



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: August 24, 2017

To: Members of the Ethics Commission

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

Subject: **Agenda Item 8: Enforcement Program Report for the August 28, 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

The Enforcement Program has received 16 new complaints since June 15, 2017. After completing a preliminary review, investigators opened eight new investigations and requested dismissal of 25 complaints. These 25 currently await the Executive Director's review. Accordingly, 120 complaints remain in preliminary review as of August 17, 2017. Attachment 1 contains additional detail regarding matters under preliminary review. In August, three open investigations were closed following a determination of no probable cause by the Executive Director and two were referred to outside agencies for investigation, and enforcement. Attachment 2 contains additional detail regarding open investigations. Finally, over the last month, work has continued to resolve open investigations, including settlement negotiations where appropriate.

Revised Procedure for Complaint Dismissal Summaries

The Executive Director must conduct a preliminary review of each formal complaint. Enforcement Regulation § IV(A). This inquiry may include reviewing relevant documents, interviewing the complainant, communicating with the respondent, and any other inquiry to determine whether a full investigation is warranted. *Id.* After preliminary review, the Executive Director may dismiss a complaint if the allegations do not warrant further action. *Id.* at § (B). Thereafter, the Executive Director must provide a monthly summary to the Commission of each complaint dismissed, including the reasons for dismissal, provided that such information complies with the confidentiality requirements of San Francisco Charter Section C3.699-13.

As a practical matter, the Executive Director has historically provided complaint dismissal summaries in a confidential attachment to the Commission’s monthly meeting packet. With the increased volume and pace of work performed by an expanded Enforcement Staff, however, it has become apparent that a revised procedure for informing the Commission of case dismissals can better support the goals of timely resolution of complaints and opportunity for careful oversight by Commissioners.

Currently, complaint dismissal summaries are completed and reviewed in the same period as Staff’s preparation and review of the Commission’s regular meeting packet materials. Dismissals are then provided to the Commission at the same time public meeting materials are also provided for review. This practice has resulted in an uneven workflow among the Staff and can compress the time Commissioners have for their own review of the Executive Director’s determinations. Enforcement Staff, therefore, recommended—and the Executive Director approved—a revised procedure for delivering complaint dismissal summaries to the Commission.

Beginning next month, the Executive Director will send the Commission a summary of complaint dismissals on the 15th of each month. For continuity, the Staff’s public Enforcement Report will continue to be provided to the Commission each month to highlight and track enforcement statistics based on a thirty-day period beginning and ending on the 15th of each month. Staff is confident that this revised procedure will benefit the Commission because Commissioners will receive Staff’s work product every two weeks instead of once at the end of the month. Accordingly, members of the Commission did not receive a monthly summary of Executive Director complaint dismissals for this meeting, as they will receive their monthly summary on September 15 instead.

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 August 18, 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 August 18, 2017.

Table 1 – Summary of Pending Formal Complaints, by Type, as of August 18, 2017

Type	Number
Campaign Finance	17
Governmental Ethics	15
Lobbyist Ordinance	5
Sunshine Ordinance	0
Whistleblower Ordinance (Retaliation)	2
Total	39

Referrals to Bureau of Delinquent Revenues

Table 2 – Summary of the status of accounts that remain after referral 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	Hearing in Superior Court of San Francisco CSM-15 855905 10/4/2017.
Committee to Elect Norman for Supervisor	1327771	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	Hearing in Superior Court of San Francisco CSM-15 855906 10/4/2017.
Bob Squeri for District 7	1346150	Bob Squeri	5/01/15	\$2,000	\$2,000	\$0	Paid in full \$2,070.50 8/2/17 after court appearance.
Isabel Urbano	153993	Isabel Urbano	3/23/16	\$7,000	\$7,000	\$6,775	Debtor made payment of \$75.00 on 8/4/17.
Chris Jackson	1347066	Chris Jackson	9/26/16	\$6,100	-	\$6,100	Writ of Execution filed in Superior Court of San Francisco, CSM-15 848938.
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	Superior Court of San Francisco # CGC-17-559886. Case Management Conference set for 11/29/17. Pending for proof of service.
					Total: \$103, 684.70		

Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of August 22, 2017

Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No
Kim Shree Maufas	1284567	\$2,575	\$50	7/21/17	\$350	No
Kim Shree Maufas	1328923	\$2,000	\$50	7/21/17	\$350	No

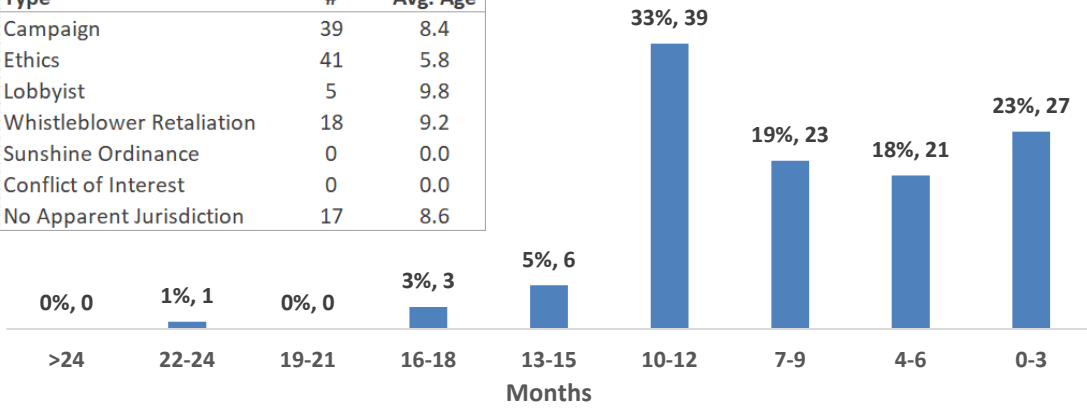
*Ms. Maufas did not submit her August 2017 payment of \$50 for either account as of 8/22/17.

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

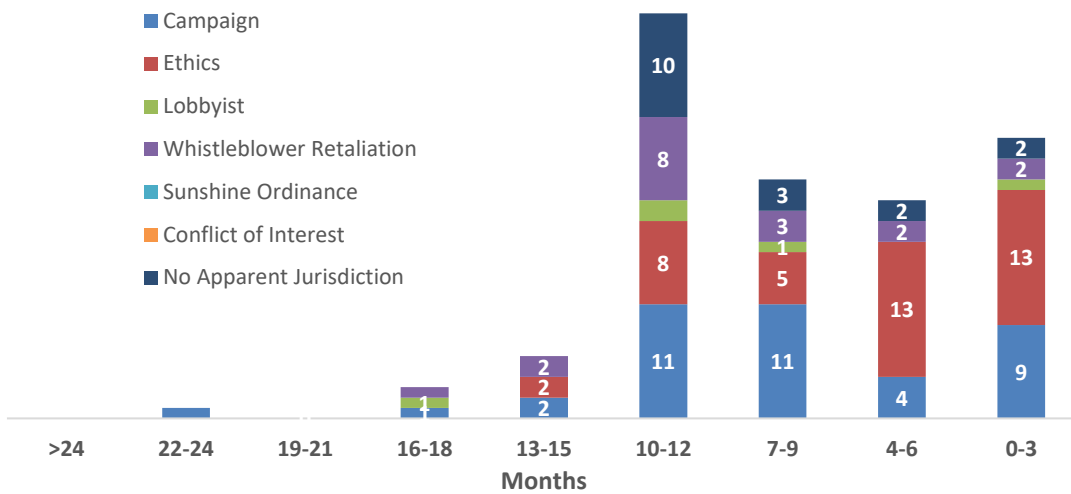
Agenda Item 8, Attachment 1

Age of Matters in Preliminary Review as of August 24, 2017 (n=120)

Type	#	Avg. Age
Campaign	39	8.4
Ethics	41	5.8
Lobbyist	5	9.8
Whistleblower Retaliation	18	9.2
Sunshine Ordinance	0	0.0
Conflict of Interest	0	0.0
No Apparent Jurisdiction	17	8.6



Caseload of Matters Under Preliminary Review, by Age and Type as of August 24, 2017 (n=120)



Agenda Item 8, Attachment 2

