

Attachment 3

Summary of Changes in Proposed Amendments to the Ethics Commission's Enforcement Regulations since the August 2025 Commission meeting

(Updated as of August 7, 2026)

Section No.	Description
Section 1(A). Preamble	Added a semicolon at the end of subsection 3.
Section 1(B). Enforcement Authority	Replaced "and" with "&" for consistency with the San Francisco Campaign & Governmental Conduct Code reference.
Section 2(E). Definitions: "Director of Enforcement"	Replaced gendered language in this Section with gender neutral language.
Section 2(F). Definitions: "Deliver"	Removed the word "Ethics" before "Commission" to ensure consistency with the defined term in Section 2(B).
Proposed Section 2(H). Definitions: "Good Cause"	Reverted to original language: "The following <i>constitute 'good cause'</i>" to "The <i>following factors will presumptively qualify as 'good cause' and are therefore grounds for a waiver or an extension.</i>" Reinstated the words "Good Cause" to "good cause." Changed the words "consists of" to "includes" under subsections (b) and (c) for consistency with subsection (a). Reinstated original language regarding what does not constitute 'good cause.'
Proposed Section 2(M). "Violation of law"	Replaced "and" with "&" for consistency with the San Francisco Campaign & Governmental Conduct Code reference.
Proposed Section. 3(B)(2). Effect of Information Complaints	Revised the reference "Enforcement Director" to "Director of Enforcement" for consistency.
Proposed Section. 3(D). Commissioner- initiated Complaints	Replaced gendered language in this Section with gender neutral language.
Proposed Section 4(C). Complaint Referral	Updated the cross-reference within this Section to correctly reference subsection F.

Proposed Section 4(E). Report to the Commission	Revised the language from “provide on a quarterly basis, a summary” to “provide a quarterly summary.” Replaced the word “compliant” to “case.”
Proposed Section 4(F). Final Decision	Separated the provisions on reopening of a case into a new subsection 4(G) and updated the name of the heading to “Final Decision.” Added the phrase “except as provided below” to align with the provisions regarding reopening of a case under Sections 4(G) and 4(H).
Proposed Section 4(G). Reopening of a Case	Revised the language at the beginning of this Section: “Except for cases that have been resolved through a Stipulation or a Hearing on the Merits, including through a Default Order, the Director of Enforcement may reopen a prior dismissed or closed case only if.” Separated the original proposed sub-section (2) into a new sub-section (3).
Proposed Section 4(H). Procedures for Reopening of a Case	Included language regarding notification of respondents to further clarify the procedures for reopening a case. Deleted the word “provisions” after “Notwithstanding the above” and revised the sentence “conduct any <i>such</i> investigation” to “conduct any <i>additional</i> investigation.” Added an additional subsection providing that all respondents shall be notified in writing within 30 calendar days of the reopening of a case.
Proposed Section 5(A). Open Investigation; Section 5(A)(1)	Revised 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.
Proposed Section 5(C)(2). Notice Required	Revised the reference “Enforcement Director” to “Director of Enforcement” for consistency.
Proposed Section 5(C)(4). Withholding (iii).	Revised introductory sentence from “Should the Director of Enforcement deem appropriate based on the circumstance of the case concerned” to “The Director of Enforcement . . .” Capitalized the word “Section” for consistency, and changed “and” to “&” for consistency with the San Francisco Campaign & Governmental Conduct Code reference.

	Revised “Respondent” to “respondent,” added the phrase “knowingly and intentionally,” and replaced “Executive Director” with “Director of Enforcement.” The phrase “knowingly and intentionally” tracks the language set forth in Sections 1.170(f), 2.136(a), and 3.240(a) of the San Francisco Campaign and Governmental Conduct Code as provided as part of this Section. Added the sentence “as required under Section 3.240(a).”
Proposed Section 5(C)(5). Objections; Proposed Section 5(C)(5)(v)	Included the following language to clarify that, “The filing of an objection to a subpoena or subpoena duces tecum 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.”
Proposed and Current Section 5(D). Confidentiality	Reinstated the original confidentiality provision and replaced “after” with “in support of.” Capitalized the term “Hearing on the Merits.” Removed the word “Ethics” before “Commission” to ensure consistency with the defined term in Section 2(B), and added a comma after “federal law.”
Proposed Section 5(E). Place of Delivery	Reorganized text within this section to clarify any ambiguities regarding this provision. Removed the word “Ethics” before “Commission” to ensure consistency with the defined term in Section 2(B).
Proposed Section 6. Case Closure	Revised the reference from “monthly” to “quarterly” at the end of this Section. Revised the references “Enforcement Director” to “Director of Enforcement” for consistency. Updated the section references from “Section 4(D)” to “Section 4(E)” and from “Section 4(F)” to the new “Sections 4(G) and 4(H).”
Proposed Section 7(A)(1). Delegation of Probable Cause Hearing Officer Duties	Capitalized the term “Probable Cause Determination.”
Proposed Section 7(A)(4). Response to the Probable Cause	Included “Director of Enforcement” to the list of parties to whom Responses must be delivered.

