



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

PAUL A. RENNE
CHAIRPERSON

PETER KEANE
VICE-CHAIRPERSON

BEVERLY HAYON
COMMISSIONER

DAINA CHIU
COMMISSIONER

QUENTIN L. KOPP
COMMISSIONER

LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: February 21, 2017

To: Members of the Ethics Commission

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

Subject: **AGENDA ITEM 7**
Enforcement Program Report for the February 27, 2017, 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

Staff visited the offices of the Fair Political Practices Commission on February 9 to see a demonstration of the FPPC's new cloud-based case management system. The system receives online complaints, automatically populates preliminary review files, tracks preliminary review projects, converts matters into case investigations, docketed and tracks investigations, and provides a mechanism for uniform file management at the resolution of cases. Staff is now working with the FPPC to obtain further information about the possible costs and feasibility for use at the Ethics Commission. Staff is also researching options for case tracking systems that may be otherwise available through existing City relationships. Staff met with the City Attorney's Office for a demonstration of its litigation and advice tracking programs, for example, as well as the Controller's Office for a demonstration of its complaint and investigation management database. Staff is encouraged by these programs and hopes to have a solution in place to replace the current spreadsheet tracking method by the end of this calendar year.

Sunshine Ordinance Task Force Hearings

On February 1, Staff appeared before the full Sunshine Ordinance Task Force (SOTF) to represent the Commission in the matters *Michael Petrelis v. LeeAnn Pelham, et. al.*, SOTF Complaint No 16091, and *Michael Petrelis v. LeeAnn Pelham, et. al.*, SOTF Complaint No 16099. A summary of the proceeding follows.

Michael Petrelis filed Complaint No. 16091 on September 28, 2016, two days after the Commission's September 26 regular meeting during which Mr. Petrelis attempted to hold up a political sign with vulgar language on the back during his and others' public comment periods.

The SOTF heard Complaint No. 16091 at 8:15 p.m., and the hearing lasted approximately fifteen minutes. The SOTF voted to find that the Ethics Commission did not violate the Sunshine Ordinance as alleged in the complaint.

The SOTF then took up Mr. Petrelis’s second complaint against the Commission—Complaint No. 16099. Mr. Petrelis filed his second complaint on October 18, 2016, after the Commission’s October 16 special meeting during which Mr. Petrelis objected to Chair Renne’s reading aloud of a new “Meeting Decorum” paragraph on the standard agenda without giving the public an opportunity to comment. The SOTF heard Complaint No. 16091 at 8:30 p.m., and the hearing lasted approximately one hour and fifteen minutes. The SOTF voted to find that the Ethics Commission did not violate the Sunshine Ordinance as alleged in the complaint.

On February 21, 2017, the SOTF Education & Compliance Committee heard Complaint No. 16116 against Commissioner Quentin Kopp filed by Ray Hartz, Jr. Mr. Hartz filed his complaint against Commissioner Kopp after the January 23, 2017, meeting, alleging that Commissioner Kopp violated sections 67.15 and 67.17 of the Sunshine Ordinance when he asked Mr. Hartz to stop using vulgar language during his public comment. Staff will provide a more detailed report regarding the outcome of the hearing during the meeting.

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 February 15, 2017. Table 2 shows the number and type of matters in preliminary review as of February 15, 2017. More detailed information about the Commission’s enforcement caseload is provided in Attachment 1, including a snapshot of the number, age, and general nature of formal complaints as well as matters in preliminary review. Of note, Staff continue to make progress working through the oldest complaints and investigations. Staff continues to prioritize preliminary review of those complaints.

