



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

PETER KEANE
CHAIRPERSON

DAINA CHIU
VICE-CHAIRPERSON

PAUL A. RENNE
COMMISSIONER

QUENTIN L. KOPP
COMMISSIONER

VACANT
COMMISSIONER

LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: June 22, 2017

To: Members of the Ethics Commission

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

Subject: **AGENDA ITEM 6**
Enforcement Program Report for the June 26, 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

This month, Staff worked expeditiously to review several outstanding complaints formerly bottlenecked at the preliminary review stage of the enforcement process. As detailed in the attachments, Staff opened seven new investigations and dismissed fourteen complaints. Each of the remaining 119 complaints in preliminary review has been assigned to an investigator. Staff anticipates substantially completing our preliminary review of outstanding complaints by the August 2017 Commission meeting.

Organizationally, Staff developed a new case tracking method by working with our FUSE Fellow to identify important metrics for tracking cases through the tool available to us: Microsoft Excel. Staff is excited about this new tracking tool, which will prove invaluable until we can procure case management software in conjunction with the Controller's Office. Staff also improved work flow processes for preliminary review approvals and made significant progress in its ongoing project to evaluate and rethink the enforcement review process for complaints received. Staff had hoped to bring Draft Enforcement Regulations to the Commission this month, but Staff will do so in August.

Finally, the Commission was happy to send Senior Investigative Analysts Tanya Smith and Jeff Pierce to the National Institute of Trial Advocacy's three-day Deposition Skills training course in Los Angeles the week of June 12. NITA offers the preeminent course on deposition skills training. During the course, Jeff and Tanya received personalized coaching in real time, so they could make instant course corrections and practice them again in the presence of practicing attorneys who are experts in trial advocacy. NITA's "learning-by-doing" method, when practiced in the safe harbor of the classroom, allows attendees to take calculated risks and perform under pressure, without ever jeopardizing an investigation or matter. Deposition

skills are critical to successful administrative prosecution, and the question-and-answer techniques Jeff and Tanya learned in this training are transferable to witness interviewing. I have personally attended the NITA course and was once a certified-NITA trainer for the deposition and trial advocacy programs. I regard NITA courses highly and believe Jeff and Tanya benefitted tremendously from attending the course in L.A. I look forward to viewing Jeff and Tanya first-hand when they take their first deposition in the context of an investigation.

In addition to deposition training, six Staff members attended the first of two webinars for legal research and writing hosted by legal writing scholar Bryan Garner through his legal training company LawProse. The first webinar took place on June 7 and was titled “Framing Your Thoughts--Divide & Conquer: Compose in an orderly, planned way. Learn to think efficiently and prepare yourself properly.” The second, scheduled for June 28, is titled “Structuring Your Analytical and Persuasive Writing--Use the elements of rhetorical discourse to your advantage; Learn how to take advantage of the most important part of any presentation: The opener.” In the first course, Staff worked through exercises designed to sharpen their analytical and writing skills. Staff learned primary tools and techniques to make the most of their abilities. With Bryan Garner’s tips, Staff will have the tools we need to succeed at challenging legal writing projects, such as drafting probable cause reports, accusations, and hearing briefs. Staff has welcomed Bryan Garner’s training with open arms by sharing tips and tactics they’ve learned from follow-up research and review of his training materials. We are excited to be able to participate in this valuable training.

Operational Updates/Investigative Caseload Data

Investigative matters under the jurisdiction of the Ethics Commission are treated as formal complaints meriting investigation after the Executive Director’s preliminary review finds there is reason to believe a violation of law may have occurred. Once the Executive Director has made that determination, 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 June 19, 2017. More detailed information about the Commission’s enforcement caseload is provided in Attachment 1. Attachment 1 offers a snapshot of the number, age, and general nature of matters in preliminary review as well as our open formal complaints as of June 19, 2017.

