



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: December 15, 2016

To: Members of the Ethics Commission

From: Jessica Blome, Deputy Director, Enforcement & Legal Affairs

Subject: **AGENDA ITEM 7**
Enforcement Program Report for the December 19, 2016, Meeting

Summary: This report highlights programmatic information and operational updates related to the Enforcement Program.

Action Requested: No action is required by the Commission, as this item is only for informational purposes.

Programmatic Highlights

We continue to track incoming complaints as well as review files for ongoing investigations. During the two weeks between the Commission's November 28 meeting and December 9, when Executive Director Pelham and I attended the annual conference of the Council on Governmental Ethics Laws (COGEL), we reviewed three older complaints and negotiated the resolution of one complaint by stipulated order. We also sent notice of hearing on the merits for a fifth matter. We hope to bring three case dismissals, one or more stipulated orders, and at least one probable cause hearing before the Commission in January. In addition, the Commission will hear one hearing on the merits in January.

We spent the first week of December continuing our review of the Commission's Records Management Policy and soliciting advice from the City Attorney's Office regarding two categories of information currently set for destruction after the expiration of two years. The City Attorney advised that those records could be destroyed after two years under an exception to the Records Retention and Destruction Ordinance (RRDO), which otherwise mandates a five-year minimum retention period. See RRDO section 8.3.

Operational Updates/Investigative Caseload Data

Investigative matters under the jurisdiction of the Ethics Commission are treated as formal complaints meriting investigation if, based on the allegations and Executive Director's preliminary review, the Executive Director determines there is reason to believe a violation of law may have occurred. Once the Executive Director has determined that she has reason to

believe a violation of law may have occurred, that complaint is logged as a formal complaint. Table 1 summarizes the number of pending formal complaints within the Ethics Commission’s jurisdiction that remained pending as of December 15, 2016. In addition, for further information about the Commission’s ongoing enforcement caseload, the charts in Attachment 1 provide a snapshot of the number, age and general nature of matters in preliminary review and our open formal complaints as of December 15, 2016.

Table 1 – Summary of Pending Formal Complaints, by Type, as of December 15, 2016

Type	Number
Campaign Finance	9
Governmental Ethics	11
Lobbyist Ordinance	3
Campaign Consultant Ordinance	1
Sunshine Ordinance	1
Whistleblower Ordinance (Retaliation)	3
Total	28

Referrals to Bureau of Delinquent Revenues

The following chart summarizes the status of accounts that remain active that have been referred by the Ethics Commission to the City’s Bureau of Delinquent Revenues:

Committee/Filer	ID #	Treasurer or Responsible Officer	Date Referral Effective	Original Amount Referred	Last Month’s Balance	Current Balance	Status
Chris Jackson	1347066	Chris Jackson	7/12/13	\$6,601	\$6,601	\$6,601	Judgement issued 11/18/15 Small Claims Court
Committee to Elect Norman for Supervisor	1327771	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	
Bob Squeri for District 7	1346150	Bob Squeri	5/01/15	\$2,000	\$2,000	\$2,000	
Isabel Urbano	153993	Isabel Urbano	3/23/16	\$7,000	\$7,000	\$7,000	
Chris Jackson	1347066	Chris Jackson	9/26/16	\$6,100	-	\$6,100	
					Total	\$24,601	

I look forward to answering any questions you might have at the upcoming Commission meeting.

Age of Open Formal Complaints Caseload

as of December 15, 2016 (n=28)

