



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: September 20, 2017

To: Members of the Ethics Commission

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

Subject: **Agenda Item 6: Enforcement Program Report for the September 25, 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 five new complaints since August 15, 2017. After completing a preliminary review, investigators opened eight new investigations and dismissed 27 complaints. Seventeen preliminary review reports currently await the Executive Director's review. Accordingly, 96 complaints remain in preliminary review as of September 19, 2017. Attachment 1 contains additional detail regarding matters under preliminary review. In September, three open investigations were closed pursuant to Stipulated Decisions and Orders, which will be posted on the Commission's website on September 26. 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.

Update on Enforcement Regulation Revision Stakeholder Engagement

Staff met with interested persons on Monday, September 18 at 12:00 p.m. and on Wednesday, September 20 at 4:30 p.m. A copy of the presentation Staff gave at each Interested Persons Meeting is provided as Attachment 3. Three commenters attended the meeting on Monday and presented verbal public comment; Staff will update the Commission regarding attendance at the September 20 meeting during the Commission's regular meeting on September 25. Staff requested that all commenters follow their verbal public comment by submitting written public comment to Staff by October 15. Staff plans on releasing a first draft of the revised regulations next week, so the public has opportunity to review in advance of the October 15 comment deadline. Depending on the volume of written public comments,

Staff plans on responding to public comments in writing for presentation to the Commission at its October Commission meeting. The Commission will then hear verbal public comment and give Staff any policy direction it deems appropriate. The Commission could vote to adopt Staff's proposed regulations as early as November 2017 but may wish to continue the stakeholder process to December. Staff looks forward to receiving feedback from the Commission regarding the process.

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 September 19, 2017. More detailed information about the Commission's enforcement caseload is provided in Attachment 1. Attachment 2 offers a snapshot of the number, age, and general nature of matters in preliminary review as of September 19, 2017.

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

Type	Number
Campaign Finance	24
Governmental Ethics	16
Lobbyist Ordinance	5
Sunshine Ordinance	0
Whistleblower Ordinance (Retaliation)	2
Total	47

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	14-131112	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	SFO-153993	Isabel Urbano	3/23/16	\$7,000	\$6,850	\$6,775	Debtor made payment of \$225 to BDR. Debtor said will make 3 payments of \$75 on 9/14/17. Payment not received as of 9/19/17.
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$6,100	-	\$6,100	Hearing in Superior Court of San Francisco CSM-15 855905 10/4/2017.
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	Legal Department filed in Superior Court of # CGC-17-559886. Case Management Conference set for 11/29/17. Pending for proof of service.
						Total: \$101,384.18	

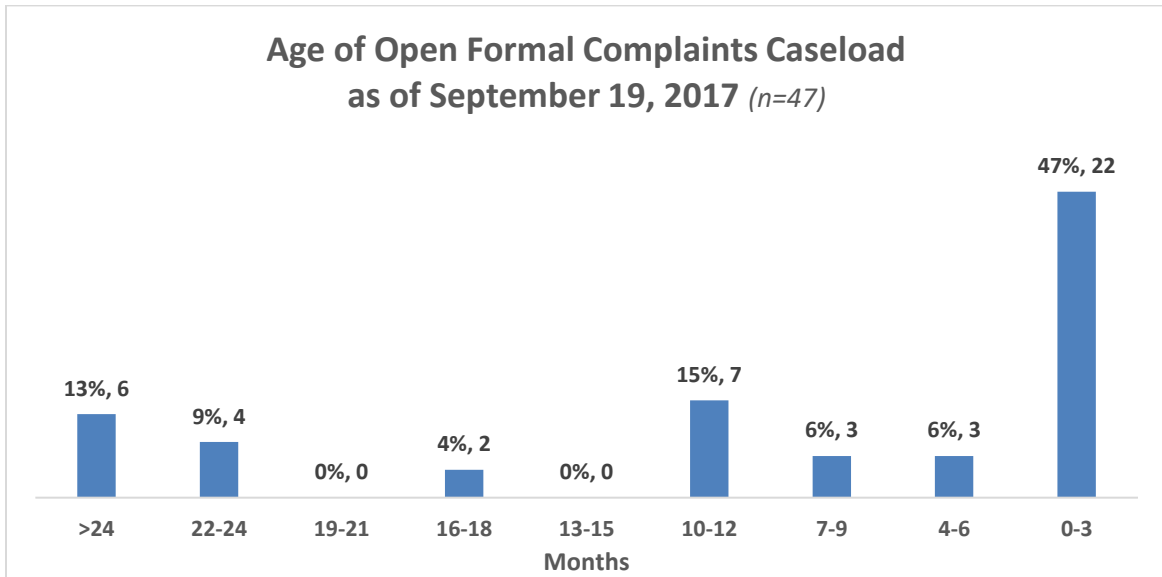
Status of Outstanding Penalty Installment Plans

