



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 5: Proposed SARP Stipulation, Decision and Order**

- ***In the Matter of Brigitte Davila* (SFEC Complaint No. 1819-034/035 and 2122-012).**

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 Nos. 1819-034/035 and 2122-012 |
| |) | |
| BRIGITTE DAVILA, |) | |
| |) | Streamlined Administrative Resolution Program |
| Respondents. |) | STIPULATION, DECISION, AND ORDER |
| |) | |
| |) | |
| |) | |

THE PARTIES STIPULATE AS FOLLOWS:

1. This Streamlined Administrative Resolution Program Stipulation, Decision, and Order (Stipulation) is made and entered into by and between Brigitte Davila ("Respondent") and the San Francisco Ethics Commission (the Commission).
2. Respondent and the Commission agrees 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 Respondent, and this Streamlined Stipulation shall constitute the complete resolution of all claims by the Commission against Respondent related to the violations of law described in Exhibit A. Respondent understands and knowingly and voluntarily waives all rights to judicial review of this Streamlined Stipulation and any action taken by the Commission or its staff on this matter.

1 3. Respondent acknowledges responsibility for and agrees to pay an administrative penalty
2 as set forth in Exhibit A. Respondent agrees that the administrative penalty set forth in Exhibit A is a
3 reasonable administrative penalty.

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

8 San Francisco Ethics Commission
9 Attn: Enforcement & Legal Affairs Division
10 25 Van Ness Avenue, Suite 220
11 San Francisco, CA 94102

12 5. If Respondent fails to comply with the terms of this Stipulation, then the Commission
13 may reopen this matter and prosecute Respondent under Section C3.699-13 of the San Francisco
14 Charter for any available relief.

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

21 7. Respondent understands and acknowledges that this Stipulation is not binding on any
22 other government agency with the authority to enforce the San Francisco Campaign & Governmental
23 Conduct Code section 1.100 *et seq.*, and does not preclude the Commission or its staff from cooperating
24 with or assisting any other government agency in its prosecution of Respondent for any allegations set
25 forth in Exhibit A, or any other matters related to those violations of law set forth in Exhibit A.
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1 8. This Stipulation is subject to the Commission's approval. In the event the Commission
2 declines to approve this Stipulation, the Stipulation shall become null and void, except Paragraph 9,
3 which shall survive.

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

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

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

17 12. The parties hereto may sign different copies of this Stipulation, which will be deemed to
18 have the same effect as though all parties had signed the same document.
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09-28-2021 | 16:00:17 PDT
Dated: _____

DocuSigned by:

LeeAnn Pelham

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LEEANN PELHAM, EXECUTIVE DIRECTOR
SAN FRANCISCO ETHICS COMMISSION

09-28-2021 | 15:47:38 PDT
Dated: _____

DocuSigned by:

Brigitte Davila

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BRIGITTE DAVILA

DECISION AND ORDER

The foregoing Stipulation of the parties in the matter of “Brigitte Davila, SFEC Complaint Nos. 1819-034/035 & 2122-012,” 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 Respondent: Brigitte Davila assumed office as a Member of the Board of Trustees for the San Francisco Community College District in January 2015.

Description of Violation: Brigitte Davila filed four Forms 700 after their respective deadlines in violation of SF C&GCC section 3.1-102(a):

1. Davila filed her assuming office Form 700 on October 11, 2018, which is more than 30 days after she assumed office in January of 2015;
2. Davila filed her annual Form 700 for 2015 on June 15, 2018, which was beyond the 2016 due date;
3. Davila filed her annual Form 700 for 2016 on October 11, 2018, which is beyond the 2017 due date;
4. Davila filed her annual Form 700 for 2017 on June 15, 2018, which is beyond the April 2, 2018, due date.

Brigitte Davila came into compliance with her Form 700 filing obligations prior to first contact by the Enforcement Division, has timely filed her annual Forms 700 for the three years since her late filings, and Staff found no prohibited financial interests among the interests that she disclosed on her late filings.

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

Specific Financial Penalty Modifiers:

- ☒ \$2,000 if the stipulation is signed and returned by September 28, 2021.
- ☐ \$2,800 if the stipulation is signed and returned by October 28, 2021.
- ☐ \$3,600 if the stipulation is signed and returned by November 27, 2021.