

Item 6 - Enforcement Report



Ryan Micik, Chair
Francis Upton IV, Vice Chair
Alea Gage
Charlotte Hill
Vincent Steele
Karun Tilak

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Enforcement Chief
DATE: February 29, 2024
RE: Enforcement Program Report for the March 13, 2024, PEC Meeting

This memo discusses the Enforcement Program's staffing, caseload, and other programmatic developments since the last Enforcement Report (submitted on January 3, 2024).

More (Temporary) Enforcement Staff Added; Case Numbers Show Improvement

We are very pleased to announce one new permanent hire and three new (temporary) additions to Enforcement staff:

- Treva Hadden has joined our team as a full-time, permanent Investigator. Treva comes to the PEC from the Internal Affairs Division of OPD, where she worked for a number of years as a civilian technician assigned to case intake and personnel matters. Prior to that, she also worked as a technician with the Alameda County Sheriff's Office. Treva has a BA in Psychology from Florida International University and a certificate in Management and Supervision from Oakland's own Laney College
- Alex Van Buskirk has joined our team as a full-time, limited duration Investigator. He comes to us after more than a decade working in political consulting and vulnerability research. Alex has extensive experience with the worlds of public affairs, campaign finance, and lobbying. As a consultant, Alex worked for both public and private sector clients, including Fortune 100 companies operating in highly scrutinized global industries. Alex also worked for elected officials, candidates, law and lobbying firms, and campaigns across 25 states. His contract term runs through June.
- Graham Willard has joined our team as a part-time, limited duration Law Clerk. He is a second-year law student at UC Law, San Francisco (formerly Hastings). He has previously worked as an intern for the Attorney General's office in Alaska, and also served as a research assistant with the Reckoning Project, which investigates police, prosecutorial, and judicial misconduct. His contract term runs through May.

- Chris Nardi has rejoined our team as a part-time, limited duration Law Clerk, having previously served as our Law Clerk last winter as well. Chris is a second-year law student at UC Berkeley, and has also worked as a law clerk with the U.S. Attorney's office and as a judicial extern for the U.S. District Court, both in the Northern District of California. His contract term runs through May.

Unfortunately, Enforcement also lost one staff member, as our Enforcement Assistant Chris Gonzales accepted a promotion to the Planning and Building Department. We recently finished interviewing candidates for Chris's replacement, and hope to finalize an offer soon.

Despite the recency of these new hires (most did not start until mid-January) we have already begun to see an improvement in our case processing numbers. At the close of our last report (dated January 3, 2024) we had 86 open cases or complaints. Today, that total remains at 86 despite receiving 15 new complaints since January 3, meaning that we have already begun to improve both our intake and closure rate. Moreover, the number of cases "on hold" is now at 50, down from 52 on January 3. This is the first time that these statistics have either held steady or started to go down since we first experienced major staff turnover in the fall of 2022. As both new Investigators and Law Clerks continue to receive training and gain experience, we anticipate that these numbers will continue to improve over the medium- to long-term.

However, we must once again underscore the impossibility of maintaining these gains (let alone building upon them) without more permanent staff. All of our temporary hire contracts expire by this summer. Particularly for the Investigator, it is crucial to make this temporary position permanent, especially in light of the long training period needed to fully onboard a new Investigator handling complex campaign finance and anti-corruption cases. As stated in previous Enforcement updates, we would need four Investigators to ensure a timely and thorough response to all incoming complaints, or a bare minimum of two permanent Investigators just to keep pace. Our Law Clerks provide invaluable assistance with the more complex aspects of legal research, but a full-time attorney is needed to assist the Enforcement Chief in resolving post-investigation settlements and prosecutions in a timely and effective manner.

Updated Record Retention Policy for Enforcement Matters

Every time a City official conducts their work in a manner that leaves some sort of physical or digital record (e.g. reports and memos, emails, audio and video recordings, personal notes, etc.), or receives similar records in the course of their work (e.g. applications, supporting

documentation, voice messages, etc.), these records are presumed to be available to the public via a public records request.¹

The City has rules concerning how long Departments must retain these records. These rules are laid out in a document called the “Records Retention Schedule.” Recently, the City updated this document for the first time since 2003.