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

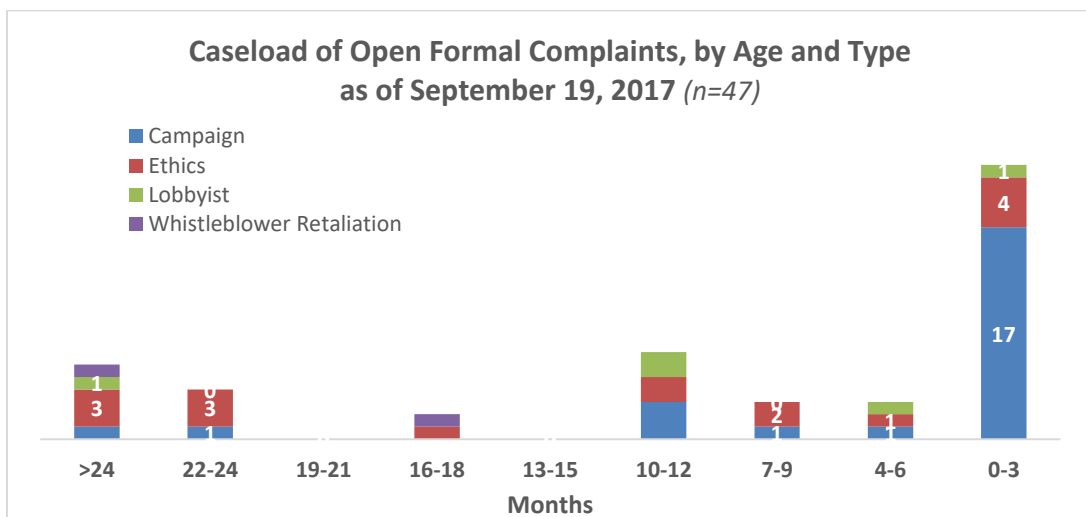
Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No
Kim Shree Maufas	1284567	\$2,575	\$50	8/21/17	\$300	yes
Kim Shree Maufas	1328923	\$2,000	\$50	8/21/17	\$300	yes

