



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: January 16, 2018

To: Members of the Ethics Commission

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

Subject: **AGENDA ITEM 9: Enforcement Report for the January 19, 2018 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

Since January 12, 2018, the Commission received nine new complaints, and the Executive Director determined that twenty-three complaints merited dismissal because Staff found no basis to believe a violation of the law within the Commission's jurisdiction had occurred. The Enforcement & Legal Affairs program opened eleven new investigations in December and January. In total, 58 complaints remain in preliminary review as of January 12, 2018. 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 two members of the Sunshine Ordinance Task Force (SOTF) on January 2 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. 17044. On December 29, 2017, the SOTF sent the Ethics Commission a notice indicating that the SOTF had scheduled a hearing for January 16, 2018, to determine if YIMBY Action, Inc.'s previous complaint against the Ethics Commission "should be reconsidered due to findings issued by the Office of the District Attorney on October 18, 2017." In the notice, the SOTF states, "If the Task Force determine[s] that the matter should be reconsidered, a hearing will be scheduled on a future date." The initial hearing is scheduled for Tuesday, January 16 at 4:00 p.m. in City Hall, Room 408. That same day, Staff responded to the SOTF

requesting a citation in the Sunshine Ordinance giving the SOTF authority to re-open a complaint for which the SOTF had already held two hearings and issued a final order of determination. The SOTF responded, advising that it may continue the January 16 hearing because it does not have an answer to that question. Staff explained that the Commission would not be present at the January 16 hearing because the City Attorney’s Office advises that its presence is not required, and the Commission does not have any additional facts or argument to present. Staff advised that the Commission considers the record of the Task Force’s official hearings on June 20, 2017, and September 6, 2017, to be the complete record.

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 January 12, 2018. As noted above, more detailed information about the Commission’s enforcement caseload is provided in Attachment 2. Attachment 1 offers a snapshot of the number, age, and general nature of matters in preliminary review as of January 12, 2018.

Table 1 – Summary of Pending Formal Complaints by Type as of January 12, 2018:

| Type | Dec. 2017 | Jan. 2018 |
|---------------------------------------|-----------|-----------|
| Campaign Finance | 27 | 31 |
| Governmental Ethics | 18 | 23 |
| Lobbyist Ordinance | 5 | 5 |
| Sunshine Ordinance | 0 | 0 |
| Whistleblower Ordinance (Retaliation) | 2 | 4 |
| Total | 52 | 63 |

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 | Contacting debtor’s employer to verify employment. |

| | | | | | | | |
|--|------------|-------------------|----------|-------------|---------|-------------|---|
| Committee to Elect Norman for Supervisor | 14-131112 | Jacqueline Norman | 5/01/15 | \$9,000 | \$9,000 | \$9,000 | Filed abstract in San Francisco Superior Court. |
| Isabel Urbano | SFO-153993 | Isabel Urbano | 3/23/16 | \$7,000 | \$6,850 | \$6,850 | Debtor states will pay balance in full. Working with Debtor for an acceptable pay-off date. |
| Chris Jackson | 22-12119 | Chris Jackson | 9/26/16 | \$6,100 | - | \$6,100 | Filed abstract in San Francisco Superior Court. |
| Lynette Sweet | 3544713 | Lynette Sweet | 12/29/16 | \$74,408.19 | -- | \$74,408.19 | Debtor filed for bankruptcy. Case assigned number 17-31041. |
| Total: \$101,459 | | | | | | | |

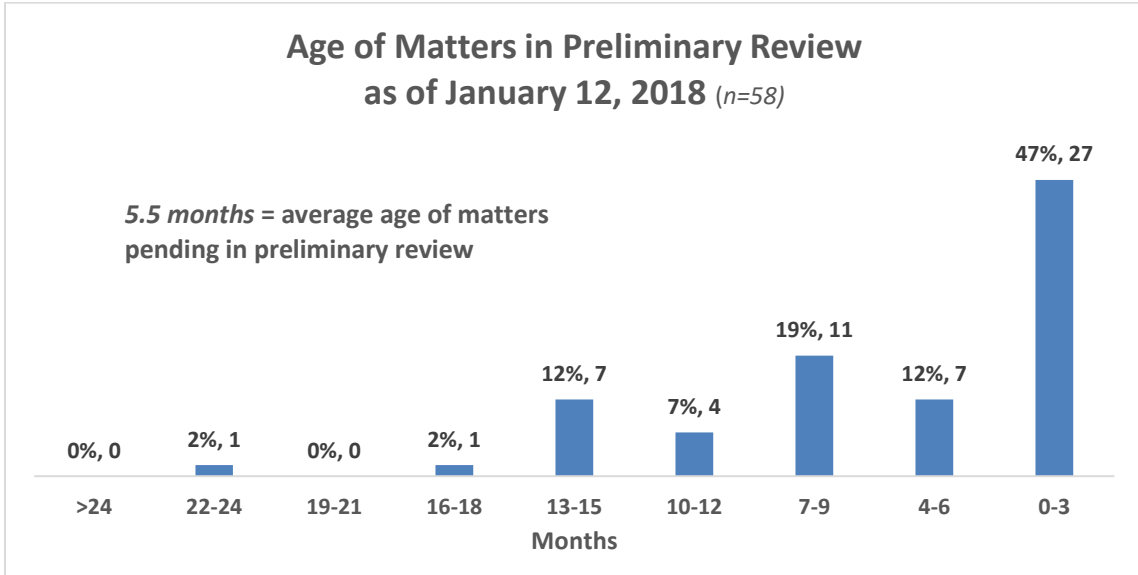
Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of January 12, 2018:

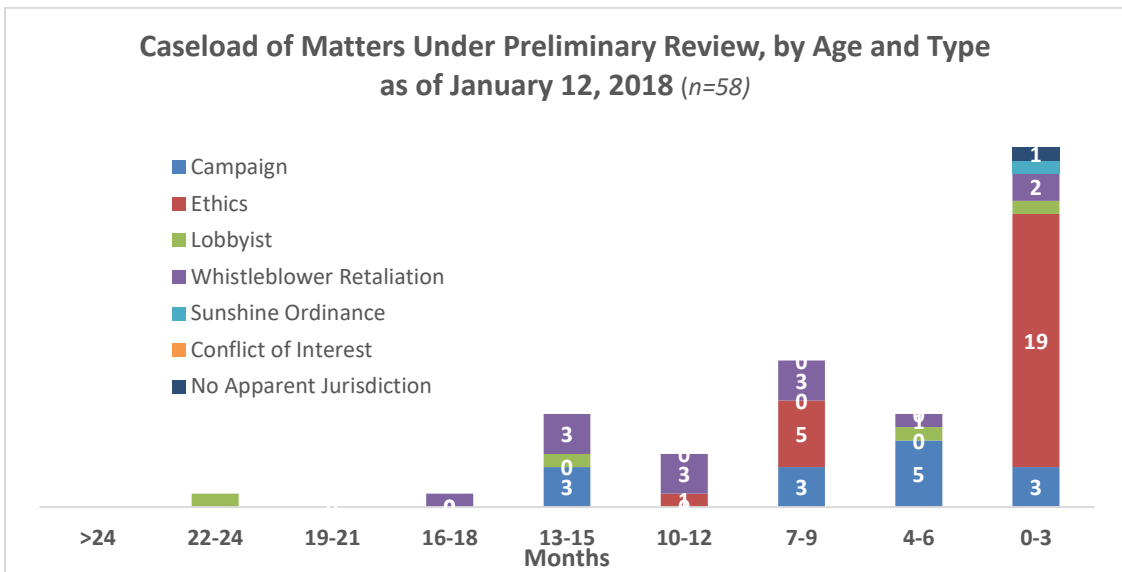
| Name | FPPC No. | Total Owed | Payment Amount | Last Received | Outstanding Balance | Current: Yes/No |
|------------------|----------|------------|----------------|---------------|---------------------|-----------------|
| Kim Shree Maufas | 1284567 | \$2,575 | \$50 | 12/15/17 | \$50 | Yes |
| Kim Shree Maufas | 1328923 | \$2,000 | \$50 | 12/15/17 | \$50 | Yes |

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

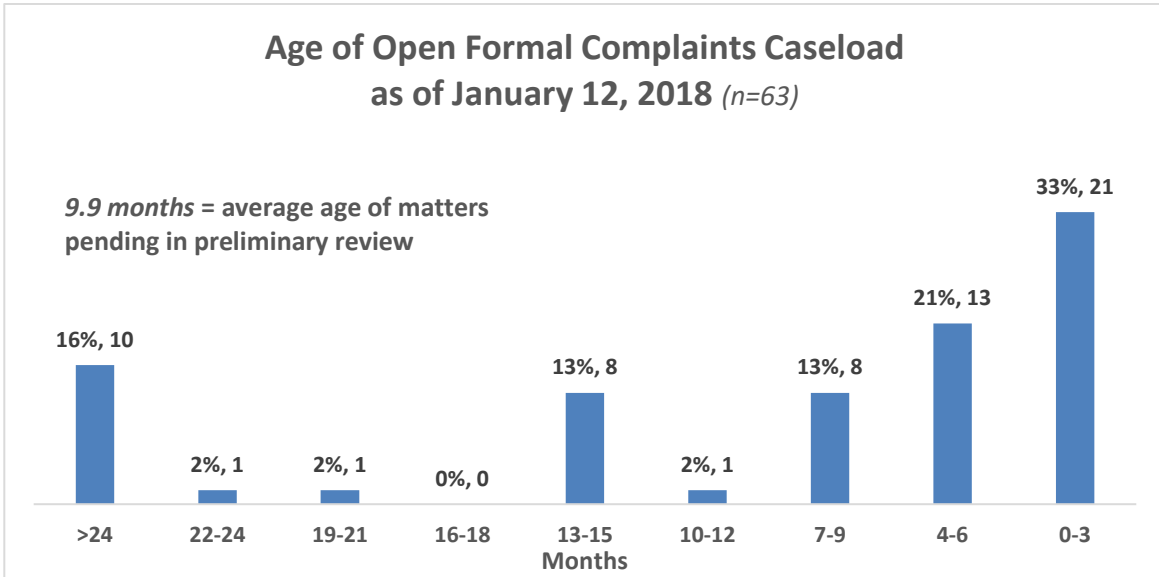
Agenda Item 9, Attachment 1



| Type | # | Avg. Age |
|--------------------------|----|----------|
| Campaign | 14 | 6.4 |
| Ethics | 25 | 2.4 |
| Lobbyist | 4 | 10.5 |
| Whistleblower | | |
| Retaliation | 13 | 9.5 |
| Sunshine Ordinance | 1 | 0.0 |
| No Apparent Jurisdiction | 1 | 3.0 |



Agenda Item 9, Attachment 2



| Type | # | Avg.Age |
|--------------------------|----|---------|
| Campaign | 31 | 6.9 |
| Ethics | 23 | 12.0 |
| Lobbyist | 5 | 15.6 |
| Whistleblower | | |
| Retaliation | 4 | 12.8 |
| Sunshine | 0 | 0.0 |
| No Apparent Jurisdiction | 0 | 0.0 |

