



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

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EXECUTIVE DIRECTOR

Date: August 10, 2020  
To: Members of the Ethics Commission  
From: Jeff Pierce, Director of Enforcement & Legal Affairs  
Subject: **AGENDA ITEM 9: Enforcement Report for the August 14, 2020 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 Updates

#### Interdepartmental Collaboration

The Enforcement Director met with Jon Golinger, now Assistant District Attorney in the Special Prosecutions Unit, about the Ethics Commission's enforcement practices and procedures, including its process of referrals to the District Attorney's Office. For more than three years the Enforcement Director has conferred weekly with other staff from the District Attorney's Office, in addition to staff from the City Attorney's and Controller's Offices. Because the District Attorney hired Mr. Golinger to focus chiefly on alleged ethics violations, Enforcement Staff look forward to increased opportunities for collaboration with the District Attorney's Office, mindful of the due process considerations and other constitutional protections afforded to individuals in the criminal context.

#### Controller's Public Corruption Reports

The Enforcement Director joined Senior Policy and Legislative Affairs Counsel Pat Ford and Staff from the Controller's and District Attorney's Offices in discussing the results of the Controller's first publication, regarding vulnerabilities in the contracting processes at Public Works. Additionally, the Enforcement Director and Senior Investigator Jeff Zumwalt worked with Senior Policy Counsel Pat Ford in collaborating with the Executive Director to review and provide feedback on a draft of the Controller's second intended publication, regarding the use of non-City (namely, *Friends of*) accounts to finance City expenditures. The Division looks forward to additional opportunities to review the Controller's findings and discuss the recommendations that office might make.

## BLA Audit

Staff members from the Enforcement Division worked closely with auditors from the Budget and Legislative Analyst to communicate the policies, procedures, and practices underlying the Commission's investigations and enforcement, and to provide data regarding outcomes in the enforcement context. The Enforcement Director and Senior Investigator Jeff Zumwalt further worked with the Executive Director and other Staff members to respond to the BLA's draft audit and to develop the Commission's responses to the BLA's findings and recommendations. The Enforcement Division has begun to implement the BLA's recommendations and looks forward to providing further updates on its progress toward meeting goals related, for example, to additional trainings, increased data tracking, and decreased preliminary review and investigation timeframes.

## Docket Updates

The following tables compare the number and average age of the Commission's enforcement docket to the same figures as reported one month ago and one year ago:

*Table 1 - Number and Average Age of Matters in Preliminary Review*

Month	August 2019	July 2020	August 2020
Number	61	42	44
Avg. Age (mo.)	7.6	7.3	8.7

*Table 2 - Number and Average Age of Matters in Open Investigation*

Month	August 2019	July 2020	August 2020
Number	95	67	65
Avg. Age (mo.)	16.0	19.6	20.3

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 table below summarizes the status of accounts that the Bureau is handling on behalf of the Ethics Commission, as last updated August 10, 2020.

Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Chris Jackson for Community	Campaign finance late fees	Chris Jackson	7/12/13	\$6,601	\$5,101	Judgment	Order of Examination continuance filed

