there was  
11 a proposed disposition, which the commission did not  
12 approve and requested some further, additional  
13 information.

14 As I recall, we were troubled by the fact that she  
15 had -- she was a candidate who received public  
16 financing, and there were some \$20,000, approximately,  
17 that could not be accounted for. And I think the  
18 earlier report had said that most of it, she said, had  
19 gone to pay staff members, but there was nothing to  
20 support it. And we asked for the staff to look further  
21 to determine whether or not that -- those  
22 representations were correct.

23 MS. ARGUMEDO: Right. And we don't have any  
24 additional documentation to evidence that. And she has  
25 not provided anything, and since the meeting in March,

1 she has been mostly uncooperative and unresponsive to  
2 Staff.

3 CHAIRMAN RENNE: Well, did anybody on the staff  
4 seek to contact the individual who she says she made  
5 payment to?

6 MS. ARGUMEDO: There were various -- there are  
7 various staff members, and it was difficult to -- they  
8 were just -- it was difficult to obtain actual contact  
9 information for most of the people that were listed.

10 CHAIRMAN RENNE: Go ahead.

11 MS. ARGUMEDO: Okay.

12 Thank you, Commissioners. Catherine Argumedo on  
13 behalf of the Staff of the Ethics Commission.

14 This is a hearing on the merits regarding Ethics  
15 Complaint No. 19-131115. It does not appear that the  
16 respondent Lynette Sweet is present tonight. Staff  
17 notified her of the hearing two times and has provided  
18 her copies of all the documentation that Staff has  
19 submitted to the commission.

20 This matter involves ten violations of the Campaign  
21 Finance Reform Ordinance: Seven violations of section  
22 1.106, where respondents failed to file campaign  
23 statements; one of section 1.109, where respondents  
24 failed to maintain records documenting the committee's  
25 activity; and two of section 1.118, where respondents

1 failed to pay campaign debts within 180 days of them  
2 accruing.

3 Staff believes that a person of ordinary caution  
4 and prudence would conclude that the respondents have  
5 committed these ten violations of the Campaign Finance  
6 Reform Ordinance based on a preponderance of the  
7 evidence presented. Respondents Lynette Sweet and her  
8 candidate committee, Sweet for Supervisor 2010, have  
9 provided no response to Staff's hearing brief and have  
10 not contested any of the charges that Staff has  
11 presented since its accusation in February 2015.

12 Lynette Sweet ran for District 10 supervisor in  
13 2010, and she and her candidate committee requested  
14 public funding. Overall, her committee received  
15 \$57,439. As a recipient of public funding, the staff  
16 was required to perform an audit. During the course of  
17 the audit, Respondent Sweet failed to provide supporting  
18 documentation for \$61,000 in expenses and \$8,750 in  
19 contributions.

20 After Staff issued its audit report in July of  
21 2014, to which respondents did not provide a response,  
22 respondents provided additional documentation to  
23 enforcement staff for \$41,588.27 in expenditures and  
24 \$4,150 in contributions. Approximately \$24,803 remains  
25 outstanding without any supporting documentation.

1           In addition, respondents have failed to file any  
2 campaign statements since filing the statement covering  
3 activity through the end of December 2010. Whatever  
4 committee activity has occurred, if any, has been  
5 outside of the public eye. Respondents also have two  
6 unpaid expenses totaling \$4,650. These debts, as they  
7 remain unpaid for over 180 days, are now considered  
8 unlawful campaign contributions from corporations, and  
9 therefore Staff requests that the commission order  
10 forfeiture in the amount of \$4,650.

11           In addition, Staff requests that the commission  
12 assess an administrative penalty of \$50,000 based on the  
13 maximum administrative statutory penalty of \$5,000 per  
14 violation. The charter permits a maximum penalty of  
15 three times the amount improperly reported, which in  
16 this case is \$74,409.18; however, because Respondent  
17 Sweet cooperated to some extent with Staff, Staff  
18 recommends that the commission assess the maximum  
19 statutory penalty of \$50,000.