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

Agenda Item 6, Attachment 1

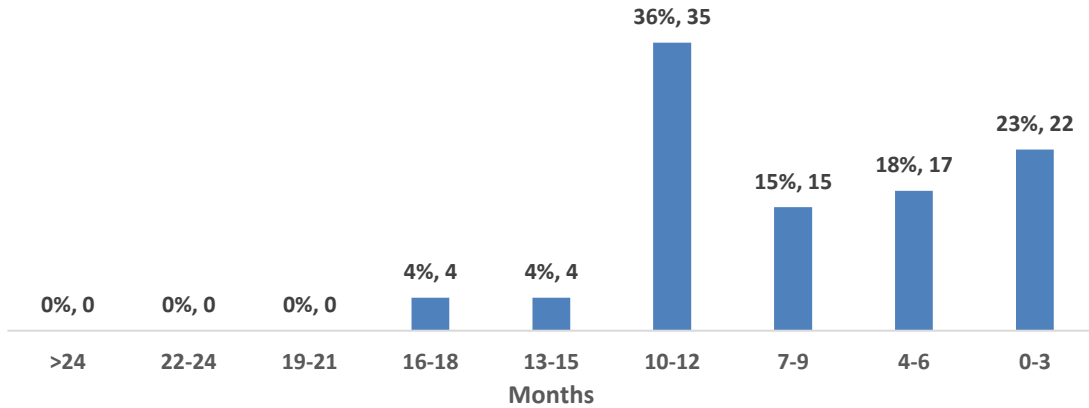


Type	#	Age
Campaign	24	4.8
Ethics	16	14.1
Lobbyist	5	12.0
Whistleblower		
Retaliation	2	21.5
Sunshine	0	0.0
No Apparent Jurisdiction	0	0.0



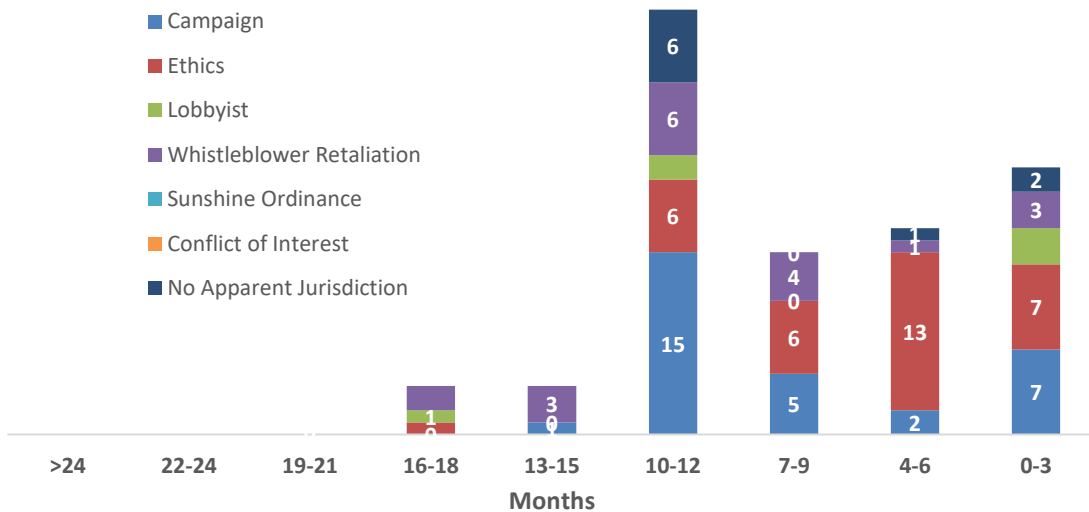
Agenda Item 6, Attachment 2

Age of Matters in Preliminary Review as of September 19, 2017 (n=97)



Type	#	Age
Campaign	30	7.9
Ethics	33	6.5
Lobbyist	6	7.2
Whistleblower Retaliation	19	9.7
Sunshine Ordinance	0	0.0
No Apparent Jurisdiction	9	8.3

Caseload of Matters Under Preliminary Review, by Age and Type as of September 19, 2017 (n=97)



Revising the Ethics Enforcement Regulations

Jessica Blome, Deputy Director, Enforcement & Legal Affairs
jessica.blome@sfgov.org, (252) 415-3100

Enforcement Goals

- Accountable government
- Compliance with City law and policy
- Deterrence
- Punishment

