



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

DAINA CHIU
CHAIR

Date: June 8, 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 8: Enforcement Report for the June 15, 2018 Meeting**

NOREEN AMBROSE
COMMISSIONER

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 April 28, 2018 and June 5, 2018, the Commission received 30 new complaints, and the Executive Director determined that seven complaints merited dismissal because Staff found no basis to believe a violation of the law within the Commission's jurisdiction had occurred. Also between April 28, 2018 and June 5, 2018, the Enforcement & Legal Affairs program opened two new investigations. In total and as of June 5, 2018, 72 complaints remain in preliminary review and 80 are under investigation. Notably, the average age of preliminary review matters is now 2.0 months, which is down from an average 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.

Whistleblower Program Department Liaison Training

At the request of the Whistleblower Program, Enforcement Staff will present an overview of its whistleblower retaliation jurisdiction at the Whistleblower Program's June 14, 2018, Department Liaison Training. At the Whistleblower Program's prior Department Liaison Training in November 2017, participants raised many questions about the intersection of the Whistleblower Program's departmental investigations and allegations of retaliation that the Ethics Commission investigates. The Whistleblower Program therefore invited the Ethics Commission to address whistleblower retaliation at the next meeting.

On a related note, and as this month's Policy Report states, on June 27, 2018, the Rules Committee of the Board of Supervisors will consider revisions to the Whistleblower Protection

Ordinance that the Ethics Commission has proposed in coordination with the Department of Human Resources, the Controller’s Office, and the City’s bargaining units. The Ethics Commission formally adopted the proposed amendments at its regular meeting on January 16, 2018, and the City completed its meet and confer obligations on January 24, 2018. It is now before the Board of Supervisors for its consideration and enactment.

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 June 5, 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 June 5, 2018:

Type	April 27, 2018	June 5, 2018
Campaign Finance	37	36
Governmental Ethics	29	31
Lobbyist Ordinance	6	6
Whistleblower Ordinance (Retaliation)	7	7
Sunshine Ordinance	0	0
Total	79	80

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	No response from Debtor (SC-133), filing the SC-134 (ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION).

Committee to Elect Norman for Supervisor	14-131112	Jacqueline Norman	5/01/15	\$9,000	\$9,000	\$9,000	No response (RETURNED TO SENDER UNCLAIMED) from Debtor (SC133), filing the SC-134 (ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION).
Isabel Urbano	SFO-153993	Isabel Urbano	3/23/16	\$7,000	\$6,850	\$6,850	Mailed the debtor the intent to file a lawsuit letter via registered mail. Pending Proof of delivery (registered mail) of notice. No response from Debtor. Working with Legal Services for proof of service.
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$6,100	-	\$6,100	No response from Debtor (SC-133), filing the SC-134 (ORDER TO PRODUCE STATEMENT OF ASSETS AND TO APPEAR FOR EXAMINATION).
Lynette Sweet	3544713	Lynette Sweet	12/29/16	\$74,408.19	--	\$74,408.19	Debtor has filed for bankruptcy. Case No. 17-31041.
Total: \$101,459							

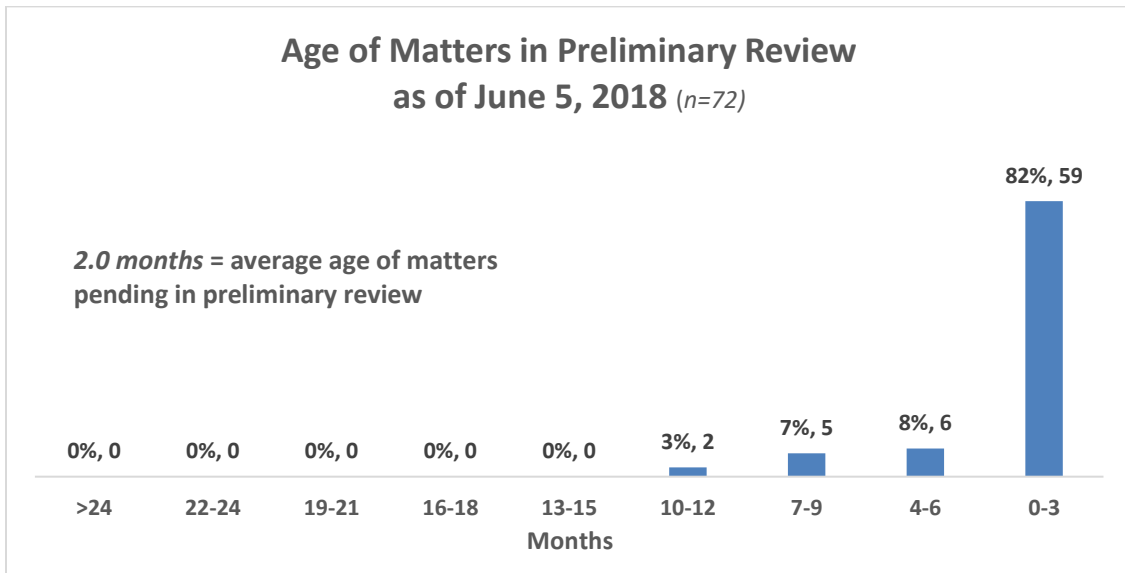
Status of Outstanding Penalty Installment Plans

Table 3 – Summary of penalty installment plans as of June 5, 2018:

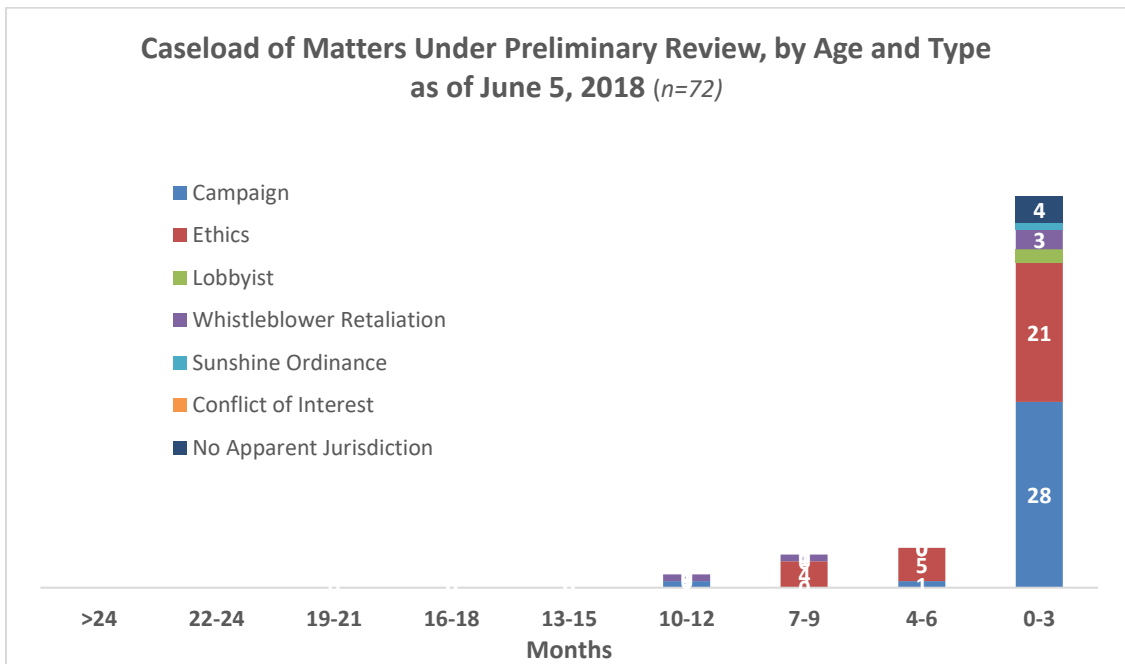
Name	FPPC No.	Total Owed	Payment Amount	Last Received	Outstanding Balance	Current: Yes/No

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

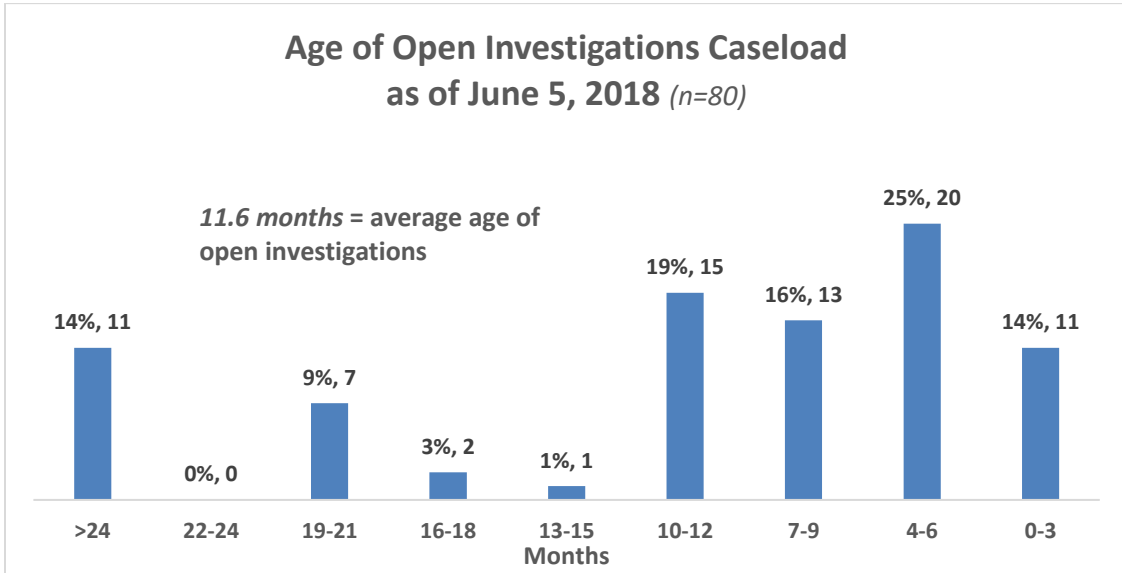
Agenda Item 8, Attachment 1



Type	#	Avg. Age
Campaign	30	1.1
Ethics	30	2.7
Lobbyist	2	0.0
Whistleblower Retaliation	5	4.8
Sunshine Ordinance	1	0.0
No Apparent Jurisdiction	4	1.5



Agenda Item 8, Attachment 2



Type	#	Avg. Age
Campaign	36	10.1
Ethics	31	12.3
Lobbyist	6	17.8
Whistleblower		
Retaliation	7	11.3
Sunshine	0	0.0