20           CHAIRMAN RENNE: If I might --

21           MS. ARGUMEDO: Yes?

22           CHAIRMAN RENNE: Mr. Petrelis, you are holding that  
23 sign up specifically for TV. That is not allowed. Put  
24 it down or leave. Take your choice.

25           You want to get the bailiff here --

1 MS. ARGUMEDO: Oh, there's a button there.

2 CHAIRMAN RENNE: -- to move him out?

3 COMMISSIONER KOPP: Call the bailiff.

4 MS. ARGUMEDO: It's under -- I think it's --

5 MR. HARTZ: You'll do anything to shut people up,  
6 won't you?

7 MS. ARGUMEDO: Actually, is there a phone number on  
8 the screen for the sheriff's office? I don't remember.

9 MS. BLOME: Security.

10 MS. ARGUMEDO: Yeah, I think maybe we can --  
11 there's a phone right there. Sorry.

12 MS. BLOME: Would you like me to call?

13 CHAIRMAN RENNE: Yes, please.

14 You're perfectly welcome to stay here, but you  
15 aren't welcome to campaign here. And if you think you  
16 are, we'll contest it. Thank you.

17 Go ahead.

18 MS. ARGUMEDO: Would you like me to continue?

19 Okay. So respondents' violations were severe and  
20 negligent. They violated the public trust by failing to  
21 file required campaign statements. The public was and  
22 is still unable to monitor what activities have occurred  
23 after December 2010.

24 CHAIRMAN RENNE: Also put that down.

25 I'm sorry.



1 MS. ARGUMEDO: That's okay.

2 CHAIRMAN RENNE: Go ahead.

3 MS. ARGUMEDO: I can't see what's going on, so I  
4 don't know.

5 COMMISSIONER KOPP: Well, is a bailiff en route?

6 MS. BLOME: They answered, but I hung up.

7 COMMISSIONER KOPP: Hmm?

8 MS. BLOME: They did answer, but I hung up when he  
9 put the sign down.

10 Would you like me to --

11 COMMISSIONER KEANE: Why don't you get them?  
12 Because this gentleman is just playing the role of a  
13 clown very effectively and distracting everybody.

14 MR. PETRELIS: I am standing up for free speech,  
15 and you have to produce in writing what you say are your  
16 rules.

17 MS. ARGUMEDO: Would you like me to continue?

18 CHAIRMAN RENNE: Yes, please.

19 MS. ARGUMEDO: Okay. So Respondent Sweet  
20 previously ran for elective office in California and had  
21 been subject to all of the reporting and campaign  
22 finance requirements set forth in the Political Reform  
23 Act, which have been incorporated by reference in the  
24 local law, the Campaign Finance Reform Act.

25 So in applying for and accepting public funds,

1 Respondent Sweet consented to increased scrutiny from  
2 the commission and the public about how she financed her  
3 campaign. Respondents knew the requirements for  
4 record-keeping and knew that they would be audited, and  
5 yet respondents failed to maintain the required  
6 documentation to support the committee's activity.

7 Respondent Sweet has been largely uncooperative and  
8 nonresponsive to Staff regarding this matter, and she  
9 has continued to fail to file campaign statements.

10 Staff requests that the commission admit the  
11 documents that Staff has presented, including  
12 Ms. Shaikh's affidavit and attached exhibits, as  
13 evidence, and rely on them and make a determination that  
14 respondents committed all ten violations of the Campaign  
15 Finance Reform Ordinance.

16 Based on the law and evidence as presented, Staff  
17 respectfully requests that the Commission issue a final  
18 order declaring the respondents committed all ten  
19 violations, assessing an administrative penalty of  
20 \$50,000, compelling respondents to produce their missing  
21 documentation and file all campaign statements as  
22 required, and ordering the respondents to forfeit the  
23 \$4,650 in unlawful campaign contributions.

24 And I'm happy to answer questions.

25 CHAIRMAN RENNE: Do any commissioners have any

1 questions?

