



Attachment 2

Rationale Table to Proposed Amendments to the Ethics Commission's Enforcement Regulations

(Updated as of August 7, 2026)

Section No.	Proposed Regulation Amendments	Description & Rationale
Section 1. Preamble		
Section 1(A). Preamble (Amended)	The proposed amendment would add a semicolon at the end of subsection 3.	This amendment adds a semicolon at the end of subsection 3 to correct a punctuation error.
Section 1(B). Enforcement Authority (Amended)	The proposed amendment would replace "and" with "&" for consistency with the San Francisco Campaign & Governmental Conduct Code reference.	This amendment standardizes reference to the San Francisco Campaign & Governmental Conduct Code.
Section 2. Definitions		
Section 2(E). Definitions: "Director of Enforcement" (Amended)	The proposed amendment would use gender neutral language in place of gendered language.	For consistency throughout the Regulations, the proposed amendment would use gender neutral language in place of gendered language.
Section 2(F). Definitions: "Deliver" (Amended)	The proposed amendment would allow for an extension of any delivery deadline that falls on a weekend or a legal City holiday to the next business day. The proposed amendment would also remove the word "Ethics" before "Commission."	Currently, the Regulations do not provide for an extension of the deadline for submissions that fall on a weekend or a legal City holiday. This amendment would permit extension of any such deadlines to the next business day. Removing the word "Ethics" before "Commission" ensures consistency with the defined term in Section 2(B).
Proposed Section 2(H). Definitions: "Good Cause" (Relocated and amended)	The proposed amendment would provide a clear definition for "good cause" within the Regulations.	Portions of the Regulations refer to "good cause" but do not provide a clear definition for this term. This proposed amendment would



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	This proposed revision also impacts the numbering of the subsequent subsections, moving each one alphabet up.	provide a clear definition for “good cause.”
Proposed Section 2(M). “Violation of law” (Amended)	The proposed amendment would replace “and” with “&” for consistency with the San Francisco Campaign & Governmental Conduct Code reference.	This amendment would standardize reference to the San Francisco Campaign & Governmental Conduct Code.
Section 3. Filing a Complaint		
Proposed Section. 3(B)(2). Effect of Information Complaints (Amended)	The proposed amendment would revise the reference “Enforcement Director” to “Director of Enforcement.”	The amendment would ensure consistent terminology throughout the Regulations.
Proposed Section. 3(D). Commissioner-initiated Complaints (Amended)	The proposed amendment would use gender neutral language in place of gendered language.	For consistency throughout the Regulations, the proposed amendment would use gender neutral language in place of gendered language.
Current Section 3(F). Withdrawal of Complaint / Proposed Section 4(D). Complaint Withdrawal (Relocated)	The proposed amendment would move the current provision from Section 3 to Section 4, which provides that the Commission may continue to investigate a complaint even if the complainant withdraws the complaint.	This provision is being relocated as part of the efforts to reorganize certain sections of the Regulations for clarity and as appropriate. The Commission’s decision to continue investigate a matter, including one a complainant wishes to withdraw fits more appropriately under section 4, rather than section 3, which deals with different types of complaints.
Section 4. Preliminary Review of Complaints		
Proposed Section 4(C). Complaint Referral / Current Section 4(C) (Amended)	Updated the cross-reference within this Section to correctly reference subsection F.	Updated the cross-reference within this Section to correctly reference subsection F.
Proposed Section 4(D). Complaint Withdrawal / Current Section 3(F). Withdrawal of Complaint (Relocated and amended)	See proposed amendment under Section 3(F) above.	See description and rationale under Section 3(F) above.
Proposed Section 4(E). Report to the Commission / Current	The proposed amendment would change the provision of the complaint dismissal summary by the Director of Enforcement from a	The current provision of the Regulations provides that the Director of Enforcement will issue a monthly summary to the



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Section 4(D). Report to the Commission (Amended)	monthly basis to a quarterly basis. In addition, the proposed amendment would eliminate the separate provision that requires a quarterly report regarding whistleblower retaliation matters. It would also change the word “complaint” to “case” to align with the terminology used in the newly proposed Sections 4(G) and 4(H) regarding reopening of a case.	Commission of each complaint dismissed, including the reasons for dismissal. The proposed amendment would consolidate the timeline for submission of all reports to the Commission. In addition, the proposed amendment would eliminate the standalone provision regarding whistleblower retaliation cases because these cases are already included as part of the quarterly Enforcement Reports and case summaries. The proposed amendment would also change the word “complaint” to “case” for consistency with other revisions described below.
Proposed Section 4(F). Final Decision / Current Section 4(E). Final Decision (Amended)	The proposed amendment would replace the term “complaint” with “case” to align with the terminology used in the newly proposed Sections 4(G) and 4(H) regarding reopening of a case. Additionally, the proposed amendment would add the phrase “except as provided below” to align with the provisions regarding reopening of a prior dismissed or closed case under Sections 4(G) and 4(H).	The term “case” is proposed to replace “complaint” to better reflect the broader range of matters handled by the Enforcement Division, which may originate from sources other than formal complaints (e.g., referrals or staff-initiated reviews). The change promotes consistency with current enforcement practices and terminology used in the newly proposed Sections 4(G) and 4(H) regarding reopening of a case. Furthermore, the addition of the phrase “except as provided below” clarifies that, while a dismissal or closure generally constitutes a final decision, there are exceptional circumstances under which a case may be reopened pursuant to the newly proposed Sections 4(G) and 4(H).