Table 1 – Summary of Pending Formal Complaints, by Type, as of June 19, 2017

Type	Number
Campaign Finance	10
Governmental Ethics	18
Lobbyist Ordinance	4
Sunshine Ordinance	0
Whistleblower Ordinance (Retaliation)	2
Total	34

Referrals to Bureau of Delinquent Revenues

Table 2 – Summary of 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	Referral	Original Amount Referred	Last Month’s Balance	Current Balance	Status
Chris Jackson	1347066	Chris Jackson	7/12/13	\$6,601	\$6,601	\$5,100.99	Writ of Execution processed for Small claims judgment case # CSM-12-842613, June 7, 2017
Committee to Elect Norman for Supervisor	1327771	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	Filed Small Claims case for outstanding balance. CSM-17-855221. Hearing date 7/5/17 at Superior Court of San Francisco.
Bob Squeri for District 7	1346150	Bob Squeri	5/01/15	\$2,000	\$2,000	\$2,000	Filed Small Claims case for outstanding balance. CSM-17-855451. Hearing date 8/1/17 at Superior Court of San Francisco.
Isabel Urbano	153993	Isabel Urbano	3/23/16	\$7,000	\$7,000	\$6,775	Payment not received, called debtor for payment over the phone. Payment past due for 3 months @ \$75.00 per month. Paid \$225.00. She agreed to email payment plan contract.
Chris Jackson	1347066	Chris Jackson	9/26/16	\$6,100	-	\$6,100	Filed Small Claims case for outstanding balance. CSM-17-855223. Hearing date 7/5/17 at Superior Court of San Francisco.
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	Legal Department mailed 2 demand letters, with no response from debtor. Legal Department preparing complaint for review.
							Total: \$103, 684.70

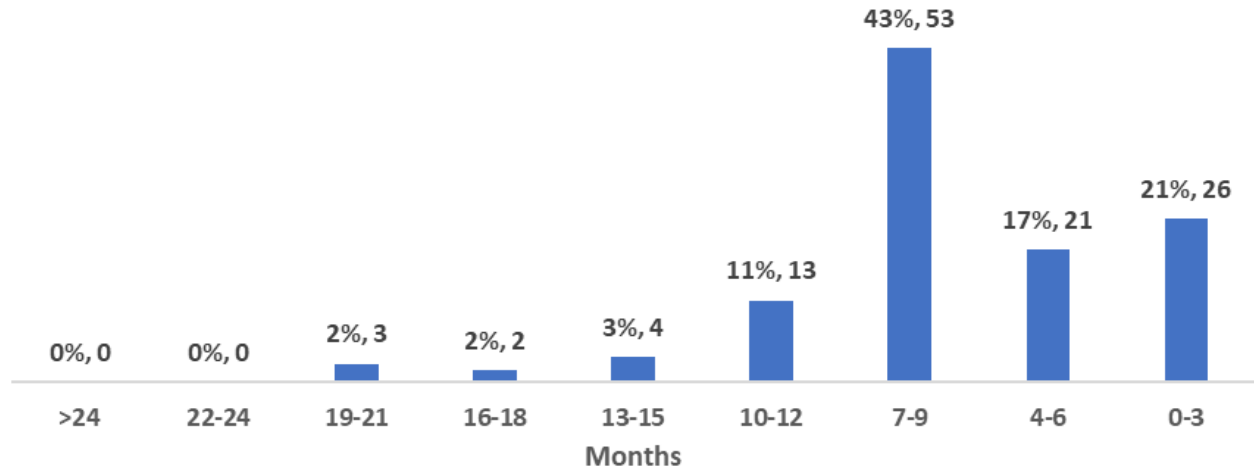
Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of June 19, 2017

Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No
Kim Shree Maufas	1284567	\$2,575	\$50	6/15/17	\$400	Yes
Kim Shree Maufas	1328923	\$2,000	\$50	6/15/17	\$400	Yes

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

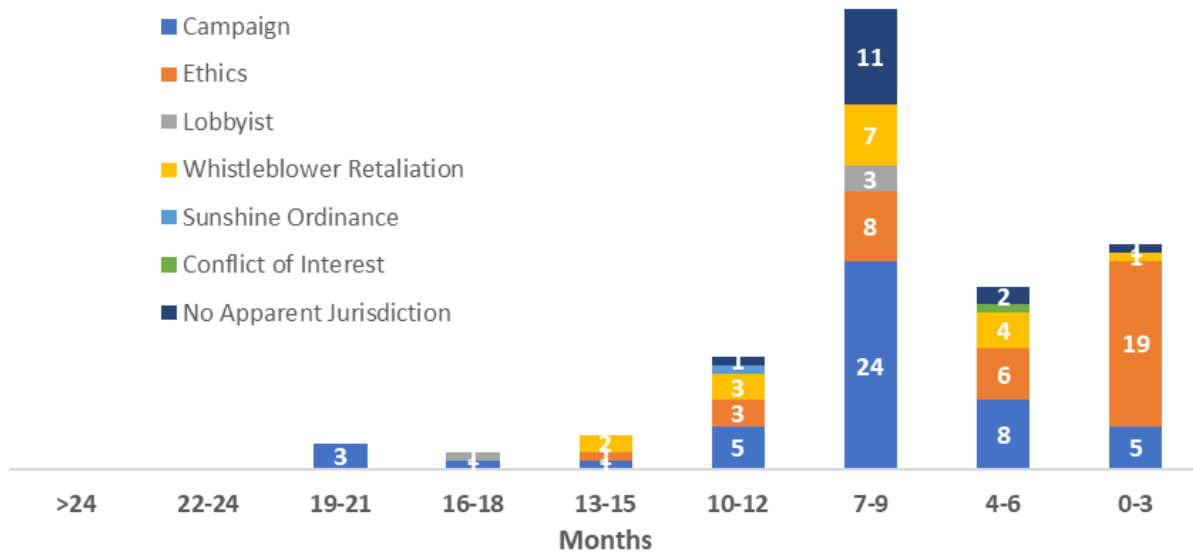
Age of Matters in Preliminary Review as of June 22, 2017 (n=122)