This update was of particular interest to the PEC’s Enforcement Unit because we had previously been unsure of the full scope of our record retention requirements. The previous (2003) version had said only that unspecified records relating to PEC “Complaint Investigations” needed to be retained.

This gave little guidance to the Enforcement Unit concerning what particular records needed to be maintained. Most pressing, we were unsure if we needed to retain what we informally refer to as “unused evidence.” This refers to documents submitted to us in response to a voluntary production or subpoena, but which we do not ultimately end up using to make internal findings or to publicly prosecute a case.

For example, we might subpoena someone for their personal emails and text messages relating to a suspected violation. We typically provide a date range and search criteria in order to make sure that only potentially relevant documents are turned over, and to avoid encroaching on the person’s purely private records not related to the matter being investigated. Once the records are turned over to the PEC, investigators then determine which of the documents are material to the matter being investigated, and incorporate them into investigative reports. The prosecutor, in turn, decides which of those material documents will be used to support a probable cause report (or finding of no violation) and/or prove the case at a hearing. In this way, Enforcement might end up using (say) 70% of the documents provided under the subpoena. The other 30% are what we call “unused evidence” and are retained in our file.

All evidence (used and unused) is saved in a manner accessible only to PEC staff and is almost never released under a public records request before a case is charged publicly. But once a case is resolved, the exemption for an ongoing investigation no longer applies. Given the sensitive nature of many of the records Enforcement staff may gather during an

¹ There are numerous reasons why certain records might not be released to the public, or at least might be partially redacted before being released. These reasons are laid out in the California Public Records Act (Government Code § 7920.000 et seq.; formerly Government Code § 6250 et seq.) and typically concern things such as protecting the privacy of members of the public who shared their personal information with the government; maintaining attorney-client privilege; ensuring the integrity of ongoing law enforcement or regulatory investigations; etc. But absent such an exemption, public records are presumed to be disclosable.

investigation (e.g. personal emails and text messages, bank records, internal business and political campaign records, personnel and law enforcement files, etc.), we were concerned about protecting parties' privacy rights (including in the event of an unauthorized data breach) while ensuring the public's right to access the records showing how Enforcement arrived at the conclusions it made in any particular case.

The new retention schedule specifies that the PEC will retain the following records in relation to a closed investigation or complaint:

- complaints;
- preliminary review memoranda;
- investigation reports;
- investigation summaries;
- legal analysis memoranda;
- request for settlement authority memoranda;
- dismissal, warning, and advisory letters;
- final settlement agreements;
- probable cause reports;
- hearing officer findings and recommendations; and
- evidence used in support of any of the above.

The new retention schedule also requires to PEC to maintain these records for five years after "final prosecution" of a case (which includes cases closed without a prosecution). This is the same as the requirement under the previous (2003) schedule. At this time, Enforcement has no plans to purge any of the records listed above after five years.

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.

Current Enforcement Caseload

Since the last Enforcement Unit Program Update submitted to the Commission on January 3, 2024, Commission staff:

- received one formal (sworn) complaint, which is currently in the intake phase;
- received eleven informal (unsworn) complaints, of which five were rejected, three were assigned complaint numbers and escalated to the preliminary review phase, and three are awaiting a determination as to whether to reject or escalate them²; and
- filed three proactive (staff-generated) complaints, of which two were assigned complaint numbers and escalated to the preliminary review phase, and one of which is awaiting a determination as to whether to reject or escalate it.

In the same period of time, Commission staff:

- dismissed one complaint following preliminary review;
- opened one complaint for a full investigation following preliminary review;

² Reasons for a delay in making this determination can include the need to contact the complainant and/or do further research in order to clarify the allegation(s) being made, and/or a decision to prioritize other matters that appear to be more time-sensitive or of greater public interest.

- initiated settlement negotiations in nine cases;
- executed settlement agreements in three cases (two of which were streamlined and one of which is pending Commission approval; see below);
- consolidated two cases into one for administrative purposes; and
- bifurcated one case into two for administrative purposes.

This brings the total Enforcement caseload to eighty-six (86) open complaints or cases: eleven (11) matters in the intake or preliminary review stage, thirteen (13) matters under active investigation, three (3) matters under post-investigation legal analysis, seven (7) matters in settlement negotiations, and two (2) matters awaiting an administrative hearing. The remaining fifty-one (50) matters are on hold pending additional staff resources and training (58% of the total).