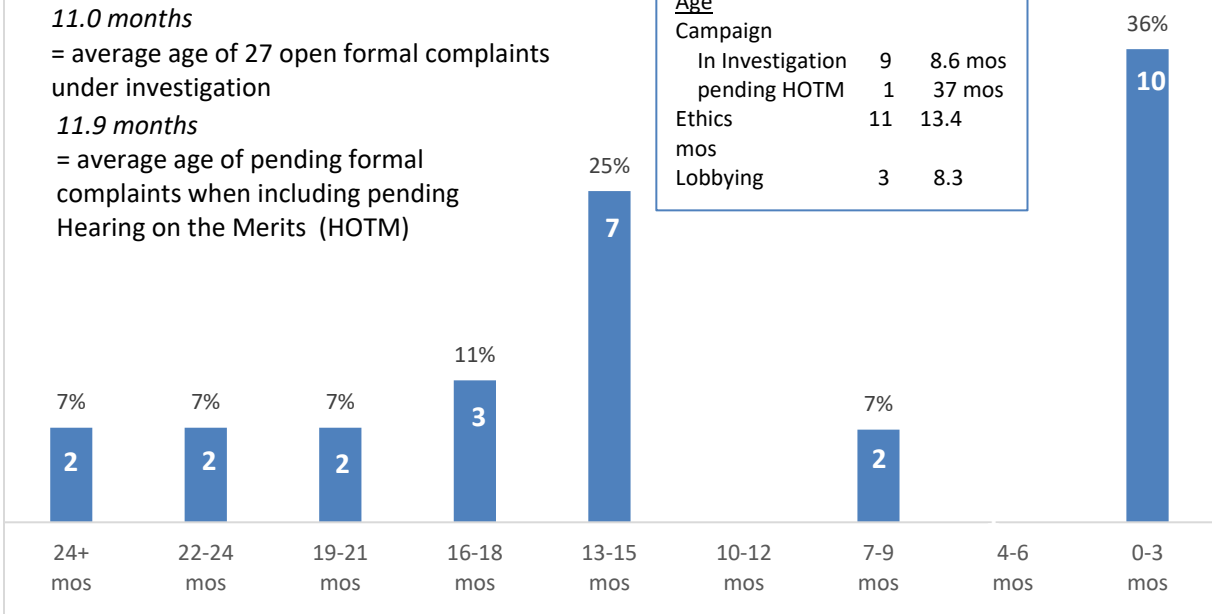
11.0 months

= average age of 27 open formal complaints under investigation

11.9 months

= average age of pending formal complaints when including pending Hearing on the Merits (HOTM)

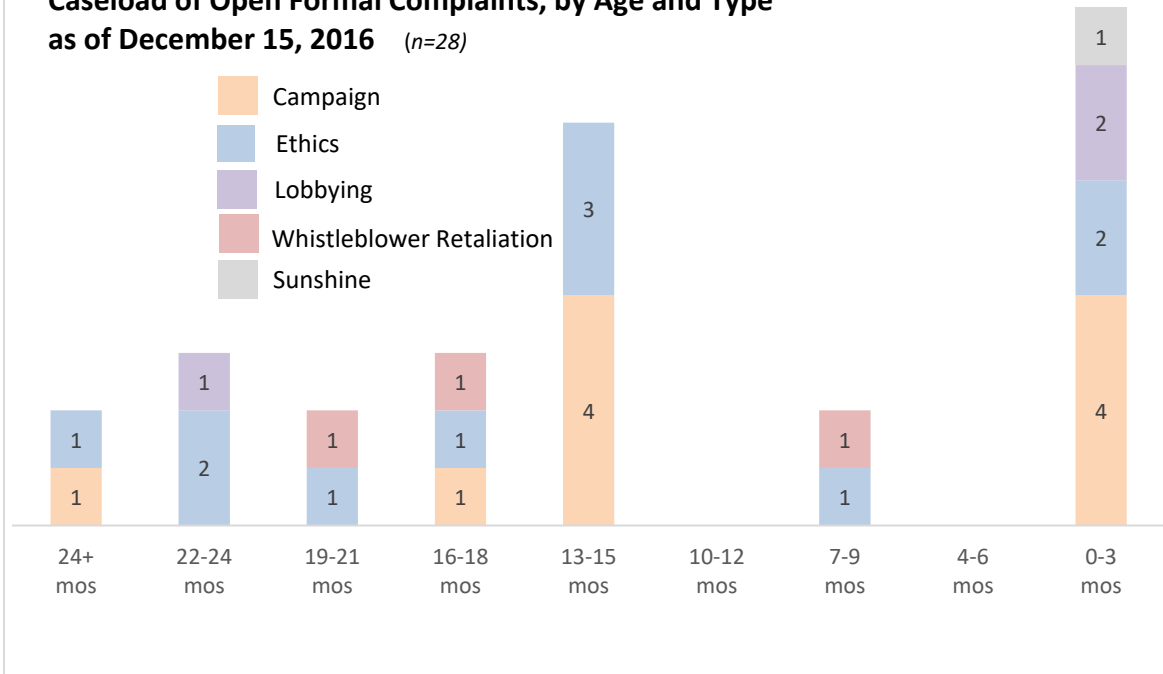
By Type	#	Avg
<u>Age</u>		
Campaign		
In Investigation	9	8.6 mos
pending HOTM	1	37 mos
Ethics	11	13.4
mos		
Lobbying	3	8.3



