



# San Francisco Ethics Commission

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October 4, 2021

To: Members of the Ethics Commission

From: Eric Willett, Senior Investigator and Streamlined Program Administrator

Subject: **AGENDA ITEM 4: Proposed SARP Stipulation, Decision and Order**

- ***In the Matter of Sandra Lee Fewer for Supervisor 2016, Sandra Lee Fewer, and Nicholas Persky (SFEC Complaint No. 1617-020-2).***

## 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](#). Here, Commissioner Bush requested that the attached Proposed SARP Stipulation be reviewed in public session by the full panel of the Commission during its next meeting. The Commission may therefore discuss this item, and it may either approve the Proposed SARP Stipulation by majority vote or 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.

LeeAnn Pelham  
Executive Director  
Eric Willett  
Senior Investigative Analyst

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BEFORE THE SAN FRANCISCO  
ETHICS COMMISSION

In the Matter of	)	SFEC Complaint No. 1617-020-2
	)	
SANDRA LEE FEWER FOR SUPERVISOR 2016,	)	
SANDRA LEE FEWER, AND NICHOLAS PERSKY.	)	<b>Streamlined Administrative Resolution Program</b>
	)	<b>STIPULATION, DECISION, AND ORDER</b>
Respondents.	)	
	)	

THE PARTIES STIPULATE AS FOLLOWS:

1. This Streamlined Administrative Resolution Program Stipulation, Decision, and Order (Stipulation) is made and entered into by and between Sandra Lee Fewer for Supervisor 2016, Sandra Lee Fewer, and Nicholas Persky ("Respondents" collectively) and the San Francisco Ethics Commission (the Commission).

2. Respondents and the Commission agree to settle and resolve all factual and legal issues in this matter and to reach a final disposition through the Commission's Streamlined Administrative Resolution Program and without an administrative hearing. Upon approval of this Stipulation and full performance of the terms outlined in this Stipulation, the Commission will take no future action against Respondents, and this Streamlined Stipulation shall constitute the complete resolution of all claims by the Commission against Respondents related to the violations of law described in Exhibit A.

1 Respondents understand and knowingly and voluntarily waive all rights to judicial review of this  
2 Streamlined Stipulation and any action taken by the Commission or its staff on this matter.

3 3. Respondents acknowledge responsibility for and agree to pay an administrative penalty  
4 as set forth in Exhibit A. Respondents agree that the administrative penalty set forth in Exhibit A is a  
5 reasonable administrative penalty.

6 4. Within ten business days of the Commission's approval of this Stipulation, Respondents  
7 shall either pay the penalty through the City's online payment portal or otherwise deliver to the  
8 following address the sum as set forth in Exhibit A in the form of a check or money order made payable  
9 to the "City and County of San Francisco":  
10

11 San Francisco Ethics Commission  
12 Attn: Enforcement & Legal Affairs Division  
13 25 Van Ness Avenue, Suite 220  
14 San Francisco, CA 94102

15 5. If Respondents fail to comply with the terms of this Stipulation, then the Commission  
16 may reopen this matter and prosecute Respondents under Section C3.699-13 of the San Francisco  
17 Charter for any available relief.

18 6. Respondents understand, and hereby knowingly and voluntarily waive, any and all  
19 procedural rights under Section C3.699-13 of the San Francisco Charter and the Commission's  
20 Enforcement Regulations with respect to this matter. These include, but are not limited to, the right to  
21 appear personally at any administrative hearing held in this matter, to be represented by an attorney at  
22 Respondents' expense, to confront and cross-examine all witnesses testifying at the hearing and to  
23 subpoena witnesses to testify at the hearing.

24 7. Respondents understand and acknowledge that this Stipulation is not binding on any  
25 other government agency with the authority to enforce the San Francisco Campaign & Governmental  
26 Conduct Code section 1.100 *et seq.*, and does not preclude the Commission or its staff from cooperating  
27

1 with or assisting any other government agency in its prosecution of Respondent for any allegations set  
2 forth in Exhibit A, or any other matters related to those violations of law set forth in Exhibit A.

