



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

DAINA CHIU
CHAIR

Date: August 12, 2019

NOREEN AMBROSE
VICE-CHAIR

To: Members of the Ethics Commission

YVONNE LEE
COMMISSIONER

From: Jeff Pierce, Director of Enforcement & Legal Affairs

FERN M. SMITH
COMMISSIONER

Subject: **AGENDA ITEM 12: Enforcement Report for the August 16, 2019 Meeting**

LATEEF H. GRAY
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: Review of FY19

The Enforcement Division tracks various metrics as one tool in evaluating its efforts to fulfill the Commission's enforcement mandate. A review of some of those metrics for Fiscal Year 2019 is provided below, along with a comparison to those same metrics from the prior fiscal year.

Among the seven matters the Commission settled in Fiscal Year 2019, the Division collected approximately \$34,000 in penalties, with an average penalty just shy of \$5,000. Those settlements included counts for the following kinds of violations:

1. Use of City resources for a personal or political purpose, in violation of SF C&GCC section 3.218;
2. Use of campaign funds for a prohibited purpose, in violation of SF C&GCC section 1.122;
3. Failure to register as a campaign consultant and to disclose campaign consulting activity, in violation of SF C&GCC section 1.510;
4. Failure to properly document contributions and expenditures, in violation of SF C&GCC sections 1.106 and 1.109;
5. Failure to file late contribution reports, in violation of SF C&GCC section 1.106;
6. Failure to adhere to advertising disclaimer requirements, in violation of SF C&GCC section 1.161.

The five proposed settlements the Enforcement Division placed on the agenda for today's Commission Meeting indicate that the number of matters and the variety of alleged violations the Division has successfully investigated and resolved is expanding. Additionally, the amount

of penalties the Commission stands to collect as a result of today's proposed settlements suggests the Commission may exceed in Fiscal Year 2020 the corresponding metrics from the prior fiscal year.

Enforcement Metrics for Fiscal Years 2018 and 2019

Fiscal Year	Complaints added during Fiscal Year	No Jx / No Further Action Consult by Enf Dir	PRs Completed	Matters Dismissed or Referred	New Investigations Opened	Matters Resolved	Determined No PC Existed	Closed in Interest of Justice per Enf Regs	Settled	Total Penalties
FY18	163	34	181	120	61	15	5	2	8	\$27,000
FY19	83	30	108	74	34	22	8	7	7	\$34,000

Enforcement Statistics

The Commission now has 61 matters in preliminary review and 95 matters under investigation. Since the last Enforcement Report dated May 23, 2019, the Enforcement Division received 25 new complaints and opened ten new investigations, and the Executive Director resolved nine complaints, including by settling the five matters that appeared on this Meeting's agenda.

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	July 2018 ¹	June 2019 ²	August 2019
Number	78	45	61
Avg. Age (mo.)	1.6	8.9	7.6

Number and Average Age of Matters in Open Investigation

Month	July 2018	June 2019	August 2019
Number	83	93	95
Avg. Age (mo.)	12.1	14.5	16.0

Attachment 1 contains additional data on the type and age of matters under preliminary review. Attachment 2 contains additional data on open investigations.

¹ The Commission held no meeting in August 2018.

² The Commission held no meeting in July 2019.

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 \$34,000 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, including several new accounts that the Fines Collection Officer referred in 2019.

