

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 No. 24-718
)	
Randy Collins,)	
)	
Respondent.)	STIPULATION, DECISION, AND ORDER
)	
)	
_____)	

THE PARTIES STIPULATE AS FOLLOWS:

1. This Stipulation, Decision, and Order (Stipulation) is made and entered into by and between Randy Collins (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 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 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 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 Respondent 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.

12-24-2024 | 09:36:56 PS 
Dated: _____

PATRICK FORD
EXECUTIVE DIRECTOR SAN FRANCISCO ETHICS COMMISSION

12-20-2024 | 15:02:20 PS 
Dated: _____

RANDY COLLINS
RESPONDENT

DECISION AND ORDER

The foregoing Stipulation of the parties in the matter of "Randy Collins, SFEC Complaint No. 24-718," 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: _____

1-17-25



THEIS FINLEV, CHAIRPERSON
SAN FRANCISCO ETHICS COMMISSION

Exhibit A

I. Introduction

Randy Collins (“Respondent”) served as a Member of the Board of Examiners from May 21, 2014, until April 29, 2024, when he resigned. The Board of Examiners hears and determines the requests made by the public as to whether new materials, new methods or types of construction comply with the standards of safety established by the San Francisco Construction Codes which include San Francisco Building Code, Plumbing Code, Electrical Code and Mechanical Code.

Respondent is also the Chief Executive Officer and Chief Financial Officer of the structural engineering firm FTF Engineering, Inc. (“FTF”), which Respondent founded on September 4, 2002. Respondent failed to disclose reportable sources of income on the Form 700 financial disclosures that he filed throughout his tenure on the Board of Examiners. For calendar years 2017, 2019, 2020, 2021, and 2023 Respondent failed to report FTF as a source of income. For calendar years 2015 through 2023, as well as his assuming office and leaving office Form 700s, Respondent failed to list each individual source of income to FTF of \$10,000 or more as required under the law, in violation of City and State ethics laws. Furthermore, Respondent failed to timely file his Form 700s for calendar years 2017, 2019, and 2022.

Finally, as a Board Member, Respondent was required to complete annual trainings on ethics laws and the City’s Sunshine Ordinance. Respondent failed to complete these annual trainings for calendar years 2015 and 2022 and failed to timely complete these trainings for calendar years 2014, 2018, and 2019, in violation of City and State ethics laws. Although this stipulation outlines Respondent’s pattern of failure to comply with the filing requirements over several years, the counts in this stipulation involve only those within the four-year statute of limitations.

II. Applicable Law

Financial Disclosures (Form 700)

SF C&GCC section 3.1-102(a) requires that Board Members of the Board of Examiners file a Form 700 Statement of Economic Interests within 30 days of assuming office, annually by April 1st, and within 30 days of leaving office. *See* 2 CCR § 18730.

Board Members of the Board of Examiners must file their Form 700s electronically with the Commission and must file at Disclosure Category 1, disclosing “income (including gifts) from any source, interests in real property, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.” SF C&GCC § 3.1-107, *id.* § 3.1-190. When reporting their share of income to a business entity, board members are required to disclose the name of each source of income to the business entity if their pro rata share of the gross income to the business entity from that source was \$10,000 or more during the reporting period. Cal. Gov. Code § 87207(b)(2).

Under state law (which is incorporated by reference through C&GC Code section 3.1-101), income is defined as “a payment received, including, but not limited to, any salary, wage, advance,

dividend, interest, rent, [or] proceeds from any sale...” received from a source that is located in or doing business in the jurisdiction. Cal. Gov. Code section 82030. A business entity is any organization or enterprise operated for profit including, but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association. Cal. Gov. Code § 82005.

Annual Ethics Training and Sunshine Ordinance Training

Board Members of the Board of Examiners must also annually file electronically with the Ethics Commission, a Certificate of Ethics Training and a Sunshine Ordinance Declaration due by April 1st. SF C&GCC §§ 3.1-102.5(c), 3.1-103(a)(1).

Statute of Limitations

No person may bring an administrative action under the Conflict of Interest Code against any other person more than four years after the date of the alleged violation. SF C&GCC § 3.242(e).

