



# San Francisco Ethics Commission

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## Lobbying Audit Report:

**Martha Miller**

**Lobbyist ID: SFO-153848**

**January 1, 2021 – December 31, 2021**

### Introduction

Public disclosure of the identity and extent of efforts of lobbyists to influence decision-making regarding local legislative and administrative matters is essential to protect public confidence in the responsiveness and representative nature of government officials and institutions. The San Francisco Lobbyist Ordinance (San Francisco Campaign & Governmental Conduct Code [SFC&GCC] Section [Sec.] 2.100 et seq.) was established to impose reasonable registration and disclosure requirements to reveal information about lobbyists' efforts to influence decision-making regarding local legislative and administrative matters. By restricting gifts, campaign contributions, and bundled campaign contributions by lobbyists, the law is designed to increase public confidence that governmental decisions are not, and do not appear to be, influenced by the giving of personal benefits to City officers by lobbyists, or by lobbyists' financial support of City officers' political interests.

To promote lobbyists' compliance with the law, the San Francisco Ethics Commission conducted an audit of **Martha Miller: SFO-153848** (hereinafter "the Lobbyist") covering the audit period January 1, 2021, through December 31, 2021. This Audit Report summarizes the results for the audit.

### Authority

Under SFC&GCC Sec. 2.135(c), the Executive Director of the Commission shall initiate audits of one or more lobbyists selected at random on an annual basis and undertake any other audits or investigations of a lobbyist authorized by law or regulation.

### Objectives and Scope

The objective of the audit was to reasonably determine whether the Lobbyist substantially complied with requirements of SFC&GCC Sec. 2.100 et seq. and supporting regulations.

The audit was performed based on a review of the Lobbyist's filings and records covered by the audit period to determine, among other things:

- Compliance with disclosure and record-keeping requirements pertaining to lobbyist registration, monthly disclosure reporting, and training; and
- Compliance with applicable restrictions on lobbyist activity.

The Lobbyist was randomly selected for audit from a population of registered lobbyists who filed disclosure statements with the Ethics Commission for the period January 1, 2021, through December 31, 2021.

Nothing in this report shall be interpreted to prevent an enforcement action by the Ethics Commission or another appropriate agency for conduct in violation of the law, whether or not that conduct is covered by this report.

This report will be posted to the Commission's website and forwarded to the Commission's Enforcement Division for review to determine whether any further action may be warranted.

### **Auditee Information**

#### **Background**

At all times relevant to the audit, the Lobbyist was a contact lobbyist employed by Platinum Advisors, Inc. and provided lobbying services on behalf of its clients. The Lobbyist filed the lobbyist registration on January 20, 2015, and during the audit period, contacted public officials at the San Francisco Airport Commission, San Francisco Board of Supervisors, San Francisco City Planning Department, and San Francisco Mayors' Office among others regarding matters related to new store/business expansion, transportation issues at Golden Gate Park, and street conditions in San Francisco.

#### **Lobbyist Reported Activity**

Total Number of Contacts	14
Total Payments Promised	\$793,875
Total Activity Expenses	\$0
Total Contributions Made	\$0

The lobbyist activity totals were taken from disclosure statements filed with the San Francisco Ethics Commission for the period January 1, 2021, through December 31, 2021.

**Audit Respondent**

The Audit Respondent identified below was the primary audit contact during the audit and responded to audit inquiries and requests on behalf of the Lobbyist.

Catherine Crane  
The Sutton Law Firm  
150 Post Street Ste 405  
San Francisco, CA 94108

**Audit Findings**

Under SFC&GCC Sec. 2.110(c)(1), contact lobbyists shall report to the Ethics Commission for each calendar month information regarding contact activity to influence local legislative or administrative action and economic consideration received or expected, among other things, no later than the fifteenth calendar day following the end of the month. Under SFC&GCC Sec. 2.110(d), lobbyists shall amend any information submitted to the Ethics Commission through registration and monthly disclosures within five days of the changed circumstances that require correction or updating of such information.

