



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

DAINA CHIU  
CHAIR

Date: May 3, 2018

QUENTIN L. KOPP  
VICE-CHAIR

To: Members of the Ethics Commission

PAUL A. RENNE  
COMMISSIONER

From: Jeff Pierce, Acting Director of Enforcement

YVONNE LEE  
COMMISSIONER

Subject: **AGENDA ITEM 10: Enforcement Report for the May 7, 2018 Meeting**

KEVIN V. RYAN  
COMMISSIONER

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**Summary:** This report highlights programmatic information and operational updates related to the Enforcement Program.

LEEANN PELHAM  
EXECUTIVE DIRECTOR

**Action Requested:** No action is required by the Commission, as this item is only for informational purposes.

### Programmatic Highlights

Between March 10, 2018 and April 27, 2018, the Commission received 26 new complaints, and the Executive Director determined that 15 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 has opened seven new investigations since March 10, 2018. In total and as of April 27, 2018, 49 complaints remain in preliminary review and 79 are under open investigation. Notably, the average age of preliminary review matters is now down to 2.7 months, which is down from an average age of 6.9 months at the beginning of this fiscal year. Attachment 1 contains additional detail regarding matters under preliminary review. Attachment 2 contains additional detail regarding open investigations. Finally, over the last month, Staff has continued to resolve open investigations, including by engaging in settlement negotiations where appropriate.

### New Enforcement Regulations in Effect

The Commission adopted new Enforcement Regulations during its meeting on January 19, 2018. San Francisco Charter section 15.102 requires that the Commission transmit to the Board of Supervisors newly adopted regulations within 24 hours of their adoption. On January 20, 2018, Staff complied with the Charter and transmitted the regulations to the Board for its review. Charter section 15.102 further provides that the Commission's regulations will become effective 60 days after the date of adoption unless two-thirds of all members of the Board vote to veto them. On March 20, 2018, the Clerk of the Board issued a Memorandum confirming that because the Board requested no hearing on the regulations, the Commission's new Enforcement Regulations were now in effect. Staff continues to develop procedures to properly implement its new Enforcement Regulations.

## Proposed Stipulations & Consent Calendar

The Commission’s new Enforcement Regulations provide that proposed stipulations (i.e. negotiated settlements) now appear on the Commission’s public agenda by “Consent Calendar” unless specifically called as a separate item for hearing in public session. Use of a consent calendar allows for items not called for discussion to be resolved more expeditiously when approval of items is not requested by a Commission member to be voted upon separately. In adopting this procedure, the Commission sought not only to expedite its meetings but also to increase transparency and stakeholder engagement by allowing public comment on proposed stipulations, which under previous regulations were considered in closed session.

Under new Enforcement Regulation section 12(E), the Executive Director must inform the Commission of a proposed stipulation immediately after she reaches a settlement with a respondent. Thereafter, any member of the Commission may request that the full panel of the Commission review a stipulated order in public session during its next meeting. The Executive Director must receive requests for consideration before the full panel by noon on the fifth calendar day prior to the Commission meeting. If no Commissioner requests review in public session before the full panel, then the stipulated order appears on the public agenda for the next Commission meeting under the Consent Calendar. Members of the public will be permitted to comment on any stipulated order listed on the Consent Calendar.

## Operational Updates/Investigative Caseload Data

Investigative matters under the jurisdiction of the Ethics Commission merit investigation after the Enforcement Director’s preliminary review finds there is reason to believe a violation of law may have occurred. Once the Enforcement Director has made that determination, the Enforcement Director forwards the complaint to the City Attorney and District Attorney under San Francisco Charter section C3.699-13(a) and converts the complaint into an open investigation. Table 1 summarizes the number of open investigations within the Ethics Commission’s jurisdiction that remained pending as of April 27, 2018, and as compared to those pending in the prior month. As noted above, more detailed information about the Commission’s enforcement caseload is provided in Attachments 1 and 2.