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Proposed Section 4(G). Reopening of a Case and 4(H) Procedures for Reopening a Case (New)	The proposed amendment would confer on the Enforcement Division the ability to re-open cases upon discovery of new material facts or evidence even though the cases were dismissed or closed. The ability to re-open cases by the Enforcement Division, however, would be limited by certain parameters and would also be subject to the four-year statute of limitations period prescribed under the new Section 14 of the Regulations. Additionally, the proposed amendment would clarify that cases that have been fully resolved through a Stipulation or a Hearing on the Merits shall not be eligible for reopening. Once a case has been reopened, all respondents shall be formally notified of the reopening.	Currently, the Regulations state that a dismissal or closure of a matter is a final decision on such matter and represents the end of the administrative process. The Regulations prohibit the Enforcement Division from taking any further action on a matter that has been dismissed or closed. This undermines the investigative ability of the Enforcement Division to reopen a matter where new material facts or evidence pertinent to a case have been discovered. To address this, the proposed amendment would allow the Enforcement Division to re-open cases which were already dismissed or closed if there are new material facts or evidence that come to light concerning those cases. To achieve this, the proposed change would set forth a list of parameters that would allow the Enforcement Division to determine when the dismissed/closed case may be reopened. This would also provide legal certainty for respondents who are informed of the circumstances when their cases may be reopened. Moreover, to ensure there is legal certainty over the period of which a case may be re-opened, the proposed change would be subject to the statute of limitations set forth in Section 14 of the Regulations such that Staff may not re-open cases after the expiration of the four-year limitations period, or where a case has been fully resolved through a Stipulation or a Hearing on the Merits, even if new facts or
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		evidence arise. Once a case has been reopened, all respondents shall be formally notified of the reopening.
Section 5. Investigation		
Section 5(A). Open Investigation; Section 5(A)(1) (Amended)	The proposed amendment would revise the language to align with Section C3.699-13(a) of the Charter requiring the Commission to forward “the complaint <i>or information in its possession regarding the alleged violation</i> ” to the District Attorney and City Attorney upon opening an investigation.	The amendment would incorporate the full language of the Charter that was previously omitted.
Proposed Section 5(C)(2). Notice Required (Amended)	The proposed amendment would revise the reference “Enforcement Director” to “Director of Enforcement.”	The amendment would ensure consistent terminology throughout the Regulations.
Proposed Section 5(C)(4) (iii). Withholding (New)	The proposed amendments would allow the Commission to bring a charge for withholding under sections 1.170(f), 2.136(a), and 3.240(a) of the San Francisco Campaign & Governmental Conduct Code in any case brought before the Commission if a Respondent knowingly or intentionally conceals or withholds information, including through failure to comply with a subpoena or <i>subpoena duces tecum</i> .	Under the current provision, the only option for a respondent’s refusal to comply with a subpoena or <i>subpoena duces tecum</i> is for the Executive Director to request the City Attorney to petition the San Francisco Superior Court for an order compelling compliance. However, because the San Francisco Campaign & Governmental Conduct Code has a withholding provision, the proposed amendment would clearly include this option within the Regulations, addressing any ambiguity regarding the options available to the Enforcement Division regarding compliance with subpoenas.
Proposed Section 5(C)(5) (v) and corresponding subsection (ii) (New)	The proposed amendment would clarify that the filing of an objection to a subpoena or <i>subpoena duces</i>	The proposed amendment would reinforce the enforceability of subpoenas and promote timely and



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	<i>tecum</i> does not, by itself, preclude a charge of withholding under this Section. Nothing in this Section limits the Commission's authority, in any subsequent adjudicative proceeding on a withholding charge, to consider the validity or reasonableness of any objections made to the subpoena in its determination of the charge.	good-faith cooperation with the Commission's investigative process.
Proposed and Current Section 5(D). Confidentiality (Amended)	The proposed amendment would replace the current wording "<i>after</i> the Probable Cause Determination" with "<i>in support of</i> the Probable Cause Determination" to clarify that the confidentiality provision applies to investigative documents created as part of the process leading to a Probable Cause Determination—not only to those documents created <i>after</i> the Probable Cause Determination. The proposed amendment would also clarify that notwithstanding the confidentiality provision, any materials or evidence provided to the Ethics Commission under a protective order or that is otherwise confidential or privileged under local, state, or federal law, shall not be publicly disclosed. Additionally, the proposed amendment would update cross references from Sections 8 and 9 to Sections 7 and 10 to reflect the latest relocation or renumbering of relevant sections within the Regulations. It would also use gender neutral language in place of gendered language.	The current provision appears to deem evidence obtained prior to a probable cause determination as confidential and prohibit the disclosure of such evidence even during the course of a hearing on the merits. The proposed amendment would clarify that evidence obtained throughout the course of the investigation can be introduced as exhibits or evidence in support of a hearing on the merits. The proposed amendment would also provide clarity that notwithstanding the confidentiality provision, any materials or evidence provided to the Ethics Commission under a protective order or that is otherwise confidential or privileged under local, state, or federal law, shall not be publicly disclosed. Additionally, the section reference updates would reflect the relocation or renumbering of relevant sections within the Regulations. The use of gender neutral language in place of gendered language would ensure consistency throughout the Regulations.
Proposed Section 5(E). Place of Delivery / Current Section 8(H).	This proposed amendment would relocate the provision regarding place of delivery from the current Section 8(H) to the proposed Section	This proposed amendment would help clarify any ambiguity and better organize the Regulations regarding delivery.



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Place of Delivery (Relocated and amended)	5(E). It would also remove the reference to a respondent's committee, since "Respondent" already includes both individuals and entities under Section 2(J). Additionally, the proposed amendment would include electronic mail to align with the definition of the term "Deliver" under section 2(F).	Section 2(G), which defines the term "Deliver," includes electronic mail as a means of transmitting information. This proposed amendment would clarify that delivery by electronic mail would be effective and sufficient, consistent with the definition of the term "Deliver" in Section 2(F).
Section 6. Case Closure		
Proposed Section 6. Case Closure / Current Section 7(A). Complaint Closure (Relocated and amended)	Aside from the substantive changes set forth below, the proposed amendment for this Section would single out case closure as a standalone section. In light of the proposed amendment made under the new Section 4(E) above which seeks to change the provision of the dismissal summary by the Director of Enforcement from a monthly basis to a quarterly basis, the reference to "monthly" under this Section would be updated to "quarterly" and the section reference would be revised from "Section 4(D)" to "Section 4(E)" accordingly. In addition, given this Section relates to closure of a case, the proposed amendment would also incorporate the relevant amendment made under the new Section 4(G) and 4(H), which confers on the Director of Enforcement the ability to re-open a case upon discovery of new material facts or evidence even if the case was closed, provided that the case falls within the statute of limitations and has not been fully resolved through a Stipulation or a Hearing on the Merits.	The current Regulations incorporate the closure of cases as part of the probable cause proceedings section. Closures come at the conclusion of an investigation when the Enforcement Division does not intend to initiate probable cause proceedings. In the past, the Enforcement Division would memorialize a case closure in the form of a "no probable cause report" as part of the probable cause process. However, since this practice is no longer adopted, the section on case closure should not be included as part of the probable cause proceedings section and should be reorganized as a standalone section. Also see description and rationale under Sections 4(E), 4(G) and 4(H) above.



