San Francisco
Ethics Commission

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January 2, 2026

To: Members of the Ethics Commission

From: Olabisi Matthews, Director of Enforcement
Bertha Cheung, Senior Investigator & Legal Analyst

Subject: **Agenda Item 7: Discussion and Possible Action regarding Preliminary Matters, In the Matter of Sheryl Davis, SFEC Case No. 25-838**

Summary and Recommended Actions

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

On September 9, 2025, the Director of Enforcement initiated probable cause proceedings in this matter by issuing a Probable Cause Report against Sheryl Davis ("Respondent"). On November 6, 2025, the Commission ratified the Executive Director's Probable Cause Determination finding probable cause on thirty-one counts against Respondent. On January 2, 2026, Enforcement Staff notified Respondent via email that this matter would be placed on the Commission's agenda for the January 9, 2026 meeting to initiate the process for the administrative hearing phase. The Enforcement Division requested that Respondent indicate whether she intends to submit motions on preliminary matters ahead of the Hearing on the Merits. The Enforcement Division informed Respondent that it does not intend to request consideration of any preliminary matters and will seek to proceed to the Hearing on the Mertis stage if Respondent does not indicate any plans to submit preliminary matters motions herself.

Therefore, the Enforcement Division recommends that, unless Respondent notifies the Commission by the January meeting that she intends to submit a motion requesting consideration of any preliminary matters, the Commission should disregard action items #1 through #3 below. The Commission should instead proceed with #4 and #5 to decide who will preside over the Hearing on the Merits and how the Final Order will be presented. Doing so will allow the matter to proceed efficiently to the Hearing on the Merits stage. The Commission may also make any other preliminary decisions that will assist the Commission in conducting the Hearing on the Merits.

Background

On November 6, 2025, the Commission ratified the Executive Director recommended Probable Cause Determination against Respondent on thirty-one counts. The Executive Director found probable cause to believe that the following violations of law occurred:

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COUNT ONE: Respondent violated SF C&GCC section 3.216(b) when she accepted the appearance and performance of singer Goapele Mohlabane at Respondent's *Free to Sing* book launch, paid for on January 12, 2023 by Collective Impact, a restricted source.

COUNT TWO: Respondent violated SF C&GCC section 3.216(b) when she accepted a booth registration at the Boost Conference, paid for in April 2023 by Collective Impact, a restricted source.

COUNT THREE: Respondent violated SF C&GCC section 3.216(b) when she accepted attendance at the KAIROS "Convening for Culture" event, paid for in May 2023 by Collective Impact, a restricted source.

COUNT FOUR: Respondent violated SF C&GCC section 3.216(b) when she accepted a keynote speaker spot at the KAIROS "Convening for Culture" event, paid for in May 2023 by Collective Impact, a restricted source.

COUNT FIVE: Respondent violated SF C&GCC section 3.216(b) when she accepted a seven-night stay at a rental house in Martha's Vineyard, paid for in June 2023 by Collective Impact, a restricted source.

COUNT SIX: Respondent violated SF C&GCC section 3.216(b) when she accepted a reimbursement for premium cabin upgrades on round-trip flights between San Francisco and Chicago, paid for on July 7, 2023 by Collective Impact, a restricted source.

COUNT SEVEN: Respondent violated SF C&GCC section 3.216(b) when she accepted a reimbursement for a fare difference for a one-way flight from San Francisco to Los Angeles, paid for on July 7, 2023 by Collective Impact, a restricted source.

COUNT EIGHT: Respondent violated SF C&GCC section 3.216(b) when she accepted a reimbursement for a fare difference for a first-class, one-way flight from San Francisco to Los Angeles, paid for on July 7, 2023 by Collective Impact, a restricted source.

COUNT NINE: Respondent violated SF C&GCC section 3.216(b) when she accepted a reimbursement for premium cabin upgrades on round-trip flights between San Francisco and Palm Springs, paid for on July 7, 2023 by Collective Impact, a restricted source.

COUNT TEN: Respondent violated SF C&GCC section 3.216(b) when she accepted a reimbursement for costs associated with round-trip flights between San Francisco and Washington, D.C., paid for on July 7, 2023 by Collective Impact, a restricted source.

COUNT ELEVEN: Respondent violated SF C&GCC section 3.216(b) when she accepted GPS's services for her podcast, "Sunday Candy," paid for on January 31, 2022 by Collective Impact, a restricted source.

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COUNT TWELVE: Respondent violated SF C&GCC section 3.216(b) when she solicited a payment on January 27, 2022, from Collective Impact, a restricted source, to pay for services from Spkerbox Media Inc. for her podcast, "Sunday Candy."

COUNT THIRTEEN: Respondent violated SF C&GCC section 3.216(b) when she accepted a portrait on December 6, 2023 from Urban Ed Academy, a restricted source.

COUNT FOURTEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received on January 12, 2023, from Collective Impact in the form of the appearance and performance of singer Goapele Mohlabane at Respondent's *Free to Sing* book launch.

COUNT FIFTEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received in April 2023, from Collective Impact in the form of a booth registration at the Boost Conference.

COUNT SIXTEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received in May 2023, from Collective Impact in the form of attendance at the KAIROS "Convening for Culture" event.

COUNT SEVENTEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received in May 2023, from Collective Impact in the form of a keynote speaker spot at the KAIROS "Convening for Culture" event.

