

1 KELLIE F. JOHNSON  
Enforcement Chief  
2 CITY OF OAKLAND PUBLIC ETHICS COMMISSION  
1 Frank Ogawa Plaza, Rm. 104  
3 Oakland, CA 94612  
Telephone: (510) 238-4976

4 Petitioner

5  
6 BEFORE THE CITY OF OAKLAND

7 PUBLIC ETHICS COMMISSION

8  
9 In the Matter of

) Case No.: 14-29

10 SHOTSPOTTER., RALPH CLARK AND  
11 JOE HAWKINS,

) "NO CONTEST" STIPULATION,  
) DECISION AND ORDER

12 Respondents.  
13 )  
14 )

15 **STIPULATION**

16 Petitioner, the Enforcement Unit of the City of Oakland Public Ethics Commission, and  
17 Respondents Shotspotter, Ralph Clark and Joe Hawkins (collectively referred to as  
18 Respondents) agree as follows:

- 19 1. This Stipulation will be submitted for consideration by the City of Oakland Public  
20 Ethics Commission (Commission) at its next regularly scheduled meeting;
- 21 2. This Stipulation resolves all factual and legal issues raised in this matter and represents  
22 the final resolution to this matter without the necessity of holding an administrative  
23 hearing to determine the liability of Respondents;
- 24 3. Respondents knowingly and voluntarily waive all procedural rights under the Oakland  
25 City Charter, Oakland Municipal Code, and Public Ethics Commission Complaint  
26 Procedures, including, but not limited to, the right to personally appear at an  
27 administrative hearing held in this matter, to be represented by an attorney at their own  
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1 expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to  
2 testify at the hearing, and to have the matter judicially reviewed;

3 4. This Stipulation is not binding on any other law enforcement agency, and does not  
4 preclude the Commission or its staff from referring the matter to, cooperating with, or  
5 assisting any other government agency with regard to this matter, or any other matter  
6 related to it;

7 5. The Commission provides the attached exhibit (Exhibit) as a true and accurate summary  
8 of the facts in this matter. The Exhibit is incorporated by reference into this "No  
9 Contest" Stipulation. Respondents, without denying or admitting the specific facts or  
10 allegations in the Exhibit, enter this "No Contest," Stipulation and acknowledge that the  
11 Commission likely has sufficient evidence to find each Respondent in violation of the  
12 Failure to Register as a Lobbyist, Unregistered Lobbyist Activity, Failure to File  
13 Lobbyist Reports, and Contractor Contribution Blackout Period sections as follows:

- 14
- 15 a. Section 3.12.120(A) of the Lobbyist Registration Act in 2014 and 2015 by directly  
16 communicating with Oakland City Councilmember Rebecca Kaplan and other  
17 Oakland City Council members on behalf of ShotSpotter for the purpose of  
18 influencing pending or proposed governmental action on the renewal contract and  
19 expanded coverage for ShotSpotter without registering as a Lobbyist with the City.
  - 20 b. Section 3.20.040 by engaging in Unregistered Lobbyist Activity by actively engaging  
21 with City Officials in an attempt to renew and expand a service contract with the City.
  - 22 c. Section 3.12.140 of the Oakland Campaign reform Act by making a contribution(s),  
23 totaling \$200, to a committee controlled by City of Oakland elected official or  
24 candidates for City of Oakland office during or within 180 days of negotiating a  
25 contract with the City of Oakland that required the Oakland City Council's approval;  
26 and
  - 27 d. Section O.M.C. 3.20.110 of the Lobbyist Registration Act in 2014 and 2015 by  
28 failing to timely file quarterly lobbyist reports.

6. The Commission will impose upon Respondents a total administrative fine in the  
amount of \$5,000 with joint and severable liability;

7. A cashier's check from Respondents, in said amount, made payable to the "City of  
Oakland," is submitted with this Stipulation as full payment of the administrative

1 penalty, to be held by the Commission until the Commission issues its decision and  
2 order regarding this matter;


3 8. In the event the Commission refuses to accept this Stipulation, it shall become null and  
4 void, and within fifteen business days after the Commission meeting at which the  
5 Stipulation is rejected, all payments tendered by Respondents in connection with this  
6 Stipulation will be reimbursed to them; and

7  
8 9. In the event the Commission rejects the Stipulation and a full evidentiary hearing before  
9 the Commission becomes necessary, neither any member of the Commission, nor the  
10 Executive Director, shall be disqualified because of prior consideration of this  
11 Stipulation.

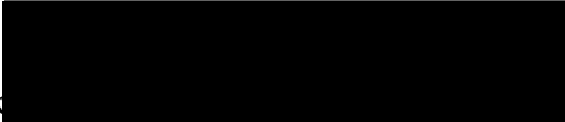
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15 Dated: 12/2/2019

  
Kellie F. Johnson, Enforcement Chief,  
City of Oakland Public Ethics Commission, Petitioner

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19  
20 Dated: 23 October 2019

  
Ralph Clark, individually and on behalf of  
ShotSpotter Respondent

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22  
23 Dated: 10/22/19

  
Joe Hawkins, individually and on behalf of  
ShotSpotter Respondent

**DECISION AND ORDER**

The foregoing "No Contest" Stipulation of the parties "In the Matter of ShotSpotter, Ralph Clark, and Joe Hawkins," PEC Case No. 14-29, including all attached exhibits, is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: 12/2/19

  
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Jodie Smith, Chair  
City of Oakland Public Ethics Commission

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