Table 1 – Summary of Open Investigations by Type as of April 27, 2018:

Type	March 9, 2018	April 27, 2018
Campaign Finance	35	37
Governmental Ethics	26	29
Lobbyist Ordinance	6	6
Whistleblower Ordinance (Retaliation)	6	7
Sunshine Ordinance	0	0
<b>Total</b>	<b>73</b>	<b>79</b>

## 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	Mailed the debtor the statement of assets form via registered mail.
Committee to Elect Norman for Supervisor	14- 131112	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	Mailed the debtor the statement of assets form via registered mail.
Isabel Urbano	SFO- 153993	Isabel Urbano	3/23/16	\$7,000	\$6,850	\$6,850	Mailed the debtor the statement of assets form via registered mail.
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$6,100	-	\$6,100	Mailed the debtor the statement of assets form via registered mail.
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408. 19	--	\$74,408.19	Debtor filed for bankruptcy. N.D. Cal. Case No. 17- 31041.
<b>Total: \$101,459</b>							

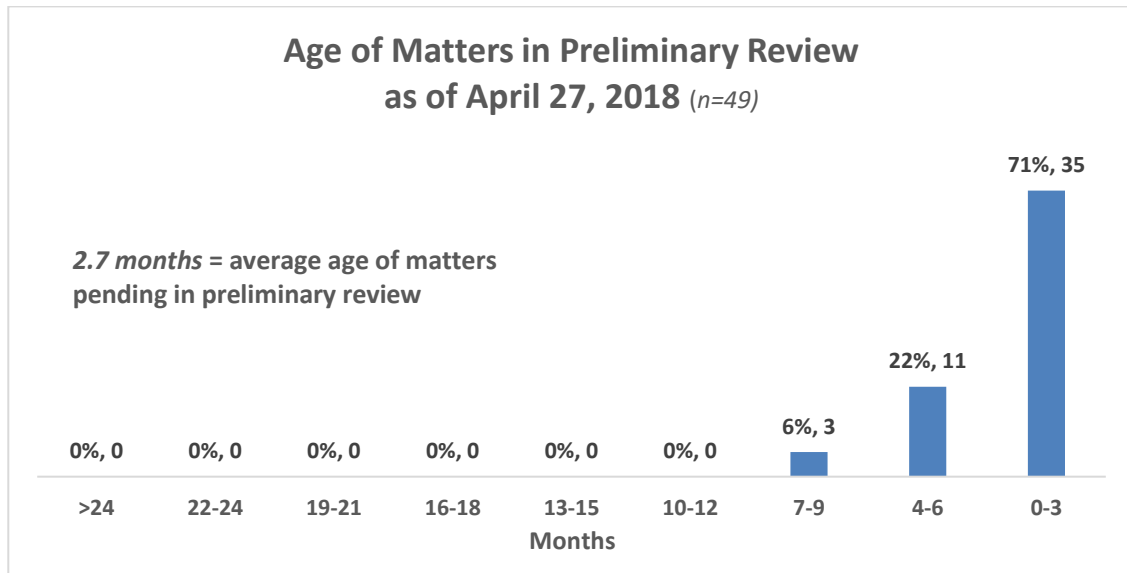
## Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of April 15, 2018:

