



## Item 12 - Amendment to the PEC's Penalty Guidelines

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Nicolas Heidorn, Executive Director

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TO: Public Ethics Commission  
FROM: Nicolas Heidorn, Executive Director  
Alex Van Buskirk, Lead Analyst, Compliance and Disclosure  
DATE: January 17, 2025  
RE: Amending the PEC's Form 700 Streamline Penalty Procedures

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The Public Ethics Commission's (PEC or Commission) Penalty Guidelines provide a guide for what level of penalty the Commission should impose for violations of the laws that the Commission enforces. To economize Commission resources, the Penalty Guidelines include a "streamline" penalty program, which provides for a lower fine for less serious violations, as specified, when the respondent comes into compliance quickly after contact with the PEC's Enforcement Unit. The level of streamline penalty, which can go from "diversion" education to increasing fines, varies based on the number of Enforcement contacts. Under the PEC's Complaint Procedures, under certain conditions the Executive Director can enter into streamline penalty settlements with most City staff (excluding elected officials, their chiefs of staff, and Department heads) on his or her own authority.

For Form 700 non-filers and late-filers, the streamline penalty varies from diversion to an \$800 fine, depending on the number of Enforcement contacts. While the contact-based approach to streamline penalties works well for most violations, which involve a single person or small number of persons to bring into compliance, it is administratively difficult in Form 700 cases, which involve hundreds of alleged non-filers and where it can be difficult to verify the reliability of non-filer contact information. ***To simplify administration of Form 700 non-filer enforcement, staff recommends that the streamline penalty instead be based on how late a filing is and that the maximum streamline penalty be reduced to \$400.***

### Current PEC Enforcement History

In response to a grand jury report finding significant Form 700 non-filing in the City of Oakland, the PEC launched a compliance campaign beginning with senior level City officials in 2023 (for late 2022 annual reports), and then as to all Form 700 non-filers in 2024 (for late 2023 annual reports). These efforts have been relatively successful, but staff intensive. For 2023 non-filers, the PEC received a list of about 500 potential non-filers, which it was able to narrow down to 60 likely actual non-filers, for which cases were opened. Of these, 20 cases were closed after a finding of no violation, 19 cases were resolved by streamline settlement with the non-filer filing and taking a diversion education course, and the remaining cases are still pending.

### Current Law

Under current state law, any person who files a late Form 700 is subject to a \$10/day late fee, up to \$100. This fee is collected by the City Clerk.

The PEC also has the ability to bring an enforcement action against late filers. Under the PEC’s Penalty Guidelines, a Form 700 non-filer who agrees to the streamline settlement may complete an education diversion program if they file the Form 700 prior to or in response to the PEC’s first enforcement contact. If the filer responds after the second contact, the fine increases to \$400, and if the filer complies prior to the publication of an investigation report, the streamline penalty is \$800. The streamline program is only available to non-filers who are less than 6 months late in filing their Form 700. After that, for a mainline penalty, non-filers are subject to a “base-level” penalty of \$1,000 and then the penalty may be adjusted from that amount based on mitigating and aggravating factors

*Current PEC Penalty Guidelines for Streamline Penalties*

| <b>Violation</b>                                     | <b>Compliance prior to or in response to first PEC enforcement contact</b> | <b>Compliance in response to second PEC enforcement contact</b> | <b>Compliance prior to publication of PEC investigation report</b> |
|--|--|---|--|
| Form 700 Non-Filer and Non-Reporter (GEA § 2.25.040) | Diversion  | \$400   | \$800  |

**Proposed Streamline Program Changes**

The current streamline penalty amount for Form 700 non-filing is based on the number of PEC staff contacts. However, in the PEC’s experience enforcing this provision, in many cases non-filers do not respond to Enforcement contacts, either because they are ignoring Enforcement, or because the City does not have correct contact information for the non-filer, or some other reason. If the PEC subsequently makes contact with the non-filer after multiple attempts, the fine amount can be quite high, which may cause disputes as to whether the PEC’s prior contacts were successful. This back-and-forth, as well as staff’s efforts to verify that contact has been successful, makes non-filing enforcement more administratively difficult and time-intensive, as opposed to a penalty that is based on how late the filing is, which places the onus on the filer to file on-time.

