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CITY AND COUNTY OF SAN FRANCISCO

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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: November 8, 2019
To: Members of the Ethics Commission
From: Jeff Pierce, Director of Enforcement & Legal Affairs
Subject: **AGENDA ITEM 7: Enforcement Report for the November 15, 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.

Presentation: Bureau of Delinquent Revenue

Each month the Enforcement & Legal Affairs Division's Fines Collection Officer works with Staff from the Office of the Treasurer & Tax Collector's Bureau of Delinquent Revenue (the "Bureau") to update the Commission on the Bureau's efforts to collect unremitted fees and penalties on the Commission's behalf. Over the course of the last several meetings, Commissioners have sought clarification about the process the Bureau pursues in its collection efforts. Staff from the Bureau will appear at the Commission's November 15, 2019, meeting to describe that process and to field any questions the Commission may have.

Enforcement Process Improvements Status Update

At the August 2019 Commission Meeting, Enforcement Staff presented an [overview of process improvements](#) Staff were undertaking to increase the efficiency and effectiveness of the Commission's enforcement program. Among other processes, Staff described six discretionary factors to be applied in evaluating how to prioritize limited enforcement resources. The Commission conveyed its desire that those factors be used to guide resolution of both existing and new complaints. Since that meeting, Staff have been developing approaches for applying the discretionary factors and have initiated methods for working through its open investigations with those factors in practice to ensure appropriate resources can be allocated and sustained on the highest priority matters.

Among other process improvements Staff identified at the August 2019 Commission Meeting was expansion of the Commission's [Fixed Penalty Policy](#). This policy provides that certain violations of law can be resolved through a fixed penalty schedule to provide a level of standardization and predictability designed to reduce the uncertainty and time that

negotiating a settlement might otherwise entail. The Commission directed Staff to move forward with that proposal and take steps to bring forward a revised policy for its consideration. At the September 2019 Commission Meeting, Enforcement Staff presented a [preliminary outline](#) of the process Staff identified to do that, and two [Interested Persons Meetings](#) to solicit initial public comment are now scheduled for the week before Thanksgiving. Those meetings will take place Wednesday, November 20, 2019 from 5:00 until 6:30pm and on Friday, November 22, 2019, from 1:00 until 2:30pm in Conference Room 70 in the basement of 25 Van Ness, the Commission’s office building. Staff welcomes the participation of the Commission and the public.

Enforcement Statistics

The Commission’s enforcement docket now consists of 148 matters, approximately three-fifths of which are 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

Month	November 2018	October 2019	November 2019
Number	97	53	56
Avg. Age (mo.)	4.6	6.3	6.9

Number and Average Age of Matters in Open Investigation

Month	November 2018	October 2019	November 2019
Number	85	90	92
Avg. Age (mo.)	14.2	16.9	17.7

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.

The summary of accounts below is based on the same data that was available to the Commission at the time of the October meeting.

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

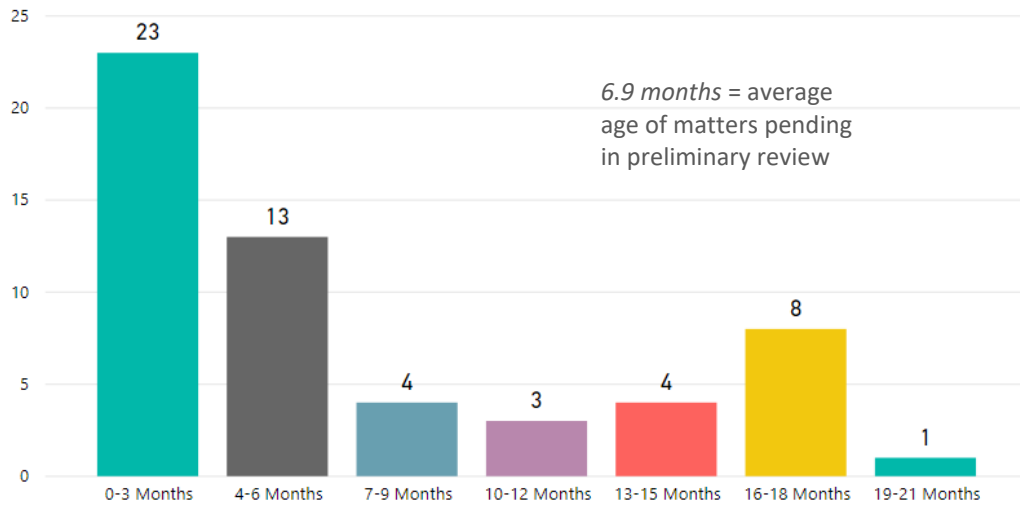
Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
							Examination Hearing is rescheduled to 1/16/2020 at 11:00am. Skip Tracing to locate Mr. Jackson's place of residence, employment and additional assets.
Chris Jackson	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	Agency Assignment	Assigned to collections agency.
Lynette Sweet	1324331	Lynette Sweet	12/29/16	\$74,408.19	\$74,408.19	Settlement Negotiation	Legal Department negotiating repayment with debtor. Debtor is to complete a Financial Statement to validate income.
SF Latino Democratic Club	1342652	Sarah Souza	6/21/19	\$10,979.00	\$10,979.00	Defaulted on Payment Plan	BDR emailed Debtor's attorney to request that he contact the Senior Collections Officer. Non responsive to request for Attorney representation documentation.
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. BDR emailed treasurer to contact the Senior Collections Officer.
Noe Valley Democratic Club	963103	Todd David	6/21/19	\$3,275.00	\$3,275.00	Promise to Pay	Organization President committed to pay in full 10/18/2019.
Arlo Smith For Democratic County Central Committee	1388142	Arlo Smith	4/30/2019	\$1,750	\$1,750	Refuse to Pay	Debtor refuses to pay. Mailed Intent to file a lawsuit letter. Pending to file a small claim suit.