III. Summary of Material Facts and Analysis

Respondent is the Chief Executive Officer and Chief Financial Officer of the structural engineering firm FTF Engineering, Inc., which Respondent founded on September 4, 2002. Respondent served as a member of the Board of Examiners from May 21, 2014, until April 29, 2024. During Respondent’s tenure, the body met a total of four times and Respondent attended two of those meetings. These four meetings are summarized in Table 1 below.

Table 1

Board of Examiners Meeting Date	Respondent Attended (Y/N)
August 12, 2014	No
November 12, 2014	Yes
December 6, 2017	No
February 20, 2018	Yes

Financial Disclosures (Form 700)

In 2014, Respondent assumed office as a Board Member of the Board of Examiners. He was required to file the Form 700 each year he served in this capacity and disclose reportable sources of income. Respondent was required to do so regardless of the meeting schedule of the Board of Examiners. During his tenure on the Board of Examiners, it was standard practice for the Ethics Commission and secretary of the Board of Examiners to send multiple notices annually to Respondent’s email address of record that notified Respondent of his filing requirements and provided resources to assist him to make those filings. However, Respondent failed to timely file three Form 700 filings in 2017, 2019, and 2022, respectively. Only the latter failure is within the statute of limitations. Additionally, Respondent failed to report FTF Engineering as a source of income to him on most of the Form 700s that he filed, and he failed to list each individual source of income of \$10,000 or more to FTF on all of the Form 700s that he filed during his tenure on the Board of Examiners. Respondent’s Form 700 filings are summarized in Table 2 below.

Table 2

Assuming Office/Annual/Leaving Office	Due Date	Date Filed	Timely Filed (Y/N)	Reported FTF Engineering (Y/N)	Listed each source of \$10,000 or more (Y/N)
Assuming Office	6/20/14	6/17/14	Yes	Yes	No
2015 Annual	4/01/16	3/30/16	Yes	Yes	No
2016 Annual	4/03/17	3/29/17	Yes	Yes	No
2017 Annual	4/02/18	4/02/19	No	No	No
2018 Annual	4/02/19	4/02/19	Yes	Yes	No
2019 Annual	6/01/20	8/23/20	No	No	No
2020 Annual	4/01/21	3/31/21	Yes	No	No
2021 Annual	4/01/22	3/31/22	Yes	No	No
2022 Annual	4/03/23	1/23/24	No	No	No
2023 Annual	4/02/24	1/23/24	Yes	No	No
Leaving Office	5/29/24	5/07/24	Yes	Yes	No

Annual Ethics Training and Sunshine Ordinance Training

Each year that he served as a Member of the Board of Examiners, Respondent was required to complete an Ethics Training and a Sunshine Ordinance training. Respondent failed to complete these annual trainings for calendar years 2015 and 2022 and failed to timely complete these trainings for calendar years 2014, 2018, and 2019, in violation of City and State ethics laws. Only the most recent failure, in 2022, is within the statute of limitations.

Compliance and Enforcement Efforts

On February 6, 2023, February 16, 2023, February 21, 2023, March 29, 2023, and April 3, 2023, the Ethics Commission sent emails to Respondent’s email address of record that notified him that he was required to file his Form 700 covering calendar year 2022, Certificate of Ethics Training, and Sunshine Ordinance Declaration, by April 3, 2023. Respondent failed to file his Form 700, Certificate of Ethics Training, and Sunshine Ordinance Declaration by this deadline.

The failure to comply with these requirements was a violation of City law. The requirements that Respondent failed to fulfill are summarized in Table 3.

Table 3

Requirement	Assuming Office/Annual	Due Date
Form 700	Annual (Covering 2022)	4/3/23
Ethics Training	Annual	4/3/23
Sunshine Ordinance Declaration	Annual	4/3/23

On May 3, 2023, and May 4, 2023, the Ethics Commission sent emails to Respondent’s email address of record that notified him that he failed to file his Form 700 covering calendar year 2022, his Sunshine Ordinance Declaration, and his Certificate of Ethics Training and that late fees and additional administrative penalties may be imposed. These communications also notified Respondent that he was disqualified from participating in or voting on any matter listed on his commission’s meeting agenda before, during, or after a meeting while his filing obligations remained unfulfilled.