Table 1 – Summary of Pending Formal Complaints, by Type, as of February 15, 2017

Type	Number
Campaign Finance	7
Governmental Ethics	12
Lobbyist Ordinance	3
Sunshine Ordinance	0
Whistleblower Ordinance (Retaliation)	2
Total	24

Table 2 – Summary of Matters Pending Preliminary Review, by Type, as of February 15, 2017

Type	Number
Campaign Finance	51
Governmental Ethics	33
Lobbyist Ordinance	6
Sunshine Ordinance	15
Whistleblower Ordinance (Retaliation)	5
No Apparent Jurisdiction	13
Total	123

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/ 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	
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	
					Total	\$99,009.19	

Status of Outstanding Penalty Installment Plans

Name	File No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No	Notes
Kim Shree Maufas	13-100730	\$2,575	\$50	1/15/17	\$600	Yes	Kim Shree Maufas
Kim Shree Maufas	13-000730	\$2,000	\$50	1/15/17	\$600	Yes	Kim Shree Maufas
Stuart Schuffman	29-151023	2,550	1,276	1/31/17	\$1,276	Yes	Stuart Schuffman

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

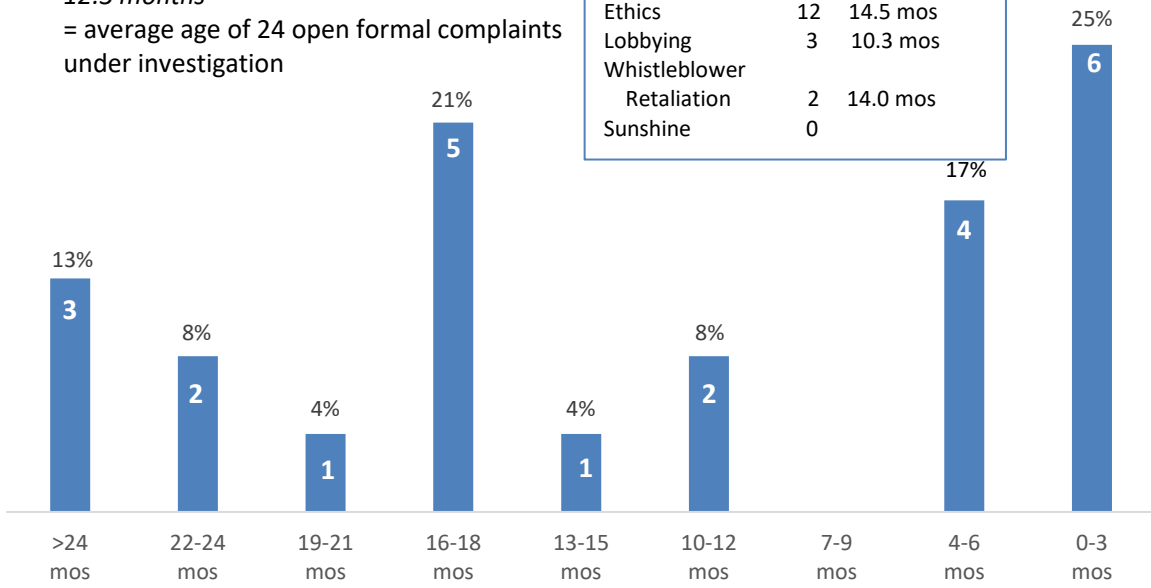
Age of Open Formal Complaints Caseload

as of February 15, 2017 (n=24)

