



# 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 7: Proposed SARP Stipulation, Decision and Order**

- ***In the Matter of No Plan, No Accountability, No on Prop C, Sponsored by the San Francisco Chamber of Commerce and Andrew Sinn (SFEC Complaint No. 2021-042).***

## 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. 2021-042  
)  
NO PLAN, NO ACCOUNTABILITY, NO ON PROP C, )  
SPONSORED BY THE SAN FRANCISCO CHAMBER ) **Streamlined Administrative Resolution Program**  
OF COMMERCE AND ANDREW SINN. ) **STIPULATION, DECISION, AND ORDER**

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 No Plan, No Accountability, No on Prop C, sponsored by the San Francisco Chamber of Commerce and Andrew Sinn ("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

1 the Commission against Respondents related to the violations of law described in Exhibit A.

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

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

7 4. Within ten business days of the Commission's approval of this Stipulation, Respondents  
8 shall either pay the penalty through the City's online payment portal or otherwise deliver to the  
9 following address the sum as set forth in Exhibit A in the form of a check or money order made payable  
10 to the "City and County of San Francisco":  
11

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

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

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

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

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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09-28-2021 | 04:49:04 PDT

Dated: \_\_\_\_\_

DocuSigned by:

*LeeAnn Pelham*

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LEEANN PELHAM, DEPUTY DIRECTOR  
SAN FRANCISCO ETHICS COMMISSION

09-27-2021 | 19:12:48 EDT

Dated: \_\_\_\_\_

DocuSigned by:

*Andrew Sinn*

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ANDREW SINN, INDIVIDUALLY AND ON BEHALF OF NO PLAN, NO  
ACCOUNTABILITY, NO ON PROP C, SPONSORED BY THE SAN  
FRANCISCO CHAMBER OF COMMERCE

**DECISION AND ORDER**

The foregoing Stipulation of the parties in the matter of “No Plan, No Accountability, No on Prop C, Sponsored by the San Francisco Chamber of Commerce and Andrew Sinn, SFEC Complaint No. 2021-042,” 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:** No Plan, No Accountability, No on Prop C, Sponsored by the San Francisco Chamber of Commerce, FPPC Identification Number 1408152 ("the Committee") was a primarily-formed committee to oppose a ballot measure for "additional tax on gross receipts of business to fund homeless services: TBD", later designated as Measure C, set to appear on the November 6, 2018, San Francisco ballot. Following the July 2018 designation of ballot measuring lettering by the San Francisco Department of Elections, the Committee filed an amended Form 410 in September 2018 to re-name the Committee as "No Plan, No Accountability, No on Prop C, Sponsored by the San Francisco Chamber of Commerce." Following the 2018 City election, the Committee was selected for audit for the period from January 1 through December 31, 2018, and Auditors determined that the Committee reported \$1,968,882 in expenditures.

**Description of Violation:** Based on the Commission's audit of the Committee, Investigators concluded that there was one finding with respect to the Committee:

1) The Committee failed to include the required language in a disclaimer notice, "Who Funded this Ad" as a hyperlink in a committee communication sent by text message, entitled "E-Day Text Message" and produced on November 5, 2018. SF C&GCC § 1.161(a).

**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:**

- ☒ \$500 if the stipulation is signed and returned by September 27, 2021.
- ☐ \$670 if the stipulation is signed and returned by October 27, 2021.
- ☐ \$1,255 if the stipulation is signed and returned by November 26, 2021.