

1 **Patrick Ford**
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2 San Francisco Ethics Commission
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4 BEFORE THE SAN FRANCISCO ETHICS COMMISSION

5 In the matter of:

Case No.: 23-507

6 WILLIAM WALKER,

7 Respondent.

8 EXECUTIVE DIRECTOR’S PROBABLE CAUSE
DETERMINATION

9
10 The San Francisco Ethics Commission (“Commission”) has authority to investigate and administratively
11 enforce against violations of City law relating to campaign finance, lobbying, conflicts of interest, governmental
12 ethics, and whistleblower protection. SF Charter § C3.699-13; SF C&GC Code Art. IV. In accordance with Ethics
13 Commission Enforcement Regulation 7(B), on December 5, 2024, the Commission’s Director of Enforcement
14 served upon the Respondent and the Executive Director a Probable Cause Report in the above-captioned matter. The
15 Probable Cause Report alleges that William Walker (“Respondent”) engaged in conduct in violation of the San
16 Francisco Campaign and Governmental Conduct Code (“C&GC Code”) and the California Government Code when
17 he raised and spent funds in support of his candidacy for Community College Board of Trustees in 2022 but failed to
18 register as a committee, file required disclosures, establish a campaign bank account, or complete required training
19 and subsequently failed to provide required information in connection with the Commission’s investigation.

20 For the reasons set forth below, I find that probable cause exists to believe that the following violations of
21 law alleged in the Probable Cause Report were committed by Respondent:

22 **COUNT ONE:** Respondent violated Cal. Gov’t Code § 84101 and C&GC Code § 1.112 when he failed
23 to file a Statement of Organization to form a political committee.

24 **COUNT TWO:** Respondent violated Cal. Gov’t Code § 84200 and § 84200.5 and C&GC Code § 1.112
25 and § 1.135 when he failed to file required semi-annual and pre-election campaign statements.

26 **COUNT THREE:** Respondent violated C&GC Code § 1.107 when he failed to complete the required
27 training as a candidate for public office in the City and County of San Francisco.

28 **COUNT FOUR:** Respondent violated C&GC Code §1.114.5 when he failed to collect the required
information for contributors who gave at least \$100 to his campaign.

1 **COUNT FIVE:** Respondent violated C&GC Code § 1.108 and Cal. Gov't Code § 85201 when he failed
2 to establish a campaign contribution trust account.

3 **COUNT SIX:** Respondent violated C&GC Code § 1.170(f) when he failed to furnish documents and
4 information to the Commission as required by law.

5 **I. PROCEDURAL HISTORY**

6 In February 2023, Ethics Commission investigators began to communicate with Respondent regarding
7 Respondent's potential failure to follow campaign finance laws in connection with his November 2022 campaign
8 for Community College Board of Trustees. On October 19, 2023, Ethics Commission investigators served the
9 Respondent with a duly authorized subpoena for documents related to the Commission's investigation.
10 Investigators continued to seek compliance with the subpoena and other communicate with Respondent through at
11 least August of 2024.

12 In accordance with Ethics Commission Enforcement Regulation 7(B), on December 5, 2024, the
13 Commission's Director of Enforcement issued a Probable Cause Report alleging the violations discussed in this
14 Determination and accompanied by exhibits setting forth evidence in support of the violations. The Report was
15 properly served on both the Respondent and the Executive Director. The Respondent requested a probable cause
16 conference but did not submit a written response to the Probable Cause Report.

17 On January 13, 2025, the Executive Director administered a probable cause conference (the "Probable
18 Cause Conference") with the Respondent and the Enforcement Division pursuant to Enforcement Regulation 7(C).

19 This Determination is rendered pursuant to Enforcement Regulation 7(D). In administering the probable
20 cause proceedings, all processes and timelines set forth in the Commission's Enforcement Regulations were
21 followed. The Determination is based on the evidence and arguments presented in the Probable Cause Report and
22 the Probable Cause Conference. It summarizes the evidence and argument presented by the parties and offers an
23 assessment of that evidence and argument.

24 This Determination does not constitute a final finding that any violation has occurred. It constitutes a
25 finding that probable cause exists to believe certain violations occurred. Unless the parties resolve the matter
26 through settlement, this Determination allows the case to proceed to a Hearing on the Merits before the Ethics
27 Commission pursuant to Enforcement Regulations 8 and 9. A Hearing on the Merits is the formal, public process
28

1 through which the Commission will hear arguments and review evidence before making a final finding as to
2 whether a respondent has committed a violation of law.

