



San Francisco Ethics Commission

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September 23, 2024

To: Members of the Ethics Commission
From: Olabisi Matthews, Director of Enforcement
Subject: **Agenda Item 5: Quarterly Enforcement Report**

Summary and Action Requested

This report provides general programmatic updates and data about the cases handled by the Commission's Enforcement Division.

No action is required by the Commission, as this item is for informational purposes only.

Cases Resolved

Fiscal Year 2025

So far in Fiscal Year 2025 (July 1, 2024 – August 30, 2024), the Enforcement Division has concluded a total of 26 enforcement matters. Two additional matters are presented as proposed stipulations in agenda items 5 and 6 on this month's Commission meeting agenda.

Cases In Progress

So far in FY25, 26 enforcement matters have been initiated. Eighteen of these 26 cases began from complaints that the Commission received from the public. Four matters were initiated by the Division based on media reports, observations in public disclosures, independent research, findings from audit reports, and interactions with regulated persons. Four matters were initiated based on referrals from the Controller's Whistleblower Program. Some of these matters initiated in FY25 remain in progress while others have already been resolved.

In total, 37 matters are currently in progress, including matters that were initiated during FY25 and matters that were initiated in FY24. Of these matters, 20 are in preliminary review, and 17 are open investigations. This total number of matters is lower than the typical number of matters that the Division has had open during prior years. This reflects successful measures to work and resolve matters more quickly, especially smaller matters, while focusing resources on larger and more difficult matters.

The current cases in progress are broken down by program area in the charts 1-4 below.