COUNT EIGHTEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received in June 2023, from Collective Impact in the form of a seven-night stay at a rental house in Martha's Vineyard.

COUNT NINETEEN: Respondent violated SF C&GCC section 3.1-102(a) when she failed to properly disclose a gift on July 7, 2023, from Collective Impact in the form of reimbursement for premium cabin upgrades on round-trip flights between San Francisco and Chicago.

COUNT TWENTY: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received on July 7, 2023, from Collective Impact in the form of reimbursement for a fare difference for a one-way flight from San Francisco to Los Angeles.

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COUNT TWENTY-ONE: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received on July 7, 2023, from Collective Impact in the form of reimbursement for a fare difference for a first-class, one-way flight from San Francisco to Los Angeles.

COUNT TWENTY-TWO: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received on July 7, 2023, from Collective Impact in the form of reimbursement for premium cabin upgrades on round-trip flights between San Francisco and Palm Springs.

COUNT TWENTY-THREE: Respondent violated SF C&GCC section 3.1-102(a) when she failed to properly disclose a gift on July 7, 2023, from Collective Impact in the form of reimbursement for costs associated with round-trip flights between San Francisco and Washington, D.C.

COUNT TWENTY-FOUR: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift received from Collective Impact on January 31, 2022 which consisted of GPS's services for Respondent's podcast, "Sunday Candy".

COUNT TWENTY-FIVE: Respondent violated SF C&GCC section 3.1-102(a) when she failed to disclose a reportable gift, consisting of a portrait of Respondent, received from Urban Ed Academy.

COUNT TWENTY-SIX: Respondent violated SF C&GCC section 3.218 and Section IV(A) of HRC's Statement of Incompatible Activities when she used City resources for non-City purposes.

COUNT TWENTY-SEVEN: Respondent violated SF C&GCC section 3.218 and Section IV(C) of HRC's Statement of Incompatible Activities when she used her City title and prestige for private gain or advantage.

COUNT TWENTY-EIGHT: Respondent violated SF C&GCC section 3.206 and California Government Code section 87100 when she engaged in three conflicts of interest by approving two Grant Agreements and one Grant Amendment with Collective Impact between July 1, 2021 and June 24, 2022.

COUNT TWENTY-NINE: Respondent violated SF C&GCC section 3.206 and California Government Code section 87100 when she engaged in a conflict of interest by approving a Grant Agreement with Urban Ed Academy on January 1, 2024.

COUNT THIRTY: Respondent violated SF C&GCC section 3.206 and California Government Code section 87100 when she engaged in four conflicts of interest by approving four voucher payments to the University of San Francisco between September 2022 and May 2023.

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COUNT THIRTY-ONE: Respondent violated SF C&GCC section 3.1-103(b)(1) six times when she failed to certify that she completed mandatory annual ethics training in 2022, 2023, and 2024 and failed to certify that she completed annual Sunshine Ordinance training in 2022, 2023, and 2024.

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 preliminary matters, if any, 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 instead provides fuller details about the hearing process and clearer guidance on the steps the Commission should take when initiating preliminary matters in a case. *See* Section II of the Guidebook.

As discussed above, however, the Enforcement Division does not intend to raise any matters for preliminary resolution. The Enforcement Division recommends that unless Respondent requests otherwise at the January meeting, the Commission should disregard #1 to #3 below. The Commission should instead proceed with #4 and #5 to decide who will preside over the Hearing on the Merits and on how the Commission's findings of fact and the conclusions law (Final Order) should be presented at the conclusion of the Hearing on the Merits.

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.

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2. The Commission should vote to set deadlines for parties to submit motions on any preliminary matters

The preliminary matters stage is made up of multiple steps:

a. Motions by the parties for resolution of preliminary matters;
b. Actual determinations on such motions by the individual(s) presiding over preliminary matters; and
c. potential Commission review of those 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. The preliminary matters stage officially begins when the Commission sets a due date for motions.

The Enforcement Division recommends that the Commission set the following deadlines:

(1) motions resolving preliminary matters should be due at least 30 calendar days from the date when the Commission votes on the present recommended actions;
(2) responses to motions should be 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 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 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. If the Commission appoints an individual to preside over preliminary matters, the Commission should identify the process for review of 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,

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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. This review will be conducted in an open session.

4. The Commission may decide on who will preside over the Hearing on the Merits

The Commission may choose to delegate authority to preside over the 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. Also, *In the Matter of William Walker*, SFEC Case No. 2223-507, in which the Commission issued a Default Oder against Respondent, the Commission voted to preside over the matter as a whole body.

5. The Commission may determine how the findings of facts and conclusions of law (Final Order) will 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. 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 and Respondent may submit a proposed order at the

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Commencement of the Hearing on the Merits. At the conclusion of the hearing, the Commission may deliberate on the proposed order(s) and amend such, 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. The Commission may also choose to write its own Final Order.

Recommendations

To summarize the recommendations above, the Enforcement Division requests that the Commission vote on the following, as necessary, to proceed in this matter:

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 January 9 meeting (i.e. February 9, 2026) by which Respondent or the Enforcement Division must submit any motions regarding preliminary matters;
3. 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.
4. Determine who will preside over the Hearing on the Merits; and
5. Determine the process of issuing the Commission's Final Order at the conclusion of the Hearing on the Merits.

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.