



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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Date: September 17, 2018

To: Members of the Ethics Commission

From: Jeff Pierce, Director of Enforcement & Legal Affairs

Subject: **AGENDA ITEM 8: Enforcement Report for the September 21, 2018 Meeting**

Summary: This report highlights programmatic information and operational updates related to the Enforcement & Legal Affairs division.

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

Programmatic Highlights

Between July 14, 2018 and September 14, 2018, the Commission received 22 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 during that time period, the Enforcement & Legal Affairs division opened five new investigations.

In total and as of September 14, 2018, 87 complaints remain in preliminary review, while 85 are under open investigation. The average age of matters in preliminary review is 3.5 months; 95 percent of those comprise complaints received within the last six months, and more than 50 percent comprise complaints received within the last three months. The average age of matters under open investigation is now just over 13 months.

Attachment 1 contains additional detail regarding matters under preliminary review.
Attachment 2 contains additional detail regarding open investigations.

Public Records Requests

The Enforcement & Legal Affairs division assumes primary responsibility for overseeing the Ethics Commission's transparency obligations under the San Francisco Sunshine Ordinance and the California Public Records Act.

In the last six months, the Commission has received and fulfilled 32 public records requests under the Sunshine Ordinance and the Public Records Act, including 10 since the Commission's last meeting on July 20, 2018. In that six-month period, the Commission

received an average of more than five requests per month – or more than one per week – the responsive scope of which ranges from no responsive records to approximately 10,000 pages of responsive records. For operational context, these requests have required some 300 Staff hours, averaging more than 12 Staff hours per week. Overall in response to the requests of these last six months, the Commission has produced approximately 20,000 pages of responsive records, and is currently collecting and reviewing approximately 10,000 more. At present, the Commission’s Acting Public Information Officer is a Senior Investigator and Legal Analyst who shoulders the majority of the Staff hours. The volume and nature of these requests have required Staff from both the Enforcement & Legal Affairs division and the Electronic Disclosure & Data Analysis division to work with its outside campaign finance filing vendor NetFile to create new mechanisms by which Staff can more easily generate records for such public records requests.

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 division forwards the complaint to the City Attorney and District Attorney under San Francisco Charter section C3.699-13(a) and the complaint is converted into an open investigation. Table 1 summarizes the number of pending open investigations within the Ethics Commission’s jurisdiction that remained pending as of September 14, 2018 and as compared to the prior reporting period. 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 September 14, 2018:

Type	July 2018	September 2018
Campaign Finance	36	36
Governmental Ethics	32	32
Lobbyist Ordinance	6	6
Whistleblower Retaliation	8	10
Sunshine Ordinance	1	1
Total	83	85

Referrals to Bureau of Delinquent Revenues

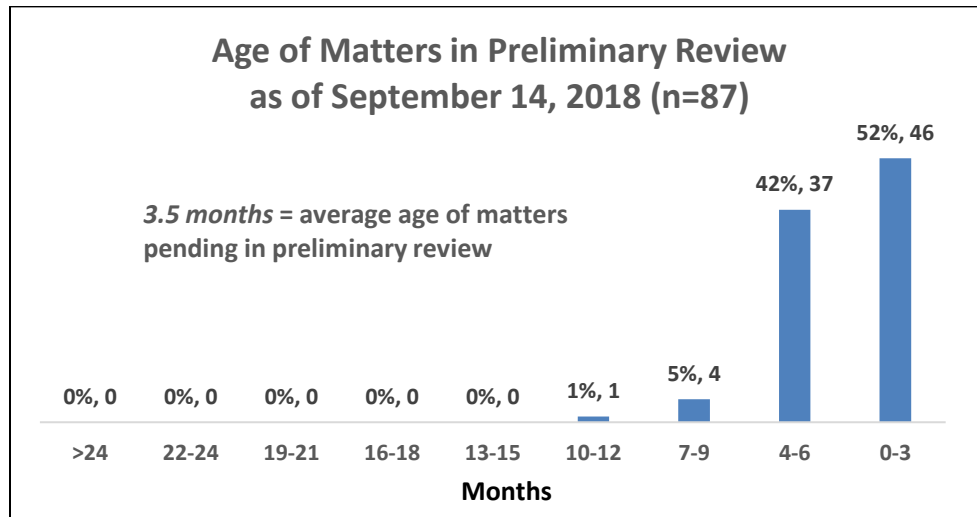
Table 2 – Summary of the status of accounts that remain after referral by the Ethics Commission to the City’s Bureau of Delinquent Revenues.

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	\$ 6,601.00	\$ 6,601.00	\$ 5,100.99	An Order of Examination Hearing has been re-scheduled for 11/01/18 (to allow more time to serve the debtor), where the debtor is ordered to appear to disclose assets.
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$ 6,100.00	\$ 6,100.00	\$ 6,100.00	An Order of Examination Hearing has been rescheduled for 11/01/18 (to allow more time to serve the debtor), where the debtor is ordered to appear to disclose assets.
Committee to Elect Norman for Supervisor	14-131112	Jacqueline Norman	5/1/15	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	An Order of Examination Hearing has been rescheduled for 10/15/18 (to allow more time to serve the debtor), where the debtor is ordered to appear to disclose assets.
Isabel Urbano	SFO-153993	Isabel Urbano	3/23/16	\$ 7,000.00	\$ 7,000.00	\$ 6,850.00	Working with Legal Department for Small Claims suit in New York. Small Claims demand letter has been mailed to all known addresses for the debtor. BDR received \$225.

