

Item 07 - Enforcement Report - May 2025



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TO: Public Ethics Commission
FROM: TOVAH ACKERMAN, Enforcement Chief
DATE: May 9, 2025
RE: Enforcement Program Report for the May 21, 2025, PEC Meeting

Since the last Enforcement Unit Program Update submitted to the Commission on March 6, 2025, Commission staff received six (6) formal (sworn) complaints and nine (9) informal (unsworn) complaints, and initiated two (2) proactive (staff-generated) complaints.

In the same period of time, Commission staff:

- rejected fifteen (15) informal complaints without assigning them a complaint number;
- completed intake review for four (4) informal complaints and assigned them a complaint number;
- dismissed eleven (10) formal complaints without opening an investigation;
- submitted one (1) proposed settlement agreement(s) to the Commission;
- closed nineteen (19) Commission-approved 2023 Form 700 non-filer complaints at the last Commission meeting;
- closed seven (7) streamlined 2023 Form 700 non-filer complaints under Executive Director approval;

In all, since the last Program Update, a total of fifty-seven (56) complaints or cases have been resolved or have been submitted to the Commission for resolution (including 2024 Form 700 closures), by way of dismissal, closure, or settlement, since the last Commission meeting.

The following complaints or cases have been resolved or submitted to the Commission:

1. **Case Closure Recommendation: In the Matter of Committee for Better Choices, No on Measures AA, W and Y; Homeowners for Fair Treatment, No on Measures W and Y; Shawnda Deane (treasurer); East Bay Rental Housing Association (PEC # 18-44).**

This formal Complaint was referred to the FPPC by former-Chief Russell, who kept the case open while the FPPC investigated. The allegation was that a ballot measure committee variously calling itself “Oakland For Better Choices, NO on AA, W and Y campaign” and “Oakland For Fair Treatment, No on Measures W and Y” had sent out a series of blast email text messages that failed to include proper sender ID. On December 18, 2023, the FPPC closed the case citing “insufficient evidence” after investigation. The FPPC applied the same law and burden of proof as the PEC would have had we conducted the investigation and analysis ourselves, therefore PEC staff dismissed for insufficient evidence of a violation.

- 2. In the Matter of the Oakland Planning and Building Department (PEC #20-24).** Complainant submitted mediation request in October 2019. The mediation began that same month and closed satisfactorily in March 2020. On August 14, 2025, PEC staff confirmed that the Complainant agreed to case dismissal. Dismissed because the complaint was resolved through mediation.
- 3. In the Matter of Ryan Richardson and Asha Clarke (PEC #25-02).** The allegation in this Complaint was that the addition by City Attorney Richardson of the “(sales)” parenthetical in Measure A’s ballot label, which describes Measure A as “enacting a half-cent (.5%) transaction (**sales**) and use tax for 10 years,” is an “unethical misrepresentation.” The Enforcement Unit dismissed the Complaint in its entirety because the allegations in the Complaint, if true, do not constitute a violation of law within the Commission’s enforcement jurisdiction.
- 4. In the Matter of Unknown Respondent (PEC #25-04).** Summarily dismissed with no action. Complaint stated that a private energy company called Dynergy switched out communication lines and IP addresses, installed a heat pump that “infused the walls and air with HCL and other toxins,” and hacked citizens’ financial accounts. Enforcement Staff dismissed the complaint as outside of PEC jurisdiction. Complainant was provided with a list of referrals, including phone numbers for those departments and organizations.
- 5. In the Matter of Charlene Wang (PEC #25-07).** Summarily dismissed with no action. Complaint was informal referral from the FPPC regarding an over-the-limit contribution of \$800. Respondent had already returned the over-the-limit campaign contribution to the original donor prior to the election and prior to first PEC contact. Respondent cooperated with all PEC requests for documentation.

6. **In the Matter of Ryan Richardson (PEC #25-11).** Summarily dismissed as being duplicative of PEC # 25-02 which contained insufficient evidence of a violation within the jurisdiction of the PEC.
7. **In the Matter of Parking Officer “GD”/Unknown (PEC #25-12).** Complaint alleged misconduct by a parking officer. Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. Complainant was referred to Oakland’s website to contest parking tickets, 311, and OakDot.
8. **In the matter of Terrell Picot (PEC #25-13).** Complaint alleged that a Planning and Building Department employee had incorrectly performed their job, but did not allege any ethical violations by the employee. Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. Complaint referred to the Director of the Planning and Building Department.
9. **In the Matter of G. Abea, L. Mai and Public Works (PEC #25-14).** Complaint alleged that Public Works employees and Police Department employees had incorrectly performed their jobs, but did not allege any ethical violations by the employee. Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. Complaint referred to the Office of Public Works and Complainant also referred to CPRA and Oakland Police Internal Affairs.
10. **In the Matter of Park Gas and Food (PEC #25-16).** Complaint alleged misconduct by a privately owned gas station. Dismissed for insufficient evidence of a violation within the jurisdiction of the PEC. Complainant referred to Office of Public Works, 311, and BART.