After being contacted by Commission investigators as part of this investigation on November 17, 2023, Respondent filed his outstanding Form 700 covering calendar year 2022, his Sunshine Ordinance Declaration, and his Certificate of Ethics Training on January 23, 2024. These filings were made 296 days after their deadline, but within 90 days of being contacted by the enforcement staff. From April 4, 2023, through January 22, 2024, the Board of Examiners held no meetings.

Notably, Respondent has amended his Form 700 filings for calendar years 2020 through 2023 and his Leaving Office Form 700 to disclose FTF and each source of income of \$10,000 or more to FTF as required. The individual sources of income that Respondent disclosed in his amended Form 700 filings are summarized in Table 4.

Table 4

Source of Income	2020 Calendar Year	2021 Calendar Year	2022 Calendar Year	2023 Calendar Year	Leaving Office Statement
TEF-Hobstetter JV	-	-	\$3,500	-	-
HOK Architects	\$202,542	\$156,499	\$51,136	\$25,062	\$15,470
Wiss, Janey, Elstner Associates, Inc.	-	-	-	\$26,373	\$21,905
Burns and McDonnell Engineering Co. Inc.	\$54,243	\$12,812	-	-	-
Gensler	\$39,607	\$32,634	\$29,237	\$126,461	\$99,036
Total Reportable Income Received Per Filing	\$296,392	\$201,945	\$83,873	\$177,896	\$136,411
Total Reportable Sources of Income Per Filing	3	3	3	3	3

IV. Violations of Law

Count 1:

Failure to File an Annual Statement of Economic Interests (Form 700)

Count 1: By failing to file his required Annual Statement of Economic Interest, Sunshine Ordinance Declaration, and Certificate of Ethics Training for calendar year 2022, Respondent violated SF C&GCC section 3.1-102(a).

Count 2:

Failure to disclose reportable sources of income on Form 700s

Count 2: On five separate Form 700s Respondent filed for calendar years 2020, 2021, 2022, 2023, and his Leaving Office Form 700 filed in 2024, Respondent failed to report sources of income from which he received \$10,000 or more through his business entity FTF in violation of SF C&GCC § 3.1-103(a)(1).

Count 3:

Failure to File an Annual Certificate of Ethics Training and a Sunshine Ordinance Declaration

Count 3: By failing to file his required Annual Certificate of Ethics Training and a Sunshine Ordinance Declaration for calendar year 2022, Respondent violated SF C&GCC section 3.1-102(a).

V. Penalty Assessment

This matter consists of three counts in violation of the San Francisco Campaign and Governmental Conduct Code. The San Francisco Charter authorizes the Commission to assess a maximum administrative penalty of \$5,000 per violation. SF Charter § C3.699-13(c). Alternatively, the Ethics Commission may impose a penalty of “three times the amount which the person failed to report properly or unlawfully contributed, expended, gave or received.” SF Charter § C3.699-13(c)(i)(3).

Per Commission Regulations section 9(D), when determining penalties the Ethics Commission considers all of the relevant circumstances surrounding the case, including but not limited to: (1) the severity of the violation; (2) the presence or absence of any intention to conceal, deceive, or mislead; (3) whether the violation was willful; (4) whether the violation was an isolated incident or part of a pattern; (5) whether the respondent has a prior record of violations of law; (6) the degree to which the respondent cooperated with the investigation and demonstrated a willingness to remedy any violations; and (7) the respondent’s ability to pay.

Failure to File Form 700 and Disclose Reportable Sources of Income

Failure to file the Form 700 deprives the public of seeing what a City official’s personal financial interests are and assessing whether they are in conflict with any official actions taken by the official. This failure to publicly disclose his reportable financial interests for several years prevented the effective monitoring of his financial interests and the identification of when those interests might conflict with his government actions. This important disclosure requirement thus serves both to prevent conflicts of interest and to protect public confidence in governmental processes. Failure to disclose reportable financial interests as the law requires deprives the public of full knowledge about instances in which City

officers or employees are prohibited from using their official position to influence a governmental decision in which they have a financial interest. In this instance, because Respondent failed to disclose the full extent of his reportable financial interests for the entirety of his tenure on the Board of Examiners, he prevented the public from knowing about the existence and scope of his reportable financial interests during that period. Notably, the evidence did not reveal any financial conflicts of interests in this matter.