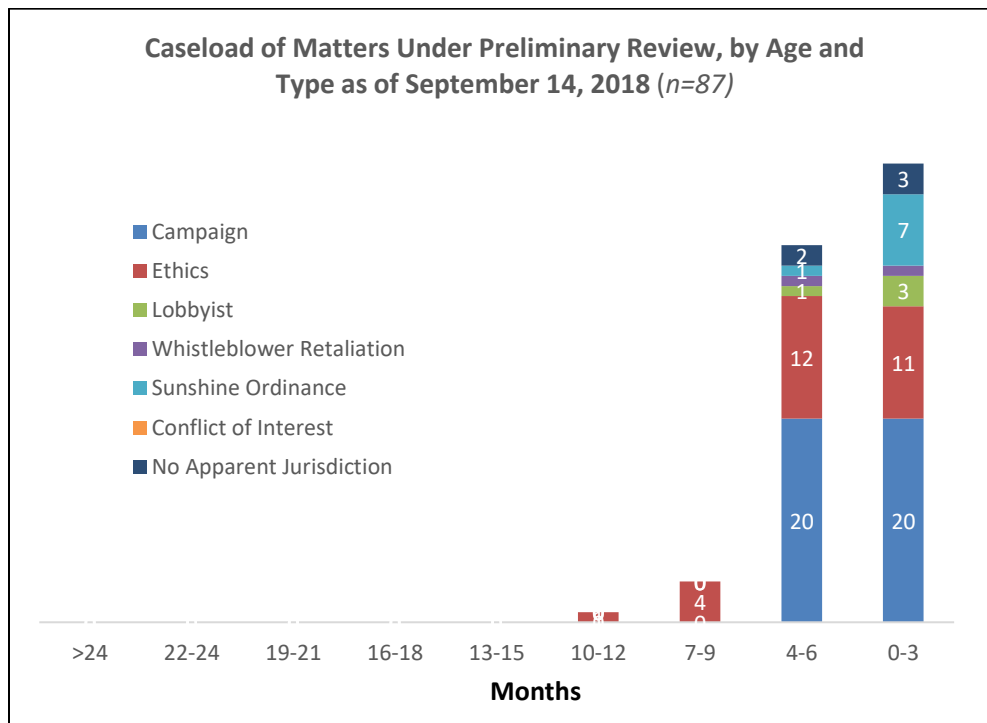
Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral	Original Amount Referred	Last Month's Balance	Current Balance	Status
Lynette Sweet	1324331	Lynette Sweet	12/29/16	\$ 74,408.19	\$ 74,408.19	\$ 74,408.19	Debtor has filed for Bankruptcy, BK Case #17-31041. Order of Dismissal, signed and dated 7/6/18, and stamped 7/9/18. Per court documents, the Chapter 13 trustee will be submitting his final report for court approval at a later date.
Total:							\$101,459.18

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

Agenda Item 8, Attachment 1

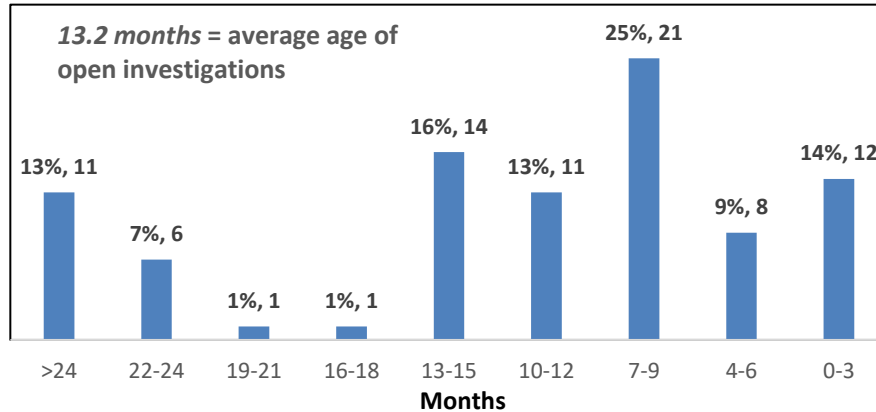


Type	#	Avg. Age
Campaign Finance	40	3.2
Governmental Ethics	28	4.4
Lobbyist Ordinance	4	2.8
Whistleblower Retaliation	2	3.5
Sunshine Ordinance	8	2.9
No Apparent Jurisdiction	5	3.0



Agenda Item 8, Attachment 2

Age of Open Investigations Caseload as of September 14, 2018 (*n*=85)



Type	#	Avg. Age
Campaign Finance	36	11.9
Governmental Ethics	32	14.2
Lobbyist Ordinance	6	20.8
Whistleblower Retaliation	10	10.5
Sunshine Ordinance	1	5.0

Caseload of Open Investigations, by Age and Type as of September 14, 2018 (*n*=85)

