

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Friday, September 17, 2021
6:30 p.m.



PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

NOTE: Pursuant to the Governor's Executive Order N-29-20 and City of Oakland Emergency Order dated March 23, 2020, suspending the Sunshine Ordinance, all members of the Commission and participating PEC staff will join the meeting via phone/internet audio conference, and the following options for public viewing and participation are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland's KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on "View"
- **Online video teleconference:** Click on the link below to join the webinar: Please click the link below to join the webinar:
<https://us02web.zoom.us/j/88608510818?pwd=UoNNSTdMTFBwKzQoZHZTMC9HTFl5QTog>
Passcode: 490781
 - To comment by online video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar
- **Telephone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Webinar ID: 886 0851 0818
International numbers available: <https://us02web.zoom.us/j/88608510818>
 - To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing *9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

Members of the public may submit written comments to ethicscommission@oaklandca.gov. If you have any questions about how to participate in the meeting, please email ethicscommission@oaklandca.gov before or during the meeting.

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Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Jessica Leavitt, Ryan Micik, Arvon Perteet, and Joseph Tuman

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Ana Lara-Franco, Commission Assistant; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION SPECIAL MEETING AGENDA

- 1. Roll Call and Determination of Quorum.**
- 2. Staff and Commission Announcements.**
- 3. Open Forum.**

ACTION ITEMS

- 4. *In the Matter of Thomas Espinosa (Case No. 16-14)*** In 2016, the Commission opened a proactive investigation into allegations that Thomas Espinosa violated the Oakland Government Ethics Act by engaging in a bribery or *quid pro quo* scheme. Commission staff's investigation found that between January 1, 2015, and September 15, 2016, Respondent committed 47 violations of the Oakland Government Ethics Act, including the following: soliciting and receiving bribes; making, and seeking to use his official position to influence, governmental decisions in which he had a disqualifying financial interest; misusing City resources for personal financial gain; misusing his City position to induce/coerce others to provide him with economic gain, and; failing to report significant income from individuals with matters before him as a City building inspector. In November 2018, the Public Ethics Commission found probable cause that Espinosa violated the Government Ethics Act and set the matter to a Hearing, which was held on April 27, 2021. Following the hearing, the hearing officer submitted to the Commission a report of factual and legal findings with penalty recommendations. The Commission discussed penalty options at its public meeting on June 7, 2021, and again on June 30, 2021. The Commission asked staff to reschedule the item to September to discuss Respondent's claims of medical impairment and the Commission's due process obligations in such cases. At the September 17, 2021, meeting, the Commission will review the matter and may make a final determination of a penalty in this case.

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([Executive Director Memorandum](#), [Hearing Officer's Supplemental Report](#), [City Attorney Memorandum](#), [Complaint Procedures](#))

- a. This is a continuance of the Commission's discussion from the Commission's **June 30, 2021, PEC meeting**, which included the following documents:
 - i. [Staff Memorandum – Penalty Options](#)
 - ii. [Spreadsheet of Counts and Available Penalties](#)
 - iii. [Public Ethics Commission Penalty Guidelines](#)
 - iv. [List of Past Fines for GEA Provisions at Issue in Case No. 16-14](#)
- b. The original hearing documents also may be consulted from the Commission's **June 7, 2021, PEC meeting**, including the following:
 - i. [Staff Memorandum – Post-Hearing Recommendation](#)
 - ii. [Hearing Officer's Recommendation and Exhibits A-C \(Complainant's Hearing Brief, Declaration of Public Ethics Investigator, And Evidence Exhibit List\)](#)
 - iii. [Exhibit C – Evidence Exhibits 1-157](#)

The meeting will adjourn upon the completion of the Commission's business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandca.gov/pec.



9/8/2021

Approved for Distribution

Date



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alarafranco@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

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