



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

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EXECUTIVE DIRECTOR

Date: June 24, 2019  
To: Members of the Ethics Commission  
From: Jeff Pierce, Director of Enforcement & Legal Affairs  
Subject: **AGENDA ITEM 8: Enforcement Report for the June 28, 2019 Meeting**

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**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: Outreach to Human Resources Consultants**

On June 13, 2019, the Enforcement Director joined counterparts from the Controller's Office Whistleblower Program and the City Attorney's Office Public Integrity Unit at the Department of Human Resources' (DHR) citywide consultants' quarterly meeting. DHR's Client Services Consultants provide human resources advice to all City departments on employment, personnel and disciplinary matters, and Civil Service rule application. At the June 2019 meeting the consultants discussed secondary employment, in which City officers and employees receive compensation from activities outside their City employment. The Ethics Commission, Whistleblower Program, and Public Integrity Unit explained that secondary employment creates disclosure obligations, requires permission from the employee's department and approval from DHR, may require an Advance Written Determination pursuant to the department's Statement of Incompatible Activities, and may trigger investigations for incompatible activities and conflicts of interest. The Enforcement Director noted that, where an investigation yields evidence that outside employment materially impaired the employee's ability to fulfill their City responsibilities or created a financial conflict of interest, the Ethics Commission may assess financial penalties irrespective of whether the employee's department decides to impose discipline. All parties agreed on the importance of this issue and the meeting signaled renewed efforts to collaborate in bringing the City's workforce into compliance with Civil Service rules and the Government Ethics Ordinance.

### **Enforcement Statistics**

The Commission now has 45 matters in preliminary review and 93 matters under investigation. Since the last Enforcement Report dated May 23, 2019, the Enforcement Division received one new complaint and opened seven new investigations, and the Executive

Director resolved eight complaints, including by settling the two matters that appeared on the June consent calendar.

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*

Month	June 2018	May 2019	June 2019
Number	72	57	45
Avg. Age (mo.)	2	7.6	8.9

*Number and Average Age of Matters in Open Investigation*

Month	June 2018	May 2019	June 2019
Number	80	88	93
Avg. Age (mo.)	11.6	14.9	14.5

As previously reported, several of the older complaints still under preliminary review are being handled pursuant to the Commission’s Fixed Penalty Policy; once stipulations are secured with those respondents the matters will proceed immediately from preliminary review to case resolution.

Attachment 1 contains additional data on the type and age of matters under preliminary review. Attachment 2 contains additional data on 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—including late fees—that the Commission has assessed but which remain unpaid after a specified period of time. The Commission’s Fines Collections Officer continues to work with delinquent filers to collect outstanding late fees and to refer unpaid accounts to the Bureau. Since the Fines Collection Officer initiated her review of unpaid late fees she has successfully collected more than \$7,000 in previously unpaid fees.

A summary of the status of accounts that remain after referral by the Ethics Commission to the City’s Bureau of Delinquent Revenues appears below.

**Summary of the status of accounts that remain after referral by the Ethics Commission to the City’s Bureau of Delinquent Revenues**

