



San Francisco Ethics Commission

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May 9, 2025

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

Subject: **Agenda Item 3: Discussion and Possible Action regarding Preliminary Matters, In the Matter of William Walker, SFEC Case No. 2223-507**

Summary

This memorandum provides information regarding certain outstanding preliminary matters that must be resolved before *In the Matter of William Walker* can move forward to an administrative enforcement hearing.

In the last Commission meeting, the Enforcement Division presented the following six action items to the Commission:

- (1) The Commission must decide who will preside over preliminary matters.
- (2) The Commission should vote to set the deadline for the parties to submit motions to whoever is presiding over preliminary matters.
- (3) The Commission should identify the way for the parties to submit motions to whoever is presiding over preliminary matters.
- (4) The Commission should identify the process for them to review any disputed procedural determinations.
- (5) The Commission may decide on who will preside over the hearing on the merits.
- (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.

The Enforcement Division also made specific recommendations regarding all six items listed above. The Commission decided and voted on items (4), (5), and (6) above and adopted the recommendations outlined in the April 11, 2025 [Memo](#).



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The Enforcement Division requests that the Commission take action regarding the remaining three items (1), (2), and (3) in order for this matter to move forward to an administrative enforcement hearing. The three items are fully described below, along with recommendations by the Enforcement Division.

On May 2, 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.

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.

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 set the following timeline for submission of any requests for resolution of preliminary matters: Request Motion must be delivered to the presiding officer or body no later than 30 calendar days from the date when the Commission votes on how to proceed with the preliminary matters; Response is due no later than 15 calendar days after the Motion is submitted; and Reply is due no later than 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 no later than 15 calendar days prior to the hearing date, the response due 10 calendar days prior to the hearing, and the reply due 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 adopted the 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 efficient, the Commission should identify the method through which parties should deliver any motions to the prehearing officer and copy to all parties.

The Enforcement Division recommends email as the method of delivery for all submissions. The Commission adopted this method *In the Matter of Paul Allen Taylor*. Notably, email correspondence is the regular practice of the Enforcement Division and the Department at large and how all correspondences have been handled throughout the duration of this matter, including the delivery of the Probable Cause Report, all notices issued for the Probable Cause Proceedings, and the Probable Cause Determination.

However, during the last Commission meeting, Respondent objected to this recommendation and has requested that in addition to email, the Enforcement Division also deliver any motions via U.S. mail. Respondent stated, “emails weren’t always being reviewed and received both on the Commission’s Staff side and, according to them, my side.” Respondent requested that “anything sent by email should be sent by mail as a cross reference.” In response to Respondent’s objection, the Commission discussed Respondent’s request during which the following points were raised and identified for future resolution:

- (1) Any delivery method decided upon would need to be reciprocal.
- (2) The Commission would need to determine when any delivery would be deemed sufficient and complete. This is crucial in order for parties to meet any required deadlines for Responses and Replies.



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- (3) The Commission asked that Enforcement Staff work with Respondent privately to determine what, if any, reasonable accommodation needs Respondent has that would necessitate a deviation from Staff's regular practice of communicating with the public via email.

Following a brief discussion of these points, the Commission asked that Enforcement Staff return with its recommendation following any request submitted by Respondent.

On April 16, 2025, Enforcement Staff contacted Respondent asking him to submit a written request for reasonable accommodation and to provide a reason for the need, including any documents Respondent may have in support of the request. Respondent wrote back stating his refusal to submit any request, stating, "I will not place any accommodations in writing as this becomes a public record and is a violation of my civil rights and privacy. I stated my request in the public meeting. That any email directive also be sent by postal mail. I do t [sic] have any other requests." Enforcement Staff informed Respondent that any request and records he submits would remain confidential, and the Commission also recognized Respondent's privacy rights, which is why the Commission requested Respondent to communicate with Staff privately rather than state his request during the public meeting. On April 17, 2025, Respondent wrote back stating that he did not feel comfortable sharing any information with Enforcement Staff and that the Commission has a right to hold a closed session to compel him to share any information.

The Enforcement Division recognizes the importance of resolving this matter in the fairest and most efficient way possible, including through a settlement agreement with Respondent, which Respondent has turned down on multiple occasions.

Should the Commission consider delivery by U.S. mail, the relevant delivery deadlines must be clear to all parties to ensure a smooth administrative hearing process.

Both the California Code of Regulations ("CCR") and the California Code of Civil Procedure ("CCP") set forth relevant procedures for serving documents by mail and the means by which service by mail is deemed complete. In particular:

- (i) In order to effect service by mail, "the notice or other paper shall be deposited in a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at the office address as last given by that person on any document filed in the cause and served on the party making service by mail; otherwise at that party's place of residence." CCP § 1013(a).

To this effect, all parties, including the assigned prehearing officer or the entire Commission, if a single Commissioner is assigned, and Respondent would need to provide all parties a mailing address to which deliveries may be made by mail.



- (ii) Service by mail is deemed complete “at the time of the deposit”. CCP § 1013(a). However, response deadlines are extended five calendar days from the date of service if the place of address and the place of mailing is within California. CCR Title 8, § 10605; CCP § 1013(a). For purposes of this rule, “place of address and the place of mailing” means “the street address or Post Office Box of the party, attorney or other agent of record being served, as reflected in the Official Address Record at the time of service, even if the method of service actually used was fax, e-mail or other agreed-upon method of service”. CCR Title 8, § 10605.

Applying this rule, an additional five calendar days would be added to any specified submission deadlines, including the 30-15-10 calendar day deadlines as recommended above.

- (iii) The document served must include a notation of the date and the place of mailing, or be accompanied by an unsigned affidavit or certificate of mailing. CCP § 1013(b).

Importantly, a mere preference for one method over the other or distrust of Commission Staff is not sufficient reason for the Commission to deviate from its regular practice of communicating with the public via email. As established at the previous Commission meeting, such deviation, without a clear need for reasonable accommodation, would disrupt the process, complicate future enforcement matters, and potentially complicate future compliance processes.

Recommendations

The Enforcement Division requests that the Commission vote on the following outstanding preliminary matters in order for this matter to move forward to an administrative enforcement hearing:

- (1) Appoint a member of the Commission as Assigned Commissioner to resolve any preliminary matters;
- (2) Set a deadline for submission of any requests for resolution of preliminary matters: Request Motion must be delivered to the presiding officer or body no later than 30 calendar days from the date when the Commission votes on how to proceed with the preliminary matters; Response is due no later than 15 calendar days after the Motion is submitted; and Reply is due no later than 10 calendar days after the Response is submitted; and
- (3) Direct Respondent and the Enforcement Division submit any motions regarding preliminary matters to the Assigned Commissioner via email and copy the other party in all email communications to the Assigned Commissioner.

As mentioned above, all other preliminary matters regarding this agenda item were resolved in the last Commission meeting on April 11, 2025. No further determination by the Commission is required on those matters resolved.