Regarding Count 1, the Enforcement Division analyzed the financial penalty modifiers in the Commission's Streamlined Administrative Resolution Program (SARP) for Form 700 violations. For failing to file a Form 700 as required, SARP sets \$500, \$700, and \$900 penalties for matters resolved within 90 days. Here, Respondent initially fulfilled his outstanding filing requirement within 90 days of being contacted by investigators, and thus, a financial penalty of \$500 is applicable under SARP's timeline.

Regarding Count 2, Respondent's failure to publicly disclose a total of 15 reportable single sources of income of \$10,000 or more for calendar years 2020, 2021, 2022, and 2023, and his leaving office filing covering the period between January and April 2024 prevented the effective monitoring of his financial interests and the identification of when those interests might conflict with his government actions. It is the purpose and intent of the law that City officers and employees disclose their personal financial interests in order to protect public confidence in governmental processes.

This case presents an important and unique mitigating factor. The Board of Examiners did not meet in the entire period covered by the statute of limitations, and Respondent has only attended two meetings in his ten years of serving on the Board. Therefore, all violations included in this stipulation occurred at a time when Respondent did not have a practical opportunity to influence government actions. While Respondent did not attend a Board meeting during the period covered by these violations, the parties agree that his failure to file still deprived the public and regulators of insight into Respondent's financial interests and potential conflicts, and because a Board meeting could have been called at any time, a penalty is appropriate. However, given the extraordinary fact that Respondent engaged in no official duties during the period in question, the penalty for Respondent's Form 700 violations should be much smaller than what would otherwise be appropriate in similar cases.

The parties agree to a penalty amount of \$200 for Count 1 (failure to file the Form 700 covering 2022) and \$200 for Count 2 (failure to include reportable interests when filing the Form 700 covering 2020, 2021, 2022, 2023, and the beginning of 2024).

Failure to Complete Trainings

Additionally, it is essential that public employees and officials complete the annual Ethics and Sunshine Training to ensure that they are consistently reminded of the requirements of the ethics rules and the Sunshine Ordinance, as well as to help enhance their understanding of these rules. By failing to take the required annual trainings, Respondent not only violated the law, but also failed to avail himself of knowledge of the ethics rules that are designed to help public officials perform their public duties without running afoul of the law.

When considering the penalty amount for Count 3, the Enforcement Division again analyzed the financial penalty modifiers in SARP for Form 700 violations. Although this matter is not eligible for SARP, the same SARP penalty amounts stated above for failing to file a Form 700 as required, are relevant to the failure to file an annual Sunshine Ordinance Declaration and a Certificate of Ethics Training, because

it is a parallel requirement to the Form 700 filing requirement and thus could be treated similarly for penalty purposes. Also, the \$500, \$700, \$900 penalty tiers are standard across most violations included in the SARP program. Because Respondent fulfilled his outstanding training requirement within SARP's 90-day prescribed timeline, a financial penalty of \$500 would be applicable. However, the same extraordinary mitigating fact discussed above, that the Board of Examiners did not meet during the years at issue in this case, warrants special consideration. The parties agree that a penalty amount of \$200 is appropriate for Count 3.

Respondent does not have a history of prior enforcement matters with the Commission, and, as a result of the investigation, has amended five Form 700s to disclose his reportable interests.

In balancing the above facts and considering the penalty factors and prior analogous enforcement cases resolved by the Ethics Commission, and to promote a future deterrent effect, Staff proposes, and Respondent agrees to, the following penalty for the above listed violation of City law:

Count 1 (Failure to File Form 700 under SARP Tier 3 Penalty Modifier): \$200

Count 2 (Failure to Disclose Reportable Sources of Income): \$200

Count 3 (Failure to File a Certificate of Ethics Training and a Sunshine Ordinance Declaration): \$200

Total Penalties: \$600