



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

DAINA CHIU
CHAIR

Date: October 15, 2018

QUENTIN L. KOPP
VICE-CHAIR

To: Members of the Ethics Commission

PAUL A. RENNE
COMMISSIONER

From: Jeff Pierce, Director of Enforcement & Legal Affairs

YVONNE LEE
COMMISSIONER

Subject: **AGENDA ITEM 8: Enforcement Report for the October 19, 2018 Meeting**

NOREEN AMBROSE
COMMISSIONER

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

LEEANN PELHAM
EXECUTIVE DIRECTOR

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

Programmatic Highlights

Between September 14, 2018 and October 12, 2018, the Commission received eight new complaints, and the Executive Director determined that two 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 four new investigations.

In total and as of October 12, 2018, 90 complaints remain in preliminary review, while 89 are under open investigation. The average age of matters in preliminary review is 3.8 months; 90 percent of those comprise complaints received within the last six months, and more than one third comprise complaints received within the last three months. The average age of matters under open investigation is now 13.5 months.

Attachment 1 contains additional detail regarding matters under preliminary review.

Attachment 2 contains additional detail regarding open investigations.

Staff Training

Senior Investigator & Legal Analyst Thomas McClain will attend the National Institute for Trial Advocacy's Deposition Training from October 19 through 21 at the University of California Berkeley School of Law. This is the same training that I attended in Los Angeles in June of 2017. A deposition is a formal interview that lawyers conduct of witnesses and parties to litigation. When used effectively, a deposition enables a lawyer – or an investigator – to gather information, secure admissions, and confirm or revise his or her developing factual and

legal theories. After the Commission fills its vacant investigator position, Thomas and I will offer an abbreviated, in-house version of this training to the full investigations team.

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 October 12, 2018:

Type	September 2018	October 2018
Campaign Finance	36	38
Governmental Ethics	32	34
Lobbyist Ordinance	6	6
Whistleblower Retaliation	10	10
Sunshine Ordinance	1	1
Total	85	89

Referrals to Bureau of Delinquent Revenues

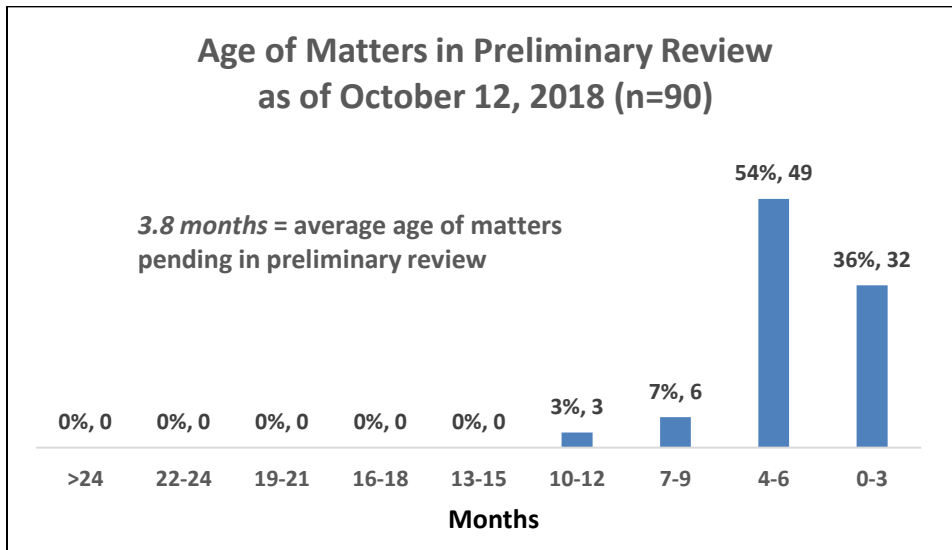
Table 2 – Summary of the status of accounts that remain after referral by the Ethics Commission to the City’s Bureau of Delinquent Revenues.

