

San Francisco Ethics Commission

Announcement of Interested Persons Meetings to Discuss Improvements to the San Francisco Ethics Commission Enforcement Regulations

PLEASE JOIN STAFF from the Enforcement Division of the San Francisco Ethics Commission (“Commission”) to share your thoughts on potential amendments to strengthen and improve the Commission’s [Enforcement Regulations](#). The two meetings will each have the same agenda, and participants are welcome to attend one or both meetings.

1st Interested Persons Meeting:

- **May 27, 2025 (Tuesday) – 1:30 PM to 3:00 PM (Pacific Time)**

2nd Interested Persons Meeting:

- **May 29, 2025 (Thursday) – 11:00 AM to 12:30 PM (Pacific Time)**

These meetings will be conducted remotely via Microsoft Teams. If you would like to attend, please RSVP by sending an email to bertha.cheung@sfgov.org. Following your RSVP, you will be provided with links to the meetings via email during the week of the meetings.

The Commission also welcomes written comments, which can be sent via email to bertha.cheung@sfgov.org, or via U.S. mail to San Francisco Ethics Commission, 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102.

OVERVIEW

The Enforcement Regulations were originally implemented on July 5, 1997 and last updated on March 19, 2018. The Enforcement Division has grown in size and capacity over the past few years and has been able to efficiently handle a lot more complex matters while refining its protocols and processes. Probable Cause proceedings have been initiated in more matters, one of which moved through the administrative hearing process that resulted in the Commission’s first full hearing on the merits in February 2024. Well ahead of the hearing that took place in 2024, Enforcement Staff identified many areas within the Enforcement Regulations that lacked clarity and needed to be addressed in order to better ensure a smooth, fair, and efficient process for all parties. As a result, Enforcement Staff worked to develop the [Enforcement Hearing Guidebook](#) which was published on May 1, 2023.

As it stands, the Enforcement Hearing Guidebook does not fully address the issues that persist within the Enforcement Regulations. In light of Enforcement Staff’s continuing efforts

to use all tools within its capacity to resolve matters, including through the administrative hearing process, the Commission's recent experiences with probable cause proceedings and administrative hearing processes, and the existing issues with the Enforcement Regulations, the Commission must update the Enforcement Regulations to help clarify the relevant rules and processes to allow Staff to streamline the various Enforcement functions and to ensure a fairer and more efficient process for all parties.

Enforcement Staff held [two interested persons meetings on March 4, 2025 and March 6, 2025](#) regarding potential amendments to the Enforcement Regulations. Four participants in total, including attorneys, attended the interested persons meetings and expressed support for the proposed amendments. In particular, participants commented that the overall investigative process by the Enforcement Division can take a considerable amount of time and that any amendments to the Regulations that would streamline the process would be helpful. Participants also mentioned that any proposed amendments should provide sufficient legal certainty insofar as due process is concerned.

Since the two interested persons meetings, Staff have considered the comments from members of the public. During the process, Staff identified additional areas which require potential improvements in order to further clarify and streamline the Commission's Enforcement process. Through the upcoming interested persons meetings scheduled in May 2025, Staff would like to solicit feedback from members of the public in connection with these areas.

- **Providing a standalone section for complaint closure (Section 6 (new)):** Discussion of ways to reorganize the provision of complaint closure as a standalone section and incorporate other relevant provisions related to complaint closure, including conferring upon the Director of Enforcement the authority to re-open a case within the statute of limitations upon discovery of new material facts or evidence even if the case was closed.
- **Strengthening the process relating to probable cause proceedings (Section 7 (amended)):** Discussion of potential methods to strengthen the probable cause proceedings process, including ways to facilitate the overall efficiency of the probable cause process and more clearly delineating the steps required following a finding of no probable cause.
- **Clarifying matters related to enforcement of referrals under the Sunshine Ordinance (Section 11 (amended)):** Discussion of ways to streamline and clarify the current process for handling referrals under the Sunshine Ordinance to ensure that such process is efficient and impactful, and discussion of ways to align the

Enforcement Regulations with the scope of authority granted to the Commission in the San Francisco Charter Administrative Code and the Sunshine Ordinance.

- **Clarifying matters related to the Statute of Limitations (Section 14 (amended)):**
Discussion of ways to align the timing of the statute of limitations across each code section that the Commission administers and enforces, including use of a consistent definition for the commencement of a case.

For questions about the upcoming Interested Persons Meetings, or to RSVP, please contact bertha.cheung@sfgov.org.

We welcome your input and look forward to hearing from you.