ETHICS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

Date: January 13, 2019

To: Members of the Ethics Commission

From: Jeff Pierce, Director of Enforcement & Legal Affairs

Subject: **AGENDA ITEM 9: Enforcement Report for the January 17, 2020 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.

"Consultation and No Further Action" Protocol Update

At the Commission's regularly scheduled meeting in August 2019, the Enforcement Director presented a review of process improvements underway to increase the efficiency and effectiveness of the Commission's Enforcement Division. Among other processes outlined there was a practice of "Consultation and No Further Action," whereby the Division may handle informal complaints differently than it handles formal or "sworn" complaints. Specifically, under the terms of the Charter and the Enforcement Regulations, the Enforcement Director may exercise discretion in the review of informal complaints to consider the nature of the alleged violation and whether the information contained in the complaint fall within the Commission's jurisdiction to permit review and investigation of the allegations. As was described in August, some informal complaints are addressed through this consultative approach that reviews with the complainants the Commission's enforcement authority and advises them about offices that may be able to pursue their complaints. This consultation and review is handled directly by the Enforcement Director.

Since the Enforcement Division began formally tracking the practice in October 2019, the Enforcement Director has handled approximately two dozen informal complaints through this protocol. In approximately half of those instances the Division received and handled the complaint over email, and another one-quarter have been handled over the phone. In some instances the Division has received the complaint over email and responded by discussing the matter with complainants over the phone.

While each of the informal complaints handled through this protocol alleged violations outside the Commission's jurisdiction, it is notable that half of these complaints have involved allegations arising from San Francisco elections. Many, for example, alleged that campaign communications were false or misleading, while others alleged election fraud. In neither case

does the Ethics Commission have regulatory oversight. While six informal complaints alleged violations that the complainant believed were violations of ethics laws or rules, the allegations instead addressed a viewpoint they alleged was biased or a policy disagreement with a decision of the City and County. In other instances, for example, the complainants raised concerns about civil rights, equal employment opportunity, or discrimination by a third party. In each instance complainants were consulted about other City, state, or federal agencies to which the complainant might direct their concerns.

The Division will continue to track these interactions to identify any trends or patterns that might suggest how informational materials or tools might be developed to help provide potential complainants with further clarity about the role and jurisdiction of the Ethics Commission's investigative authority.

Enforcement Statistics

The Commission's enforcement docket now consists of 140 matters, approximately two thirds 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	January 2019	December 2019	January 2020
Number	92	45	48
Avg. Age (mo.)	6.2	6.8	5.9

Number and Average Age of Matters in Open Investigation

Month	January 2019	December 2019	January 2020
Number	88	90	92
Avg. Age (mo.)	15	18.0	18.4

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 has referred six additional accounts to the Bureau of Delinquent Revenue since the last Enforcement Report, and she continues to work with other delinquent filers to collect outstanding late fees.

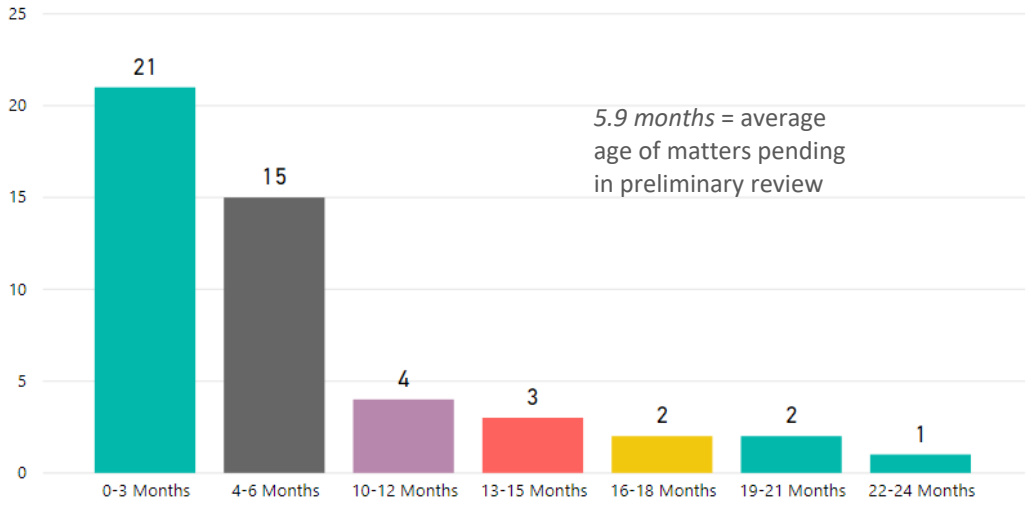
The summary of accounts below is the same as that presented at the Commission's December meeting; the Enforcement Division will work with the Bureau to schedule updates for 2020 as the Commission's new meeting calendar is adopted.