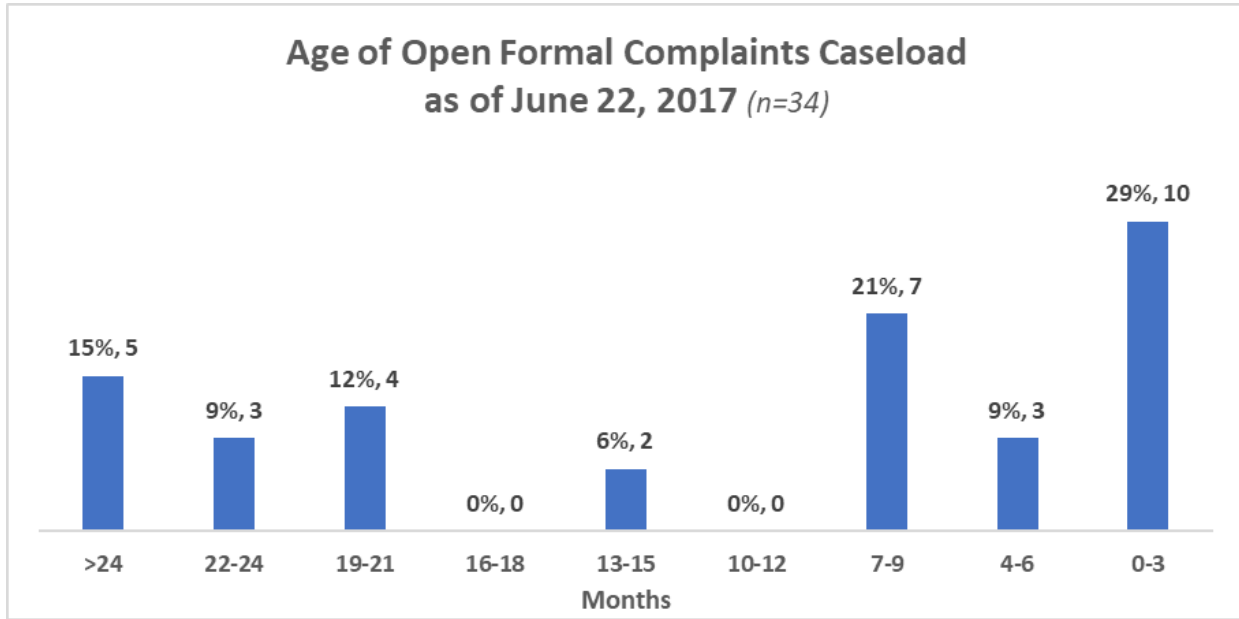


Type	#	Avg. Age
Campaign	47	7.7
Ethics	37	4.7
Lobbyist	4	10.0
Whistleblower Retaliation	17	8.1
Sunshine Ordinance	1	11.0
Conflict of Interest	1	4.0
No Apparent Jurisdiction	15	7.7

6.9 months = average age of matters pending in preliminary review

Caseload of Matters Under Preliminary Review, by Age and Type as of June 22, 2017 (n=122)





Type	#	Avg. Age
Campaign	10	7.5
Ethics	18	13.7
Lobbyist	4	11.0
Whistleblower Retaliation	2	18.5
Sunshine	0	0.0
Conflict of Interest	0	0.0
No Apparent Jurisdiction	0	0.0

11.8 months = average age of open formal complaints