Staff proposes to reduce the maximum proposed streamline penalty for Form 700 non-filing, from \$800 to \$400, and make the penalty increase based on how late a filing is made, as follows:

*Proposed PEC Penalty Guidelines*

| <b>Violation</b> | <b>Form Filed 1-60 Days Late</b> | <b>Form Filed 61-120 Days Late</b> | <b>Form Filed 121-180 Days Late</b> |
|------------------|----------------------------------|------------------------------------|-------------------------------------|
|------------------|----------------------------------|------------------------------------|-------------------------------------|

|  |           |       |       |
|--|-----------|-------|-------|
| Form 700 Non-Filer and Non-Reporter (GEA § 2.25.040) | Diversion | \$200 | \$400 |
|--|-----------|-------|-------|

These proposed amendments differ from the current streamline program in two significant ways:

**First, staff's proposal would lower the maximum streamline penalty before a mainline penalty is proposed from \$800 to \$400.** This would make the maximum streamline penalty for a Form 700 non-filer lower than the maximum for lobbyist non-filers (\$800) and campaign finance non-filers (\$800), although the mainline penalty for all three late filings would remain the same (\$1,000). Staff's reason for proposing that Form 700 non-filers be treated differently from lobbyist and campaign non-filers is due to (a) the relatively higher sophistication of candidates and lobbyists, and (b) the likely greater harm which may come from late lobbying and campaign finance filings. Many Form 700 non-filers are volunteer board members or mid-level City staff (many of whom are likely not filing out of inadvertence), as opposed to candidates or lobbyists who are more likely to have professional assistance with regulatory compliance. Candidates and lobbyists must also register with the PEC, where filing disclosures is the *primary* reason for having to register, whereas Form 700 filing is more incidental to City employment or commission service. In addition, while Form 700 filing is done with the City Clerk, who provides Form 700 filing education, it generally falls to each Department's Single Point of Contact (SPOC) or each commission's board liaison to ensure filing happens for that board or department, which can lead to varying levels of oversight and engagement by department/commission. By contrast, candidates or lobbyists file directly with the PEC, and so receive more uniform training from the PEC and are in direct and frequent contact with our agency, so are much more likely to be aware of filing deadlines.

Finally, there is generally a greater urgency to timely filings of candidate and lobbyist activity than with Form 700, which justifies a higher streamline penalty for the former. For candidates, campaign filings provide voters with a clear picture of who supports or opposes a candidate, and can become a campaign issue, so these disclosures need to be promptly filed and generally before the election. Lobbyist filings frequently involve disclosures as to pending legislation or government action, where knowledge of support or opposition can provide important context for government decision-makers, the media, and the public. Form 700 filing is important, and provides important context for decision-maker action and can surface potential conflicts of interest, but is not as directly linked to a specific time-sensitive activity like an election or pending government decision.

**Second, staff's proposed streamline penalty would increase in severity from diversion to higher fines based on the number of days a filing is late, as opposed to the number of PEC Enforcement contacts.** Because it was sometimes difficult to verify that a non-filer had actually received notice from Enforcement, staff was reluctant to escalate non-filer fines from diversion to a \$400 penalty, and from \$400 to an \$800 penalty. This was particularly the case for volunteer commissioners, who generally use non-City emails, where it was difficult to verify that the email had not been transcribed by the City in error. While City staff emails generally would be correct, changes in last name due to marriage, or the use of generic City department email addresses as opposed to staff-specific emails, also created

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uncertainty as to whether an employee was receiving Enforcement's notices. A time-based penalty structure aligns more appropriately with these realities, as it allows penalties to escalate based on measurable, objective criteria rather than determinations about the sufficiency of contact efforts. By shifting the burden of compliance to filers and minimizing disputes over contact verification, this approach not only ensures fairness but also significantly reduces administrative workload, allowing staff resources to focus on more substantive enforcement priorities.

