

**From:** [Ralph Kanz](#)  
**To:** [Ethics Public Comment](#)  
**Subject:** Special Meeting Item #4  
**Date:** Tuesday, October 8, 2024 6:44:25 PM

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The following are my comments on the proposed settlements:

1. The agenda description for Item #4 is not consistent with the requirements of the Sunshine Ordinance or the Brown Act. The law is clear that the agenda item should include "A brief general description of an item generally need not exceed 20 words." The description for this item goes far beyond a brief general description and instead goes into information that should be contained in a staff report explaining the agenda item.
2. This needs a staff report explaining clearly what has been changed in the settlement agreements, who was involved in making those changes, and how the further proceedings in the matter will occur. Were there negotiations with respondents' attorneys? The agenda description inappropriately attempts to give some information, but lacks the details the Commission and the public need to determine what has happened since the last meeting. From what I could ascertain the name of James Sutton was removed from the Agreements, and as an example Zach Wasserman's name now appears only 16 times instead of the 30 times in the previous version. This all needs explanation in a staff report.
3. During the previous meeting on this matter the Executive Director apparently recused himself without explanation and the City Attorney had a conflict of interest that was not disclosed until I raised the issue. A staff report should also explain what firewall has been put in place to protect the process from the admitted conflicts within the PEC.
4. Multiple members of the public raised concerns with the Proposed Agreements and staff has not addressed those concerns.
5. The Agreements leave out the matter of the campaign violations committed by Libby Schaaf in the 2014 Mayoral election. I should note that the minutes and video from the meeting when that item was discussed are no longer on the PEC website. A review of the video will reveal something very similar to what is occurring now. During the 2015 Commission's discussion of the Libby Schaaf matter staff revealed that there was additional information that was not contained in the staff report that raised concerns with PEC members and public commenters. Despite this the staff pushed the Commission to accept the settlement agreement. What is occurring here has a very similar feel in that the staff just wants to get this off the plate while the public wants a full picture of what happened and have all the questions answered. It also raises concerns that this Commission gives favorable treatment to the

politically powerful.

6. Nothing in the Agreements discusses coordination with the Libby Schaaf re-election campaign in 2018 and how candidates have done this type of thing in the past.

7. In 2010 and 2014 Rebecca Kaplan was involved in some questionable activities related to an independent expenditure campaign and ties with her Mayoral campaigns. Here are three articles explaining the issues with references to the PEC possibly investigating.

<https://ebcitizen.com/2014/09/20/inside-the-hit-piece-last-summer-against-rebecca-kaplan/>

<https://www.eastbaytimes.com/2014/06/20/oakland-facing-criticism-rebecca-kaplan-kills-campaign-fund/>

<https://eastbayexpress.com/kaplan-stumbles-out-of-the-gate-1/>

One interesting detail in these pieces is that Jonathan Bair had a connection to the activities and is also a party in the current Proposed Settlements. The issue raised by this history is that similar incidents have occurred in the past and is there a connection? If there is a connection should that impact the penalties?

The PEC should send this matter back to staff for a staff report completely explaining the changes to these agreements and the separation of some parties that has occurred.

Ralph Kanz