

Patrick Ford  
Executive Director

Olabisi Matthews  
Director of Enforcement

San Francisco Ethics Commission  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102  
(415) 252-3100

BEFORE THE SAN FRANCISCO  
ETHICS COMMISSION

In the Matter of	) SFEC Complaint Nos. 24-791
	)
Bert Polacci,	)
	) <b>Streamlined Administrative Resolution</b>
Respondent.	) <b>Program STIPULATION, DECISION, AND ORDER</b>
	)
	)
_____	)

THE PARTIES STIPULATE AS FOLLOWS:

1. This Streamlined Administrative Resolution Program Stipulation, Decision, and Order (Stipulation) is made and entered into by and between Bert Polacci (hereinafter "Respondent") and the San Francisco Ethics Commission (the Commission).

2. Respondent 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. Respondent represents that Respondent has accurately furnished to the Commission all information and documents that are relevant to the conduct described in Exhibit A. Upon approval of this Stipulation and full performance of the terms outlined in this Stipulation, the Commission will take no future action against Respondent regarding the violations of law described in Exhibit A, and this Streamlined Stipulation

shall constitute the complete resolution of all claims by the Commission against Respondent related to such violations. 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.

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

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

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

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

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

7. Respondent understands and acknowledges that this Stipulation is not binding on any other government agency with the authority to enforce the San Francisco Campaign & Governmental Conduct Code section 1.100 *et seq.*, and does not preclude the Commission or its staff from cooperating with or assisting any other government agency in its prosecution of Respondent for any allegations set forth in Exhibit A, or any other matters related to those violations of law set forth in Exhibit A.

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

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

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

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

//

12. The parties hereto may sign different copies of this Stipulation, which will be deemed to have the same effect as though all parties had signed the same document.

12-16-2024 | 10:40:01 PST  
Dated: \_\_\_\_\_



\_\_\_\_\_  
PATRICK FORD, EXECUTIVE DIRECTOR  
SAN FRANCISCO ETHICS COMMISSION

12-12-2024 | 11:03:02 PST  
Dated: \_\_\_\_\_



\_\_\_\_\_  
BERT POLACCI  
RESPONDENT

**DECISION AND ORDER**

The foregoing Stipulation of the parties in the matter of “Bert Polacci, SFEC Complaint No. 24-791,” 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: \_\_\_\_\_

\_\_\_\_\_

THEIS FINLEV, CHAIRPERSON  
SAN FRANCISCO ETHICS COMMISSION

## Exhibit A

### I. Introduction

Respondent Bert Polacci (Respondent Polacci), a senior vice-president of government and community relations at Maximus Real Estate Partners, has filed as a contact lobbyist with the Commission since at least January 2014. Following discovery in May 2024 of an unreported campaign contribution in April 2022 and a subsequent investigation, Commission Investigators substantiated Respondent Polacci's filing obligation for that period, notified him, and Respondent Polacci subsequently filed an amendment to the relevant disclosure statement. As detailed below, Respondent Polacci failed to disclose a reportable campaign contribution in violation of San Francisco Campaign & Government Code ("SF C&GCC") section 2.110(c).

### II. Applicable Law

#### Lobbyist Reporting Requirements

Lobbyists making contacts of City officials must register with the Ethics Commission and comply with disclosure requirements imposed by the SF C&GCC. For each calendar month, a lobbyist must submit certain specified information no later than the fifteenth calendar day following the end of the month. SF C&GCC § 2.110(c).

In particular, contact lobbyists must report on their monthly lobbyist disclosure, "All campaign contributions of \$100 or more made or delivered by the lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a measure to be voted on only in San Francisco." SF C&GCC § 2.110(c)(1)(H). A contact lobbyist must also report, "campaign contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary." *Id.*

### III. Description of Violation

**Count 1:** By failing to publicly disclose one campaign contribution totaling \$10,000 on his April 2022 monthly lobbyist disclosure report, Respondent Polacci is in violation of the requirements set forth under SF C&GCC section 2.1-110(c).

On April 18, 2022, Respondent Polacci communicated on behalf of Park Merced Owner, LLC, with staff of Vote Yes On B – Committee for Cleaner Government (the Committee), a primarily formed ballot measure committee, to facilitate a \$10,000 campaign contribution made from Park Merced Owner, LLC to the Committee. On April 21, 2022, Respondent Polacci communicated with legal counsel for Park Merced Owner, LLC, to facilitate the filing of the organization's Major Donor Statement to report the contribution to the Commission. Both the organization and the Committee reported the campaign contribution on their respective campaign finance disclosure statements.

Because Respondent Polacci acted as an intermediary of Park Merced Owner, LLC and arranged a campaign contribution made in April 2022, he was required to report that campaign contribution on his monthly lobbyist disclosure report for April 2022, which was due by May 15, 2022.

**Specific SARP Eligibility Requirements**

In order for a respondent to be eligible for SARP, the respondent must meet the program’s general eligibility criteria and any specific eligibility criteria that apply to the violations at issue. For a campaign contribution omitted on the respondent’s monthly lobbyist disclosure report, SARP requires that the respondent amend the report to disclose the contribution. In response to contact by the Commission’s Enforcement Division, in October 2024 Respondent Polacci amended his monthly lobbyist report for April 2022 to disclose the campaign contribution.

This is the only campaign contribution that Respondent Polacci failed to report, and Investigators found no evidence that Respondent had failed to report any other contributions.

**Specific Financial Penalty Modifiers:**

SARP sets forth the fixed penalties that apply to SARP-eligible violations. The fixed penalties are based on the number of violations and the amount of time it takes for the respondent to settle the matter after being contacted by the Enforcement Division, including any necessary remedial actions.

The penalty that applies to the violations at issue is \$2,000. This represents a \$500 penalty plus a penalty modifier of 15 percent of all unreported campaign contributions on a monthly lobbyist disclosure report when the respondent amends the relevant report to disclose the undisclosed contribution within 30 days of contact by the Enforcement Division and the stipulation was timely signed and returned. The respondent failed to report a \$10,000 campaign contribution on one monthly lobbyist disclosure report, took remedial action within 30 days of contact by the Enforcement Division, and timely signed and returned this stipulation. Therefore, the total penalty is \$2,000, which is \$500 plus the \$1,500 penalty modifier.

**Total Penalty: \$2,000**