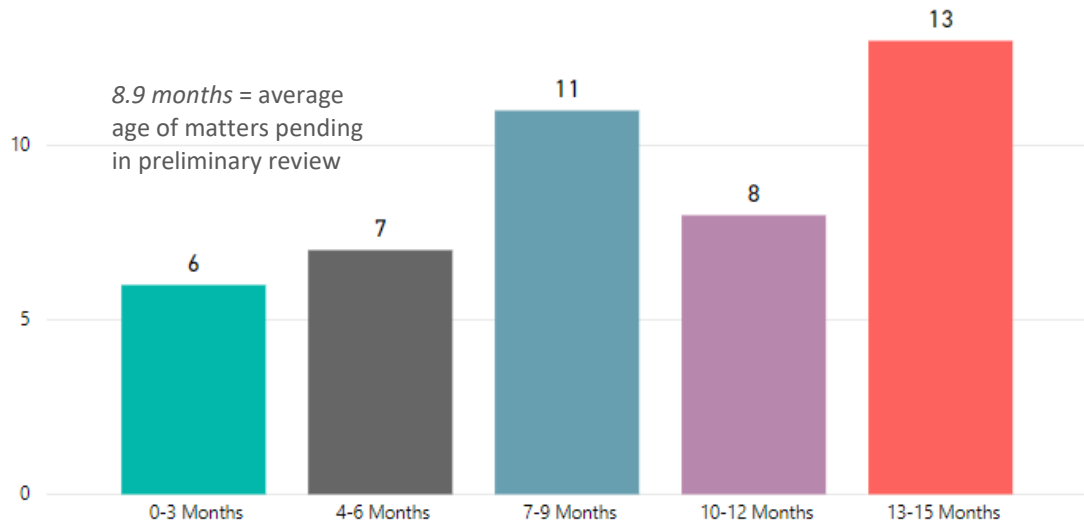
Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Chris Jackson	1347066	Chris Jackson	7/12/13	\$6,601.00	\$5,100.99	Judgment	No change in resident status, Debtor continue

Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
							to evade collections. An Order of Examination Hearing is rescheduled to 8/22/2019 @ 11:00 AM. Skip Tracing to locate Mr. Jackson's place of residence, employment and additional assets.
Chris Jackson	22-12119	Chris Jackson	9/26/16	\$6,100.00	\$6,100.00	Judgment	<i>See above.</i>
Committee to Elect Norman for Supervisor	14- 131112	Jacqueline Norman	5/1/15	\$9,000.00	\$9,000.00	Judgment	No change in resident status, Debtor continue to evade collections. An Order of Examination Hearing is rescheduled to 8/22/2019 @ 11:00 AM. Skip Tracing to locate Ms. Norman's place of residence, employment and additional assets.
Isabel Urbano	SFO- 153993	Isabel Urbano	3/23/16	\$7,000.00	\$6,850.00	Legal Review	Debtor resides and works in New York. BDR has determined it cannot sue her unless she returns to California. With Ethics Staff's approval, BDR has assigned the debt to an outside collections agency.
Lynette Sweet	1324331	Lynette Sweet	12/29/16	\$74,408.19	\$74,408.19	Civil Suit	Negotiations with Debtor ongoing.
<b>Total:</b>							\$101,459.18

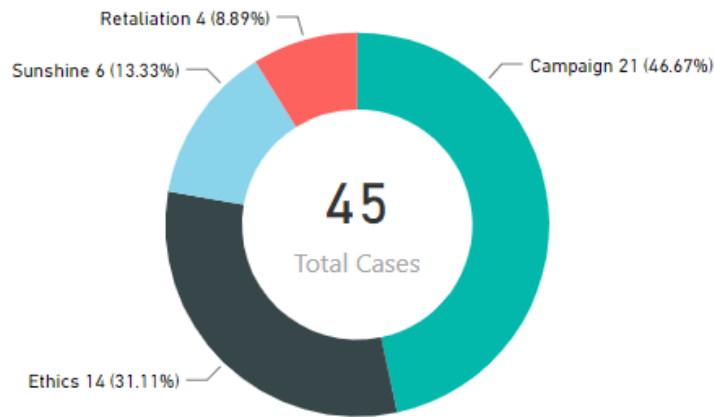
I look forward to answering any questions you might have at the upcoming Commission meeting.

## Agenda Item 8, Attachment 1

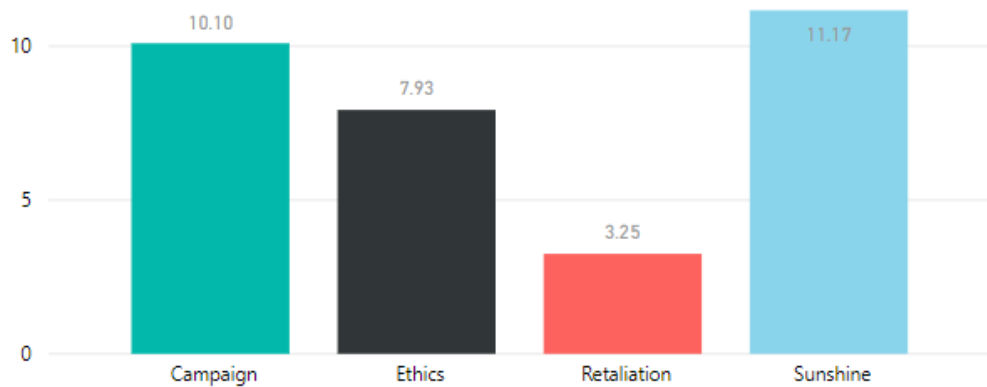
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type

