Date: April 8, 2019

To: Members of the Ethics Commission

From: Jeff Pierce, Director of Enforcement & Legal Affairs

Subject: AGENDA ITEM 7: Enforcement Report for the April 12, 2019 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: Staff Training

On March 22, 2019, Senior Investigator Jeffrey Zumwalt provided training to the Enforcement Division on interview techniques he learned and implemented during his eleven years of service as a police detective and police officer. Jeff’s training conveyed best practices regarding interview goals, interview preparation, structuring the interview, formatting the questions, the use of documents and evidence, and behavioral analysis. His recommendations will improve the ability of our team to elicit relevant information during investigative interviews and to hold productive conversations with witnesses and respondents.

On March 28, 2019, the Ethics Commission hosted counterparts from the Fair Political Practices Commission (FPPC) for a training on prohibited financial conflicts of interest. Staff from the Enforcement, Policy, and Engagement & Compliance Divisions attended the session with the FPPC’s Assistant Chief Counsel on the statutory and regulatory conflict of interest provisions set forth in Government Code sections 87100 and 1090, which the Campaign and Governmental Conduct Code incorporates. The FPPC’s Supervising Special Investigator provided a second session specifically for staff of the Enforcement Division on best practices for investigating financial conflicts of interest. The occasion also provided the Enforcement Division an opportunity to exchange ideas about general enforcement procedures with our counterparts from the State.

Enforcement Statistics

The Commission now has 75 matters in preliminary review and 87 matters under investigation. The Enforcement Division received four new complaints since March 11, 2019, and opened six new investigations. Also in the past month the Executive Director dismissed six complaints based on investigators’ analysis, and the Commission closed three matters that
been under investigation. The following tables compare the number and average age of the Commission’s enforcement docket to the same figures as reported last month and as reported in this month last year:

Number and Average Age of Matters in Preliminary Review

<table>
<thead>
<tr>
<th>Month</th>
<th>May 2018 ¹</th>
<th>Mar. 2019</th>
<th>Apr. 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>49</td>
<td>82</td>
<td>75</td>
</tr>
<tr>
<td>Avg. Age (mo.)</td>
<td>2.7</td>
<td>7.2</td>
<td>7.3</td>
</tr>
</tbody>
</table>

Number and Average Age of Matters in Open Investigation

<table>
<thead>
<tr>
<th>Month</th>
<th>May 2018</th>
<th>Mar. 2019</th>
<th>Apr. 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>79</td>
<td>84</td>
<td>87</td>
</tr>
<tr>
<td>Avg. Age (mo.)</td>
<td>10.5</td>
<td>15.1</td>
<td>14.5</td>
</tr>
</tbody>
</table>

Attachment 1 contains additional detail regarding the type and age of matters under preliminary review. Attachment 2 contains additional similar detail regarding open investigations.

Referrals to Bureau of Delinquent Revenues

Under San Francisco Charter section C3.699-13(c)(i)(3), the Ethics Commission must refer to the Bureau of Delinquent Revenue penalties that the Commission has assessed but which remain unpaid after a specified period of time. The Commission’s Fines Collection Officer has prepared Final Warning Letters for approximately two dozen filers who have not yet paid fees the Commission assessed against them for late-filed campaign disclosure statements. The Commission will refer those delinquent fees should the filers not settle their accounts by the deadline the Fines Collection Officer will fix.

Of those several matters already before the Bureau of Delinquent Revenue, Staff have no updates for the Commission at this time.

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

¹ The Commission held no regular meeting in April 2018.
Agenda Item 7, Attachment 1

7.3 months = average age of matters pending in preliminary review

Matters in Preliminary Review by Type

Average Age of Matters in Preliminary Review by Type
Agenda Item 7, Attachment 2

Age of Matters under Open Investigation

- 14.5 months = average age of open investigations

Open Investigations by Type

- Total 87
- Campaign 42 (48.28%)
- Ethics 31 (35.63%)
- Retaliation 7 (8.05%)
- Lobbying 6 (6.90%)

Average Age of Matters under Open Investigation by Type

- Campaign 14.1
- Ethics 15.4
- Lobbying 16.8
- Retaliation 11.4
- Sunshine 12.0