12.3 months

= average age of 24 open formal complaints under investigation

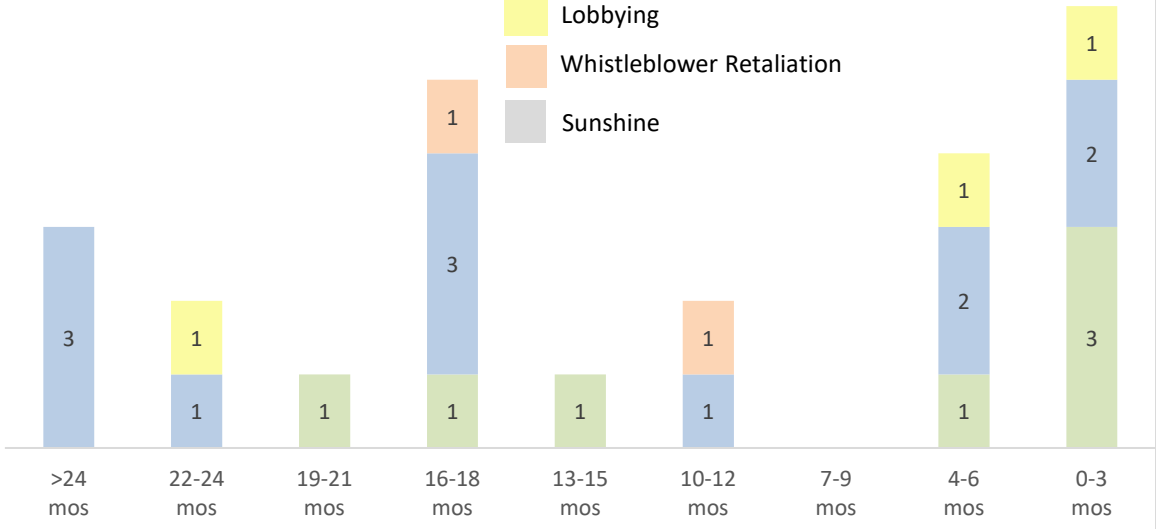
By Type	#	Avg Age
Campaign	7	9.0 mos
Ethics	12	14.5 mos
Lobbying	3	10.3 mos
Whistleblower Retaliation	2	14.0 mos
Sunshine	0	



Caseload of Open Formal Complaints, by Age and Type

as of February 15, 2017 (n=24)

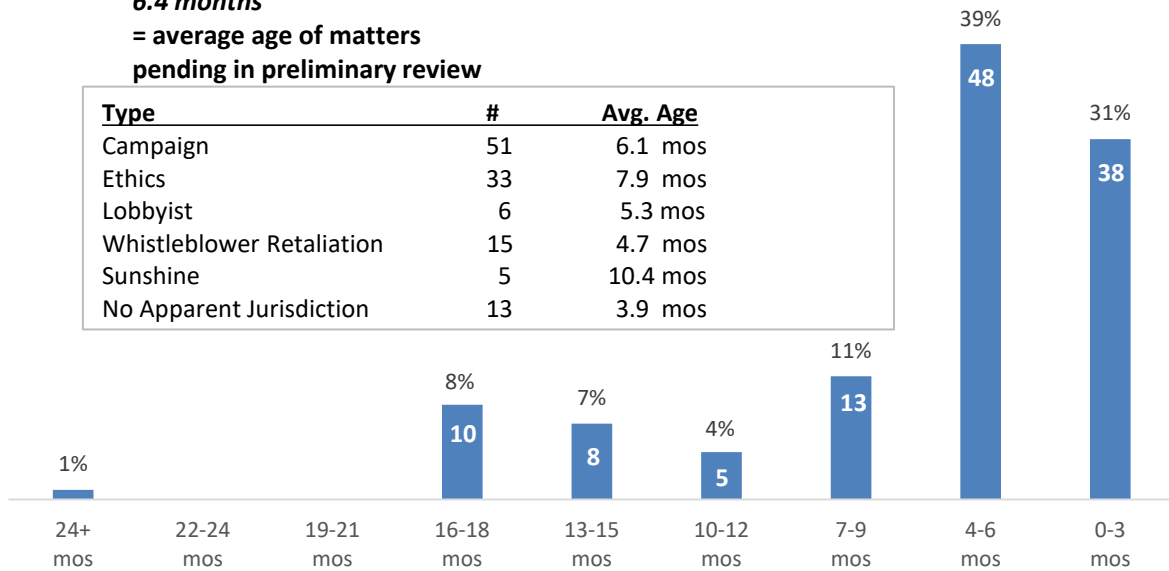
- Campaign
- Ethics
- Lobbying
- Whistleblower Retaliation
- Sunshine



Age of Matters in Preliminary Review as of February 15, 2017 (n=123)

6.4 months
= average age of matters
pending in preliminary review

Type	#	Avg. Age
Campaign	51	6.1 mos
Ethics	33	7.9 mos
Lobbyist	6	5.3 mos
Whistleblower Retaliation	15	4.7 mos
Sunshine	5	10.4 mos
No Apparent Jurisdiction	13	3.9 mos



Caseload of Matters Under Preliminary Review (PR), by Age and Type as of February 15, 2017 (n=123)

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

