



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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October 5, 2020

To: Members of the Ethics Commission

From: Jeff Pierce, Director of Enforcement

Subject: **AGENDA ITEM 7: Enforcement Report for the October 9, 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.

Programmatic Updates

Fixed Penalty/Streamlined Administrative Resolution

On Wednesday, October 7, 2020, staff of the Fair Political Practices Commission (FPPC) will present before the [FPPC's Law and Policy Committee](#) proposed amendments to the regulations governing the FPPC's Streamline and Warning Letter Programs. As reported during the prior Commission meeting, this agenda item was held over from the September meeting of the FPPC's Law and Policy Committee. FPPC Staff are recommending changes based on their experience implementing their Streamline and Warning Letter programs over the course of the last 18 months. Among other changes, FPPC staff are proposing the following:

1. To add additional types of violations that may be handled by streamlined resolution.
2. To simplify the penalty calculations to increase predictability and efficiency.
3. To create a Second Tier of streamlined resolutions where the respondent does not qualify for treatment under the existing Streamline Program but alternative treatment under the Mainline Program is not wholly warranted.
4. To increase the Enforcement Division's discretion to exclude from the program violations that caused minimal public harm and for which a Streamline Penalty is not warranted.

Enforcement Staff will observe the meeting and evaluate how the FPPC's experience and proposed amendments might inform the Staff proposal that remains under development.

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	October 2019	September 2020	October 2020
Number	53	46	36
Avg. Age (mo.)	6.3	9.2	10.3

Table 2 – Number and Average Age of Matters in Open Investigation

Month	October 2019	September 2020	October 2020
Number	90	65	66
Avg. Age (mo.)	16.9	20.8	20.4

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

Investigative Holds

Under San Francisco Charter section C3.699-13(a), whenever the Commission has reason to believe that a law within its jurisdiction has been violated it must forward a complaint and any relevant information to the City Attorney and District Attorney for their review. The Enforcement Division’s practice has been to forward the results of any preliminary investigation and analysis to those offices, along with the underlying complaint, if any. Since the Commission’s last regular meeting, the Enforcement Division has referred two new matters to the City Attorney and District Attorney.

In January 2017, the Commission adopted the [Investigation Suspension and Parallel Proceedings Policy](#). That Policy governs instances of overlapping jurisdiction. In relevant part, it provides that when the City Attorney or District Attorney requests that the Ethics Commission suspend administrative investigation, the Commission’s Enforcement Division will place an investigative hold on a matter for a period of 90 days. After those 90 days, the Enforcement Division may move forward with its investigation “unless the Executive Director determines otherwise.”

The following tables provide information about the status of any investigative matters for which either the City Attorney or District Attorney has indicated it will conduct a civil or criminal investigation.

Table 3 – City Attorney Investigative Holds

1	Type	Ethics
	Length of Hold	22 months
	Statute of Limitations	October 2022

Table 4 – District Attorney Investigative Holds

1	Type	Ethics
	Length of Hold	9 months
	Statute of Limitations	November 2023
2	Type	Ethics
	Length of Hold	45 days
	Statute of Limitations	June 2024

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 October 1, 2020.

Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Chris Jackson for Community College Board 2012	Campaign finance late fees	Chris Jackson	7/12/13	\$6,601	\$5,101	Judgment	No record of employment. Order of Examination continuance filed 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	No record of employment. 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	No record of employment. 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	Unable to enforce collections (past statute of limitations).

