



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

August 9, 2021

To: Members of the Ethics Commission

From: Eric Willett, Senior Investigator and Streamlined Program Administrator

Subject: **AGENDA ITEM 5: Proposed SARP Stipulation, Decision and Order**

- ***In the Matter of Eamonn Herlihy and Richard Hart (SFEC Complaint No. 1819-062, 1920-035).***

Summary

This memorandum provides information regarding the Proposed SARP Stipulation appearing in this agenda item and what the Commission may do next regarding this Proposed SARP Stipulation.

Action Requested

The Commission may approve the Proposed SARP Stipulation by majority vote, or it may provide guidance to Commission Staff regarding the Proposed SARP Stipulation.

Regulatory Background

Pursuant to the Commission's Enforcement Regulations, the Executive Director may enter negotiations with a respondent at any time to resolve the factual and legal allegations in a complaint by way of a stipulated order (*i.e.* a negotiated settlement). Enf. Reg. § 12(A). The Regulations require that the stipulated order set forth the pertinent facts and may include an agreement as to anything that could be ordered by the Commission under its authority pursuant to Charter section C3.699-13. *Id.*

Immediately after the Executive Director enters a stipulated order with a respondent, the Executive Director must inform the Commission of the proposed stipulation. Enf. Reg. § 12(E). Thereafter, any member of the Commission may request that the stipulated order be reviewed in public session by the full panel of the Commission during its next meeting. *Id.*

This proposed stipulation was reached pursuant to the Commission's [Streamlined Administrative Resolution Program](#). As of today, no Commissioner had requested review of the attached streamlined stipulated order in public session by the full panel of the Commission. It therefore appears on the Consent Calendar. The Commission may approve the stipulation by majority vote, or it may provide guidance to Commission Staff regarding the Proposed SARP Stipulation. Enf. Reg. § 12(F).

Members of the public may comment on the Proposed SARP Stipulation, noting that the Commission receives public comment once for all consent items collectively.

1 LeeAnn Pelham
Executive Director
2 Eric Willett
Senior Investigative Analyst
3
4 San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102
5 (415) 252-3100 Telephone
(415) 252-3112 Facsimile
6

7 BEFORE THE SAN FRANCISCO
8 ETHICS COMMISSION

9 In the Matter of) SFEC Complaint Nos. 1819-062 and 1920-035
10 EAMONN HERLIHY and RICHARD HART,)
11 Respondents.) **Streamlined Administrative Resolution Program**
12) **STIPULATION, DECISION, AND ORDER**
13)
14)

15 THE PARTIES STIPULATE AS FOLLOWS:

16 1. This Streamlined Administrative Resolution Program Stipulation, Decision, and Order
17 (Stipulation) is made and entered into by and between Eamonn Herlihy and Richard Hart (hereinafter
18 “Respondents”) and the San Francisco Ethics Commission (the Commission).

19 2. Respondents and the Commission agree to settle and resolve all factual and legal issues
20 in this matter and to reach a final disposition through the Commission’s Streamlined Administrative
21 Resolution Program and without an administrative hearing. Upon approval of this Stipulation and full
22 performance of the terms outlined in this Stipulation, the Commission will take no future action against
23 Respondents, and this Streamlined Stipulation shall constitute the complete resolution of all claims by
24 the Commission against Respondents related to the violations of law described in Exhibit A.
25 Respondents understand and knowingly and voluntarily waive all rights to judicial review of this
26 Streamlined Stipulation and any action taken by the Commission or its staff on this matter.
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Dated: 07-29-2021 | 13:55:46 PDT

DocuSigned by:
LeeAnn Pelham
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LEEANN PELHAM, EXECUTIVE DIRECTOR
SAN FRANCISCO ETHICS COMMISSION

Dated: 07-28-2021 | 09:37:47 PDT

DocuSigned by:
Eamonn Herlihy
A8D8D03CDB8745E...

EAMONN HERLIHY

Dated: 07-28-2021 | 12:01:33 PDT

DocuSigned by:
Richard Hart
F87BE90E9B92404...

RICHARD HART

DECISION AND ORDER

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The foregoing Stipulation of the parties in the matter of "Eamonn Herlihy and Richard Hart, SFEC Complaint No. 1819-062 and 1920-035," including the attached Exhibit A, is hereby accepted as the final Decision and Order of the San Francisco Ethics Commission, effective upon execution below by the Chairperson.

IT IS SO ORDERED.

Dated: _____

YVONNE LEE, ACTING CHAIRPERSON
SAN FRANCISCO ETHICS COMMISSION

Exhibit A

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Description of Respondent: At all times relevant to this matter, Eamonn Herlihy and Richard Hart each had an ownership interest of 50 percent in 1001 17th Street Associates LLC and 33 percent in 121 9th LLC.

Description of Violation: While under the direction and control of majority owners Herlihy and Hart, 1001 17th Street Associates LLC and 121 9th LLC made the following affiliated entity contributions that when aggregated pursuant to SF C&GCC section 1.114(e)(2) exceeded the \$500 contribution limit provided by SF C&GCC section 1.114(a):

1001 17th Street Associates LLC

- 1. \$500 to Vallie Brown for Supervisor 2019 on December 10, 2018.
- 2. \$500 to John Dennis for Supervisor 2018 on November 5, 2018.

121 9th LLC

- 1. \$500 to Vallie Brown for Supervisor 2019 on December 10, 2018.
- 2. \$500 to John Dennis for Supervisor 2018 on November 5, 2018.

Specific Eligibility Requirements: Eamonn Herlihy and Richard Hart must sign and return this stipulated agreement within 90 days of contact by the Commission’s Enforcement Division.

Specific Financial Penalty Modifiers:

- \$1,000 if corrective action is taken and the stipulation is signed and returned by August 16, 2021
- \$2,000 if corrective action is taken and the stipulation is signed and returned by September 13, 2021
- \$3,000 if corrective action is taken and the stipulation is signed and returned by October 13, 2021