By contrast, for lobbyists and campaign committees, where staff would retain the contact-based approach, the filer would have recently (generally within the prior year) provided the contact information to be used to contact them for filings, so notice can more reasonably be presumed and the filer would more clearly bear responsibility for having entered incorrect contact information or failing to regularly check their provided means of contact, like email. In addition, the comparatively small volume of lobbyists and candidate filers (dozens of filers, generally less than 10 late filers) versus the very large volume of City employees and commissioners who are Form 700 filers (thousands of filers, hundreds of alleged late filers), also makes a contact-based enforcement approach more administrable and less staff-intensive for candidates and lobbyist filings than is the case for Form 700.

Finally, a time-based enforcement fines would be potentially redundant for lobbyists and candidates, who are already subject to significant time-based late fees, whereas time-based late fees for Form 700 non-filers are fairly low and cease to incentivize filing after 10 days. Campaigns, lobbyists, and Form 700 non-filers are all subject to a \$10/day late fee for non-filing, but the fees are capped differently based on the filer. Lobbyist late fees are capped at \$1,000 (a 100-day late filing) and there is virtually no cap for campaign committees (the maximum late fee cannot exceed the amount that needed to be reported in the filing). By contrast, Form 700 non-filer late fees are capped at just \$100 (a 10-day late filing).

### Recommendation

***Staff recommends that the Commission's Penalty Guidelines be amended to reduce the streamline penalty for Form 700 non-filing and adopt a time-based late filing penalty, instead of a contact-based penalty. This amendment will improve enforcement efficiency, reduce unnecessary disputes, and create a clearer and more equitable framework for ensuring compliance. By adopting these changes, the Commission reaffirms its commitment to transparency and accountability while addressing the practical challenges of large-scale compliance efforts. Amendments to the PEC's Penalty Guidelines go into effect 60 days after adoption, unless vetoed by the City Council. If adopted, PEC staff would implement these changes prospectively, beginning with the April 1, 2025, deadline for the filing of the 2024 Annual Form 700.***

**Attachment:** Redline of Proposed Changes to the PEC's Penalty Guidelines

## Item 12. Amendment to the PEC's Penalty Guidelines

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Public Ethics Commission

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## Public Ethics Commission

### ENFORCEMENT PENALTY GUIDELINES

The Public Ethics Commission (PEC) is authorized by the Charter of the City of Oakland (City Charter) to impose penalties, remedies, and fines as provided for by local ordinances that are within the PEC's jurisdiction, including the Government Ethics Act, Oakland Campaign Reform Act and Lobbyist Registration Act. This Guideline includes general principles and factors to consider in determining a penalty, and a tiered approach to penalties based on the seriousness of the violation. This Guideline is advisory only, and does not limit the PEC from using discretion to deviate from the guidance when atypical or egregious circumstances exist.

The penalties set forth in this Guideline are separate and apart from any late filing fees that may be owed by a respondent.

#### Guiding Principles for Enforcement

The overarching goal of the PEC's enforcement activity is to obtain compliance with rules under its responsibility, and provide timely, fair and consistent enforcement that is proportional to the seriousness of the violation. The following principles guide the PEC's compliance activities as part of an effective enforcement program:

- 1. Timeliness** – For all violations, timeliness brings accountability. Public confidence in government and the deterrence effect of enforcement is reduced when enforcement is delayed. Compliance should be timely to provide the public with required disclosures, and to mitigate harm caused by a violation(s). Enforcement resolutions should be viewed through this lens to craft a range of penalties and enforcement actions that drive timely compliance and mitigate harm. For campaign violations, this should mean swift resolution and correction of violations, especially before an election. Timely public disclosure is crucial in these cases, as the value of required pre-election disclosure declines significantly after the election. Similarly, PEC enforcement of violations should also be pursued in a diligent and timely manner as allowed by PEC staffing/priorities.
- 2. Fairness** – The core of the PEC's work is fairness to ensure that enforcement actions are even-handed and consistent, as well as to ensure due process for those accused of violating the law. The PEC frequently investigates and administratively prosecutes public officials, and it is essential that politics and rivalries not become part of such investigations. The PEC shall track penalty amounts over time and articulate in each enforcement action its consistency with previous actions. This allows the public, respondents, and future PEC Commissioners to see the articulated rationale for the decision and the reasons for any variation. Additionally, effective enforcement of violations leads to fairness in government, as timely enforcement of government ethics rules also shows respect and fairness to those who follow the rules.
- 3. Focus on Serious Violations and Repeat Offenders** – The focus of the PEC's work – both in terms of resources spent as well as the level of penalty imposed – should reflect the seriousness of each violation so that penalties urge compliance, while preserving PEC resources for major

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violations that may occur. Minor violations will not be ignored, but proportionality in penalties and an ability to take on more significant cases is important to creating a culture of compliance. Violations will not be considered minor where a pattern of violations exists.

- 4. Education and Support** – To fully embrace the goals of its enforcement responsibilities, the PEC has implemented a full range of services for the purpose of educating and supporting the regulated community, including: voluntary and mandatory training sessions; published materials and guidebooks explaining rules and requirements; on-line access to rules, forms, guidebooks and advice; access to staff members in person, via email and by phone for guidance and assistance; proactive monitoring, communication and reminders regarding filing deadlines; and electronic filing platform for most filing requirements. These services are intended to ensure that the regulated community is advised of, and aware of, filing and reporting requirements, and to ensure full and timely compliance with various regulatory requirements. Given the array of services, including the availability of PEC staff for questions, claims of ignorance regarding the obligations of the regulated community will not be given much weight, if any, in an enforcement action.

## Specific Factors to Consider in Determining a Penalty

The PEC will consider all relevant mitigating and aggravating circumstances surrounding a violation when deciding on a penalty, including, but not limited to, the following factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern;
5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent;
9. The respondent's ability to pay the contemplated penalty without suffering undue financial hardship. This factor shall not apply to the portion of a penalty that constitutes a repayment or disgorgement of the unlawful amount, except in cases of extreme financial hardship.

The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. This list of factors to consider is not an exhaustive list, but rather a sampling of factors that could be considered. There is no requirement or intention that each factor – or any specific number of factors - be present in an enforcement action when determining a penalty. As such, the ability or inability to prove or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an enforcement action or impose a penalty.

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## Penalty Options Based on Levels

To obtain compliance with the law and provide timely and fair enforcement that is proportional to the seriousness of the violation, the PEC institutes a three-tiered approach that utilizes warning letters, streamlined stipulations, and more severe penalties based on the level of public harm and the articulated aggravating and mitigating circumstances. This approach aims to provide consistency across similar violations and an expedited way to handle cases according to the level of seriousness so that staff resources are allocated according to the level and significance of the violation.