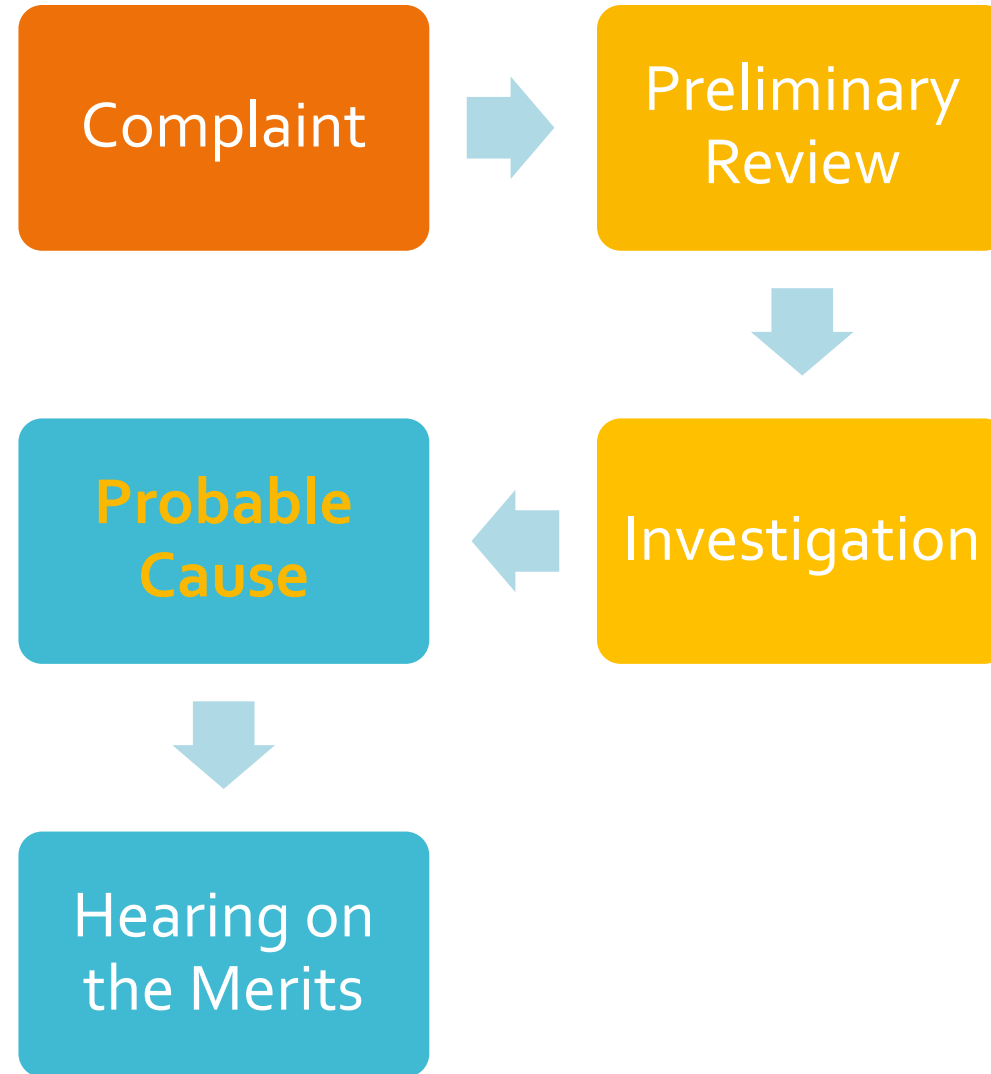


Proposed Changes

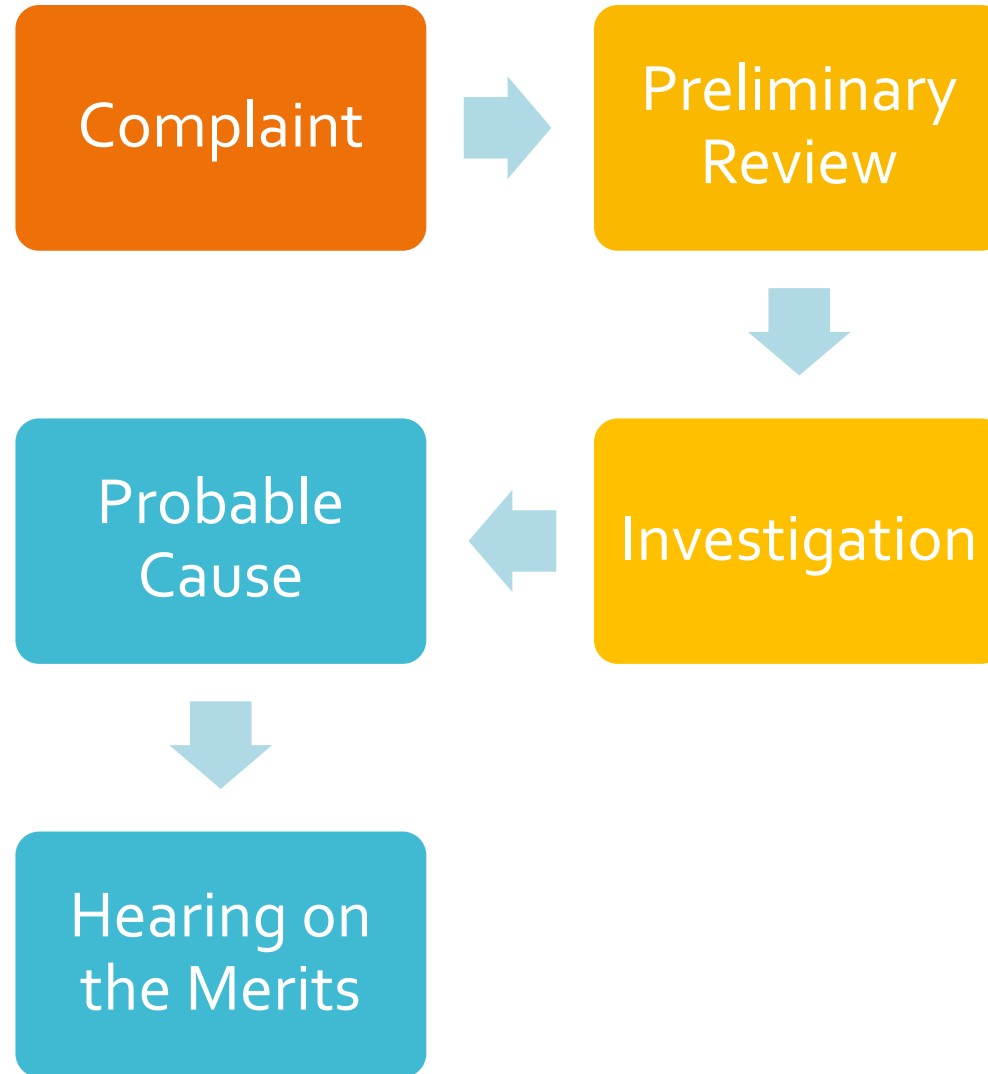


- Delegate responsibility for conducting probable cause conferences and making probable cause determinations to the Executive Director;
- Delegate responsibility to conduct investigations to the Deputy Director for Enforcement;
- Use the Finding of Probable Cause as the charging document for administrative hearing purposes;

SF Charter, C3.699-13



Existing Regulations



Proposed Probable Cause Delegation





Misc. Updates

- Consideration of settlement agreements in public session and allow for certain stipulations to be heard by consent calendar;
- Create comprehensive set of enforcement regulations for all programs;
- Permit the Commission to enter Default Orders;
- Codify Commission policy to waive late fees for weekend filing deadlines and grant waiver of fees for cause.

Ground Rules for Today + Plan Going Forward



- You may speak for as long as you'd like.
- You may each speak once.
- Use this opportunity to highlight for Staff the part(s) of your comment you feel is most important.
- Staff will release draft or proposed regulations week of September 25.
- Submit written public comment by October 15.
- First introduction of draft regulations with responses to public comment at October meeting.

Specific Questions



- How and whether the approaches outlined in the Staff's memorandum would strengthen the due process interests and overall effectiveness of the Commission's enforcement process?
- What additional changes could strengthen the workability, impartiality, timeliness, and transparency of the Commission's enforcement process?
- What approaches taken in other jurisdictions should be considered to strengthen the effectiveness of the Commission's investigative and enforcement processes?