3 **II. APPLICABLE LAW**

4 Article I, Chapter 1 of the C&GC Code and its implementing regulations govern campaign finance in the
5 City and County of San Francisco. The Code incorporates into City law provisions of the California Political
6 Reform Act (California Government Code § 81000 et seq.) as it applies to local elections. C&GC Code § 1.106.

7 **A. Probable Cause Standard**

8 Probable cause exists “if the evidence is sufficient to lead a person of ordinary caution and prudence to
9 believe or entertain a strong suspicion that a respondent committed or caused a violation.” Enforcement
10 Regulation 7(D)(1). The evidence considered during the probable cause stage “may rely on witness declarations,
11 hearsay evidence (including declarations of investigators or others relating the statements of witnesses or concerning
12 the examination of physical evidence), and any other relevant evidence.”

13 **B. Formation of a Political Committee**

14 Under California law, if a candidate for elective office raises \$2,000 or more in political contributions, the
15 candidate must form a political committee by filing a Statement of Organization (Form 410) with the California
16 Secretary of State within ten days of reaching the \$2,000 threshold. See Cal. Gov’t Code § 84101; C&GC Code
17 § 1.106. Under California law, a contribution is “a payment, a forgiveness of a loan, a payment of a loan by a third
18 party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is
19 received or if it is clear from the surrounding circumstances that the payment is not made for political purposes.”
20 Cal. Gov. Code § 82015.

21 **C. Filing of Campaign Statements**

22 Every registered political committee must file a semi-annual campaign statements disclosing contributions
23 received and expenditures made. In addition, committees that are currently supporting or opposing a candidate or
24 measure in a San Francisco election must file campaign statements three times prior to Election Day. See Cal. Gov’t
25 Code § 84200; C&GC Code §§ 1.106, 1.135(c).

26 For the November 8, 2022 General Election, San Francisco candidates were required to file the Form 460
27 by the following dates:

- 28 • August 1 for the period from January 1 to June 30 (the semi-annual statement);

- 1 • September 29 for the period from July 1 to September 24 (the first pre-election statement);
- 2 • October 27 for the period from September 25 to October 22 (the second pre-election statement);
- 3 and
- 4 • November 4 for the period from October 23 to November 2 (the third pre-election statement).

5 Each campaign statement must disclose the total amount of contributions, the total amount of expenditures, and
6 information on any contributors who contributed \$100 or more. Cal. Gov't Code § 84211; C&GC Code §§ 1.106,
7 1.135(c). San Francisco candidates are required to file campaign statements electronically with the Commission.
8 C&GC Code § 1.112.

9 D. Candidate and Treasurer Trainings

10 Every political committee must have a treasurer. Under San Francisco law, every candidate and treasurer
11 must complete a training program developed by the Commission. C&GC Code § 1.107(a). The training covers basic
12 campaign finance rules and is designed to educate participants in how to comply with the rules.

13 E. Collection of Contributor Information

14 Under City law, a candidate committee must collect information on any contributor who contributes \$100
15 or more and may not deposit any such contribution until the information is collected. This information consists of
16 “the contributor’s full name; the contributor’s street address; the contributor’s occupation; and the name of the
17 contributor’s employer or, if the contributor is self-employed, the name of the contributor’s business.” C&GC Code
18 § 1.114.5. A committee will be deemed not to have collected the required information if it is not reported on the first
19 campaign statement on which the contribution is required to be reported. *Id.*

20 F. Establishment of Campaign Contribution Trust Account

21 The treasurer of every candidate committee must establish a campaign contribution trust account. All
22 contributions received by the candidate must be deposited into this account, and all expenditures made by the
23 candidate must be made from this account. C&GC Code § 1.108; see Cal. Gov't Code § 85201.

24 G. Withholding of Information; Provision of False or Misleading Information

25 City law prohibits any person from withholding required information from the Ethics Commission or
26 providing false or fraudulent information to the Ethics Commission. The C&GC Code provides:

27 Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or
28 information to the Ethics Commission under this Chapter, or misrepresents any material fact, or
conceals any evidence, documents, or information, or fails to furnish to the Ethics Commission any

1 records, documents, or other information required to be provided under this Chapter shall be subject
2 to the penalties provided in this Section.