2 COMMISSIONER KOPP: I have a question of a general  
3 nature. I've read two files or one file, a folder, and  
4 I'm struck by the fact that your recommendation is based  
5 in part upon cooperation.

6 And I draw a conclusion that the cooperation has  
7 been minimal, superficial, and that rather the  
8 respondent or respondents have defied the law as well as  
9 taking fifty -- what? -- seven thousand four hundred  
10 thirty-nine dollars and some odd cents from the  
11 taxpayers of San Francisco.

12 So I suppose your finding of minimal cooperation is  
13 based upon experience --

14 MS. ARGUMEDO: Yeah, I mean --

15 COMMISSIONER KOPP: -- but I'd like to get your  
16 thoughts on it.

17 MS. ARGUMEDO: Yes. I think that had she not  
18 provided any additional documentation, so had Staff not  
19 received anything during, basically, the investigatory  
20 phase, then I think it would be different, but she had  
21 participated and there had been communication with  
22 Staff. She just has not in many months, so --

23 COMMISSIONER KOPP: So it's like a continuum.

24 MS. ARGUMEDO: -- but I mean, it's the  
25 commission's -- right.

1           And it's the commission's discretion to -- to  
2 decide any penalties. So, the -- you know, the \$50,000  
3 is a recommendation from Staff, but the Commission has  
4 the ability to go up to three times what was improperly  
5 reported, which was over \$74,000.

6           COMMISSIONER KOPP: Yeah, I know. All right.  
7 Thank you.

8           I'm ready, Mr. Chairman, to make a motion to impose  
9 a penalty of \$74,409.18. This has consumed so much  
10 time. This was for an election when? In two  
11 thousand --

12          MS. ARGUMEDO: Ten.

13          COMMISSIONER KOPP: -- ten. Six years ago. Not a  
14 good record. Not a good record. And this candidate had  
15 already been a candidate for a public office, which  
16 involved the kind of time and effort in keeping track of  
17 donations, expenditures, reporting under the Fair  
18 Political Practices Act.

19          And in effect, now, she has thumbed her nose at the  
20 system and, as I said before, come away with 54,000-plus  
21 dollars of public funds.

22          Anyway, I'm prepared to make that motion.

23          CHAIRMAN RENNE: Do I have a second?

24          COMMISSIONER KEANE: Yes, I'll second the motion,  
25 with some dismay, actually, because the last time we had

1 Ms. Sweet here and her attorney here and they made some  
2 presentations which, in my opinion, indicated some  
3 mitigation, and that was -- at that time, I think myself  
4 and Commissioner Andrews were somewhat sympathetic to  
5 her general plight. She had a certain degree of  
6 haplessness, and we were persuaded also by what the City  
7 Attorney at that time said, there was a fair amount of  
8 cooperation.

9 Really dismayed to hear that since that last time,  
10 Lynette Sweet has then decided to not cooperate at all  
11 and has just stonewalled and, as Commissioner Kopp said,  
12 thumbed her nose at us in regard to this rather serious  
13 violation.

14 So at this point, I'm not inclined to have the  
15 thoughts of mitigation that I had up till now. So I  
16 second the motion.

17 COMMISSIONER CHIU: Chair Renne?

18 CHAIRMAN RENNE: I'd rather say that I was a little  
19 bothered when I read the amount of money that the staff  
20 was recommending that we assert against Ms. Sweet  
21 because of the fact that when it first came before us,  
22 there was a proposed settlement of the matter with a  
23 payment schedule, and the main concern was the fact that  
24 there were public monies that were unaccounted for, and  
25 to have it come back, but -- but I agree with both

1 Commissioner Kopp and Commissioner Keane that the record  
2 since that time -- instead of being cooperative on this  
3 and trying to resolve the problem that we raised at that  
4 last meeting on her show cause, that she has just  
5 thumbed her nose at us, and so that I'm disposed to go  
6 along with the amount of the fine with the understanding  
7 that, clearly, it's my sense that she probably doesn't  
8 have the financial resources to reimburse and pay a fine  
9 of 70-some thousand dollars, but that we'll get some  
10 cooperation once the -- the order is issued against her.