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Section 7. Probable Cause Proceedings		
Current Section 7(A). Complaint Closure <i>(Relocated to Proposed Section 6 and amended)</i>	See above.	See above.
Proposed Sections 7(A). Initiation of Probable Cause Proceedings; (7)(A)(1). Delegation of Probable Cause Hearing Officer Duties / Current Section 7(B)(1). Delegation of Probable Cause Hearing Officer Duties. <i>(Amended)</i>	The proposed amendment would confer upon the Executive Director authority to make findings regarding probable cause rather than recommendations. The Executive Director's determination will be the final determination regarding probable cause. Additionally, the proposed amendment would capitalize the word "Probable Cause Determination" for consistency throughout the Regulations.	The current provision delegates Commission authority regarding the conduct of Probable Cause Conferences to the Executive Director and allows the Executive Director to make recommendations regarding probable cause. The proposed amendment would confer authority to make a finding of probable cause. This would allow for a more streamlined and efficient process and ensure that cases move through the enforcement process without unnecessary delay. The Commission would retain authority to determine whether a violation of law has occurred at a full hearing on the merits. Additionally, the proposed amendment would capitalize the term "Probable Cause Determination" for consistency throughout the Regulations.
Proposed Section 7(A)(4). Response to the Probable Cause Report / Current Section 7(B)(4). Response to the Probable Cause Report <i>(Amended)</i>	This proposed amendment would capitalize the term "Probable Cause Report" to align with other references to the report throughout the Regulations. It would also add "Director of Enforcement" to the list of parties to whom Responses must be delivered and delete the word "delivered."	The proposed amendment would capitalize the term "Probable Cause Report" to ensure consistency in the use of defined terms throughout the Regulations. The proposed amendment would also add "Director of Enforcement" to the list of parties to whom Responses must be delivered to ensure that the Director of Enforcement is included among the recipients of Responses. In addition, the word "delivered" would be deleted to eliminate unnecessary language and improve clarity.



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Proposed Section 7(A)(5). Response to the Probable Cause Report / Current Section 7(B)(5). Response to the Probable Cause Report (Amended)	The proposed amendment would add "Executive Director" to the list of parties to whom Rebuttals must be delivered and add the words "and to" for clarity.	The proposed amendment would add "Executive Director" to the list of parties to whom Rebuttals must be delivered to clarify the intended recipients of Rebuttals. The amendment would also add the words "and to" to improve clarity.
Proposed Section 7(A)(7). Requests for Extension of Time (Amended)	The proposed amendment would reinstate "Good Cause" to lowercase. The proposed amendment would also revise "material" to the plural form and "extension" to the singular form for grammatical consistency.	The amendment to reinstate "Good Cause" to lowercase would align with the approach that, except where the term is defined in Section 2, references to the term throughout the Regulations are not capitalized. The amendment to revise "material" to the plural form and "extension" to the singular form would improve grammatical consistency.
Proposed Section 7(B)(1). Confidentiality / Current Section 7(C)(1). Confidentiality (Amended)	The proposed amendment would revise "public hearing" to "public conference" throughout this subsection. It would also capitalize the term "Probable Cause Conference."	The proposed amendment would clarify the distinction between an informal Probable Cause Conference and a formal Hearing on the Merits. Additionally, the proposed amendment would capitalize the term "Probable Cause Conference" to align the terminology with other references throughout the Regulations.
Proposed Section 7(B)(2). Requesting a Probable Cause Conference (Amended)	The proposed amendment would reinstate "Good Cause" to lowercase. The proposed amendment would also add "the" before "Director of Enforcement."	The amendment to reinstate "Good Cause" to lowercase would align with the approach that, except where the term is defined in Section 2, references to the term throughout the Regulations are not capitalized. The amendment to add "the" before "Director of Enforcement" would improve grammatical consistency.



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Proposed Section 7 (B)(3)(iii). Additional Information / Current Section 7 (C)(3)(iii). Additional Information (Amended)	The proposed amendment would use gender neutral language in place of gendered language.	For consistency throughout the Regulations, the proposed amendment would use gender neutral language in place of gendered language.
Proposed Section 7 (B)(3)(iv). Recordings and Transcripts / Current Section 7 (C)(3)(iv). Recordings and Transcripts (Amended)	The proposed amendment would include the Director of Enforcement to the list of those to whom a copy of transcripts should be provided and replace “respondents” with “parties.”	The current provision requires a respondent who asked a certified court reporter to be present at the time of a Probable Cause Conference to provide a copy of the transcript to the Executive Director and other respondents. The amendment would make the requirement broader to capture all parties, including, for example, a complainant in a retaliation matter and the Enforcement Division.
Proposed Section 7(B)(3)(v). Request for a Translator (Amended)	The proposed amendment would revise “all of parties” to “all other parties.”	The amendment would improve grammatical consistency.
Proposed Section 7(C). Executive Director’s Probable Cause Determination; and Proposed Section 7(C)(1). Standard / Current Section 7(D)(1) (Amended)	The proposed amendment would remove the word “recommended” in the header of Proposed Section 7(C) and change the word “recommended” to “make” within the text of Section 7(C)(1).	This revision is consistent with Section 7(A)(1) above regarding delegation of authority to make a probable cause determination and the proposal to eliminate the ratification review process currently contained within Section 7(C)(6).
Proposed Section 7(C)(2). Timeframe / Current Section 7(D)(5) (Relocated)	This proposed amendment would relocate the provision on the timeframe for the Executive Director’s Probable Cause Determination from current section 7(D)(5) to the proposed Section 7(C)(2) to more appropriately align with other provisions under Section 7(C).	This provision is being relocated as part of the efforts to reorganize certain sections of the Regulations for clarity and as appropriate.
Proposed Section 7(C)(3). (Reorganized and amended)	The proposed amendment under Section 7(C)(3) would reorganize the provisions regarding the Executive Director’s finding of probable cause	This revision is being made as part of the efforts to reorganize certain sections of the Regulations to improve clarity and consistency.