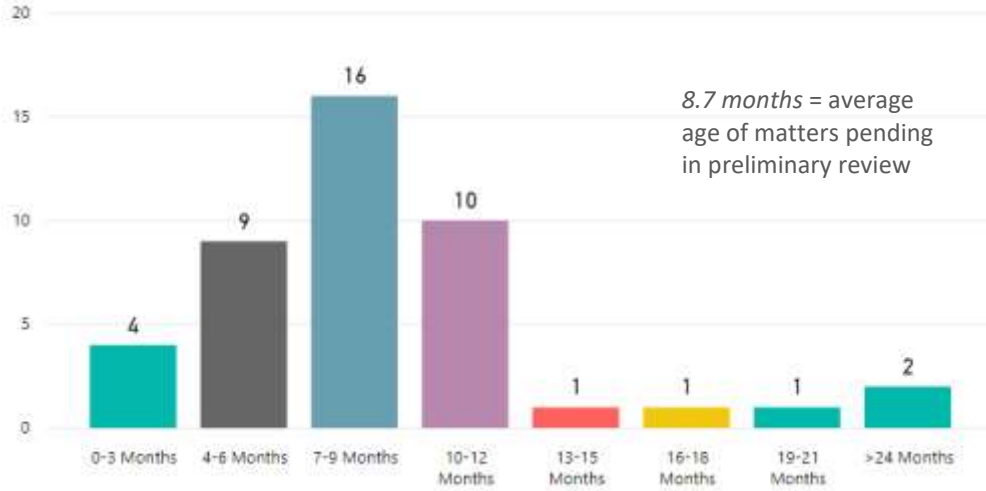
Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
College Board 2012							until 11/23/2020 per court closure.
Chris Jackson	Enforcement penalty: on stipulation, failure to file semiannual and preelection campaign statements and associated recordkeeping violations	Chris Jackson	9/26/16	\$6,100	\$6,100	Judgment	Order of Examination continuance filed until 11/23/2020 per court closure.
Committee to Elect Norman for Supervisor	Enforcement penalty: after hearing on the merits, found six counts of failure to file required semiannual campaign statements	Jacqueline Norman	5/1/15	\$9,000	\$9,000	Judgment	Order of Examination continuance filed until 11/23/2020 per court closure.
Isabel Urbano	Lobbyist late fees	Isabel Urbano	3/23/16	\$7,000	\$6,850	Agency Assignment	Assigned to collections agency.
Lynette Sweet	Enforcement penalty: after hearing on the merits, recordkeeping violation in publicly financed race for supervisor	Lynette Sweet	12/29/16	\$74,408	\$74,408	Bankruptcy	Per Legal Department, filed a Notice of Settlement. They have sent demand letters without success or response. Per current procedures cannot actively collect or proceed on collections.
SF Latino Democratic Club	Campaign finance late fees	Sarah Souza	6/21/19	\$10,979	\$10,979	Promise to pay	Emailed attorney for payment status.
San Franciscans for Democracy, Yes on D Committee	Campaign finance late fees	Jeremy Pollock	6/21/19	\$1,625	\$1,625	No response from Debtor	Small Claims suit filed. Hearing date 3/24/2020. Small Claims suit filed. Hearing date continuance until 12/14/2020 per court closure.
Arlo Smith For Democratic County Central Committee	Campaign finance late fees	Arlo Smith	4/30/2019	\$1,750	\$1,750	Refuse to Pay	Small Claims suit filed. Hearing date continuance until 10/21/2020 per court closure.

Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Jeffrey Urban	Campaign finance late fees	Jeffrey Urban	1/28/2020	\$4,975	\$4,975	No response from Debtor	Pend to mail small claims final demand letter.
Joshua Arce for SFDCCC Member 2016	Campaign finance late fees	Andrew Sinn	1/28/2020	\$425	\$425	No response from Debtor	Pend to mail small claims final demand letter.
Richard Matthews	Enforcement penalty: on stipulation, three counts in violation of the prohibition on knowingly attempting to influence a governmental decision involving his own appointment for employment	Richard Matthews	1/28/2020	\$9,000	\$9,000	No response from Debtor	Pend to mail small claims final demand letter.
Transport Workers Union Local 250A Cope Fund	Campaign finance late fees	Terrence Hall	1/28/2020	\$2,400	\$0	Client Paid in Full	Client paid in full 3/11/2020.
Yes on U, Working Families Fighting to Stay in San Francisco	Campaign finance late fees	Matthew Alvarez	1/28/2020	\$675	\$700	Promise to Pay	Emailed attorney for payment status.
Yes on P, Competitive Bidding for City Contracts with Funding	Campaign finance late fees	Matthew Alvarez	1/28/2020	\$675	\$700	Promise to Pay	Emailed attorney for payment status.
<b>Total:</b>							<b>\$131,613</b>

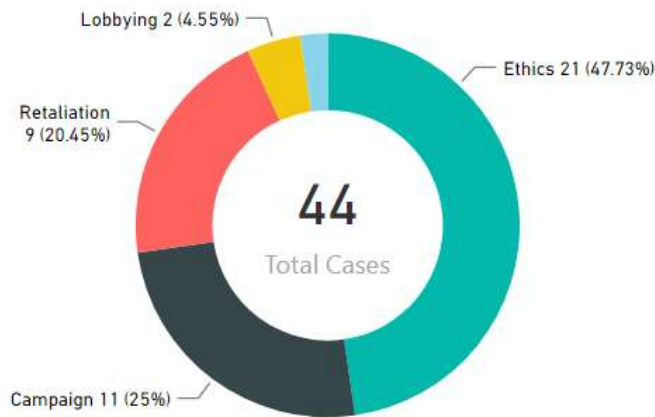
I look forward to answering any questions you might have at the upcoming Commission meeting.