Chart 1 – Matters in Preliminary Review by Program Area: 20

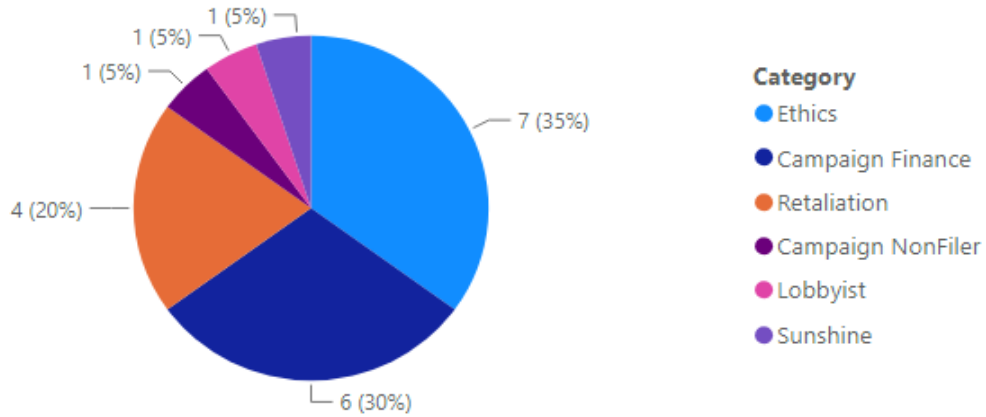


Chart 2 – Open Investigations by Program Area: 17

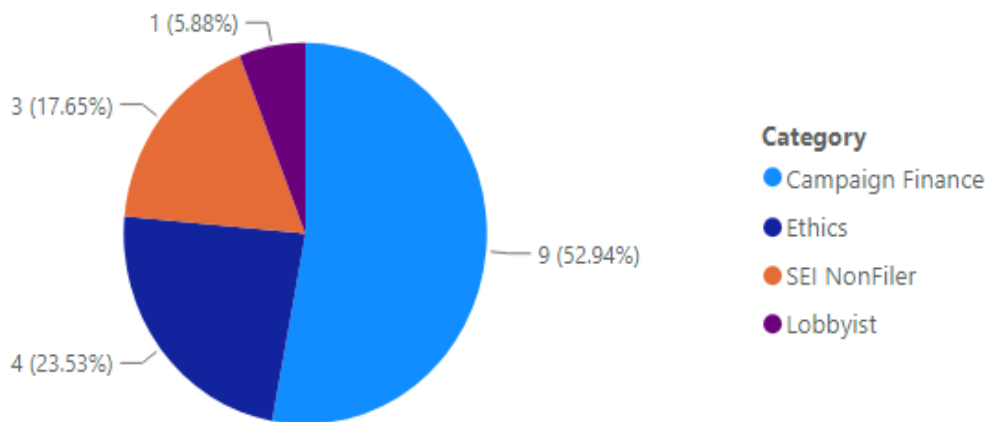




Chart 3 – Average Age of Matters Under Preliminary Review by Case Category (in Months)

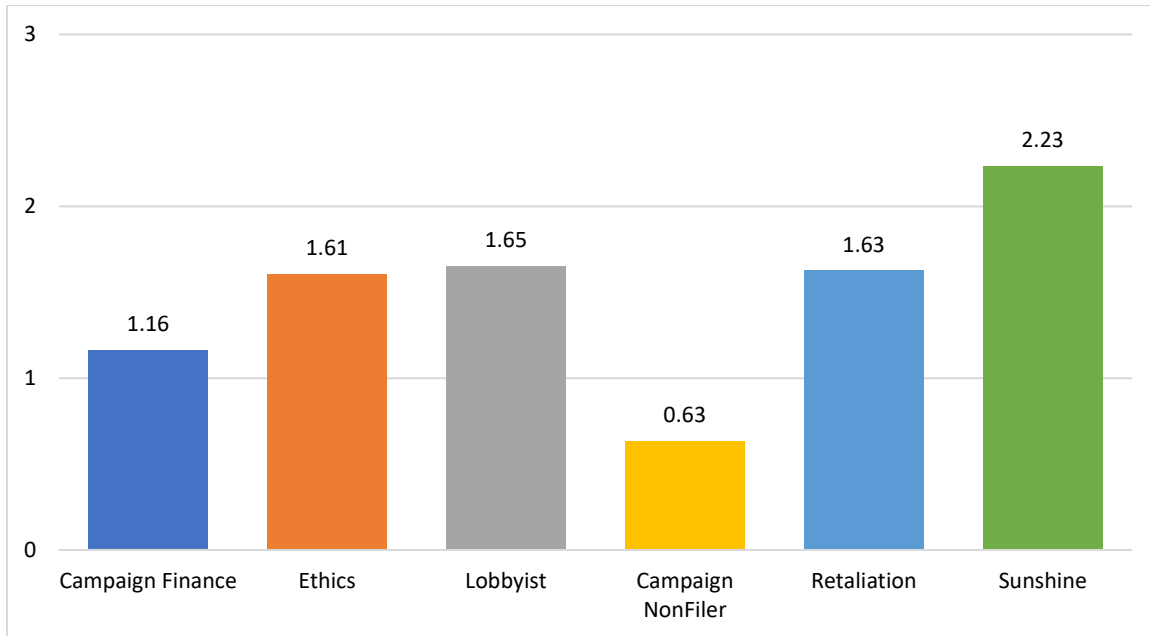
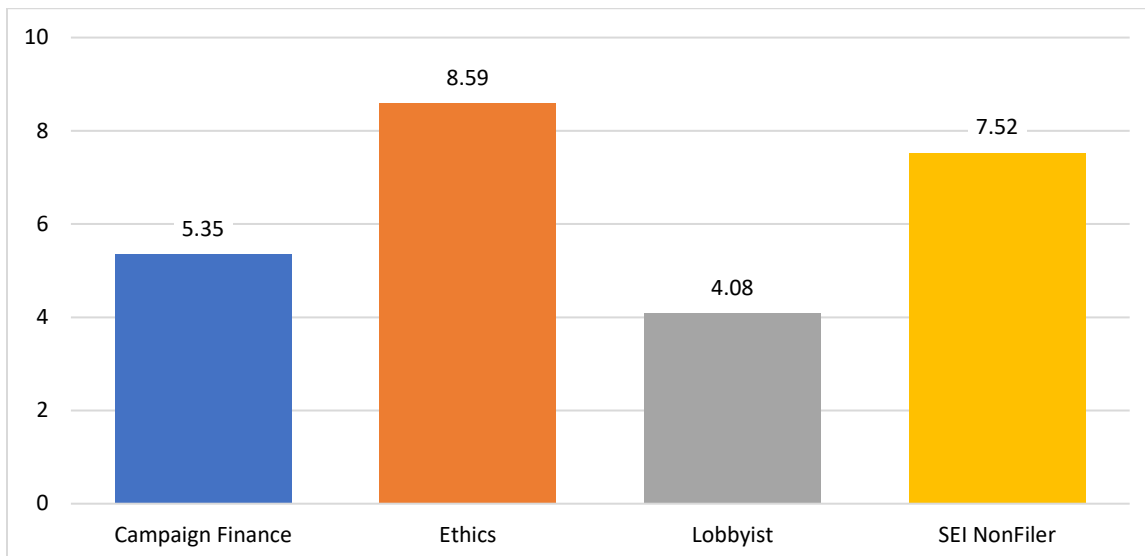