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	or finding of no probable cause. It would also delete “finding,” and replaces it with “The Executive Director’s determination.”	
Proposed Section 7(C)(4). Finding of Probable Cause / Current Section 7(D)(2) (Amended)	The proposed amendment would relocate the current provision under Section 7(D)(2) regarding a finding of probable cause, deletes the word “recommended,” and delete the phrase “a summary of all evidence and arguments presented at the Probable Cause Conference.” It would also delete the word “that” and replace it with “the” in describing the evidence gathered at the Probable Cause Conference. In addition, the proposed amendment would clarify that a finding of probable cause must contain the Executive Director’s assessment of the evidence submitted by the parties as part of the probable cause proceedings.	In addition to the substantive changes, this revision is being made as part of the efforts to reorganize certain sections of the Regulations to improve clarity and consistency. Additionally, the proposed amendment would only require the Executive Director’s assessment of the evidence submitted by the parties as part of the probable cause proceedings in order to help reduce duplication of efforts since this information would be part of the Executive Director’s Hearing Brief required to be submitted prior to the Hearing on the Merits.
Proposed Section 7(C)(5). Finding of No Probable Cause / Current Section 7(D)(3). Finding of No Probable Cause; Current Section 7(D)(6). Commission Ratification of Executive Director’s Probable Cause Determination; Current Section 7(D)(7). Findings of No Probable Cause are Final (Amended)	The proposed amendment would relocate the current provision regarding a finding of no probable cause and include the words “confidential” and “draft” to describe the written finding of no probable cause. The proposed amendment would also consolidate current Sections 7(D)(3), 7(D)(6), and 7(D)(7), which concern the Executive Director’s findings of no probable cause and the Commission’s ratification of the Executive Director’s probable cause determination. The consolidated provisions, as amended, would more clearly delineate the steps required following a finding of no probable cause.	The current provision of the Regulations splits up Sections 7(D)(3) and 7(D)(7) in relation to the meaning of a finding of no probable cause by the Executive Director and the finality of the finding of no probable cause. The proposed amendment would address the misalignment of the two sections by combining them into one subsection. In addition, the Commission raised concern that the Regulations should preserve Commission oversight of findings of <i>no</i> probable cause. To address this concern, Staff has preserved the existing ratification procedures applicable to the Executive Director’s probable cause



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	In addition, the proposed amendment would clarify the framework governing Commission review of the Executive Director's finding of no probable cause. The amendments would establish a defined process and timeline for Commissioners to request review within five calendar days after the Executive Director transmits the draft finding to the Commission. The amendments would also specify the procedures for Commission consideration of such requests in closed session and the voting threshold required to ratify the finding if review is initiated. Finally, the amendments would clarify that, absent a timely request for review, the Executive Director's finding of no probable cause becomes final and the Executive Director shall issue the written finding to all parties.	determinations pursuant to the current Section 7(D)(6) and extended a comparable review framework governing Commission review of the Executive Director's finding of no probable cause.
Proposed Section 7(C)(6). Default Orders / Current Section 7(D)(4). Default Orders (Amended)	The proposed amendment would delete the words "recommendation for a" to reflect the recommended amendment above regarding authority of the Executive Director to make probable cause determinations. The proposed amendment would also clarify that the Director of Enforcement bears the burden of proving that the respondent(s) was properly served in accordance with these regulations.	The amendment to delete the words "recommendation for a" would reflect recommended amendment above regarding authority of the Executive Director to make probable cause determinations. The amendment would also clarify that the Director of Enforcement bears the burden of establishing proper service, ensuring procedural clarity and consistency in enforcement proceedings.
Proposed Section 7(C)(7). Effect of Commission Advice or Opinion / Current Section 7(D)(8). Effect of Formal Written Advice	The proposed amendment would bring the Regulations in alignment with the Commission's current practice regarding advice.	The Commission currently issues only written advice and does not distinguish between formal and informal advice. The proposed amendment would align the



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(Amended)		Regulations with the Commission's current practice regarding advice.
Proposed Section 7(C)(8). Voluntary Dismissal / Current Section 8(I). Voluntary Dismissal (Relocated and Amended)	This proposed amendment would relocate the provision regarding voluntary dismissal to more appropriately fit under the probable cause section.	The amendment would provide better clarity regarding the workflow of the enforcement process with regards to dismissals.
Section 8. Page Limitations and Format Requirements		
Proposed Section 8. Page Limitations and Format Requirements/ Current Section 6. Page Limitations and Format Requirements (Relocated and amended)	The proposed amendment for this Section would be reorganized after the probable cause proceedings section. The proposed amendment would increase the page limitation of a Probable Cause Report and a Hearing Brief, as well as the Response to the Probable Cause Report and the Hearing Brief, from 25 pages to 40 pages, exclusive of attachments. In addition, the page limitation of any Rebuttal or Reply, and any other filings, would be increased from 10 pages to 20 pages, exclusive of attachments. Where parties need to go beyond the page limitation as prescribed under the amended provision of this Section, parties may stipulate to a new page limitation proportional to the level of complexity or other case-specific circumstances. Additionally, the proposed amendment would capitalize the words "Rebuttal" and "Reply."	The current provision covers page limitations and formality requirements for various documents including a Probable Cause Report, a Hearing Brief, a Rebuttal, a Reply to the Rebuttal, and any other filings. Reorganizing this section after the probable cause proceedings section would provide a clearer structure to the Regulations. The current provision of the Regulations provides that the page limitations of a Probable Cause Report and a Hearing Brief, as well as the Response to the Probable Cause Report and the Hearing Brief, to be 25 pages, exclusive of attachments. On the other hand, a rebuttal or a reply, and any other filings, are limited to 10 pages, exclusive of attachments. However, given the Commission's recent experiences with probable cause proceedings and administrative hearing processes where certain cases are fact intensive, involve multiple violations, and require an extensive analysis of the facts and the law, there is a need to increase the page limitations. The amended provision would better address the page