11 But -- go ahead, Commissioner Chiu.

12 COMMISSIONER CHIU: Chairman Renne, I would agree  
13 with my fellow commissioners. I'm very troubled by the  
14 fact that she has exhibited such disregard for the --  
15 for the process and has not cooperated in any way.

16 And I think that the -- I was not here for the  
17 initial show-cause hearing, but any mitigation efforts  
18 are nonexistent with regard to the final disposition of  
19 this case and that she's had numerous opportunities to  
20 work with you as well as to attend this hearing this  
21 evening. So I would be inclined to agree that the full  
22 penalty is appropriate.

23 CHAIRMAN RENNE: All right. Any public comment  
24 before I call the question?

25 MS. ARGUMEDO: May I -- I'm sorry, but may I ask

1 one more -- I just wanted to -- I'm not sure whether the  
2 Commission would want to consider the forfeiture amount  
3 that Staff had presented regarding the unlawful --

4 COMMISSIONER KOPP: That will be my next motion.

5 MS. ARGUMEDO: Okay.

6 COMMISSIONER KOPP: Or do you want it --  
7 procedurally, should it be in one motion?

8 MR. WHITE: It's up to you whether you can do --  
9 whether you do one or the other.

10 COMMISSIONER KOPP: All right, I'll include that,  
11 4650, yes, a forfeiture.

12 MS. ARGUMEDO: Okay. Is that accepted as a second?

13 COMMISSIONER KOPP: Second?

14 COMMISSIONER CHIU: Second.

15 CHAIRMAN RENNE: Public comment?

16 MR. HARTZ: Ray Hartz, Director, San Francisco Open  
17 Government. This is one of the items that I did not  
18 make 150-word summaries because all I could see from the  
19 documents that were attached were you having an argument  
20 with yourself.

21 Larry Bush sent a letter in here. He says, "Note  
22 that in a case that is far less significant, the staff  
23 recommends to Lynette Sweet a fine of \$50,000" which is  
24 double what you're looking at Mr. Farrell's proposed  
25 fine, even though he was found by you to have violated

1 the law in the degree of \$193,000. So you're going to  
2 get 12 cents on the dollar from him, but you want her to  
3 pay full till. One set of rules for the city officials;  
4 one set of rules for everybody else.

5 Bottom line is you had these hearings about a case  
6 that happened in 2000 [sic]. Where the hell was the  
7 staff for four years, which is the first document I can  
8 see in these records, to show that you were doing  
9 anything regarding this?

10 If I were running a campaign in 2010 and somebody  
11 came to me four years later and said, "Produce  
12 documents," I'd be going, "Hell! The IRS only expects  
13 you to hold your records for three years. You're worse  
14 than the IRS."

15 And I think it's kind of hypocritical. And I agree  
16 with Mr. Bush, although he may not like the fact, that  
17 for you to have one set of rules for Supervisor Mark  
18 Farrell where you're going -- you're going to settle  
19 with him for 12 cents on the dollar, and yet you're  
20 going to impose the maximum fine you possibly can on  
21 Lynette Sweet seems a real -- really strange set of  
22 circumstances.

23 I'm curious as to why my clock isn't running at  
24 all. Do I have just unlimited time?

25 MS. ARGUMEDO: Sorry. I thought I pressed it.



1 MR. HARTZ: Okay. Basically, I have to agree with  
2 Mr. Petrelis that this is politic- -- politics. It is  
3 nothing but short, sweet politics, and therefore,  
4 everything that is said here you and by the public is  
5 constitutionally protected, political, free speech.