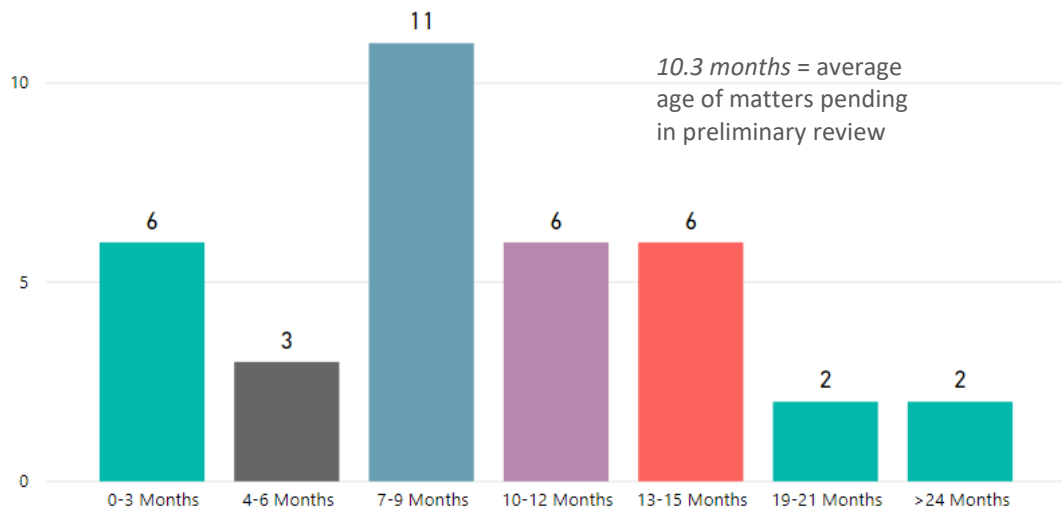
Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Lynette Sweet	Enforcement penalty: after hearing on the merits, recordkeeping violation in publicly financed race for supervisor	Lynette Sweet	12/29/16	\$74,408	\$74,408	Bankruptcy	Client not responsive, Legal Department pursuing entry and enforcement of judgement.
SF Latino Democratic Club	Campaign finance late fees	Sarah Souza	6/21/19	\$10,979	\$10,979	Promise to pay	Requested approval from BDR Management for Small Claims final demand letter.
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 continued by Superior Court until 12/14/2020.
Arlo Smith For Democratic County Central Committee	Campaign finance late fees	Arlo Smith	4/30/2019	\$1,750	\$1,750	Refuse to Pay	No record of employment. Small Claims suit filed. Hearing date continued by Superior Court until 10/21/2020.
Jeffrey Ubben	Campaign finance late fees	Jeffrey Ubben	1/28/2020	\$4,975	\$4,975	No response from Debtor	Requested approval from BDR Management for 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	Small Claims final demand letter sent prior to shelter in place. Will review for small claims suit with management.
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	Small Claims final demand letter sent prior to shelter in place. Will review for small claims suit with management.

Committee/ Filer	Origin	Treasurer/ Responsible Officer	Referral Date	Original Amount Referred	Current Balance	General Status	Status
Yes on U, Working Families Fighting to Stay in San Francisco	Campaign finance late fees	Matthew Alvarez	1/28/2020	\$675	\$700	No response from Debtor	Small Claims final demand letter sent prior to shelter in place. Will review for small claims suit with management.
Yes on P, Competitive Bidding for City Contracts with Funding	Campaign finance late fees	Matthew Alvarez	1/28/2020	\$675	\$700	No response from Debtor	Delinquency letter sent.
Bert Polacci	Lobbyist late fees	Bert Polacci	7/24/20	\$450	\$450	No response from Debtor	Requested approval from BDR Management for Small Claims final demand letter.
						Total:	\$132,063

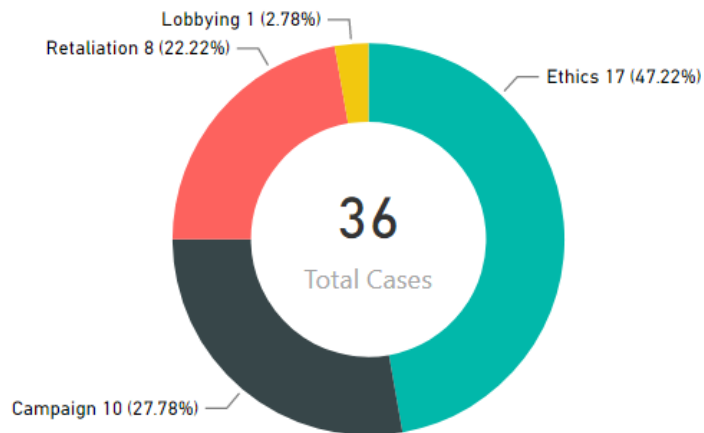
I look forward to answering any questions you might have at the upcoming Commission meeting.