3 There are multiple requirements under City law for individuals to provide information to the Ethics Commission,
4 including both (a) financial records pertaining to transactions that are reported on mandatory disclosures, and (b)
5 documents that must be produced in response to a duly issued subpoena. C&GC Code § 1.109(a); SF Charter
6 § 15.100. Failure to provide this information as required constitutes a violation a City law.

7 **III. FACTUAL BACKGROUND**

8 A. Establishment of Respondent's Campaign for Elective Office; Lack of Campaign Finance Forms, 9 Campaign Trust Account, and Training Completion

10 On August 2, 2022, Respondent filed a Candidate Intention Statement (Form 501) stating his intention to
11 seek office as a Member of the Community College Board of Trustees. On August 10, 2022, Respondent filed the
12 required Statement of Economic Interests (Form 700). Respondent qualified for the November 2022 ballot on
13 August 10, 2022. Respondent's Netfile account, which is utilized to file campaign statements, was created by
14 Commission compliance staff on August 3, 2022.

15 However, there is no evidence that Respondent formed a political committee. The California Secretary of
16 State informed investigators that Respondent never submitted a Statement of Organization (Form 410). Respondent
17 stated that he did file a Form 410 with the Secretary of State, but this is contradicted by a records review performed
18 by the Secretary of State's office. Likewise, no copy of a Form 410 for Respondent's committee was ever filed with
19 the Commission, as is required. Respondent did not provide any evidence of submitting a Form 410.

20 Similarly, there is no evidence that Respondent filed any campaign statements (Form 460) in connection
21 with his 2022 campaign. Respondent acknowledged this fact during investigative interviews. There is no evidence
22 that Respondent completed the Commission's candidate or treasurer training programs. There is no evidence that
23 Respondent maintained a designated campaign contribution trust account for the administration of committee funds.
24 To the contrary, the evidence indicates that Respondent used multiple bank accounts to administer the contributions
25 he received through his fundraising efforts.

26 B. Respondent's Fundraising Activity

27 The evidence presented by the Enforcement Division indicates that Respondent received at least \$6,210 in
28 political contributions in support of his candidacy for Community College Board of Trustees.

1 1. *GoFundMe Online Fundraising Drive*

2 Respondent hosted an online fundraising drive through the platform GoFundMe entitled “Support William
3 Walker for SF College Board 2022!” The drive lasted from August 7, 2022, through November 2022. The
4 description of the online fundraising drive included a request that individuals “please donate to my campaign.” This
5 fundraising effort received \$5,193 through 65 contributions. This included 21 contributions of \$100 or more
6 (totaling \$3,570), including six donations of at least \$100 from anonymous sources who declined to list their name
7 or any contact information.

8 2. *August 26, 2022 Fundraiser Event*

9 Respondent also hosted a fundraiser event on August 26, 2022. Respondent sold tickets to the fundraiser
10 via an EventBrite event page titled “43 Isn’t Just a Bus Route: Birthday and Campaign Kickoff for William
11 Walker[.]” This event raised \$1,017 in contributions.

12 C. Respondent’s Interaction with the Commission’s Investigation

13 The evidence presented indicates that investigators first contacted Respondent in February 2023 to request
14 an interview. After Respondent was unable to obtain counsel as he desired, Respondent requested written questions,
15 and investigators provided those questions via email on April 10, 2023, with a deadline to respond set for April 24.
16 Respondent then requested a series of extensions due to his inability to access a legal clinic and other personal
17 obstacles, all of which were granted by the Enforcement Division (“Division”), pushing the deadline to May 19,
18 2023, and subsequently, to June 9, 2023. Investigators testified that they attempted to reach Respondent by phone in
19 June and early July 2023 but received no answer.

20 Respondent then sent two emails in July 2023 complaining that investigators were unfairly targeting him
21 and attempting to intimidate him. In early September 2023, investigators gave Respondent one final notice and
22 opportunity to provide the documents required to conclude the Division’s investigation. Respondent immediately
23 requested another extension until September 30, 2023, which investigators granted. This deadline passed with no
24 documents being provided by Respondent. Investigators sought an update from Respondent several times in early
25 October 2023. When time passed without an update, investigators served Respondent with a subpoena for
26 documents on October 25, 2023. On November 20, 2023, the deadline for a response to this subpoena passed, and
27 Respondent’s non-compliance was referred to the City Attorney’s Office.