6 And people arbitrarily coming up with rules where  
7 they say, "Oh, we have a rule in the chamber. You can't  
8 do this," and if you violate the rule, the forfeiture  
9 penalty is your constitutional rights -- David Chiu did  
10 that to me once at the Board of Supervisors. I chose to  
11 start my -- my comment with the word "Gestapo" before I  
12 got to the -- to the podium because I had three  
13 sheriff's deputies that I had to weave my way through  
14 because they were trying to hustle away the person who  
15 was speaking before me. And David Chiu says, "Oh, I  
16 don't think we'll let this speaker speak today."

17 Now tell me, all you lawyers, is it an unusual  
18 penalty when breaking the rule of a chamber to have your  
19 constitutionally protected, political, free speech  
20 forfeited? Doesn't make a lot of sense to me. And the  
21 interesting thing is people say to me, "Why aren't you  
22 more friendly with them? Why don't you try to be  
23 agreeable?"

24 I said, "Because you don't get anything when you're  
25 agreeable. They sit there in dumb, mute silence. At

1 least when you're in their face, you sometimes get a  
2 reaction."

3 And if that's all you'll give, then don't be  
4 surprised what you get. And as President Truman once  
5 said, if you can't stand the heat, get out of the  
6 kitchen.

7 Thank you.

8 COMMISSIONER KOPP: Mr. Chairman, I realize, having  
9 been away from this kind of civic endeavor --

10 COMMISSIONER KEANE: Welcome back.

11 COMMISSIONER KOPP: Yeah -- that now electronics  
12 have taken over, so anybody can get up, under a law  
13 which I created, and make statements that are not just  
14 incorrect, but are also misleading to people in the  
15 public domain.

16 And therefore, let me note that each case has  
17 different factual issues and different legal issues, and  
18 there is no comparison between the legal issues in Item  
19 No. 11, the so-called Farrell case, and this item, the  
20 Sweet case, none at all.

21 And with that, I would call the question.

22 CHAIRMAN RENNE: I still have public comment.

23 MR. PETRELIS: Michael Petrelis again. I want to  
24 echo what Ray Hartz just say and build on it a bit.

25 You guys are politicians, and Professor Keane has

1 frequently --

2 COMMISSIONER KOPP: No, sir, I am a lawyer, and I  
3 resent your characterization of my colleagues and me. I  
4 have held public office, to be sure, honorably, and I  
5 have served as a Superior Court judge, but I am a lawyer  
6 now, and I intend to act like a lawyer, and I resent  
7 your personal remarks about my fellow commissioners or  
8 me.

9 MR. PETRELIS: Let me ask, is there a rule about  
10 not being interrupted?

11 COMMISSIONER KOPP: And you will get your 30  
12 seconds.

13 MR. PETRELIS: Is there a rule about not being  
14 interrupted?

15 CHAIRMAN RENNE: Proceed.

16 MR. PETRELIS: I want my 30 seconds back, please,  
17 before I was rudely interrupted by Politician Kopp. And  
18 I would like to have my free-speech rights respected for  
19 three minutes, if it's possible for the members of this  
20 esteemed commission to control their egos and mouths  
21 just for a little bit.

22 CHAIRMAN RENNE: Would you just proceed with your  
23 comment?

24 MR. PETRELIS: Now, I want to echo and support what  
25 Ray Hartz said regarding the politics that are behind

1 some of your decisions and that certainly come into play  
2 about what gets put on your agenda.

3 I want to know if there are rules that -- that are  
4 going to say how long you will have a time limit on  
5 responding to the public. What are the rules of decorum  
6 regarding you trashing members of the public using their  
7 three minutes and allowing us to respond? If this is  
8 how Politician Kopp is going to be conducting himself in  
9 the future, with interrupting public comment, with  
10 responding to every public comment and doing so without  
11 a time limit, it's more of a disgrace upon this  
12 commission, which is Ethics Commission, good government.

13 I am suggesting you practice it at every meeting  
14 and that you really work at controlling your privilege  
15 and do not interrupt public comment and do not respond  
16 to every public comment. Ray Hartz has a point. You  
17 should listen to him without dismissing it and without  
18 boosting your own egos. Democracy and good government  
19 in this building are suffering. They are suffering.