	Deleted the word “delivered.”
	Capitalized the term “Probable Cause Report.”
Proposed Section 7(A)(5). Rebuttal	Included “Executive Director” to the list of parties to whom Rebuttals must be delivered.
	Included the phrase “and to” for clarity.
Proposed Section 7(A)(7). Requests for Extension of Time	Reinstated the words “Good Cause” to “good cause.”
	Revised the word “material” to the plural form, and the word “extension” to the singular form.
Proposed Section 7(B)(1). Confidentiality	Revised “public <i>hearing</i> ” to “public <i>conference</i> ” throughout this subsection to avoid confusion with the public administrative Hearing on the Merits.
	Capitalized the term “Probable Cause Conference.”
Proposed Section 7(B)(2). Requesting a Probable Cause Conference	Reinstated the words “Good Cause” to “good cause.”
	Added the word “the” before “Director of Enforcement”.
Proposed Section 7(B)(3)(iv). Recordings and Transcripts	Included “Director of Enforcement” to the list of those to whom a copy of transcripts should be provided.
Proposed Section 7(B)(3)(v). Request for a Translator	Revised “all of parties” to “all <i>other</i> parties.”
Proposed Section 7(C)(2). Timeframe	Relocated the “Timeframe” section from current Section 7(D)(5) to proposed Section 7(C)(2).
Proposed Section 7(C)(3). Executive Director’s Probable Cause Determination	Reorganized the provisions regarding the Executive Director’s finding of probable cause or finding of no probable cause into two separate subsections.
Proposed Section 7(C)(4). Finding of Probable Cause	Relocated the current provision under Section 7(D)(2) regarding a finding of probable cause to this Section.
	Clarified the provision 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.
	Deleted the word “recommended,” and the phrase “a summary of all evidence and arguments presented at the Probable Cause Conference.”

	Replaced the word “that” with “the” in describing the evidence gathered as part of the probable cause proceedings. Capitalized the word “section.”
Proposed Section 7(C)(5)(i) through (v). Finding of No Probable Cause	Clarified the framework governing Commission review of the Executive Director’s finding of no probable cause. The amendments 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. They 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 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.
Proposed Section 9(A). Initiation of Pre-Hearing Matters	Included the word “Report” to the term “Probable Cause Determination” to read “Probable Cause Determination Report.” Revised the word “the preliminary hearing” to “a pre-hearing.” Updated “3” to “three,” and added the sentence “or unless parties notify the Commission either orally or in writing that they do not intend to request formal consideration of preliminary matters” at the end of this Section for clarity.
Proposed Section 9(B). Delegation to a Pre-hearing Officer	Deleted the word “the” before “authority,” and also changed the word “hearing” in the heading to small letter. Clarified the requirement regarding a licensed attorney presiding over pre-hearing matters.
Proposed Section 9(C). Preliminary Matters	Added the word “pre” to “hearing officer” to read “pre-hearing officer.” Included the word “Report” to the term “Probable Cause Determination” to read “Probable Cause Determination Report,” and capitalized the term “Hearing on the Merits.”
Proposed Section 9(D). Submission of Pre-hearing Motions	Added a new heading titled “Submission of Pre-hearing Motions” and added the word “pre” to “hearing officer” to read “pre-hearing officer.” Clarified the timing requirements for submitting a Request for resolution of preliminary matters, as well as the corresponding Response and Reply.

Proposed Section 9(E). Discovery; 9(E)(1). Subpoenas	Added the word “pre” to “hearing officer” to read “pre-hearing officer.” Deleted the sentence “assigned to decide preliminary matters” after “pre-hearing officer,” deleted “Finding of” and included the word “Report” to the end of the term “Probable Cause Determination.” Capitalized the term “Hearing on the Merits,” and clarified the timing requirement for requests for issuance of subpoenas. Revised the word “subsection” to “Section.”
Proposed Section 9(E)(2). Compliance	Removed the reference to “under subsection 9(D)(1)” within this Section. Changed the word “sub-section” to “Section.”
Proposed Section 9(F). Rulings on Preliminary Matters	Reorganized the text concerning findings after preliminary matters and introduced a new heading titled “Rulings on Preliminary Matters.”
Proposed Section 9(G)(1), (2) and (3). Request for Review	Added a new heading titled “Request for Review” and revised the language to provide that rulings on preliminary matters may be reviewed by the Commission upon request of either party. Clarified the procedures governing requests for review under subsection (1) by replacing “<i>within</i> five days of receipt of determination” with “<i>no later than</i> five <i>business</i> days after notice of the <i>actual</i> determination” and adding the phrase “Upon receipt of a request for review” before the sentence stating that the Executive Director will place the matter before the Commission at its next regularly scheduled monthly meeting. Clarified the time allotted for parties to present arguments under subsection (2) and specified the Commission’s authority to resolve requests for review by either: (1) approving the request, vacating the pre-hearing officer’s ruling, and issuing a revised ruling; or (2) denying the request and ratifying the pre-hearing officer’s determination. Replaced the two references to “findings” with the more precise terms “decision on the reviewed preliminary matters” and “own decision,” respectively.
Proposed Section 10(A). Delegation to a Hearing Officer	Clarified the requirement regarding a licensed attorney presiding over the Hearing on the Merits. Capitalized the term “Hearing on the Merits.”