1. **Warning Letter:** A warning letter is an enforcement option for any minor violations without any aggravating circumstances. It is a public acknowledgement by the PEC via letter to the respondent that explains the allegation and allows the PEC to create a record of a potential or proven low-level violation. This allows for respondents to be educated about the rules and provides the PEC with a historical list of prior violations for future consideration in enforcement cases. A warning letter may be used to address a violation where the evidence demonstrates that a monetary penalty is not justified, or in the interest of justice. A warning letter will not be available where the respondent has had a prior violation of the same or similar type.
2. **Streamline Stipulation:** The streamlined stipulation program takes common low-level violations, such as the non-filing of a campaign statement, and provides a scaled-down stipulation document and set penalties. These more common cases can be quickly handled with a penalty commensurate to the violation, which helps preserve staff time to focus on more serious cases. The streamlined stipulation program is an option (but is not required) to resolve the following types of low-level violations without any serious aggravating circumstances:
  - a. Form 700 Non-Filer (GEA § 2.25.040), where the form in question is no more than ~~six months~~ 180 days late;
  - b. Form 700 Non-Reporter (GEA § 2.25.040), where the unreported interest does not give rise to a reasonable likelihood or appearance of a conflict of interest or undue influence over the Respondent's exercise of their official duties;
  - c. Misuse of City Resources (GEA § 2.25.060(A)(1)), where the total value of misused City resources is \$100 or less and does not involve campaign activity;
  - d. Gift Restrictions (GEA § 2.25.060(C)), where the aggregate amount of the gift(s) from a single source is no more than \$250 over the legal limit, the source of the gift(s) was not a restricted source or a lobbyist, and the gift does not give rise to a reasonable likelihood or appearance of a conflict of interest or undue influence over the Respondent's exercise of their official duties;
  - e. Contribution Limits (OCRA §§ 3.12.050 - 3.12.080), where the total amount of the aggregate contributions from a single source in excess of the contribution limit is \$250 or less;
  - f. Contractor Contribution Prohibition (OCRA § 3.12.140), where the total amount of the aggregate contributions from a single prohibited source or its principals is \$250 or less;



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- g. Form 301 Non-Filer (OCRA § 3.12.190), where the form in question is no more than ninety (90) calendar days late;
- h. Campaign Statement/Report Non-Filer and Non-Reporter (OCRA § 3.12.240), where:
  - i. for a pre-election report, the report is no more than thirty (30) calendar days late and the unreported activity does not exceed \$5,000 in either contributions raised or expenditures made;
  - ii. for a semiannual report, the report is no more than one-hundred and eighty (180) calendar days late and the unreported activity does not exceed \$5,000 in either contributions raised or expenditures made;
  - iii. for a late contribution or late independent expenditure report, the report is no more than seven (7) calendar days late, the unreported activity does not exceed \$10,000 in either contributions raised or expenditures made, and the report is filed before the date of the election;
- i. Lobbyist Registration Non-Filer (LRA § 3.20.040.), where the registration form is no more than one-hundred and eighty (180) days late, and the total compensation received for previously-unreported lobbying does not exceed \$2,000 in a single quarter or, in the case of a salaried lobbyist, the total pro rata share of their salary attributable to lobbying activity over the unreported period does not exceed \$2,000;
- j. Lobbyist Report Non-Filer and Non-Reporter (LRA § 3.20.110.), where the report in question is no more than ninety (90) days late. and the total compensation received for unreported lobbying activity is \$2,000 or less or, in the case of a salaried lobbyist, where the total pro rata share of their salary attributable to lobbying activity over the unreported period does not exceed \$2,000.

For purposes of streamlined settlements, the term “non-filer” includes late filers.

The streamlined stipulation program takes into account that the articulated evidence demonstrates a greater degree of public harm than a case that qualifies for a warning letter and is therefore worthy of a penalty. Streamlined stipulations will not be available where the respondent has had a prior violation of the same or similar type resolved by way of Commission action in the previous six years, except as to treasurers in OCRA cases where the violation was primarily due to the actions of others. Streamlined stipulations will be offered based on a tiered penalty structure. Additionally, the stipulation documents for streamlined stipulations have been standardized and shortened to promote efficiency.

The penalty tiers applying to streamlined stipulations set forth [in the tables](#) below shall be applied on a per-violation basis and are contingent upon the following conditions:

- the respondent has taken corrective action as requested by Commission staff, such as filing the form or amendment that forms the basis of the violation, or returning or disgorging a prohibited contribution or gift;
- the respondent has agreed to the terms of the streamlined stipulation; and
- the respondent has paid all late filing fees.