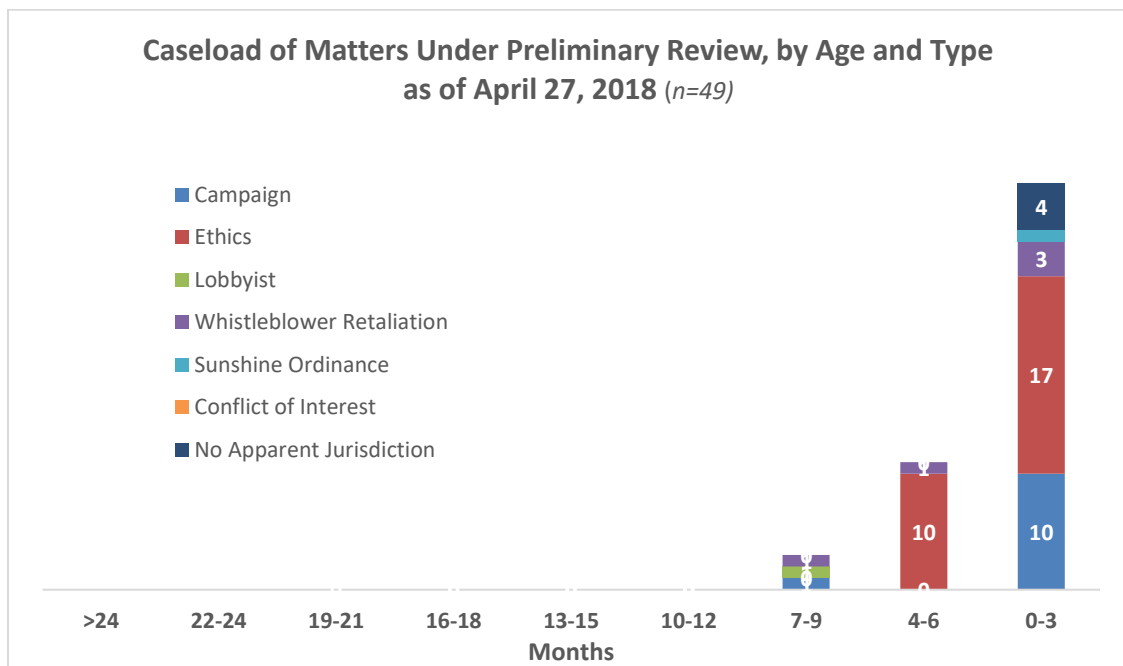
Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No
Kim Shree Maufas	1284567	\$2,575	\$50	04/15/18	\$0	Yes
Kim Shree Maufas	1328923	\$2,000	\$50	04/15/18	\$0	Yes

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

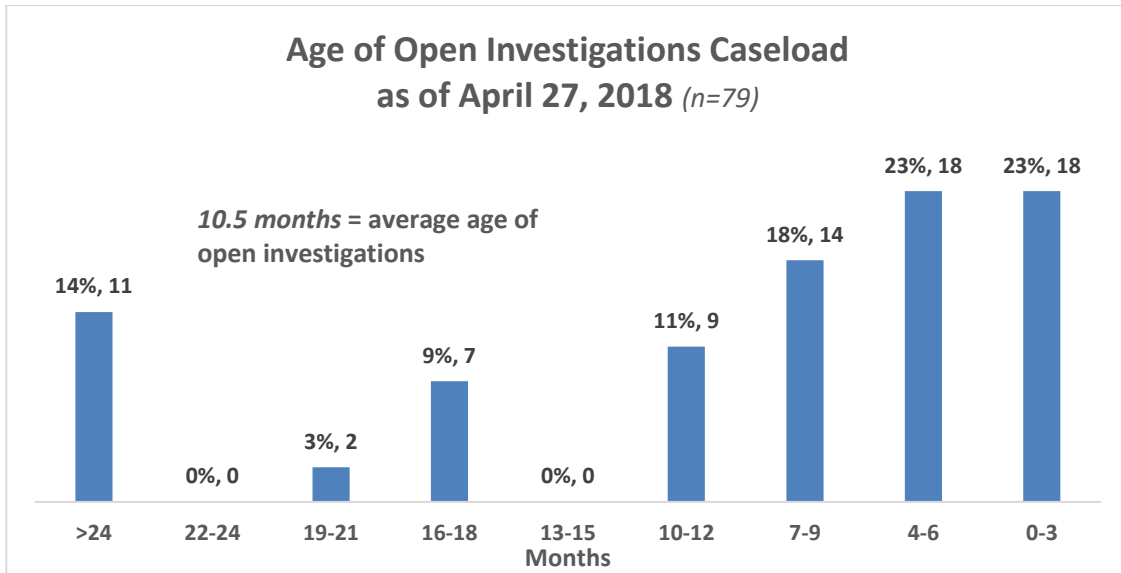
## Agenda Item 10, Attachment 1



Type	#	Avg. Age
Campaign	11	2.4
Ethics	27	2.9
Lobbyist	1	8.0
Whistleblower Retaliation	5	3.8
Sunshine Ordinance	1	0.0
No Apparent Jurisdiction	4	1.3



## Agenda Item 10, Attachment 2



Type	#	Avg. Age
Campaign	37	8.8
Ethics	29	11.7
Lobbyist	6	16.2
Whistleblower	7	10.1
Retaliation		
Sunshine	0	0.0