Enforcement's current staffing is: one (1) Enforcement Chief, one (1) permanent full-time Investigator, one (1) temporary full-time Investigator, and two (2) temporary part-time Law Clerks.

Case Resolutions or Submissions

Since the last Enforcement Unit Program report on January 3, 2024, the following complaints or cases have been resolved or submitted to the Commission:

1. **In the Matter of Susan Montauk (PEC No. 19-01.2).** On April 2, 2020, the PEC opened an investigation into proactive (i.e., staff-generated) allegations that a ballot measure committee called The Oakland Fund For Measure AA had been a candidate-controlled committee and failed to comply with all of the necessary laws concerning candidate-controlled ballot measure committees. Respondent Susan Montauk, who was an officer of The Oakland Fund, has agreed to settle this matter with regard to her own liability, and to cooperate with any other enforcement actions that may be brought against other persons involved in this matter. Enforcement staff recommends that the Commission approve the settlement and impose a financial penalty in the amount of \$500. **(Proposed Settlement Agreement)**
2. **In the Matter of Jessie Amos; Mariano Rojo; and Unknown OPD Official(s) (PEC No. 23-37).** On November 27, 2023, the PEC received a formal complaint alleging that the City was being unethical by requiring property owners to fix the sidewalk in front of their properties and to pay for the abatement of related blight; that Planning & Building Department inspector Jessie Amos was being unreasonable in citing

complainant’s property for various violations and not agreeing to reschedule certain inspections; that his supervisor, Mariano Rojo, had been rude to complainant; and that the Oakland Police Department (OPD) was derelict in not preventing or adequately responding to the crime near complainant’s property. Enforcement conducted a preliminary review and determined that there was insufficient evidence of any violation of a law within the PEC’s jurisdiction. As such, we have dismissed the complaint with no further action. Complainant has been referred to the relevant City departments if they wish to pursue their allegations further. **(See Attachment 1)**

We also entered “streamlined” settlement agreements for the following low-level violations. Pursuant to recent amendments to the Commission’s Complaint Procedures, the Executive Director has the authority to resolve these minor violations on their own authority, without a Commission vote, so long as they meet the specific requirements laid out in our Complaint Procedures (Section VI(D), (H)) and Penalty Guidelines. The cases below are the Commission staff’s first use of this new authority.

Form 700 – Late Filing Violations ³					
Respondent	City Position	Form 700 Type	Due Date	Date Filed	Resolution
Shirazi, Sahar	Commissioner, Planning Commission	2022 Annual	April 3, 2022	November 18, 2023	Diversion (training)

Gift Limit Violations ⁴				
Respondent	City Position	Description of Gift	Source of Gift	Resolution
Rhorer, Trent	Commissioner, Commission on Homelessness	NBA Playoff Ticket Value: \$285 Rec’d: 5/18/2022	Golden State Warriors	\$35 disgorgement; warning letter

³ Government Ethics Act section 2.24.040(B).

⁴ Government Ethics Act section 2.25.060(C).

Appendix: Current Caseload by Violation Type

The table below breaks down the precise types of violations currently involved in Enforcement’s open complaints or cases. Note that the total number below is higher than our number of total cases, since one case can involve multiple types of violations.