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		limitations and formality requirements for parties. In addition, the Enforcement Division received comments from the public in the interested persons meetings proposing that parties may choose to stipulate to a new page limitation if the 40/20-page increase does not meet the page limitations. The Enforcement Division endorsed this comment considering that parties may require a page number that exceeds the 40/20-page limitation because of the complexity or the circumstances specific to each case.
Section 9 Pre-Hearing Matters		
Proposed Section 9. Pre-Hearing Matters / Current Section 8. Pre-Hearing Matters	A series of changes would re-organize this section to more closely track the pre-hearing process. They would also move sub-sections that deal more directly with the hearing phase into Section 10, including sub-sections pertaining to notice of hearing, recordings of hearing, and hearing briefs.	The current Regulations include subsections pertaining to the Hearing on the Merits within the pre-hearing section. The proposed amendment would correct this discrepancy by relocating those provisions to the appropriate section of the Regulations.
Proposed Section 9(A). Initiation of Pre-Hearing Matters (New)	The proposed amendment would establish the process for initiating preliminary matters. The amendment would direct the Executive Director to place an item on the Commission's meeting agenda for the determination of who will preside over preliminary matters. The Commissioners will make this determination, unless parties notify the Commission either orally or in writing that they do not intend to request formal consideration of preliminary matters.	The current Regulation is silent on how the parties and the Commission transition from a probable cause determination to a Hearing on the Merits and the process for initiating pre-hearing matters. This amendment would provide clarity on this process and formalize the process used in past cases.
Proposed Section 9(B). Delegation to a Pre-	The proposed amendment would clarify the Commission's authority to	The current Regulations refer to the pre-hearing and hearing officers



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hearing Officer / Current Section 8(A). Delegation to Hearing Officer (Amended)	decide preliminary matters, delegate authority to a pre-hearing officer, and remove references to the Hearing on the Merits from this section to provide greater clarity. This amendment would also clarify a contradictory statement that creates confusion between a pre-hearing officer and a hearing officer. In addition, the amendment would clarify the licensing requirement for a pre-hearing officer by specifying that the individual must either hold an active license with the State Bar of California or be eligible to enroll as an inactive licensee with the State Bar of California, as provided under Rule 2.30 of the Rules of the State Bar.	interchangeable, when in fact there should be two different processes. This amendment, and the next, would clarify this issue. The amendment would also replace the current requirement for “a licensed attorney in the state of California” and clarify that a pre-hearing officer must either hold an active license with the State Bar of California or be eligible to enroll as an inactive licensee with the State Bar of California, as provided under Rule 2.30 of the Rules of the State Bar.
Proposed Section 9(C). Preliminary Matters / Current Section 8(F). Preliminary Matters (Relocated and amended)	Based on formatting and reorganization, the proposed amendment would relocate this provision to Section 9(C). The amendment would also resolve a contradictory reference that creates confusion between a pre-hearing officer and a hearing officer and standardize capitalization of the term “Hearing on the Merits.” Additionally, the amendment would add the word “Report” to the term “Probable Cause Determination” so that it reads “Probable Cause Determination Report” throughout the Regulations when referring to the written Determination issued by the Executive Director following a finding of probable cause.	Based on formatting and reorganization, the proposed amendment would relocate this provision to Section 9(C). In addition, the proposed amendment would clarify a contradictory statement that creates confusion between a pre-hearing officer and a hearing officer and would standardize capitalization of the term “Hearing on the Merits.” The proposed amendment would also clarify the term used to describe the written determination issued by the Executive Director following a finding of probable cause by adding the word “Report” to the previously used term “Probable Cause Determination” to establish the term “Probable Cause Determination Report.” This revision is consistent with other



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		references throughout the Regulations.
Proposed Section 9(D). Submission of Pre-hearing Motions (Itemized and amended)	The proposed amendment would reorganize this provision within the Regulations by adding a new heading titled "Submission of Pre-hearing Motions." The amendment would also clarify the timing requirements for Requests for Resolution of Preliminary Matters, Responses, and Replies to better reflect the actual timing requirements based on recent experience with probable cause proceedings and administrative hearing processes. In addition, the amendment would specify that copies of any Request, Response, or Reply must be delivered to the Executive Director and all other parties.	The proposed amendment would improve clarity in the overall process in handling pre-hearing matters.
Proposed Section 9(E). Discovery; 9(E)(1). Subpoenas / Current Section 8(D). Discovery (Relocated)	Based on formatting and reorganization, the proposed amendment would relocate this provision to Section 9(E). The proposed amendment would also resolve two contradictory references that create confusion between a pre-hearing officer and a hearing officer and would standardize capitalization of the term "Hearing on the Merits" for consistency with other references throughout the Regulations. In addition, the proposed amendment would clarify the timing requirements for requests for issuance of subpoenas to better reflect the actual timing requirements based on recent experience with probable cause	Based on formatting and reorganization, the proposed amendment would relocate this provision to Section 9(E). In addition, the proposed amendment would delete the words "Finding of" and add the word "Report" to clarify the terminology used to describe the Executive Director's written determination following a finding of probable cause. This revision also ensures consistency with other references throughout the Regulations, as described above.