1 In response to the attempts of the City Attorney's Office to seek compliance with the subpoena,
2 Respondent provided a list of the contributors to the GoFundMe fundraiser and a list of expenditures compiled from
3 four different financial accounts Respondent maintained prior to the election. Respondent provided no original
4 source documentation establishing the contributions he had received nor the expenditures he had made.
5 Respondent's list of expenditures did not clarify which bank account was used for which expenditure.

6 After Respondent provided this limited production of documents in response to the subpoena, investigators
7 requested an interview with Respondent in May 2024, which was conducted at the Commission's offices. After
8 agreeing to compile documents and file the required campaign statements in an email to investigators, Respondent
9 again did not produce the documentation. When investigators followed up with Respondent about the production in
10 June 2024, Respondent stated in an email, "[a]lthough I do accept full responsibility, I will challenge any
11 determination that I am fined because of your office's unwillingness to serve me."

12 D. Respondent's Statements regarding Campaign Finance Noncompliance and Investigation

13 During the investigation and the probable cause conference, Respondent acknowledged that he did not
14 comply with applicable campaign finance laws. For example, in a July 14, 2023 email to a Commission investigator,
15 Respondent wrote "I am extremely late for filing the statements regarding my campaign for college board in 2022.
16 In violation of California campaign finance law."

17 Respondent has offered several explanations for his lack of compliance with state and local campaign
18 finance laws and for his unresponsiveness to the Commission's investigation. This includes a dispute with his
19 landlord, inability to pay rent, unemployment, closure of his bank accounts, sickness in his family, and involvement
20 in an automobile accident. The record indicates that Commission investigators granted Respondent multiple
21 extensions on document production timelines and were flexible on the timing of interviews. The twenty-two months
22 that elapsed between investigators' first contact with Respondent in February 2023 and the issuance of the probable
23 cause report in December 2024 is many times longer than the Commission's typical investigative timeline. The
24 record is clear that this extended period of investigation was caused by Respondent's unresponsiveness and repeated
25 requests for extensions.

26 The record also indicates that the Commission's compliance unit was in communication with Respondent
27 and offered assistance in complying with campaign laws. There is no evidence that Respondent subsequently
28 engaged with the compliance staff to receive assistance. Respondent alleged that he attempted to visit the

1 Commission's offices in person and was not provided with assistance. Respondent also complained about being
2 required to interact with the Commission's campaign finance officer for compliance assistance. However, the
3 campaign finance officer was the position designated within the Commission's compliance unit to handle all
4 campaign finance compliance matters during the November 2022 election period. The record includes an August 8,
5 2022 email from the campaign finance officer in which the staff member offered assistance to Respondent. There is
6 no record of a response from Respondent.

7 Respondent has also alleged that the Enforcement Division's investigation is retaliatory in nature.
8 Respondent stated that the Enforcement Division was investigating this matter because Respondent had complained
9 in 2022 about the level of compliance assistance he had received from Commission staff.

10 11 **IV. FINDINGS OF PROBABLE CAUSE**

12 Based on the evidence and arguments presented in the Probable Cause Report, I find that probable cause
13 exists to believe that Respondent committed the following violations of state and local laws:

14 **COUNT ONE:** Respondent violated Cal. Gov't Code § 84101 and C&GC Code § 1.112 when he failed
15 to file a Statement of Organization to form a political committee.

16 The evidence indicates that Respondent received \$6,210 in political contributions for his campaign for
17 Community College Board of Trustees in the November 2022 election. State law requires any candidate in the State
18 of California that receives \$2,000 or more in political contributions to form a political committee by filing the Form
19 410 with the California Secretary of State. The evidence indicates that Respondent never formed a committee as
20 required.

21 **COUNT TWO:** Respondent violated Cal. Gov't Code § 84200 and § 84200.5 and C&GC Code § 1.112
22 and § 1.135 when he failed to file required semi-annual and pre-election campaign statements.

23 State law required Respondent to file campaign statements to report all contributions received and
24 expenditures made in connection with his campaign. There is no evidence that Respondent filed any campaign
25 statements. He was required to file at least one semi-annual statement and three pre-election statements. Respondent
26 thus violated this requirement at least four times through his failure to file campaign statements. Respondent has still
27 not filed the outstanding statements, depriving the public of the transparency that state law mandates for political
28 campaigns.

1 **COUNT THREE:** Respondent violated C&GC Code § 1.107 when he failed to complete the required
2 training as a candidate for public office in the City and County of San Francisco.

3 City law requires candidates and treasurers to undergo training administered by the Ethics Commission.
4 There is no indication that Respondent completed this training.