This brings the total Enforcement caseload to one hundred and fifty-two (153) open complaints or cases, including nine (9) 2023 Annual Form 700 non-filer proactive complaints in the “investigation” and “seeking settlement” phases. The total number of open complaints includes:

- Seventy (72) cases in the Intake or Preliminary Review stage;
- Twenty-seven (27) cases under investigation;
- Four (4) cases under post-investigation legal analysis;
- Fourteen (14) cases in which Enforcement staff is seeking a negotiated settlement;
- Three (3) cases pending an administrative hearing;

- And thirty-three (33) cases on hold.

Below is a breakdown of total complaints open (informal, formal, and proactive), the number of complaints received in 2025, the number of complaints resolved in 2025, and the resulting net change of complaints in 2025.

The table indicates that we have closed more cases than we have received in 2025 to date, however almost half of the cases closed were 2023 Form 700 non-filer complaints.

	Current Active Complaints	Complaints Received in 2025	Complaints Resolved in 2025	Net Change in Number of Complaints in 2025
All Complaint Types	153	39	59	-20
Formal Complaints	47	8	11	-3
Informal Complaints (Includes Intake Unknown)	64	28	17	11
Proactive Complaints	42	3	31	-28

The Enforcement Unit has one hundred and twenty (120) open complaints initiated prior to June 1, 2024, and thirty-two (32) open complaints after June 1, 2024. (These numbers are relevant to the “Enforcement Report re: Complaint Backlog Strategy” to be discussed separately.)

Enforcement’s current staffing is: one (1) Enforcement Chief and one (1) permanent full-time Investigator.

Overview of the Enforcement Process



The PEC’s Enforcement Unit investigates and, where appropriate, administratively prosecutes alleged violations of the City’s ethics, campaign finance, lobbying, and related laws. Violations can result in the issuance of a monetary fine, a warning letter, or some other remedy to ensure

compliance with the law (e.g. a diversion agreement or injunction). Some violations can also be referred to the District Attorney for criminal prosecution.

Enforcement matters begin with a complaint. “Formal” complaints are submitted on the PEC’s official complaint form and are signed under penalty of perjury. “Informal” complaints are received in any other manner (e.g. via e-mail, a phone call, etc.) and are not signed under penalty of perjury. By law, the Enforcement Unit must review all formal complaints and report to the Commission at one of its public meetings whether or not it has decided to open an investigation into a formal complaint. By contrast, Enforcement has the discretion not to review an informal complaint and does not have to report rejected informal complaints to the Commission. Commission staff may also initiate its own “pro-active” complaints.

Complaints do not automatically trigger an investigation. Instead, they enter what is called “Preliminary Review,” in which Enforcement determines whether there are sufficient legal and evidentiary grounds to open an investigation. This can involve some preliminary fact-finding, usually for purposes of verifying or supplementing the facts alleged in the complaint.

At the completion of Preliminary Review, the Enforcement Chief and the PEC Executive Director jointly decide whether to open an investigation or dismiss the complaint. All dismissals are reported to the Commission at one of its public meetings. Investigations are confidential, though complainants and respondents (the people being investigated) are usually notified that an investigation has been opened. Enforcement will usually confirm the existence of an investigation if asked, but it will not share any of its findings or analysis until it is ready to present them to the Commission or a court.

The Enforcement Chief and the PEC Executive Director jointly decide whether the evidence gathered during an investigation merits prosecution or closure of the case. This internal decision-making process is referred to as “Legal Analysis” in Enforcement’s case processing workflow. Investigative activity may also continue during this process. If Enforcement recommends closure of a case at this stage, it must present its findings to the Commission at one of its public meetings and obtain a majority vote in favor of closure.

If Enforcement chooses to prosecute a violation, it will usually try to work out a joint settlement agreement with the respondent(s). Settlement negotiations are confidential, and for administrative purposes Enforcement classifies matters at this stage as “Seeking Settlement.” Investigative activity may also continue during this process. All proposed settlement agreements must be presented to the Commission at one of its public meetings and require a majority vote for their approval.