20 Professor Keane, you were talking about the  
21 legendary Kopp returning to City Hall. Well, I don't  
22 know what's so legendary. And a lot of other people  
23 don't. And we don't want -- or I'll speak for myself.  
24 I don't want a lecture about who you think is a legend.

25 I want a stronger sunshine ordinance task force. I

1 want better enforcement of sunshine laws. I want orders  
2 of determination carried out. I want this panel  
3 handling complaints sooner. I want the Ethics  
4 Commission investigators investigating complaints and  
5 closing them sooner.

6 There's a lot of good government that needs to be  
7 done, and I don't hear you talking about it. But you  
8 are going on and on about some unwritten rules regarding  
9 decorum for these meetings. Let us see these written  
10 rules you're talking about.

11 CHAIRMAN RENNE: Thank you.

12 Any other public comment?

13 MR. MARSTELLER: Good evening, Commissioners. I'm  
14 Charles Marsteller, for the record, and I am with  
15 Friends of Ethics. I want to welcome Judge Kopp to the  
16 Commission -- it's very good to see him here -- and  
17 thank the board for their appointment. I also am doing  
18 so on behalf of Friends of Ethics.

19 And the commission should have received by email a  
20 copy of the final letter signed by Friends of Ethics and  
21 not by Mr. Bush. The one by Mr. Bush is in a document  
22 that was in process. This is the one -- the one you've  
23 received signed by Friends of Ethics are the legal  
24 points that we wanted to make on these several items on  
25 our agenda tonight.

1 I've said many times before this body and to the  
2 public that the law for public financing was clear. We  
3 have a proactive and concurrent enforcement mechanism so  
4 that the use of public funds is in fact indemnified by  
5 the process that we have set up, which is you and me  
6 to -- and Friends of Ethics and other individuals in the  
7 public sector who are interested in the integrity of  
8 public financing. That promise must be maintained, so  
9 five years is not acceptable.

10 However, I think in this case, it's useful, because  
11 we will see by an examination of the process exactly  
12 where the points were that created problems on -- at  
13 many levels. One was the concurrent expenditure of  
14 funds and later enforcements. I think that if you open  
15 up the books and look at what happened in this case, we  
16 can tighten up our concurrent and proactive auditing  
17 program to make it much more effective, and I have a  
18 number of ideas, and I would be willing to discuss with  
19 you that in a public session or privately, however you  
20 wish.

21 But I do want to say that I think we can learn a  
22 great deal from this case and I think it's essential  
23 that we do. And however you wish to decide it is your  
24 decision, but I'm the person that worked hard to set up  
25 the process and I want to see the process work and be

1 guaranteed by you.

2 CHAIRMAN RENNE: Thank you.

3 Any other public comment?

4 MR. PILPEL: Good evening. David Pilpel. I guess  
5 I don't have to say "speaking as an individual" since  
6 I'm no longer on the task force.

7 Welcome to State Senator and Judge Kopp. I found  
8 my official membership card from Kopp's Good Government  
9 Committee from 1992 when I was going through some  
10 records recently, back in the day.

11 I wanted to speak in support of Staff's  
12 recommendation and the motion before you. I think the  
13 violations are pretty substantial. There's been a fair  
14 amount of history with this individual. If I recall  
15 correctly, the respondent may have served on the City's  
16 Redevelopment Agency Board for a period of time and  
17 served as a member of the BART board; certainly was an  
18 appointed/elected official who should have been familiar  
19 with the filing of -- timely filing of forms and the  
20 record-keeping requirements associated with running for  
21 office, particularly as a publicly-financed candidate.

22 So I support the recommendation and hope that  
23 you'll follow through. Thank you very much.

24 CHAIRMAN RENNE: Thank you. Any other public  
25 comment?

1           Would you state for the record again exactly  
2 what --

3           COMMISSIONER KOPP:   Yes.

4           CHAIRMAN RENNE:   -- Commissioner Kopp's motion is?

5           COMMISSIONER KOPP:   I move the Commission assess  
6 the respondents, as a penalty, \$74,409.18 and order,  
7 secondly, a forfeiture of \$4,650 received from  
8 corporations.