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

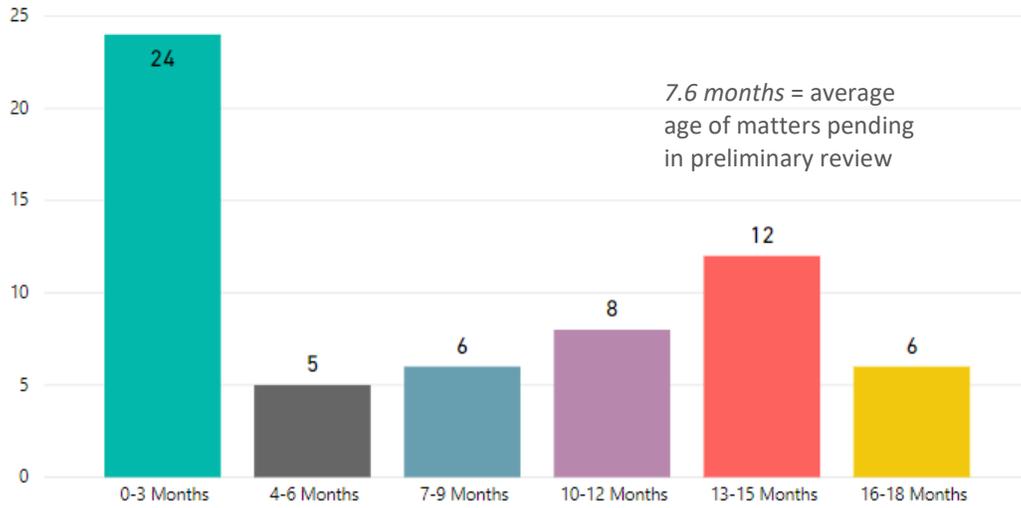
Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Chris Jackson	1347066	Chris Jackson	7/12/13	\$6,601.00	\$5,100.99	Judgment	No change in resident status, Debtor continue to evade collections. An Order of Examination Hearing is rescheduled to 1/16/2020 at 11:00am. 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	See above.
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 1/16/2020 at 11:00am. 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	Pending Agency Assignment	Debtor not responsive to collections recovery actions. Ethics provided approval to assign to Bureau of Delinquent Review collections agency.

Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Lynette Sweet	1324331	Lynette Sweet	12/29/16	\$74,408.19	\$74,408.19	Bankruptcy	Response to the Order to Show Cause regarding the status of Bankruptcy due by July 28, 2019- August 13,2019. Legal Department negotiating repayment with debtor per Bankruptcy.
SF Latino Democratic Club	1342652	Sarah Souza	6/21/19	\$10,979.00	\$10,979.00	Payment Plan	Debtor will begin payment of \$733.60 starting 8/11/2019. Payment will be due every 10 th of the month.
San Franciscans for Democracy, Yes on D Committee	1391630	Jeremy Pollock	6/21/19	\$1,625.00	\$1,625.00	No response from Debtor	Debtor has not responded to delinquency letter. Emailed company representative to contact the Senior Collections Officer.
Noe Valley Democratic Club	963103	Hunter Stern	6/21/19	\$3,275.00	\$3,275.00	No response from Debtor	Debtor has not responded to delinquency letter. Emailed company representative to contact the Senior Collections Officer.
Arlo Smith For Democratic County Central Committee	1388142	Hunter Stern	4/30/2019	\$1,750	\$1,750	No response from Debtor	Debtor has not responded to delinquency letter. Emailed company representative to contact the Senior Collections Officer.
						Total:	\$119,088.18

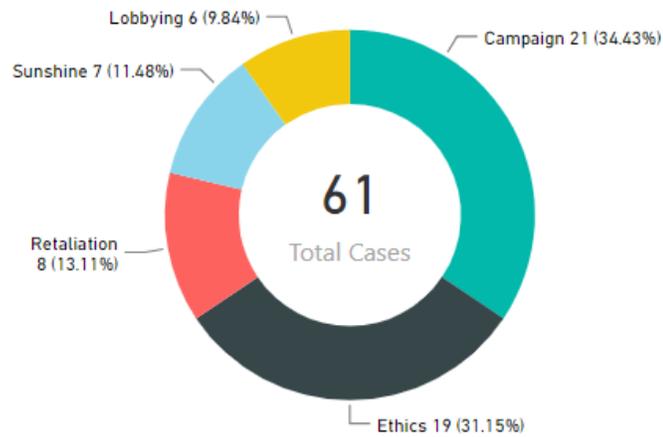
I look forward to answering any questions you might have at the upcoming Commission meeting.