	On Hold	Intake	Preliminary Review	Investigation	Legal Analysis	Seeking Settlement	Administrative Hearing	Grand Total
Campaign Finance	22		7	11	2	17	1	60
Campaign Using Multiple Bank Accounts	1			1				2
City Contractor Making Campaign Contribution	5			2		2	1	10
Coordination Between Candidate And "Independent" Campaign			2	1		2		5
Disguising Source Of Campaign Funding ("Campaign Money Laundering")	1		1	1		1		4
Failure To Register A Political Campaign	1			1				2
Inaccurate Reporting Of Campaign Finances	5		2	1	1	5		14
Late Filing Of Campaign Finance Report	4		1	2				7
Making/Receiving Campaign Contribution Over The Legal Limit	1			1	1	3		6
Misuse Of Campaign Funds For Personal Purposes	1					1		2
Inaccurate or Missing Disclaimer On Campaign Ad	3		1	1		3		8
Government Ethics	44	2	17	13	3		2	81
Bribery	2		3	1	1		1	8
Financial Conflict Of Interest	3		1		1			5
Holding Incompatible Public Offices	1							1
Inaccurate Reporting On Financial Disclosure Form 700	2		3					5
Late or Non-Filing Of Financial Disclosure Form 700	1			7				8
Misusing Official Powers For Private Gain (Coercion/Inducement)	21	1	4	3			1	30
Misuse Of City Resources For Personal Or Campaign Purposes	9			2	1			12
Receiving An Improper Gift Based On Amount	1		3					4
Receiving An Improper Gift Based On Source	2		1					3
Seeking Or Taking Job That Conflicts With City Duties ("Revolving Door")	1							1
Awarding City Contract To Oneself ("Self-Dealing")	1		1					2
Leak Of Confidential Info			1					1
Councilmember Interfering In City administration		1						1
Lobbyists							1	1
Failure To Register As A Lobbyist ("Shadow Lobbying")							1	1
Miscellaneous	5		3		2	2		12
Failure To Produce Records To Police Commission Investigators	1							1
Lying Or Providing False Information To PEC Investigators	1				2	2		5
Misuse Of City Event Tickets	1							1
Retaliation Against Ethics Whistleblower	2		3					5
Open Meetings & Public Records	8			1				9
Failure To Produce Public Records Or Information	3			1				4
Failure To Properly Agendize Or Follow Meeting Agenda	5							5



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ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

February 22, 2024

Jack Cohen

[REDACTED]
[REDACTED]

Via email: [REDACTED]

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-37

To Jack Cohen:

On November 27, 2023, the City of Oakland Public Ethics Commission (PEC) received your complaint (# 23-37) alleging that the City was being unethical by requiring property owners to fix the sidewalk in front of their properties and to pay for the abatement of related blight. In a follow-up interview, you also alleged that Planning & Building Department inspector Jessie Amos was being unreasonable in citing your property for various violations and not agreeing to reschedule certain inspections; and that his supervisor, Mariano Rojo, had been rude when you tried to complain about this. You also alleged that the Oakland Police Department (OPD) was derelict in not preventing or adequately responding to the crime near your property.

The purpose of this current letter is to inform you that we have completed our preliminary review and have decided to dismiss the complaint, for the reasons explained below.

The PEC enforces the City's anti-corruption laws; we are not a general appeals board for all City decisions, nor do we enforce any particular Department's internal rules or procedures. We do not have the authority to mandate changes in the law concerning blight abatement, nor can we second-guess whether a particular building inspection was scheduled or conducted properly. We therefore take no position on whether Inspector Amos followed departmental procedures during the inspection(s) in question, or if Inspector Rojo behaved appropriately in his interaction(s) with you. If you believe Inspectors Amos and/or Rojo may have violated an internal rule or procedure at the Building Department, you should make your complaint to either of the following people:

David Miles (Principal Inspections Supervisor)

(510) 238-6214

DMiles@oaklandca.gov

William Gilchrist (Director of Planning and Building)

(510) 238-2229

WGilchrist@oaklandca.gov

The only law the PEC enforces that might be applicable to your complaint is section 2.25.060(A)(2) of Oakland's Government Ethics Act. That section prohibits City employees from using their official position, or the power or authority of that position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain.

However, for someone to violate that law, they must have acted far outside the scope of their ordinary duties and/or made some sort of threat or solicitation in order to get a private benefit (for example, demanding a cash bribe in order to pass an inspection). You have not alleged or presented evidence of any such type of illicit action on the part of Inspectors Amos or Rojo. Ordering a property owner to repair blighted property is a lawful order and, even if an inspector were to make a good-faith mistake as to the existence or scope of a particular violation, their actions would have been taken for the purpose of carrying out their City duties rather than to obtain some type of private benefit. As such, no violation of section 2.25.060(A)(2) occurred.

As for the allegation that unnamed OPD personnel may have been derelict in their duties concerning your property, the PEC does not enforce any rules or laws concerning dereliction of duty on the part of police officers. Such complaints should be directed to the Internal Affairs Division of OPD at (866) 214-8834 or to the civilian Community Police Review Agency at <https://apps.oaklandca.gov/CPRAPublic/>

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on March 13, 2024, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

PEC # 23-37
Notice of Dismissal

We are also enclosing a copy of the dismissal notice that we are sending to inspectors Amos and Rojo, as required under our Complaint Procedures.