Committee/ Filer	ID #	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Total:							\$119,088.18

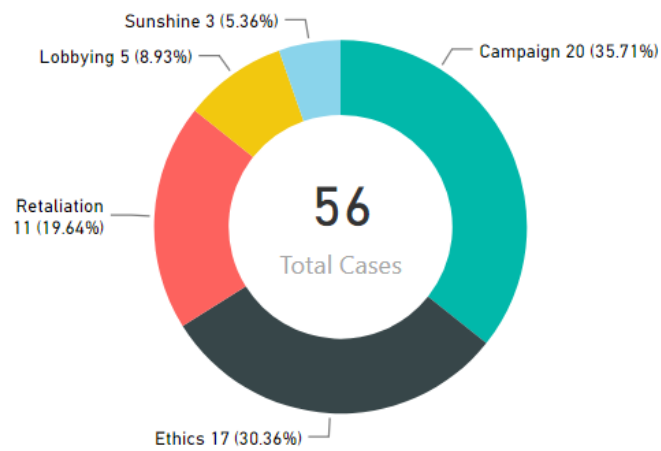
I look forward to answering any questions you might have at the upcoming Commission meeting.

Agenda Item 7, Attachment 1

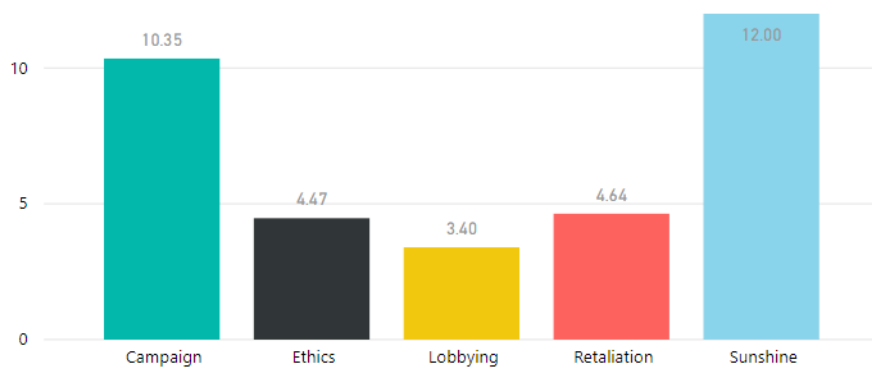
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type

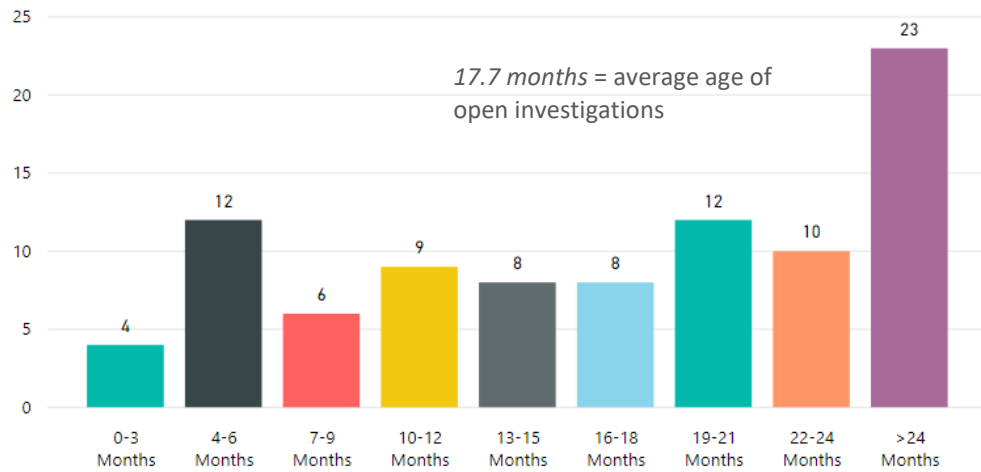


Average Age of Matters in Preliminary Review by Type

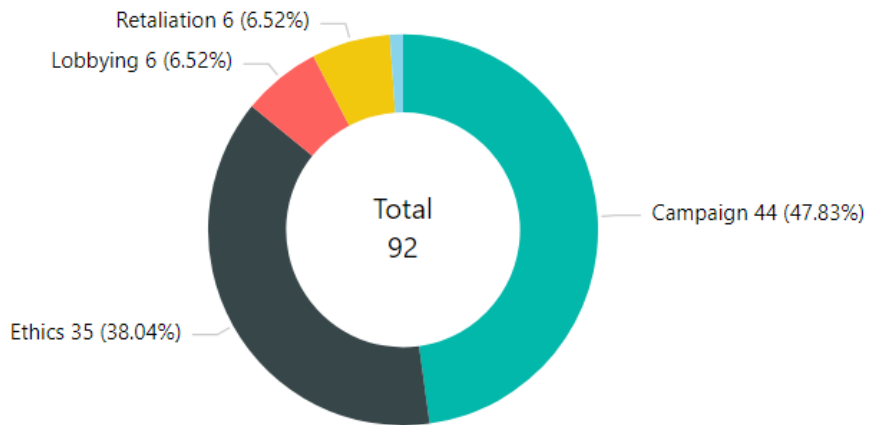


Agenda Item 7, Attachment 2

Age of Matters under Open Investigation



Open Investigations by Type



Average Age of Matters under Open Investigation by Type

