



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

April 2, 2025

To: Members of the Ethics Commission
From: Olabisi Matthews, Director of Enforcement
Bertha Cheung, Senior Investigator & Legal Analyst

Subject: **Agenda Item 9: Discussion and Possible Action regarding Preliminary Matters, In the Matter of William Walker, SFEC Case No. 2223-507**

Summary and Recommended Actions

This memorandum provides information regarding certain preliminary matters that must be resolved before *In the Matter of William Walker* can move forward to an administrative enforcement hearing. The Enforcement Division recommends that the Commission vote to appoint a member of the Commission as the Assigned Commissioner to resolve any preliminary matters and vote to set certain basic parameters for the preliminary matters stage.

On April 4, 2025, Enforcement Staff notified William Walker ("Respondent") that this agenda item would be published to our website and presented before the Commission at this meeting. Respondent was also informed about the various ways to communicate his position on each of the specific matters pertaining to this agenda item.

Background

On February 28, 2025, the Executive Director issued a recommended Probable Cause Determination against Respondent on six counts. The Executive Director found probable cause to believe that the following violations of law occurred:

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

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

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

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.



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

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

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

On March 5, 2025, the Commission ratified the Executive Director's Probable Cause Determination against the Respondent on all six counts. Because probable cause has been ratified in this case, it may advance to an administrative hearing. However, before a public hearing may take place, the Commission must resolve any preliminary matters concerning the hearing such as discovery, evidentiary questions, and other procedural issues.

Section 8(A) of the Ethics Commission's [Enforcement Regulations](#) authorizes the Commission to appoint an individual Commissioner or a hearing officer to handle preliminary matters. However, the Regulations do not establish certain basic parameters of how the preliminary matters stage must be carried out. To ensure that the process can be conducted in a fair, efficient, and transparent manner, the Commission should formally decide on these parameters at the outset of the preliminary matters stage. The [Enforcement Hearing Guidebook](#) provides fuller details about the hearing process, including the steps the Commission should take when initiating preliminary matters in a case. See Section II of the Guidebook.

Action Requested

1. The Commission must decide who will preside over preliminary matters

The Commission has three options:

- a. Assign an individual member of the Commission as Assigned Commissioner to hear and decide preliminary matters;
- b. Appoint any licensed attorney to hear and decide preliminary matters; or
- c. Hear and decide preliminary matters in public session as a full Commission.

The Enforcement Division recommends that the Commission assign an individual member of the Commission as Assigned Commissioner to hear and decide preliminary matters, as adopted *In the Matter of Paul Allen Taylor*, SFEC Case No. 20-243. The Commission can only appoint an individual to preside over preliminary matters by a majority vote of the full Commission.



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

2. The Commission should vote to set the deadline for the parties to submit motions to whoever is presiding over preliminary matters

The preliminary matters stage is made up of multiple steps: (1) Motions by the parties for resolution of preliminary matters; (2) Actual determinations on such motions by whoever is presiding over preliminary matters; (3) potential Commission review of the determinations (applicable only when the Commission has appointed an individual to preside over preliminary matters).

Motions include requests for a determination on procedural matters and requests for the issuance of subpoenas. By setting a date when motions are due, the Commission will officially begin this stage.

The Enforcement Division recommends that the Commission sets the deadline for a request for resolution of preliminary matters to at least 30 calendar days from the date when the Commission votes on how to proceed with the preliminary matters; the response due 15 calendar days after the motion is submitted; and the reply due 10 calendar days after the response is submitted. This differs from the deadlines set forth in the Regulations, which requires a request for resolution of preliminary matters to be made at least 15 calendar days prior to the hearing date, the response 10 calendar days prior to the hearing, and the reply 7 calendar days prior to the hearing.

For reasons discussed more fully on page 19 of the Enforcement Hearing Guidebook, the 15-10-7 timeframe provided by the Enforcement Regulations does not allow sufficient time for consideration of the motions nor for potential Commission review of the determination on the motions. *In the Matter of Paul Allen Taylor*, the Commission instead adopted a 30-15-10 calendar day submission timeframe which provides for a better-defined timeline that ensures that motions can be fully considered and addressed.

3. The Commission should identify the way for the parties to submit motions to whoever is presiding over preliminary matters

To ensure that the process for submitting motions for preliminary matters is clear and effective, the Commission should communicate to the parties how to submit motions. The Commission should specify the proper delivery method which can be done via email or mail, and the necessary recipients. If the Commission is presiding over preliminary matters, motions would be required to be delivered to all current sitting Commissioners.