Agenda Item 12, Attachment 1

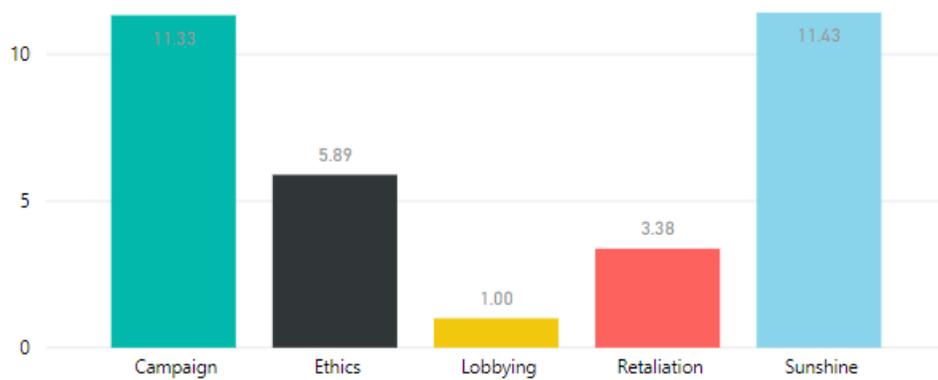
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type

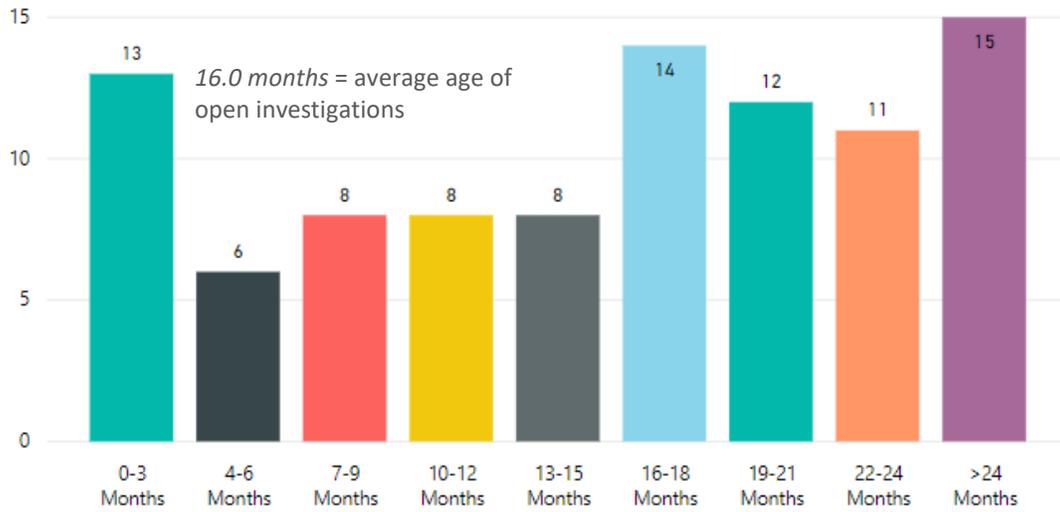


Average Age of Matters in Preliminary Review by Type

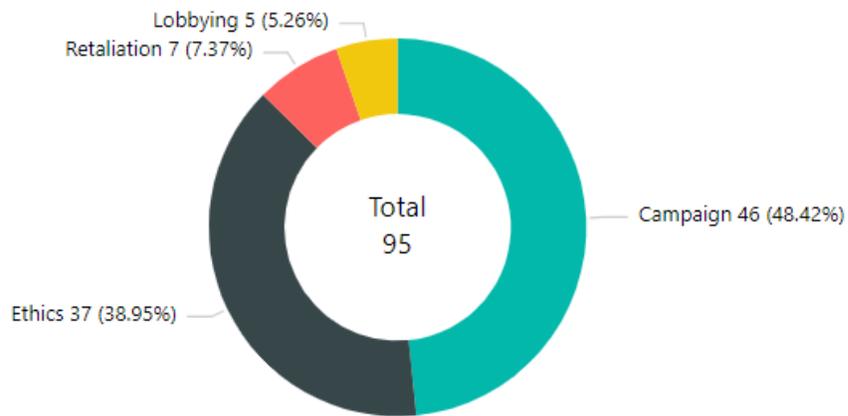


Agenda Item 12, Attachment 2

Age of Matters under Open Investigation



Open Investigations by Type



Average Age of Matters under Open Investigation by Type

