



San Francisco Ethics Commission

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Date: July 2, 2026

To: Members of the Ethics Commission

From: Jeffrey Zumwalt, Acting Director of Enforcement

Re: **Agenda Item 9: Show Cause Hearing: *In the Matter of Rick Sanders v. Office of the Mayor* (File #25088)**

Background

On May 5, 2026, the Sunshine Ordinance Task Force (“SOTF”) referred File #25088 to the San Francisco Ethics Commission (“Commission”) for enforcement proceedings under section 67.35(d)¹ of the Administrative Code, citing the Office of the Mayor’s alleged failure to comply with an Order of Determination issued by SOTF on February 4, 2026.

Under the current² [Enforcement Regulations](#) Regulation 10(B), the Commission is required to schedule a Show Cause Hearing upon receiving such a referral and to provide at least 15 calendar days’ notice to the parties. A Show Cause Hearing was originally scheduled for June 12, 2026, and a Notice of Hearing was issued on May 26, 2026. However, that meeting was cancelled and the hearing was continued to the next available regularly scheduled meeting of the Commission scheduled on July 10, 2026 instead. Notices were issued on June 22, 2026, to the Petitioner, Mr. Rick Sanders, and the Respondent, Mr. Dexter Darmali of the Office of the Mayor, both of whom were named in the referral. On June 30, 2026, Mr. Darmali submitted a letter on behalf of the Mayor’s Office related to File #25088 which was sent to Mr. Sanders on July 1, 2026.

Standard of Review and Hearing Procedure

Under the current Enforcement Regulations adopted by the Commission, the Commission will defer to SOTF’s findings of fact as set forth in the Order of Determination but reviews SOTF’s conclusions of law independently, or de novo.

¹ Section 67.5(d) of the Administrative Code states: “Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement is not taken by a City or State official 40 days after a complaint is filed.”

² The Enforcement Division has proposed amendments to the provisions of the Enforcement Regulations addressing referrals from the SOTF. These proposed amendments, which include a broader explanation of the Commission’s enforcement authority, were presented to the Commissioners at regularly scheduled meetings on June 13, 2025, and further discussed at subsequent meetings on July 11, 2025, and August 8, 2025.



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Proposed amendments to the Enforcement Regulations addressing referrals from SOTF, including a broader explanation of the Commission's enforcement authority, were presented to the Commissioners at the regularly scheduled meetings on June 13, 2025, and further discussed at subsequent meetings on July 11, 2025, and August 8, 2025.

Each party will have ten (10) minutes to present argument, with the option to reserve up to three (3) minutes of that time for rebuttal. Witnesses may testify for up to three (3) minutes each. The Commission, through the Chair, may extend these time limits at its discretion. Although SOTF is not a party to the matter, it may designate a representative to present comments or arguments in support of the referral. Any such representative will have five (5) minutes to present before commencement of the Show Cause Hearing.

The parties may present new evidence or witnesses. If new evidence is introduced, the Commission may remand the matter to SOTF for further review. During the hearing, the Respondent bears the burden of proving that no violation of the Sunshine Ordinance occurred as described in SOTF's Order of Determination and referral.³ Formal rules of evidence do not apply to hearings concerning referrals from SOTF.

Deliberations and Findings

Under the Enforcement Regulations, the Commission must conduct deliberations in public, with an opportunity for public comment as required by the Sunshine Ordinance and the Brown Act. Any enforcement determination must be based on the entire record of the proceedings and supported by findings of fact and conclusions of law.

Legislative Framework and Enforcement Authority of the Ethics Commission under the Sunshine Ordinance

Although Enforcement Regulation 10(B) permits referrals from SOTF, the Commission's enforcement authority is limited by the Charter and Administrative Code. Specifically, Section 67.34 authorizes the Commission to act only upon willful violations of the Sunshine Ordinance committed by elected officials or department heads. The present referral does not allege a willful violation by an official falling within the Commission's enforcement jurisdiction.

³ This provision which places the burden on a respondent to prove that they did not willfully violate the Ordinance appears to raise due process concerns that must not be ignored.



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Further, the alleged violation concerns the Office of the Mayor's purported failure to comply with a SOTF order as a department, rather than a willful violation of law by an elected official or department head.

Available Remedies and Limitations

Enforcement Regulation 10(B)(1)(v) authorizes the Commission to impose any of the remedies set forth in [Charter Section C3.699-13](#) upon a finding, based on substantial evidence presented at the hearing, that a violation of the Sunshine Ordinance has occurred. However, the Commission lacks authority to impose administrative penalties for alleged violations of the Sunshine Ordinance, whether willful or otherwise.

Recommendation

The Enforcement Division recommends that the Commission take no action regarding this referral. First, the record contains no evidence of a willful violation by an elected official or department head. SOTF has not presented evidence demonstrating that Respondent willfully violated the Sunshine Ordinance. Accordingly, the matter does not appear to involve a violation within the Commission's enforcement jurisdiction. Second, even assuming a violation occurred, the Commission is not authorized to impose administrative penalties or otherwise compel compliance with SOTF's Order of Determination.

For informational purposes, in a prior Show Cause Hearing concerning *Matthew Lotocki v. San Francisco Police Department* (File No. 24021) heard at the Commission's June 13, 2025 meeting, SOTF similarly referred the matter to the Commission under Section 67.35(d) of the Administrative Code based on the San Francisco Police Department's alleged failure to comply with a SOTF Order of Determination. The Commission formally voted to take no action on the referral, without prejudice to the petitioner.

Attachments

- Show Cause Hearing Documents File No. 25088
- Notice to Show Cause Hearing to Petitioner
- Notice of Show Cause Hearing to Respondent
- MYR Letter to ETH Commission 6.30.26 File No. 25088
- Petitioner Letter to ETH Commission 7.06.26 File No. 25088