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. Mailed verification of employment to debtor's possible place of employment.
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 Financial Proposal and 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. Working with Legal Department for next step due to Attorney's lack of response.
San Franciscans for Democracy, Yes on D Committee	1391630	Jeremy Pollock	6/21/19	$1,625.00	$1,625.00	No response from Debtor	Small Claims suit filed. Hearing date 1/28/2020.
Noe Valley Democratic Club	963103	Todd David	6/21/19	$3,275.00	$0.00	Paid in Full	Organization President paid in full.
Arlo Smith For Democratic County Central Committee	1388142	Arlo Smith	4/30/2019	$1,750	$1,750.00	Refuse to Pay	Return mail. Started delinquency letter series with new address.
						Total:	**$115,813.18**

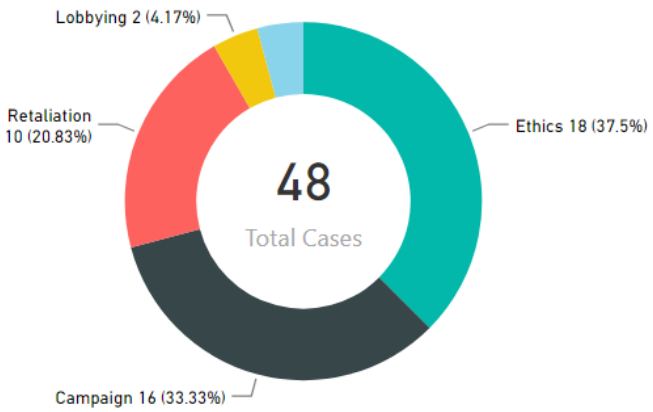
I look forward to answering any questions you might have at the upcoming Commission meeting.

Agenda Item 9, Attachment 1

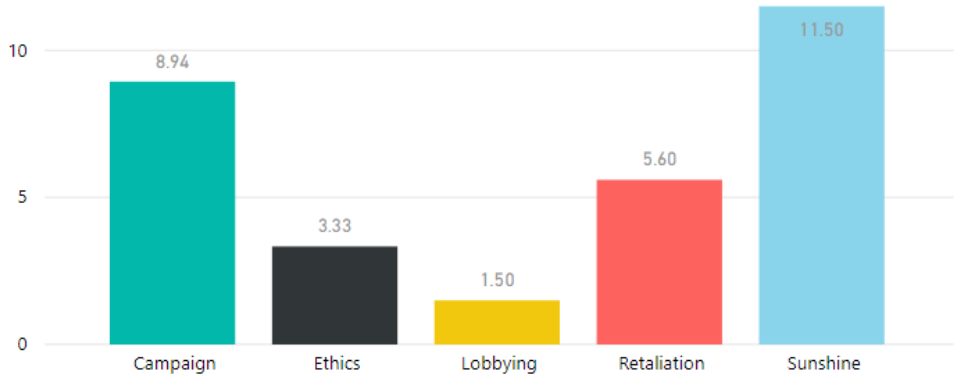
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type



Average Age of Matters in Preliminary Review by Type



Agenda Item 9, Attachment 2