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| <b>Violation</b>  | <b>Compliance prior to or in response to first PEC enforcement contact</b>   | <b>Compliance in response to second PEC enforcement contact</b>          | <b>Compliance prior to publication of PEC investigation report</b>      |
|---|--|--|---|
| <del>Form 700 Non-Filer and Non-Reporter (GEA § 2.25.040)</del>       | <del>Diversion</del>   | <del>\$400</del>   | <del>\$800</del>  |
| Gift Restrictions (GEA § 2.25.060C)                                   | Diversion  | \$400  | \$800   |
| Form 301 Non-Filer (CRA § 3.12.190)                                   | Diversion, plus 2% of contributions received over limit prior to filing form | \$400, plus 2% of contributions received over limit prior to filing form | \$800 plus 2% of contributions received over limit prior to filing form |
| Campaign Statement/Report Non-Filer and Non-Reporter (CRA § 3.12.340) | Diversion, plus 1% of all financial activity not timely reported             | \$400, plus 1% of all financial activity not timely reported             | \$800, plus 1% of all financial activity not timely reported            |
| Misuse of City Resources. (GEA § 2.25.060A1.)                         | Diversion, plus the unlawful amount  | \$400, plus the unlawful amount  | \$800, plus the unlawful amount   |
| Contribution Limits (CRA §§ 3.12.050 - 3.12.080.)                     | Diversion, plus 1% of the total amount received over the limit               | \$400, plus 1% of the total amount received over the limit               | \$800, plus 1% of the total amount received over the limit              |
| Contractor Contribution Prohibition. (CRA § 3.12.140.)                | Diversion, plus 1% of the total amount of the prohibited contribution        | \$400, plus 1% of the total amount of the prohibited contribution        | \$800, plus 1% of the total amount of the prohibited contribution       |
| Lobbyist Registration Non-Filer. (LRA § 3.20.040.)                    | Diversion, plus \$200  | \$400  | \$800   |
| Lobbyist Report Non-Filer and Non-Reporter. (LRA § 3.20.110.)         | Diversion  | \$400  | \$800   |

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As used in the table above, the term “contact” means any method of communication reasonably calculated to ensure notice based upon Commission staff’s due diligence in obtaining the respondent’s contact information. The contact may be made verbally or in writing. In the case of verbal contacts, Commission staff shall keep a record of all verbal contacts. In the case of a written contact, the contact may be made electronically and/or physically, and need not be personally served on the respondent. Contact is presumed to be effective if it is sent via email to the City email address of a current City employee or official, or in the case of an open campaign committee or registered lobbyist, to the most recent email address provided by that committee or lobbyist to the PEC.

| <u>Violation</u>  | <u>Form Filed 1-60 Days Late</u> | <u>Form Filed 61-120 Days Late</u> | <u>Form Filed 121-180 Days Late</u> |
|---|----------------------------------|------------------------------------|-------------------------------------|
| <u>Form 700 Non-Filer and Non-Reporter (GEA § 2.25.040)</u> | <u>Diversion</u>                 | <u>\$200</u>                       | <u>\$400</u>                        |

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- 3. Mainline Penalty.** For more serious violations and violations that do not qualify for a warning letter or the streamlined stipulation program, the PEC will start with the following “base-level” penalty amount and then adjust the penalty amount based on mitigating and aggravating factors of the enforcement action, which will be articulated in any decision to impose a monetary penalty.