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	proceedings and administrative hearing processes. The proposed amendment would also delete the words "Finding of" and add the word "Report" to the term "Probable Cause Determination," so that the term reads "Probable Cause Determination Report," as described above.	
Proposed Section 9(E)(2). Compliance (New)	The proposed amendment would clarify that failure to comply with a subpoena authorized during the discovery process can be used as evidence of a violation of the relevant areas of law governing withholding of evidence.	The current Regulations give the Commission specific subpoena authority for the discovery process but does not include remedies for non-compliance with such a subpoena. This amendment would clarify that non-compliance may be used as evidence of withholding.
Proposed Section 9(F). Rulings on Preliminary Matters / Current Section 8(A)(1). Delegation to Hearing Officer (Relocated and amended)	The proposed amendment would reorganize the text concerning findings after preliminary matters and introduce a new heading titled "Rulings on Preliminary Matters."	The proposed amendment better organizes the current provisions concerning pre-hearing matters.
Proposed Section 9(G). Request for Review / Current Section 8(A)(1). Delegation to Hearing Officer (Amended)	The proposed amendment would reorganize the current provision and add subsections that clarify the process for requesting Commission review of a determination made by a pre-hearing officer. In addition, the proposed amendment would provide that rulings on preliminary matters may be reviewed by the Commission upon the request of either party. The proposed amendment would also clarify that the parties may present arguments and that a majority vote of the Commission is required to modify the pre-hearing officer's determination.	The current Regulations refer to Commission review of an officer's determination without clarifying how that review shall be conducted. This amendment would establish a process for such review and provide clarity on the process. In addition, the proposed amendment would improve clarity and ensure consistency with the language used in subsection (F) of this Section.



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Section 10. Hearing on the Merits		
Proposed Section 10. Hearing on the Merits	A series of changes would re-organize this section to include sub-sections originally in the pre-hearing section. This includes sub-sections pertaining to scheduling and notice of a hearing, hearing briefs, and recordings.	The current Regulations include sub-sections pertaining to the Hearing on the Merits in the pre-hearing section.
Proposed Section 10(A). Delegation to a Hearing Officer / Current Section 8(A)(1). Delegation to Hearing Officer <i>(Relocated and amended)</i>	The proposed amendment would establish that if any party requests Commission review of a determination by a pre-hearing officer, the Commission shall review the determination at its next monthly meeting. The amendment would further clarify that the parties can present arguments, and a majority must vote to change the officer's determination. In addition, the amendment would clarify the licensing requirement for a hearing officer by specifying that the individual must either hold an active license with the State Bar of California or be eligible to enroll as an inactive licensee with the State Bar of California, as provided under Rule 2.30 of the Rules of the State Bar.	The current Regulations refer to Commission review of an officer's determination without clarifying how that review shall be conducted. This amendment would establish a process for such review and provide clarity on the process. The amendment would also replace the current requirement for "a licensed attorney in the state of California" and clarify that a hearing officer must either hold an active license with the State Bar of California or be eligible to enroll as an inactive licensee with the State Bar of California, as provided under Rule 2.30 of the Rules of the State Bar.
Proposed Section 10(B). Scheduling and Notice of Hearing on the Merits / Current Section 8(B). Scheduling of Notice of Hearing on the Merits <i>(Relocated and amended)</i>	The proposed amendments would change the notice requirements from 30 to 60 calendar days. They would also remove duplicative language referring to a hearing officer. The proposed amendments would also standardize capitalization of the term "Hearing on the Merits" for consistency with other references to the Hearing on the Merits throughout the Regulations. Finally, they would move this sub-section to Section 10.	Current Regulations require hearing briefs from the enforcement division to be sent 30 days before a hearing, rendering a 30-day notice requirement for a hearing untenable. This change creates a more realistic process.



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Proposed Section 10(C). Hearing Briefs / Current Section 8(E). Hearing Briefs (Relocated and amended)	Based on formatting and reorganization, the proposed amendment would relocate this provision to proposed Section 10(C) and clarify the process for delivery of Hearing Briefs. The proposed amendment would also capitalize the terms “Hearing Brief” and “Hearing on the Merits” for consistency throughout the Regulations.	The current Regulations do not clearly specify all parties who must receive Hearing Briefs. In addition to relocating this provision, the proposed amendment would clarify the delivery requirements for Hearing Briefs. The proposed amendment would also capitalize the terms “Hearing Brief” and “Hearing on the Merits” for consistency with other references throughout the Regulations.
Proposed Section 10(D)(1) Commencement. / Current Section 9 (A)(1) (Amended)	The proposed amendment would add the word “Report” to the term “Probable Cause Determination” so that it reads “Probable Cause Determination Report,” capitalize the term “Hearing on the Merits,” and delete the word “outside.”	The proposed revisions are consistent with the revisions described above.
Proposed Section 10(D)(2). Public Hearing / Current section 9(A)(2). Public Hearing (Amended)	The proposed amendment would change “complaint” to “case”. It would also standardize capitalization of the term “Hearing on the Merits.”.	The proposed amendment would change “complaint” to “case” to align with Division’s classification of matters and capitalize the term “Hearing on the Merits” for consistency with other references to throughout the Regulations
Proposed Section 10(D)(4). Rules of Evidence / Current Section 9(A)(4). Rules of Evidence (Amended)	The proposed amendment would capitalize the term “Hearing on the Merits” for consistency with other references throughout the Regulations.	The proposed amendment would capitalize the term “Hearing on the Merits” for consistency with other references throughout the Regulations.
Proposed Section 10(D)(6). Exhibits / Current Section 9(A)(6). Exhibits (Amended)	The proposed amendment would clarify procedures for submission and admission of evidence. It would also set a timeline and process for submission and consideration of stipulated exhibits. Additionally, the proposed amendment would specify that	The current Regulations are silent on authentication. The proposed amendment would address this issue by incorporating the standard set forth in the California Administrative Procedure Act. The current Regulations also refer to stipulated exhibits but do not provide a timeline or process for