9           CHAIRMAN RENNE:   And that was seconded?

10          COMMISSIONER KEANE:   Second.

11          COMMISSIONER CHIU:   Second.

12          CHAIRMAN RENNE:   All right.  I'll call the  
13 question.

14          All in favor?

15          COMMISSIONER KOPP:   Aye.

16          COMMISSIONER KEANE:   Aye.

17          COMMISSIONER CHIU:   Aye.

18          CHAIRMAN RENNE:   Opposed?

19          All right.  The motion is carried unanimously.

20          Turn to discussion on Item 5, which is discussion  
21 of possible action on the Sunshine Ordinance task force  
22 referral for enforcement against Steve Kawa,  
23 complainant.

24          And as I understand it, notice was given to both  
25 Mr. Kawa, the Mayor's office, and Mr. Petrelis.



1 MS. ARGUMEDO: Yes.

2 MS. BLOME: Yes, Your Honor.

3 MS. ARGUMEDO: Is it possible for me to ask one  
4 thing from the prior agenda item? Just -- is that --

5 CHAIRMAN RENNE: Yes. Go ahead.

6 MS. ARGUMEDO: So I -- I was wondering whether the  
7 commission would want to consider compelling the  
8 respondents to file the campaign statements they have  
9 not yet filed.

10 COMMISSIONER KOPP: To file what?

11 MS. ARGUMEDO: The campaign statements they have  
12 not yet filed.

13 COMMISSIONER KOPP: Oh, you mean on the last item?  
14 I don't know. Isn't that moot?

15 I defer to my seniors in service, but to me, it  
16 seems moot.

17 CHAIRMAN RENNE: Well, I guess the one thing is it  
18 stops -- it's a way to stop the keep-running -- the  
19 clock keep running because she has not filed a closing  
20 statement, and what you're asking for is an order of the  
21 Commission to order her to file the closing statement.

22 MS. ARGUMEDO: Correct.

23 CHAIRMAN RENNE: Right?

24 COMMISSIONER KOPP: Well, this is a procedural  
25 nicety. What I --

1 COMMISSIONER KEANE: I think it's --

2 COMMISSIONER KOPP: Go ahead.

3 COMMISSIONER KEANE: Well, I think since it is a  
4 continuing obligation to report that -- that such an  
5 order would be appropriate. Until she has reported, she  
6 has not fulfilled her obligations under the law and it's  
7 a continuing -- continuing violation by not reporting.

8 So whether we have to order her to do it or not, I  
9 don't know, but we might emphasize the fact that --

10 CHAIRMAN RENNE: Why don't -- do you want to make a  
11 motion for that?

12 COMMISSIONER KEANE: I move that in addition to  
13 the -- to the other sanctions that it be noted that  
14 Ms. Sweet continues to not provide the reports in  
15 accordance with law, and it is also noted that,  
16 therefore, she is under continuing violation of the  
17 reporting statutes. And I'd make that part of, I guess,  
18 the -- the finding.

19 COMMISSIONER KOPP: The resolution?

20 COMMISSIONER KEANE: Yeah, the resolution.

21 CHAIRMAN RENNE: And I take it that what we are  
22 doing by that is empowering the Commission then to  
23 bring -- have the City Attorney bring some action to  
24 compel her to do it other than being in contempt of  
25 court. Right?

1 MR. WHITE: Right. And then she would have a -- I  
2 suppose she would have now a dual obligation --  
3 right? -- one under the statute and then one under this  
4 Commission's order.