| <b>Violation</b>   | <b>Base-Level Per Violation</b>   | <b>Statutory Limit Per Violation</b>   |
|--|-----------------------------------|--|
| Form 700 Non-Filer and Non-Reporter. (GEA § 2.25.040.)   | \$1,000.                          | \$5,000 or three times the amount not timely reported, whichever is greater. |
| Conflicts of Interest and Personal Gain Provisions. (GEA § 2.25.040.)                            | \$3,000.                          | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Revolving Door Provisions. (GEA § 2.25.050.)   | \$3,000.                          | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Misuse of City Resources. (GEA § 2.25.060A1.)  | \$2,000.                          | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Misuse of Position or Authority (GEA § 2.25.060A2.)  | \$5,000                           | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Prohibitions Related to Political Activity and Solicitation of Contributions. (GEA § 2.25.060B.) | \$3,000.                          | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Gift Restrictions. (GEA § 2.25.060C.)  | \$1,000 plus the unlawful amount. | \$5,000 or three times the unlawful amount, whichever is greater.            |
| Contracting Prohibition. (GEA § 2.25.060D.)  | \$2,000.                          | \$5,000 or three times the unlawful amount, whichever is greater.            |

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| Bribery/Payment for Position. (GEA § 2.25.070A-B.)   | \$5,000, or three times the unlawful amount, whichever is greater                            | \$5,000 or three times the unlawful amount, whichever is greater.                      |
| Nepotism/Influencing Contract with Former Employer. (GEA § 2.25.070C-D.)                                     | \$3,000.   | \$5,000 or three times the unlawful amount, whichever is greater.                      |
| Non-Interference in Administrative Affairs Provision. (GEA § 2.25.070E.)                                     | \$1,000.   | \$5,000 or three times the unlawful amount, whichever is greater.                      |
| Contribution Limits. (CRA §§ 3.12.050 -3.12.080.) and Contractor Contribution Prohibition. (CRA § 3.12.140.) | \$1,000, plus the unlawful amount.   | \$5,000 or three times the amount of the unlawful contribution, whichever is greater.  |
| One Bank Account Rule. (CRA § 3.12.110.)   | \$1,000.   | \$5,000 or three times the unlawful amount, whichever is greater.                      |
| Fundraising Notice Requirement. (CRA § 3.12.140P.)   | \$1,000.   | \$5,000 or three times the unlawful expenditure, whichever is greater.                 |
| Officeholder Fund Requirements. (CRA § 3.12.150.)  | \$2,000.   | \$5,000 or three times the unlawful expenditure, whichever is greater.                 |
| Form 301 Requirement. (CRA § 3.12.190.)  | \$1,000, plus 2% of contributions received over contribution limit prior to filing Form 301. | \$5,000 or three times the unlawful contribution or expenditure, whichever is greater. |
| Independent Expenditure Advertisement Disclosure Requirement. (CRA § 3.12.230.)                              | \$1,000.   | \$5,000 or three times the unlawful expenditure, whichever is greater.                 |
| Contribution and Expenditure Restrictions. (CRA §§ 3.12.065 and 3.12.130.)                                   | \$1,000  | \$5,000 or three times the unlawful contribution or expenditure, whichever is greater. |
| Campaign Statement/Report Non-Filer and Non-Reporter. (CRA § 3.12.340.)                                      | \$1,000, plus 1% of the all financial activity not timely reported.                          | \$5,000 or three times the amount not properly reported, whichever is greater.         |
| Public Finance Program Requirements. (LPFA § 3.13.010.)  | \$1,000.   | \$1,000 and repayment of public financing unlawfully received or expended.             |
| Lobbyist Registration Non-Filer. (LRA § 3.20.040.)   | \$750.   | \$1,000.   |
| Lobbyist Report Non-Filer and Non-Reporter. (LRA § 3.20.110.)  | \$750.   | \$1,000.   |

## Application of this Guideline

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While most enforcement matters will likely fall within the penalty structure outlined in this guideline, this document was created merely to assist the PEC in determining an appropriate penalty in certain types of cases; it does not limit the PEC or its staff from agreeing to a settlement or imposing a penalty that deviates from this guideline or from the PEC's past practice. Additionally, this guideline is not a comprehensive list of violations for which the PEC has jurisdiction to investigate and impose a penalty, and exclusion of a type of violation from this guideline does not in any way limit the PEC or its staff from investigating and imposing a fine or penalty on any person who commits such a violation.