



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: December 13, 2017

To: Members of the Ethics Commission

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

Subject: **AGENDA ITEM 8: Enforcement Report for the December 18, 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 Commission received five complaints since November 17, 2017. Due to planned vacation, illness, and Staff's participation in the Council on Governmental Ethics Laws (COGEL) Annual Conference, Staff was unable to finalize twenty-nine preliminary review reports that await supervisorial approval. However, Staff did open one investigation. In total, 91 complaints remain in preliminary review as of December 13, 2017. Attachment 1 contains additional detail regarding matters under preliminary review. 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 the Sunshine Ordinance Task Force (SOTF) Complaint Committee on November 28 and the full panel of the SOTF on December 6 to discuss and obtain additional comment regarding the Commission's draft enforcement regulations. Further detail regarding the SOTF's public comment is provided in Agenda Item 5.

Sunshine Ordinance Task Force Hearings

Complaint No. 17095. On December 6, 2017, Staff appeared before the SOTF for a hearing on one of Ray Hartz, Jr.'s complaints against the Commission for allegedly violating the Sunshine Ordinance. Mr. Hartz alleges that Commissioner Renne violated Section 67.17 by "aiding and abetting" Commissioner Kopp's violation of the Sunshine Ordinance during the Commission's December 19, 2016, meeting. Last March, the SOTF determined that both Commissioner Kopp and the Ethics Commission as a whole had violated Section 67.15 of the Sunshine Ordinance by abridging Mr. Hartz's public comment time by approximately seven or eight seconds. On

December 6, the SOTF voted to affirm that it had already found Commissioner Renne in violation of the Sunshine Ordinance and did not need to address the issue again.

Council on Governmental Ethics Laws (COGEL) Annual Conference

I attended the 39th annual Council on Governmental Ethics Laws (COGEL) Annual Conference in Toronto, Canada December 3 through 6. On Sunday, I co-presented a panel on local agency initiatives with New York City Conflict of Interest Board Engagement Director Alex Kipp. I featured our Commission’s efforts to revamp our website as a tool for engagement; require robust disclosure regarding the purpose, amount, and expenditure of behested payments; and re-write our enforcement regulations to strengthen and streamline the process. On Monday, among other things, I attended a case study by a former Illinois State University public employee who sued successfully under the State’s whistleblower retaliation law for the first time. He told a riveting story about engaging in protected whistleblower activity, protracted litigation, and lessons learned. The employee eventually won more than \$4 million in lost wages and punitive damages because of the University’s retaliation against him. On Tuesday, I attended a session featuring the New York City Campaign Finance Board and Center for the Advancement of Public Integrity Director Jennifer Rodgers on using data to investigate and uncover wrongdoing by collecting and categorizing data. On our last day, I listened to several strategic thinkers discuss lessons learned from early reform efforts regarding disclosure of dark money. The Legal Program Director for the Connecticut State Elections Enforcement Commission gave a detailed explanation of how her office discovered that a 501(c)(4) in Ohio had spent more money in Connecticut for a single election than any single source previously.

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 December 13, 2017. As noted above, 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 December 13, 2017.

Table 1 – Summary of Pending Formal Complaints by Type as of December 13, 2017

Type	Nov. 2017	Dec. 2017
Campaign Finance	26	27
Governmental Ethics	18	18
Lobbyist Ordinance	5	5
Sunshine Ordinance	0	0
Whistleblower Ordinance (Retaliation)	2	2
Total	51	52

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	Writ of Execution filed in S.F. Superior Court, CSM-15 848938. In process of verifying the debtor’s place of employment.
Committee to Elect Norman for Supervisor	14-131112	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	BDR attorney to file abstract per judgment received from Superior Court of San Francisco
Isabel Urbano	SFO-153993	Isabel Urbano	3/23/16	\$7,000	\$6,850	\$6,850	Pending for payment plan. BDR received \$225 timely in 12/2017
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$6,100	-	\$6,100	BDR attorney to file abstract per judgment received from Superior Court of San Francisco
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	Debtor filed for bankruptcy. Case assigned number 17-31041, Staff attended Meeting of Creditors in Nov. 2017 and is monitoring case.
Total: \$101,459							

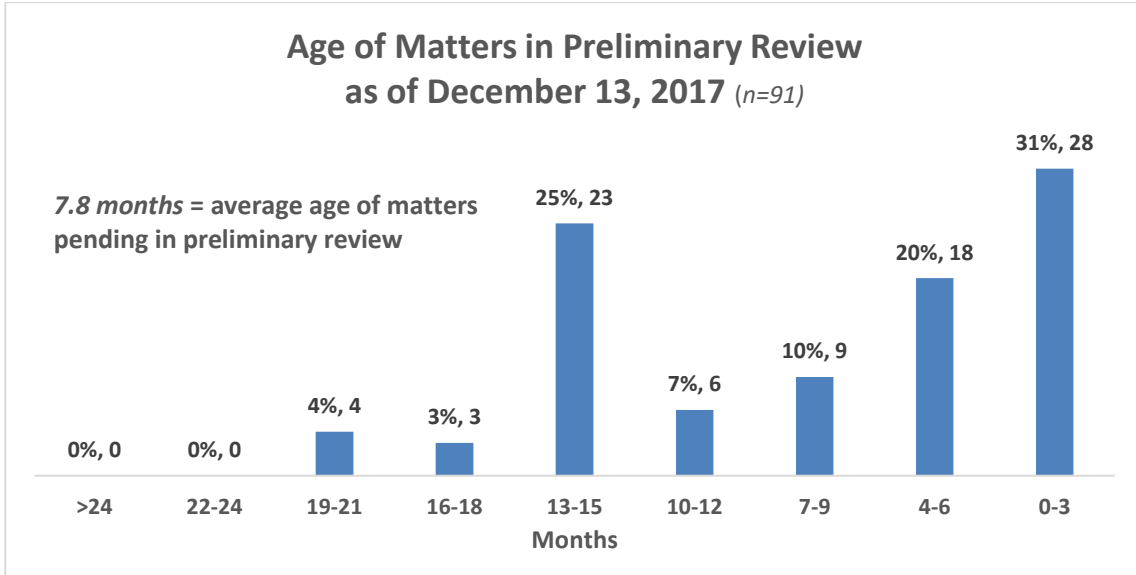
Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of December 13, 2017