Chart 4 – Average Age of Matters Under Open Investigation by Program Area (in Months)



The data above confirm the effectiveness of the Division’s ongoing protocols to timely complete preliminary reviews and identify potential violations, as well as implement focused strategies to complete investigations in a timely manner. The oldest matter under open investigation, *In the Matter of Neighbors for a Better San Francisco Advocacy and Jay Cheng*, was previously brought before the



Commission at its August meeting but was continued to the September meeting due to a lack of a voting quorum. The Division was notified that the Commission will lack a voting quorum for this matter at its September meeting as well. Thus, this matter will be brought back before the Commission at its next regularly scheduled meeting in October.

FY25 Initiatives

The Division plans to undertake new initiatives in FY25 that will further expand the Commission's enforcement capacity and increase the variety, complexity, and volume of cases handled by the Division.

- **Implement Protocols for Expedited Investigations of Campaign Finance Cases in Election Year** – The Division has implemented certain investigative measures, including issuing subpoenas at the outset of the investigation to compel responses to inquiries, to allow investigators to better handle certain campaign finance-related enforcement matters in a more expedited fashion during this election year. These measures will allow investigators to move cases more efficiently through the investigative stage, and through the hearing process, as appropriate based on the direction of the investigations.
- **Automation of Dataset Searches** – The Division has begun identifying areas of opportunities for automation of investigative processes that would increase performance and efficiency in the work of investigators and reduce the need for manual searches of datasets to conduct investigations. The Division is collaborating with the Electronic Disclosure & Data Analysis (EDDA) division to achieve this goal.
- **Revision of the Commission's Enforcement Regulations** – One of the Division's primary goals for FY25 is to conduct a review the Enforcement Regulations to identify areas that require updating in order to improve the Commission's enforcement operations. Enforcement Staff is developing a workable timeline and strategy that would allow a thorough review of the Regulations, input from all stakeholders, and feedback from the Commission to ensure that all necessary changes to the Regulations are considered and effected appropriately. Enforcement Staff will conduct best practice research of various jurisdictions
- **Review of the Commission's Streamlined Administrative Review Program** – The Division will also conduct an overview of the SARP and find areas that require updating and improving. The Division aims to conduct this review in tandem with the review of the Enforcement Regulations. The goal of this review assess areas such as the need to add additional types of violations that may handled by streamlined resolution, modify penalty calculations to increase efficiency,
- **Recruitment** – Recruitment will be a major priority for the Division in FY25. There is currently on vacancy in the division. On August 21, the opening for the position of Senior Investigator and Legal Analyst position was posted, and the application period closed on August 30. The Division hopes to fill this position within the next couple of months. The Director of Enforcement will also support recruitments for positions outside of the Enforcement Division.