Caseload of Open Formal Complaints, by Age and Type

as of December 15, 2016 (n=28)

- Campaign
- Ethics
- Lobbying
- Whistleblower Retaliation
- Sunshine

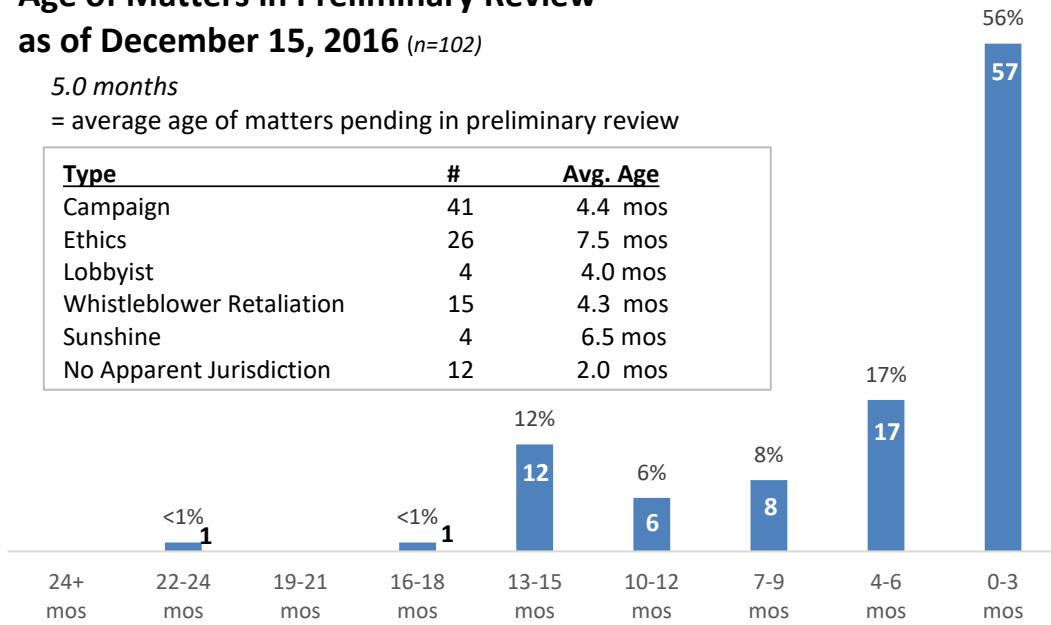


Age of Matters in Preliminary Review as of December 15, 2016 (n=102)

5.0 months

= average age of matters pending in preliminary review

Type	#	Avg. Age
Campaign	41	4.4 mos
Ethics	26	7.5 mos
Lobbyist	4	4.0 mos
Whistleblower Retaliation	15	4.3 mos
Sunshine	4	6.5 mos
No Apparent Jurisdiction	12	2.0 mos



Caseload of Matters Under Preliminary Review (PR), by Age and Type as of December 15, 2016 (n=102)

- Campaign
- Ethics
- Lobbying
- Whistleblower Retaliation
- Sunshine
- No apparent jurisdiction