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	rulings on exhibit admissibility are made by the hearing officer when one presides, or by the Chair when the Commission presides as a panel. It would also specify that exhibits do not require authentication under the California Administrative Procedure Act ("APA"). Finally, it would permit parties to move for admission of multiple exhibits at one time, with separate rulings required only for any exhibits that are objected to.	their submission and consideration. This amendment would clarify those procedures. Finally, during the Commission's prior hearing, the Commission expressed an interest in allowing expedited consideration of evidence through the submission of batched exhibits, subject to objections. The proposed amendment would incorporate that option.
Proposed Section 10(D)(7). Witnesses / Current Section 9(A)(7). Witnesses (Amended)	This proposed amendment would clarify how Commissioner questioning of witnesses shall proceed.	The current Regulations allow Commissioners to question witnesses, but they are silent on how that should proceed if a hearing officer is presiding, and what order it should happen if the entire Commission is presiding. The proposed amendments would provide a clear process for all parties to follow.
Proposed Section 10(D)(8). Opening and Closing Argument / Current Section 9(A)(8). Oral Argument (Amended)	The proposed amendment would clarify the timing and order for opening and closing argument. Additionally, the proposed amendment would revise the reference from "Executive Director" to "Enforcement Division" to accurately reflect that the Enforcement Division, rather than the Executive Director, will present opening and closing argument.	The current Regulations refer to oral argument but are ambiguous or silent on issues of order and time limitations. The proposed amendment would provide clarity and would follow the traditional process used in criminal, civil, and administrative hearings. Additionally, the proposed amendment would ensure that the language correctly identifies the party responsible for presenting argument in proceedings.
Proposed Section 10(D)(9). Objections (New)	The proposed amendment would clarify that any party may object to evidence, whether through witness testimony, exhibits, or oral argument. It would also delineate which authority rules on objections: the hearing officer if one presides, or	The proposed amendment would provide clarity and consistency regarding the handling of objections in hearings. It would also clarify who has authority to rule on objections and allow flexibility for additional argument when



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	the Chair if the Commission presides as a panel. Additionally, the proposed amendment would specify that the individual ruling on the objection may, at their discretion, request additional argument from either party regarding the objection.	necessary, promoting a fair and orderly hearing process.
Proposed Section 10(D)(11). Recordings / Current Section 8(G). Recordings <i>(Relocated and amended)</i>	In addition to relocating the existing provision, the proposed amendment would capitalize the term "Hearing on the Merits" and delete the words "the tapes," replacing them with "all recordings."	Based on formatting and reorganization, this proposed amendment relocates this provision to Section 10(D)(11). It also capitalizes the term "Hearing on the Merits" for consistency and deletes any references to "tapes" because the Commission no longer uses tapes for recording.
Proposed Section 10(D)(12). Extensions of Time and Continuances; Proposed Sections 10(D)(12)(i), 10(D)(12)(ii) and 10(D)(12)(iii) / Current Section 9(A)(10). Extensions of Time and Continuances; Current Sections 9(A)(10)(i), 9(A)(10)(ii) and 9(A)(10)(iii) (Amended)	The proposed amendment would remove references to "individual Commissioner" from this Section.	The amendment ensures consistency with the overall language used throughout the Regulations regarding who would preside over a Hearing on the Merits.
Proposed Section 10(E). Finding of Violation; Proposed Sections 10(E)(1) and 10(E)(2) / Current Section 9(B) (Relocated and amended)	The proposed amendment within Section 10(E) would reorganize the provisions regarding the Commission's finding of violation. The proposed amendment would retain "Finding of Violation" as the heading of this subsection and relocate the remaining provisions, which would also be amended as described below. The proposed amendment would remove references to the pre-hearing officer from the subsection	In addition to the reorganization for clarity purposes, the proposed revision would establish a more practical deadline for the Commission to make its final determination because the current 45-day deadline following the conclusion of the Hearing on the Merits may fall outside the Commission's regularly scheduled monthly calendar. The proposed revision would ensure that parties are able to be present before the



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	dedicated to the hearing officer and remove references to the pre-hearing officer's obligations after a hearing. The proposed amendment would also move this subsection later within the section. Additionally, the proposed amendment would clarify the timeline for the Commission's final determination regarding whether the respondent has committed a violation by providing that the Commission shall make its final determination by the next regularly scheduled Commission meeting after deliberations are concluded, provided a quorum is present to vote on the matter.	Commission when the Commission presents its findings to the parties.
Proposed Section 10(E)(2) / Current Section 9(B)(1) (Amended)	The proposed amendment would clarify the language within the provision regarding the hearing officer and remove any reference to an assigned officer.	The proposed amendment would improve clarity to the hearing process.
Proposed Section 10(E)(3). Proposed Order (New)	The proposed amendment would require the Director of Enforcement to submit a Proposed Order to the Commission, establish a timeline for submission, and describe the process by which the Commission may consider such Proposed Order. The proposed amendment would also make submission of a Proposed Order optional for respondents.	The proposed amendment would provide clarity regarding the roles of the parties and the Commission in submitting, reviewing, and finalizing Orders.
Proposed Section 10(E)(4). Final Order / Current Section 9(B)(2) (Relocated and New)	The proposed amendment would relocate the provision regarding the quorum of 3 votes required to find a violation of law. It would also introduce a new title, "Final Order" and clarify that the Commission will adopt its Final Order following its deliberation and vote on each violation of law.	The proposed amendment better organizes the current provisions and clarifies the process for adopting a Final Order following a vote on each violation.