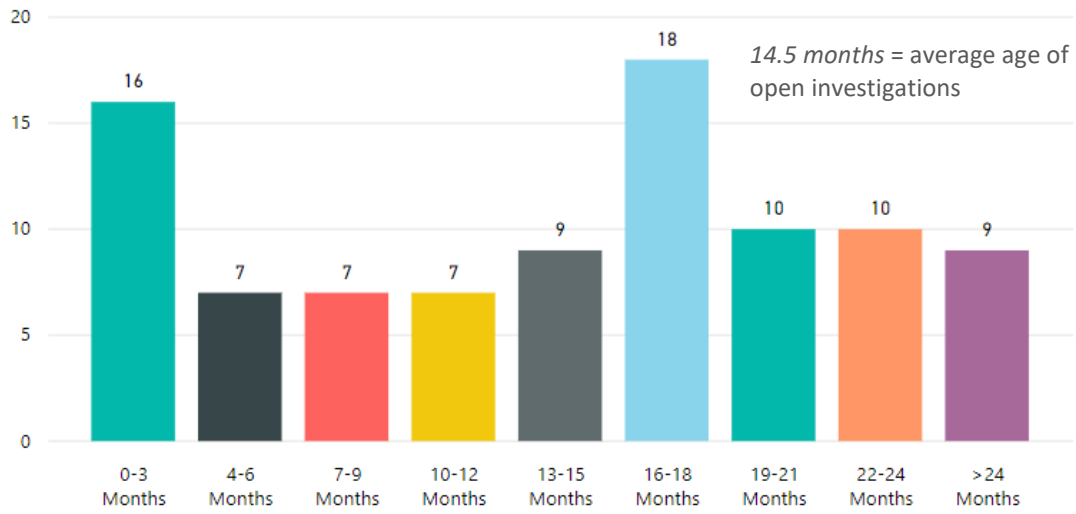


Average Age of Matters in Preliminary Review by Type

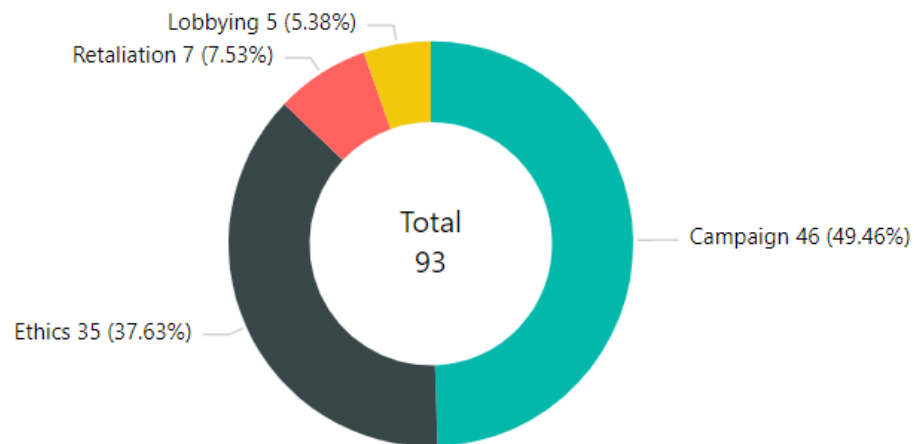


## Agenda Item 8, Attachment 2

Age of Matters under Open Investigation



Open Investigations by Type



Average Age of Matters under Open Investigation by Type