The Enforcement Division recommends that the Commission vote to require that all motions regarding preliminary matters be delivered via email to whoever is presiding over preliminary matters (e.g., the Assigned Commissioner) and to all opposing parties. *In the Matter of Paul Allen Taylor*, the



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

Commission voted to allow submission of motions via email.

4. If the Commission appoints an individual to preside over preliminary matters, the Commission should identify the process for Commission to review any disputed procedural determinations

Section 8(A)(1) of the Regulations states that any determinations made by an individual presiding over preliminary matters may be reviewed by the full Commission at the request of the Executive Director or a respondent. However, the Regulations do not provide further details about how the request must be made or handled. To ensure that any requests for Commission review are handled in a clear and efficient manner that is fair to all parties, the Commission should identify the general process by which it would like to receive requests for review. The Commission can establish requirements for requests such as the proper delivery method and recipients of the request, the deadline for the request, the timing of the review, the role of the parties at the review, and the type of action the Commission can take on a review.

The Enforcement Division recommends that the Commission vote to adopt a process that mirrors the Commission's review of a Probable Cause Determination. Under this process, any party must request review of a determination within five calendar days following the issuance of that determination, and the review will take place at the Commission's next regularly scheduled meeting. The parties will be permitted to provide oral arguments under set guidelines but not additional written arguments to the Commission. The Commission will decide to overturn or ratify the determination by a majority vote. However, unlike the Probable Cause Determination review process, this review will be conducted in an open session.

5. The Commission may decide on who will preside over the hearing on the merits

The Commission may choose to delegate authority to preside over a hearing on the merits to a hearing officer. The Commission may make this delegation at the time it appoints an Assigned Commissioner for preliminary matters or at any other point before the hearing on the merits commences. If it does not delegate this authority, the entire Commission will preside over the hearing on the merits as a whole body. *In the Matter of Paul Allen Taylor*, SFEC Case No. 20-243, the entire Commission presided over the matter as a whole body.

6. The Commission may determine the way findings of facts and conclusions of law are to be presented depending on who will preside over the hearing on the merits

Section 8(A)(2) of the Regulations provides that after presiding over a hearing on the merits, the hearing officer must submit a report and recommendation to the Commission for its consideration.



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

The report and recommendation will contain proposed findings of facts and conclusions of law. Copies of the report and recommendation will be delivered to the Commission, Executive Director, and each respondent no later than 30 calendar days after the date the hearing is concluded. Thereafter, the Executive Director will calendar the matter for consideration at the next Commission meeting in open session.

However, it is of note that the Regulations only require a submission of a report if one commissioner is assigned to preside over the hearing on the merits. If the entire Commission presides over the hearing on the merits, there is no requirement to issue such a report.

The Enforcement Division recommends that if the entire Commission presides over the hearing as a body, the Enforcement Director shall submit a proposed order along with the hearing brief. At the conclusion of the hearing, the Commission may deliberate on the proposed order and amend the proposed order as necessary following the Commission's decision on each count presented, after which the Commission may then adopt the final order as to form with a vote of at least 3 Commissioners.

Recommendations

To summarize the recommendations above, the Enforcement Division requests that the Commission vote on the following matters in the present enforcement case:

1. Appoint a member of the Commission as Assigned Commissioner to resolve any preliminary matters;
2. Set a deadline of 30 calendar days after the April 11 meeting (i.e. May 11, 2025) by which Respondent or the Enforcement Division must submit any motions regarding preliminary matters;
3. Direct Respondent and the Enforcement Division to submit any motions regarding preliminary matters to the Assigned Commissioner via email and to copy the other party in all email communications to the Assigned Commissioner;
4. Identify a process for parties to request Commission review of the Assigned Commissioner's determinations that mirrors the process for reviewing the Executive Director's recommended finding of probable cause, should there be any need for such request;
 - a. Request for review must be submitted to the Commission within five calendar days of the Assigned Commissioner's determination on preliminary matters.
 - b. The Commission will review the determination on preliminary matters at its next regular meeting.
 - c. The parties may make oral arguments to the Commission, but no written arguments are permitted.
 - d. The Commission will vote whether to uphold or overturn the determination.
5. Determine who will preside over the hearing on the merits; and
6. Determine the process of issuing the Commission's final findings, penalties and orders, at the conclusion of the hearing on the merits.



San Francisco Ethics Commission

25 Van Ness Avenue, STE 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org
415-252-3100 | sfethics.org

It is noteworthy that there is no prescribed timeline under the Enforcement Hearing Guidebook or the Enforcement Regulations for the Commission to vote on the above recommendations. The Commission may vote on these matters in the present meeting or may table them for the next regularly scheduled meeting. However, once a determination has been made by the Commission with respect to these matters, all parties shall abide by the Commission's determination on these matters including the relevant processes and the corresponding deadlines.