## Agenda Item 9, Attachment 1

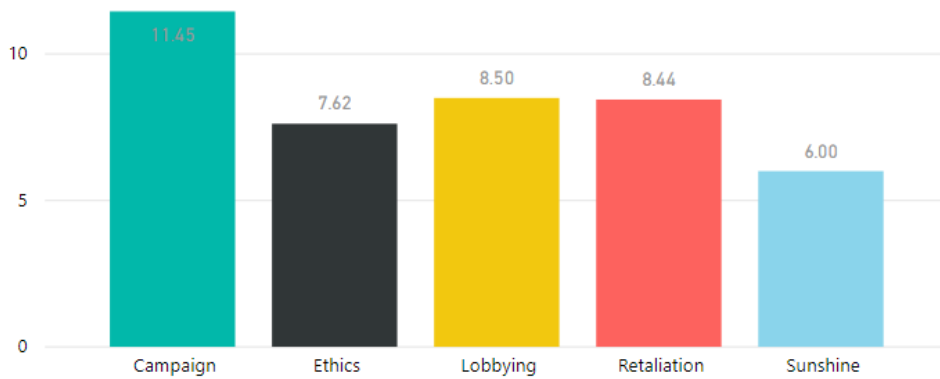
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type

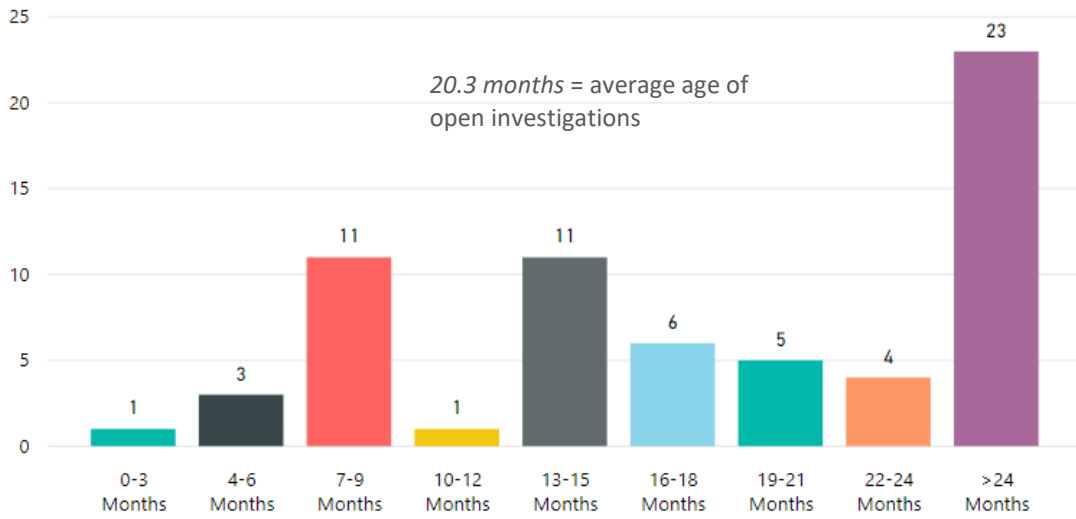


Average Age of Matters in Preliminary Review by Type

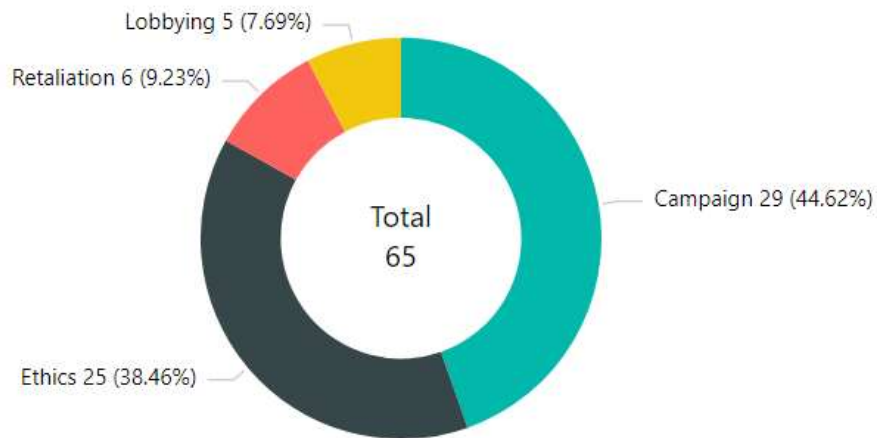


## Agenda Item 9, Attachment 2

Age of Matters under Open Investigation



Open Investigations by Type



Average Age of Matters under Open Investigation by Type