5 **COUNT FOUR:** Respondent violated C&GC Code §1.114.5 when he failed to collect the required
6 information for contributors who gave at least \$100 to his campaign.

7 Candidates are required to collect and report the name, address, occupation, and employer for every
8 contributor who contributes \$100 or more to the candidate’s campaign. Although Respondent received at least
9 twenty-one contributions of \$100 or more, there is no evidence that he collected this information from the
10 contributors. City law presumes that the candidate failed to collect the information if the candidate does not report
11 the information when required. Because Respondent did not file any campaign statements to report these
12 contributions, the law presumes that he also failed to collect the required information. Aside from the presumption,
13 the evidence also directly indicates that Respondent failed to collect the required information. The records of
14 Respondent’s use of GoFundMe and EventBrite do not show Respondent collecting this information from
15 individuals who made payments through those platforms. Respondent provided no other records that would indicate
16 the required information was collected.

17 **COUNT FIVE:** Respondent violated C&GC Code § 1.108 and Cal. Gov’t Code § 85201 when he failed
18 to establish a campaign contribution trust account.

19 There is no evidence that Respondent established a campaign contribution trust account for use in
20 administering the finances of his campaign. State and local law require that a single account be used for this
21 purpose. The evidence indicates that Respondent likely used multiple accounts to administer his committee’s funds.
22 This constitutes a violation of state and local campaign finance laws.

23 **COUNT SIX:** Respondent violated C&GC Code § 1.170(f) when he failed to furnish documents and
24 information to the Commission as required by law.

25 The record indicates that Commission investigators made numerous attempts to obtain information from
26 Respondent in connection with this matter and to work with Respondent to resolve the violations. Respondent
27 appears to have delayed the investigation and avoided investigators for nearly a year until investigators issued a
28 subpoena for documents. Respondent initially failed to provide any documents in response to the subpoena by the

1 deadline for production. Respondent subsequently provided an incomplete response when he was referred to the
2 City Attorney's Office. Respondent then provided documents that he himself created, which according to
3 Respondent were based on reliable source documents, that purported to show lists of contributors and expenditures.
4 While this information is probative and supports the violations at issue in this case because it indicates the likely
5 extent of Respondent's unreported political fundraising and spending, Respondent's failure to provide original
6 source documentation such as bank statements or transaction records from GoFundMe prevented investigators from
7 reaching a complete and authoritative accounting of Respondent's campaign.

8 Candidates and treasurers are required by law to maintain such supporting records for the very purpose of
9 allowing for audits and investigations into potential violations by political campaigns. City law states that:

10 [a]ll candidates and committees that are required to file statements prescribed by this Chapter shall
11 maintain detailed accounts, records, bills, and receipts as necessary to prepare those statements.
12 Each candidate or committee shall retain for a period of four years detailed information and original
13 source documentation supporting those statements.

14 C&GC Code § 1.109(a). City law requires candidates to provide such supporting records upon written request
15 by the Commission, stating that:

16 [w]ithin ten business days of a request by the Ethics Commission, a committee shall provide the
17 Ethics Commission with any documents required to be retained under this Section or state law,
18 including but not limited to California Code of Regulations, Title 2, section 18401 and any
19 subsequent amendments, modifications or administrative or judicial interpretations of that
20 regulation. When the Ethics Commission requests documents under this subsection, it shall provide
21 the committee with the reasons for the request in writing.

22 C&GC Code § 1.109(b). The evidence indicates that Respondent violated City law by failing to provide the
23 "detailed accounts, records, bills, and receipts" that he is legally required to maintain and provide upon
24 written request. Such request was made by Commission investigators, but Respondent failed to provide the
25 required documents.

26 Additionally, the City Charter grants the Commission the power to issue subpoenas, and individuals are
27 required under City law to comply with the terms of a duly issued subpoena. The Charter states "[t]he Commission
28 may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence
and *require* by subpoena the production of any books, papers, records or other items material to the performance of
the Commission's duties or exercise of its powers." SF Charter § 15.100 (emphasis added). By failing to provide any
response by the production deadline and by subsequently providing an incomplete response to a duly issued
subpoena, Respondent violated City law by failing to provide required information.

1 The evidence thus indicates that Respondent violated C&GC Code section 1.170(f) at least twice, first by
2 failing to provide campaign finance records upon request and subsequently by failing to provide responsive
3 documents to a duly issued subpoena.

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6 **Patrick Ford**
7 Executive Director