5 COMMISSIONER KOPP: Mr. Chairman, may I ask a  
6 question of Mr. White?

7 Does the tax collector have his own lawyer --

8 MR. WHITE: Yes.

9 COMMISSIONER KOPP: -- for the bureau of delinquent  
10 revenue?

11 MR. WHITE: Yes.

12 COMMISSIONER KOPP: Okay. What I have in mind,  
13 that our resolution then is transmitted to the tax  
14 collector, who delivers it to the bureau of delinquent  
15 revenue, who probably sends out a courtesy letter,  
16 saying, "Pay up by a certain date," and if no payment,  
17 then files an action in Superior Court.

18 And then Ms. Sweet can decide whether to default on  
19 the obligation to respond to a complaint.

20 MR. WHITE: Generally, that's correct.

21 COMMISSIONER KOPP: Yeah.

22 MS. BLOME: Commissioners, if I may, a good  
23 compromise solution might be simply to order her to file  
24 her termination statement, the 410, to end the  
25 continuous requirement for the 460s.

1 Just to say, "File the termination statement and  
2 we'll be done with it."

3 COMMISSIONER KEANE: I'd so move --

4 CHAIRMAN RENNE: All right.

5 COMMISSIONER KEANE: -- that the Commission order  
6 that.

7 COMMISSIONER KOPP: Second.

8 CHAIRMAN RENNE: Commissioner Kopp seconds.

9 Any public comment on that portion that we are now  
10 back to 4 on?

11 MR. HARTZ: Commissioners, Ray Hartz, Director,  
12 San Francisco Open Government. I don't purport to be an  
13 expert on Robert's Rules, but I think what you just did  
14 is a violation of them. If you make a motion and you  
15 pass it and then you make another motion to change it,  
16 you have to go back and rescind the first motion and  
17 make a new motion with a proper inclusion, not simply  
18 make a second motion and say, "Well, they're" --  
19 what? -- "interrelated"?

20 I -- I really don't know what it is you're doing  
21 because you're basically all having a nice, little  
22 conversation up there with each other and ignoring the  
23 fact that there are a lot of the members of the public  
24 here who came to participate in this, not to be simply  
25 ignored as is your wont.

1           And if you're going to make any responses to any of  
2 my comments, please be kind enough to be specific rather  
3 than make some sort of vague, "Oh, he -- he said  
4 something false and he did this."

5           You're beginning to sound a lot like Donald Trump.

6           MR. WHITE: So just FYI, the Commission does not  
7 have to take public comment anymore. The requirement is  
8 once per agenda item, and that's already happened. So  
9 there's no need to allow further public comment, but you  
10 can it you would like to.

11           CHAIRMAN RENNE: Well, because we made a second  
12 motion, it --

13           MR. WHITE: It's once per agenda item, not once per  
14 motion.

15           COMMISSIONER KOPP: I don't think that motion's  
16 necessary. I think as a matter of -- well, someone else  
17 wants to.

18           CHAIRMAN RENNE: Go ahead, Mr. Pilpel.

19           MR. PILPEL: Just very briefly, David Pilpel.

20           I think the Commission is fine to a make a second  
21 motion related to the agenda item and, to the extent  
22 that this motion, if passed, would require or seek to  
23 get the respondent to file a terminating statement, it's  
24 probably helpful to the overall effort, so I support it.

25           Thanks.

1 CHAIRMAN RENNE: I'll call the question. All in  
2 favor?

3 COMMISSIONER KOPP: Aye.

4 COMMISSIONER KEANE: Aye.

5 COMMISSIONER CHIU: Aye.

6 CHAIRMAN RENNE: Passed unanimously.

7 Now turning to Item 5.

8 (Consideration of Item 4 concluded at 6:30 p.m.)

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CERTIFICATE OF REPORTER

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I hereby certify that the foregoing proceedings in the within-entitled cause took place at the time and place herein stated and were reported by me, MARLENE PUAOI, a Certified Shorthand Reporter and disinterested person, and were thereafter transcribed into typewriting;

And I further certify that I am not of counsel or attorney for either or any of the parties nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my signature this 7th day of October 2016.



MARLENE PUAOI, CSR  
California CSR No. 7370



In the Matter of Lynette Sweet  
and Sweet for Supervisor 2010