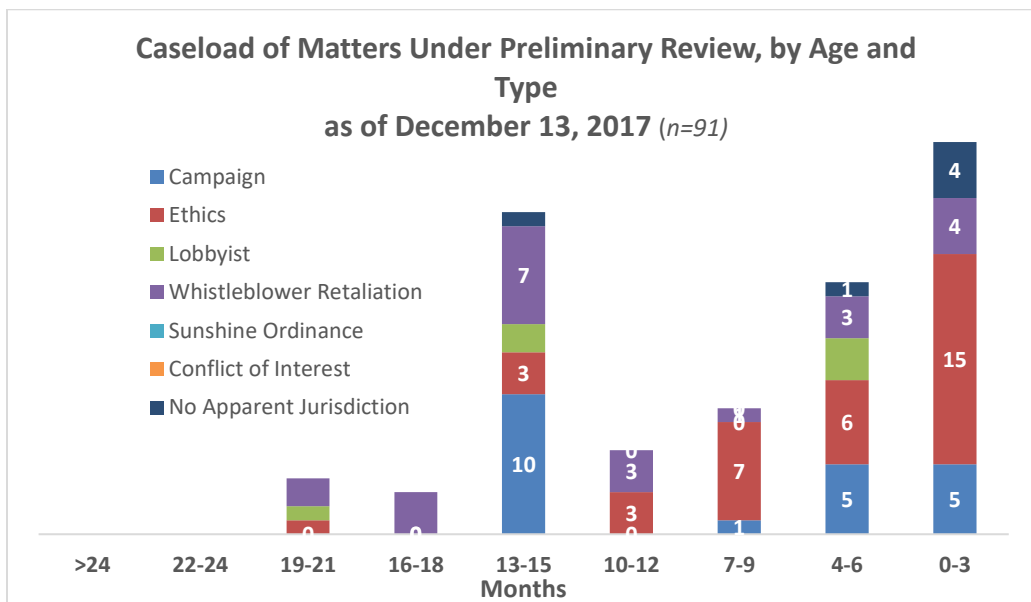
Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No
Kim Shree Maufas	1284567	\$2,575	\$50	11/13/17	\$100	Yes
Kim Shree Maufas	1328923	\$2,000	\$50	11/13/17	\$100	Yes

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

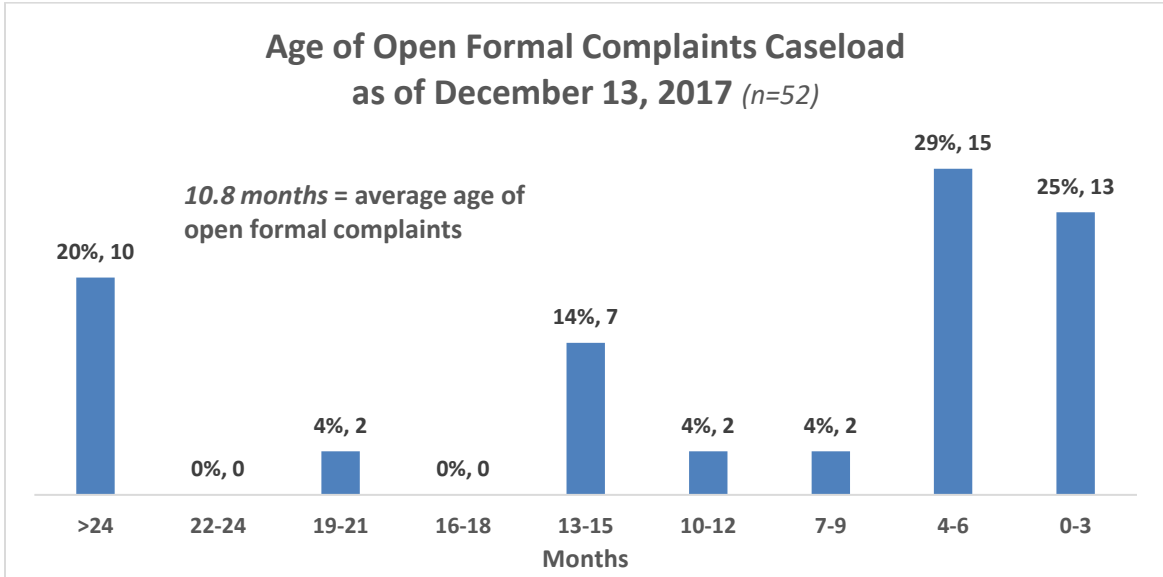
Agenda Item 8, Attachment 1



Type	#	Avg. Age
Campaign	21	8.6
Ethics	35	5.5
Lobbyist	6	10.2
Whistleblower Retaliation	23	10.8
Sunshine Ordinance	0	0.0
No Apparent Jurisdiction	6	4.0



Agenda Item 8, Attachment 2



Type	#	Avg.Age
Campaign	27	6.7
Ethics	18	14.6
Lobbyist	5	14.6
Whistleblower		
Retaliation	2	24.0
Sunshine	0	0.0
No Apparent Jurisdiction	0	0.0