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

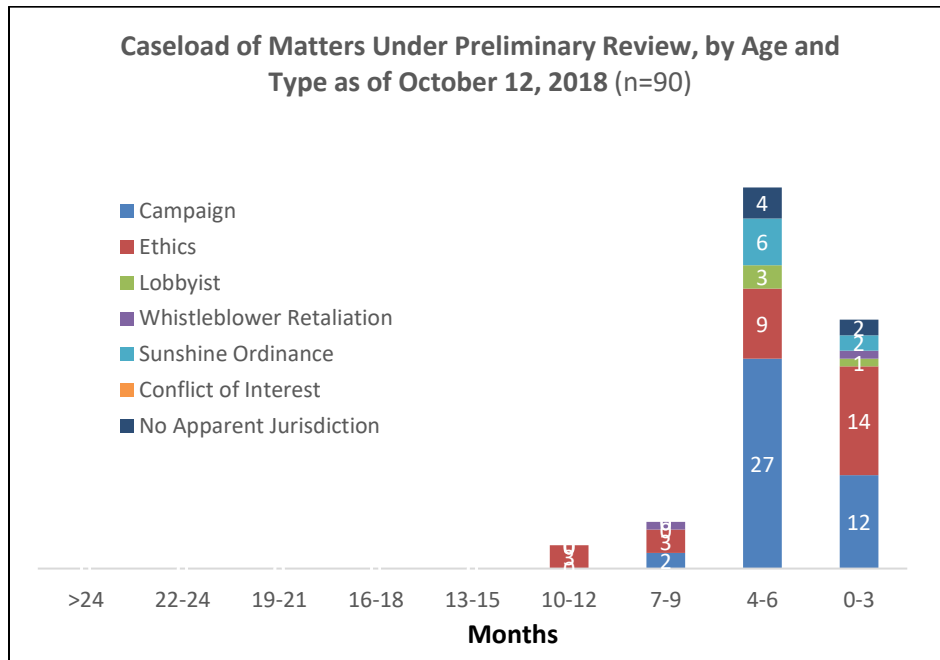
Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral	Original Amount Referred	Last Month's Balance	Current Balance	Status
							rescheduled for 11/01/18 (to allow more time to serve the debtor), where the debtor is ordered to appear to disclose assets.
Committee to Elect Norman for Supervisor	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 1/7/19 (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	Debtor resides in New York, no response to demand letters mailed to all known addresses for the debtor. Will send intent to File Lawsuit letter via registered mail to New York residence.
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. The Chapter 13 Trustee Dismissal was approved on 9/28/1018. The Bankruptcy unit will file a claim for the new BK case.
						Total:	\$101,459.18

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

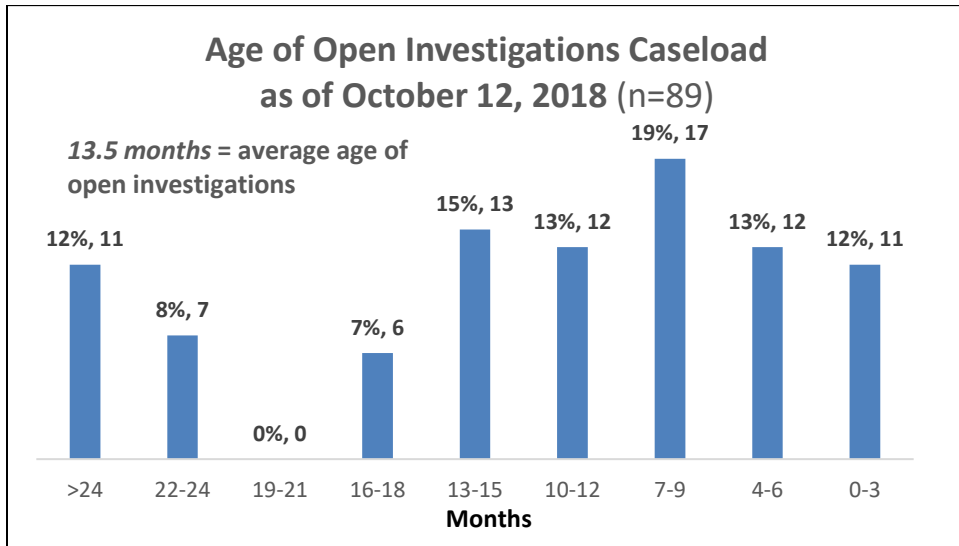
Agenda Item 8, Attachment 1



Type	#	Avg. Age
Campaign Finance	41	3.7
Governmental Ethics	29	4.2
Lobbyist Ordinance	4	4.0
Whistleblower Retaliation	2	4.5
Sunshine Ordinance	8	3.9
No Apparent Jurisdiction	6	3.2



Agenda Item 8, Attachment 2



Type	#	Avg. Age
Campaign Finance	38	12.3
Governmental Ethics	34	14.4
Lobbyist Ordinance	6	21.8
Whistleblower Retaliation	10	11.5
Sunshine Ordinance	1	6.0