Agenda Item 7, Attachment 1

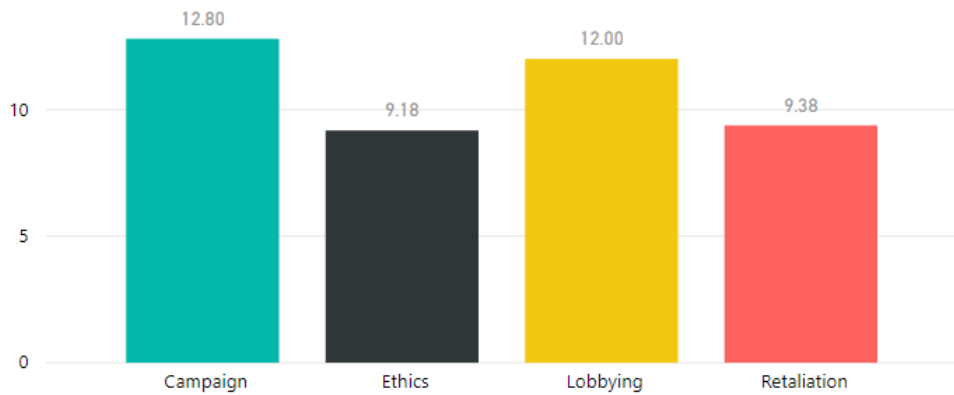
Age of Matters in Preliminary Review



Matters in Preliminary Review by Type

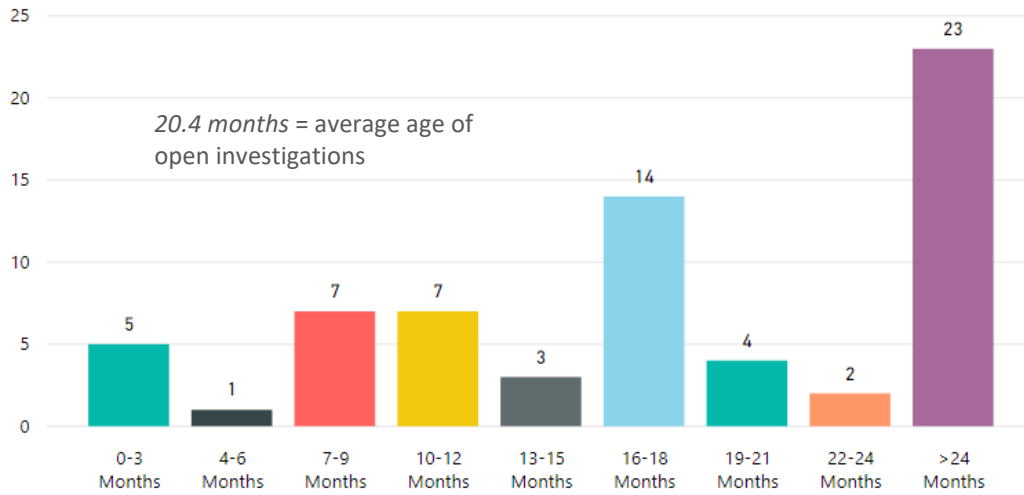


Average Age of Matters in Preliminary Review by Type

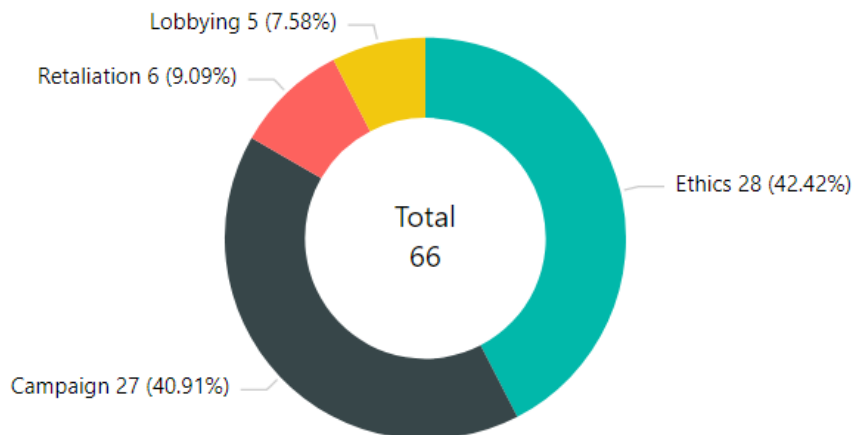


Agenda Item 7, Attachment 2

Age of Matters under Open Investigation



Open Investigations by Type



Average Age of Matters under Open Investigation by Type