The following findings were noted during the audit:

**Registration**

Amendments to the San Francisco Ethics Commission Contact Lobbyist Registration were not timely filed within the five-day deadline to disclose changed circumstances. Amendments to unregister two existing clients and register two new clients were filed between nine and 131 days after required disclosure deadlines. See table below.

	<b>Change Type</b>	<b>Client Name</b>	<b>Client End or Start Date</b>	<b>Required Disclosure Date</b>	<b>Actual Disclosure Date</b>	<b>Days Late</b>
1	Unregister	Have a Heart	12/31/2020	1/5/2021	2/16/2021	42
2	Unregister	Hotel Council of San Francisco	3/31/2021	4/5/2021	4/14/2021	9
3	Register	Capital One	1/1/2021	1/6/2021	5/17/2021	131
4	Register	Target	4/22/2021	4/27/2021	5/17/2021	20

Per the amendment, Capital One was registered as a new client starting April 15, 2021, when contact was made with San Francisco Public Officials. However, account ledger and invoices reviewed by the auditor indicated that Capital One was billed and payments were received for lobbying services starting January 1, 2021. Thus, Capital One should have been registered no later than January 6, 2021, five days after it became a new client, as noted in the above table.

In addition to the late filing of the amendment, monthly payments promised of \$7,500 from Capital One were required but not disclosed on San Francisco Ethics Commission Individual Lobbyist Statements filed for the months of January through March 2021, resulting in the underreporting of monthly payments totaling \$22,500.

### **Monthly Disclosure Statements**

Five contacts made with San Francisco public officials on May 6 and May 10, 2021, were not initially disclosed on the May 2021 San Francisco Ethics Commission Individual Lobbyist Statement filed on June 15, 2021. The information was disclosed on an amendment filed on September 13, 2021. The amendment was filed 84 days late. Filing was due on June 21, 2021, five days after the Lobbyist discovered the omission and provided updated information to the political reporting firm on June 16, 2021.

### **Conclusion**

Except as indicated in the **Audit Findings** section above, and in our opinion, the Lobbyist substantially complied with the requirements of SFC&GCC Sec. 2.100 et seq. and supporting regulations.

### **Auditee Responses**

In response to the finding pertaining to the untimely filing of amendments to the San Francisco Ethics Commission Contact Lobbyist Registration to unregister **Have a Heart** and **Hotel Council of San Francisco** as existing clients, and register **Target** as a new client, the Audit Respondent indicated the following:

*"Platinum Advisors goes to great lengths to register and terminate new clients within five days. The political reporting firm which Platinum Advisors has retained to prepare its lobbyists' reports reminds Platinum Advisors employees on a regular basis that they need to register new clients within five days. Platinum Advisors employees also complete a monthly survey about their San Francisco lobbying activity which asks whether a new client has retained the firm or whether the firm is no longer representing a client. The termination of Have a Heart and Hotel Council, and the registration of Target, was inadvertently done after*

*the five-day deadline, and Platinum Advisors employees will be reminded on a more regular basis about the five-day registration and termination deadlines.”*

In response to the finding pertaining to the untimely filing of an amendment to the San Francisco Ethics Commission Contact Lobbyist Registration to register **Capital One** as a new client and the underreporting of monthly payments promised totaling \$22,500 on monthly San Francisco Ethics Commission Individual Lobbyist Statements, the Audit Respondent indicated the following:

*“Platinum Advisors registered Capital One as soon as Ms. Miller had a direct lobbying contact with a City officer about a pending legislative or administrative matter on behalf of this client, in April 2021. Although the invoices sent to Capital One for January to March 2021 referred to “lobbying services,” these services included only general consulting work about potential San Francisco lobbying contacts and work relating to lobbying services in jurisdictions other than San Francisco.”*

In response to the finding pertaining to the late disclosure of five contacts made with San Francisco public officials on May 6 and May 10, 2021, the Audit Respondent indicated the following:

*“The political reporting firm inadvertently overlooked the amendment needed to the May monthly report, and filed the amendment when it discovered this oversight while preparing the August monthly report.”*