Proposed Section 10(B). Scheduling and Notice of Hearing on the Merits	Added the word “the” to the heading to read “Scheduling and Notice of Hearing on the Merits,” capitalized the term “Hearing on the Merits,” and removed the word “a” before “written notice.”
Proposed Section 10(C). Hearing Briefs	Capitalized the terms “Hearing Brief” and “Hearing on the Merits,” and deleted the following: “the,” “assigned Commissioner,” “outside.”
Proposed Section 10(D)(1). Commencement	Included the word “Report” to the term “Probable Cause Determination” to read “Probable Cause Determination Report and capitalized the term “Hearing on the Merits.”
Proposed Section 10(D)(2). Public Hearing;	Capitalized the term “Hearing on the Merits.”
Proposed Section 10(D)(4). Rules of Evidence	Capitalized the term “Hearing on the Merits” and removed previously included subsections to eliminate redundancy.
Proposed Section 10(D)(5). Request for a Translator	Revise “all <i>of</i> parties” to “all <i>other</i> parties.”
Proposed Section 10(D)(6). Exhibits	Removed the word “entire” before “Commission” and added the phrase “as a panel” after “Commission.” Deleted the phrase “of such exhibits” from the end of the sentence.
Proposed Section 10(D)(6)(b). Multiple Exhibits	Streamlined the language within this subsection by removing the sentences “[...]one time. The ruling party may choose to rule on the admission of all exhibits at” and “, or rule on the admission of individual exhibits separately.” Replaced “the” with “a,” and clarified that such ruling must be made on the objection and the admissibility of the relevant exhibit separately
Proposed Section 10(D)(6). Witnesses	Replaced “a” with “the” before “hearing” and added the phrase “as a panel” after “hearing.” Replaced the phrase “pose questions to” with “question” for clarity.
Proposed Section 10(D)(8). Opening and Closing Argument	Updated various references from “Executive Director” to “Enforcement Division” to reflect the party responsible for presenting opening and closing argument. Revised the word “argument” to the plural form “arguments” where appropriate. Capitalized the term “Hearing Brief” for consistency.

	Deleted the duplicate sentence “Each party will be allowed a minimum of 15 minutes to make their case, with three minutes for rebuttal. The Commission may extend any party’s argument time,” which has been included as a standalone subsection (c).
Proposed Section 10(D)(11). Recordings	Capitalized the term “Hearing on the Merits” and added the word “all” before “recordings.”
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)	Removed all references to “individual Commissioner” in this Section to read “the Commissioner Chair or the hearing officer.” Reinstated the words “Good Cause” to “good cause.”
Proposed Section 10(E). Finding of Violation; Proposed Sections 10(E)(1) and 10(E)(2)	Retained “Finding of Violation” as the heading of this Section. Reorganized and clarified the provisions regarding the Commission’s finding of the violation, including that the Commission shall make its final determination by the next regularly scheduled Commission meeting after all deliberations are concluded, provided a quorum is present to vote on the matter, and capitalized the term “Hearing on the Merits.”
Proposed Section 10(E)(3). Proposed Order and Proposed Section 10(E)(4). Final Order	Reorganized the relevant provisions and clarified the roles of the parties concerning Final Order.
Proposed Section 11(A). Complaints of Willful Violations by Elected Officials and Department Heads	Removed the word “Ethics” before “Commission” to ensure consistency with the defined term in Section 2(B). Added the word “or referral” after “complaint.” Updated the section references to Sections 1–10, 13, and 14, as referenced in this Section.
Proposed Section 11(B). Referrals	Removed the word “Ethics” before “Commission” to ensure consistency with the defined term in Section 2(B).
Proposed Section 12(A). Weekend Filing Deadlines; Proposed Section 12(A)(3)	Removed the word “Ethics” before “Commission” to ensure consistency with the defined term in Section 2(B). Updated the list of City-recognized holidays to include “Juneteenth Independence Day,” and replaced “Columbus” Day with “Indigenous Peoples’” Day to align with the City’s official holiday calendar.

Proposed Section 12(B). Waiver Requests	Reinstated the words “Good Cause” “good cause” and removed the original subsection 2 on “Good Cause” which has been relocated to the Definitions section as Section 2(H).
Proposed Section 13(G). Retaliation Notification	Replaced gendered language in this Section with gender neutral language. Added “Campaign &” for consistency with the San Francisco Campaign & Governmental Conduct Code reference.