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Proposed Section 10(E)(5). / Current Section 9(B)(3) (Amended)	The proposed amendment would clarify the language within the provision regarding attendance at the Hearing of the Merits and the obligations of any Commissioner who did not attend. The proposed amendment would further clarify that when the Commission sits as a panel, its findings of fact and conclusions of law may, but are not required to be, in writing.	The proposed amendment would add clarity to the hearing process.
Proposed Section 10(E)(6). Retaliation / Current Section 9(B)(4) (Amended)	The proposed amendment would clarify the language within the provision by including the paragraph title, "Retaliation."	The proposed amendment would clarify the language within the provision by including the paragraph title, "Retaliation."
Proposed Section 10(G)(7). Penalty Factors / Current Section 9(D)(7). Penalty Factors (Amended)	The proposed amendment would expand the Director of Enforcement's discretion to consider a respondent's inability to pay an otherwise appropriate recommended penalty amount.	The current Regulations limit the type of evidence a respondent may provide to demonstrate an inability to pay. The proposed amendment would expand the scope of permissible evidence and allow for broader consideration of a respondent's inability to pay.
Proposed Section 10(I). Default Orders / Current Section 9(F). Default Orders (Amended)	The proposed amendment would further clarify and streamline the hearing process by establishing a process for entering a Default Order where the Executive Director demonstrates that the hearing was duly noticed and the respondent failed to appear at the duly noticed hearing. Additionally, the proposed amendment would remove the reference to "after a hearing on the merits" from this section and replace gendered language with gender-neutral language.	The current Regulations are silent on this issue, and the proposed amendment would provide clarity and help streamline the process. The proposed amendment would clarify that the Commission may issue a Default Order whenever a respondent fails to appear at a duly noticed hearing on any matter, rather than only after a Hearing on the Merits. The proposed amendment would preserve the Commission's authority to issue appropriate orders in response to a respondent's failure to appear.



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Section 11. Enforcement of Referrals under the Sunshine Ordinance		
Proposed Section 11(A). Complaints of Willful Violations by Elected Officials and Department Heads. / Current 10(A). Willful Violations (Amended)	The proposed amendment would clarify the Commission’s authority over allegations of violation of the Sunshine Ordinance. The Commission will handle such violations according to its established enforcement process for handling other alleged violations by the Charter provisions dealing with official misconduct. The proposed amendment would also make stylistic changes by (i) removing the word “Ethics” before “Commission”; (ii) changing the word “Regulations” to small letter; and (iii) updating the section references to Sections 1–10, 13, and 14, as referenced in this Section.	Because the Commission does not have the ability to impose financial penalties for violation of the Sunshine Ordinance, the revisions proposed within this section properly reflect the scope of the Commission’s authority with respect to the violation of the Sunshine Ordinance, specifically regarding willful violations. It also clarifies how the Commission will handle complaints regarding alleged violations of the Sunshine Ordinance or referrals regarding alleged violations. The stylistics amendments made in this Section would improve grammatical clarity and consistency.
Proposed Section 11(B). Referrals / Current Section 10(B). Referrals (Amended)	The proposed amendment would clarify the remedies available for willful violations of the Sunshine Ordinance pursuant to the Ordinance and the Charter.	See above.
Current Section 10(B)(1) (i) – (iv). Referrals (Deleted)	The proposed amendment would eliminate the Show Cause Hearing process procedure.	See above.
Proposed Section 11(C). Remedies for Official Misconduct under the Sunshine Ordinance / Current Section 10(B)(1)(v). Available Remedies (Amended)	The proposed amendment would clarify the remedies available to the Commission for willful violations of the Sunshine Ordinance. It would reference the Charter’s limitations on the Commission’s available remedies for official misconduct.	See above.
Current Section 10(C). Final Decision (Deleted)	This section has been removed because the San Francisco Charter only gives the Ethics Commission	See above.



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	jurisdiction over willful violations. Provisions regarding show cause hearings are unnecessary given the Commission's existing regulations governing hearings.	
Section 12. Late Filing Fees		
Proposed Section 12(A). Weekend Filing Deadlines; Proposed Section 12(A)(3) / Current Section 11(A). Weekend Filing Deadlines; Current Section 11(A)(3) (Amended)	The proposed amendment would update the list of City-recognized holidays by adding Juneteenth and replacing Columbus Day with Indigenous Peoples' Day to align with the City's official holiday calendar. The proposed amendment would also remove the word "Ethics" before "Commission" for consistency with the defined term in Section 2(B).	This amendment ensures consistency with the City's current recognized holidays and reflects updates adopted by the City to recognize <i>Juneteenth</i> and <i>Indigenous Peoples' Day</i> as official holidays. Removing the word "Ethics" before "Commission" would ensure consistency with the defined term in Section 2(B).
Proposed Section 12(B). Waiver Requests (Amended)	The proposed amendment would replace the word "of" to "if" in the sentence "the Executive Director must notify the members of the Commission of the reduction or waiver of a late filing fee..."	The amendment improves grammatical clarity.
Current Section 11(B)(2). Good Cause (Relocated)	The current Section 11(B)(2) has been relocated to the proposed Section 2(H) as a standalone definition.	See description and rationale under Section 2(H) above.
Section 13. Stipulated Order		
Proposed Section 13(C). Administrative Penalties (Amended)	The proposed amendment would address the use of legal defense funds and clarify that such funds would not be accepted as payment for any assessed administrative penalties.	The current Regulations clarify the Commission's policy regarding payment of administrative fines.
Proposed Section 13(D). Assessing Administrative Penalties (Amended)	The proposed amendment would align internal references for consistency throughout the Regulations.	The proposed amendment would align internal references for consistency throughout the Regulations.
Proposed Section 13(G). Retaliation Notification (Amended)	The proposed amendment would replace gendered language in this Section with gender neutral language.	For consistency throughout the Regulations, the proposed amendment would use gender neutral language in place of gendered language.



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	The proposed amendment would also replace “and” with “&” for consistency with the San Francisco Campaign & Governmental Conduct Code reference.	The amendment to replace “and” with “&” would standardize reference to the San Francisco Campaign & Governmental Conduct Code.
Section 15. Severability		
Section 15. Severability (Amended)	The proposed amendment would revise the word “Regulations” to small letter.	The amendment improves consistency.