If Enforcement is unable to settle a case within a reasonable time (typically sixty days) or otherwise decides that a hearing is necessary, it will file an Investigation Summary with the Commission at one of its public meetings. This document, also known as a “probable cause report,” lays out the allegations that Enforcement wishes to prosecute, as well as supporting evidence. A majority of the Commission must vote to find probable cause and send the matter to an administrative hearing.

Matters at this stage are classified as “Administrative Hearing” in Enforcement’s internal workflow. The Executive Director and the hearing officer will arrange the logistical and procedural details of the hearing. All administrative hearings are open to the public, and are conducted either by the full Commission, a panel of Commissioners, a single Commissioner, a single hearing officer not from the Commission, or an administrative law judge.

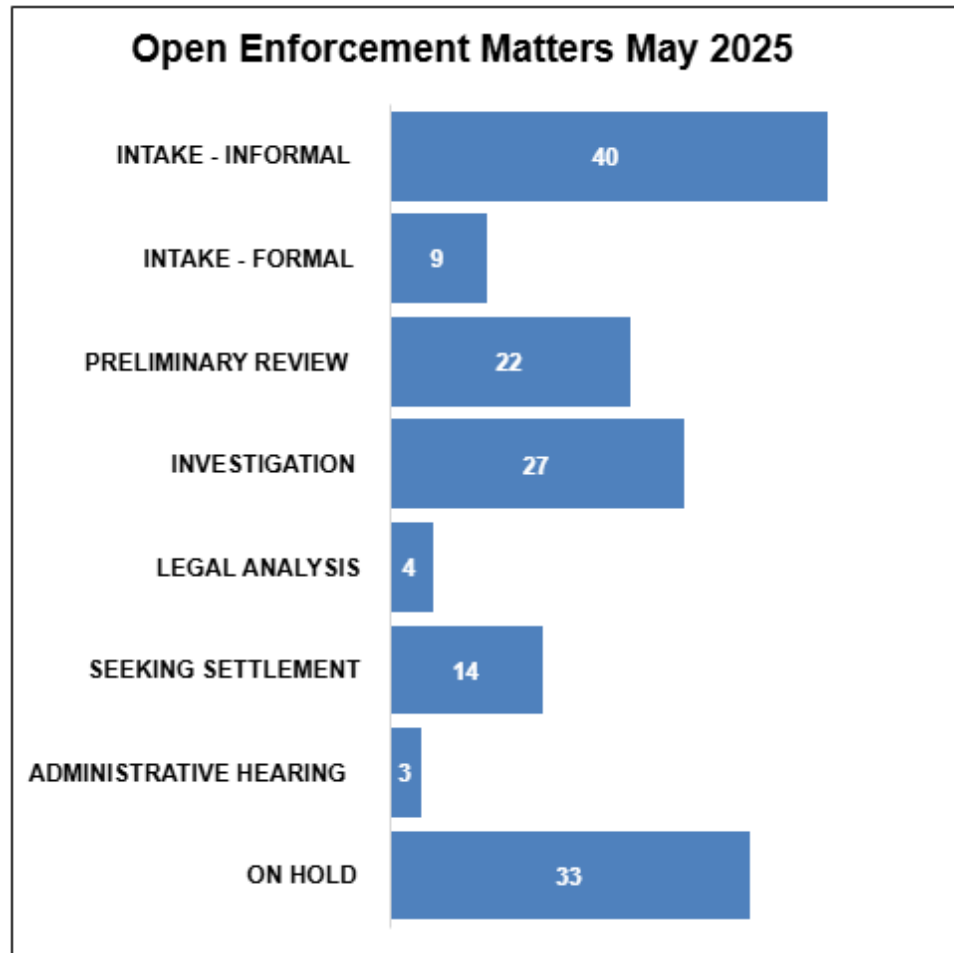
After an administrative hearing, the hearing officer(s) will issue their factual findings and proposed penalty (if any). The full Commission will then vote at one of its public meetings whether to adopt those findings and impose the recommended penalty. The Commission may impose a penalty different from the one recommended by the hearing officer(s).

The Enforcement Unit’s full Complaint Procedures and Penalty Guidelines can be found on our website.

Appendix:

Current Caseload by Status

The table below breaks down all open enforcement matters by their stage of investigation, including Form 700 non-filer cases.



Open Cases by Type (Year to Date)

The graph below breaks down all open cases by type of complaint with 2024 Unfiled Form 700 cases pulled out of the total number of GEA cases.