3 8. This Stipulation is subject to the Commission's approval. In the event the Commission  
4 declines to approve this Stipulation, the Stipulation shall become null and void, except Paragraph 9,  
5 which shall survive.

6 9. In the event the Commission rejects this Stipulation, and further administrative  
7 proceedings before the Commission are necessary, Respondents agree that the Stipulation and all  
8 references to it are inadmissible. Respondents moreover agree not to challenge, dispute, or object to  
9 the participation of any member of the Commission or its staff in any necessary administrative  
10 proceeding for reasons stemming from his or her prior consideration of this Stipulation.

11 10. This Stipulation, along with the attached Exhibit A, reflects the entire agreement  
12 between the parties hereto and supersedes any and all prior negotiations, understandings, and  
13 agreements with respect to the transactions contemplated herein. This Stipulation may not be amended  
14 orally. Any amendment or modification to this Stipulation must be in writing duly executed by all parties  
15 and approved by the Commission at a regular or special meeting.

16 11. This Stipulation shall be construed under, and interpreted in accordance with, the laws  
17 of the State of California. If any provision of the Stipulation is found to be unenforceable, the remaining  
18 provisions shall remain valid and enforceable.

19 12. The parties hereto may sign different copies of this Stipulation, which will be deemed to  
20 have the same effect as though all parties had signed the same document.  
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09-27-2021 | 13:19:35 PDT  
Dated: \_\_\_\_\_

DocuSigned by:

*LeeAnn Pelham*

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LEEANN PELHAM, EXECUTIVE DIRECTOR  
SAN FRANCISCO ETHICS COMMISSION

09-27-2021 | 12:22:49 PDT  
Dated: \_\_\_\_\_

DocuSigned by:

*Sandra Fewer*

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SANDRA LEE FEWER, INDIVIDUALLY AND ON BEHALF OF  
SANDRA LEE FEWER FOR SUPERVISOR 2016

09-26-2021 | 19:52:19 PDT  
Dated: \_\_\_\_\_

DocuSigned by:

*NICHOLAS PERSKY*

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NICHOLAS PERSKY, TREASURER

**DECISION AND ORDER**

The foregoing Stipulation of the parties in the matter of "Sandra Lee Fewer for Supervisor 2016, Sandra Lee Fewer, and Nicholas Persky, SFEC Complaint No. 1617-020-2," 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**

**Description of Respondents:** Sandra Lee Fewer for Supervisor 2016, FPPC Identification Number 1382203 ("the Committee") was a candidate-controlled committee to support the election of Sandra Lee Fewer to the City and County of San Francisco (City) Board of Supervisors, to represent District 1, in the general election of November 8, 2016, and Nicholas Persky was the Committee's treasurer.

**Description of Violation:** This matter consists of two violations of the San Francisco Campaign and Governmental Conduct Code section 1.126(d) prohibition on a candidate or their controlled committee from accepting contributions from City contractors within 12 months from the date their contract was approved.

Francis So is President and Chief Executive Officer ("CEO"), and Ringo Wong is Vice President and CFO of Tomokazu Japanese Cuisine (SFO), Inc. ("Tomokazu"). In July 2016, the San Francisco Board of Supervisors approved a contract between Tomokazu and the City and County of San Francisco for a restaurant located in the international terminal of San Francisco International Airport.

- 1) In October 2016, Wong contributed \$500 to the controlled committee of Respondent Fewer.
- 2) In October 2016, So contributed \$250 to the controlled committee of Respondent Fewer.

**Specific Eligibility Requirements:** Respondents must sign and return this stipulated agreement within 90 days of contact by the Commission's Enforcement Division.

**Specific Financial Penalty Modifiers:**

- ✓ \$750 if the stipulation is signed and returned by September 27, 2021
- \$1,500 if the stipulation is signed and returned by October 27, 2021
- \$2,250 if the stipulation is signed and returned by November 26, 2021