Respectfully,



SIMON RUSSELL | Enforcement Chief
CITY OF OAKLAND | Public Ethics Commission
City Hall, 1 Frank Ogawa Plaza, Room 104 |
Oakland, CA 94612
Phone: 510.238.2213 | Cell 510.424.3200 | Fax: 510.238.3315
Email: srussell@oaklandca.gov | he/him/his
www.oaklandca.gov/pec

Enclosure: Copy of dismissal letter to Jessie Amos; Copy of dismissal letter to Mariano Rojo.



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February 22, 2024

Jessie Amos
250 Frank H. Ogawa Plaza, Suite 2340
Oakland, CA 94612

Via email: jamos@oaklandca.gov

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-37

To Jessie Amos:

On November 27, 2023, the City of Oakland Public Ethics Commission (PEC) received a complaint (# 23-37) alleging that unnamed City personnel were being unethical by requiring property owners to fix the sidewalk in front of their properties and to pay for the abatement of related blight. In a follow-up interview, the complainant specifically alleged that you were being unreasonable in citing the complainant's property for various violations and not agreeing to reschedule certain inspections.

The purpose of this current letter is to inform you that we have completed our preliminary review and have decided to dismiss the complaint without opening an investigation, for the reasons explained below.

The PEC enforces the City's anti-corruption laws; we are not a general appeals board for all City decisions, nor do we enforce any particular Department's internal rules or procedures. We do not have the authority to mandate changes in the law concerning blight abatement, nor can we second-guess whether a particular building inspection was scheduled or conducted properly. We therefore take no position on whether you followed departmental procedures during the inspection(s) in question. We have advised the complainant to take up his allegations directly with Planning and Building Department supervisors.

The only law the PEC enforces that might be applicable to the complaint is section 2.25.060(A)(2) of Oakland's Government Ethics Act. That section prohibits City employees from using their official position, or the power or authority of that position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain.

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PEC # 23-37
Notice of Dismissal

However, for someone to violate that law, they must have acted far outside the scope of their ordinary duties and/or made some sort of threat or solicitation in order to get a private benefit (for example, demanding a cash bribe in order to pass an inspection). The complainant has not alleged or presented evidence of any such type of illicit action on your part. Ordering a property owner to repair blighted property is a lawful order and, even if an inspector were to make a good-faith mistake as to the existence or scope of a particular violation, their actions would have been taken for the purpose of carrying out their City duties rather than to obtain some type of private benefit. As such, no violation of section 2.25.060(A)(2) occurred under the facts presented in this complaint.

No action is required on your part; this letter is just a courtesy notice that we must send pursuant to our Complaint Procedures whenever we dismiss a complaint.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on March 13, 2024, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

Respectfully,



SIMON RUSSELL | Enforcement Chief
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February 22, 2024

Mariano Rojo
250 Frank H. Ogawa Plaza, Suite 2340
Oakland, CA 94612

Via email: mrojo@oaklandca.gov

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-37

To Mariano Rojo:

On November 27, 2023, the City of Oakland Public Ethics Commission (PEC) received a complaint (# 23-37) alleging that unnamed City personnel were being unethical by requiring property owners to fix the sidewalk in front of their properties and to pay for the abatement of related blight. In a follow-up interview, the complainant specifically alleged that you were rude to them when they tried to notify you of these allegations in relation to a particular inspector, Jessie Amos.

The purpose of this current letter is to inform you that we have completed our preliminary review and have decided to dismiss the complaint without opening an investigation, for the reasons explained below.

The PEC enforces the City's anti-corruption laws; we do not have the authority enforce whatever internal rules or procedures the Building Department may have concerning general interactions with the public. We therefore take no position on whether you behaved appropriately toward the complainant. We have advised the complainant to take up his allegations directly with Planning and Building Department supervisors.

No action is required on your part; this letter is just a courtesy notice that we must send pursuant to our Complaint Procedures whenever we dismiss a complaint.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on March 13, 2024, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and

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PEC # 23-37
Notice of Dismissal

no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials.

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