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BEFORE THE
PUBLIC ETHICS COMMISSION CITY OF OAKLAND

)Case No.: 16-14
)
)**ADMINISTRATIVE**
)**ENFORCEMENT ORDER**
)
)
)**Date:** September 22, 2021
)
)**Place:** 1 Ogawa Plaza, Hearing Rm. 1
)Oakland, CA 94612

In the Matter of:
THOMAS ESPINOSA
Respondent.

Pursuant to its Complaint Procedures, the Public Ethics Commission (PEC) assigned PEC Case No. 16-14 to an administrative hearing, which Commission staff set for April 27, 2021, and provided notice to Thomas Espinosa (“Respondent”) on March 15, 2021. At the hearing, Hearing Officer Jodie Smith (the “Hearing Officer”) heard testimony and reviewed evidence relating to the allegations in the Complaint (“Complaint”) brought by the Public Ethics Commission (PEC or Commission) (“Petitioner”) against Respondent. At all relevant times, Petitioner was represented by the PEC’s Chief of Enforcement (“Enforcement Staff”). The Respondent did not appear at the scheduled hearing. In accordance with the PEC’s Complaint Procedures, the Hearing Officer issued her Findings of Facts and Conclusions (“Findings”) dated May 10, 2021.

The Findings were emailed to the PEC’s Executive Director, who then emailed them to Respondent and Enforcement Staff on May 11, 2021. On May 12, 2021, the Executive Director mailed a copy of the Findings to Respondent, along with written notification that the Proposed Findings would be considered by the PEC at its June 7, 2021, meeting and that Respondent had the right to appear at that PEC meeting to address the Commission about the Findings and the recommended penalty. On May 17, 2021, Respondent called the Executive Director acknowledging receipt of the Findings and June 7, 2021, meeting notice. On June 7, 2021, the PEC deliberated the Findings and proposed penalty in open session and continued the matter

1 for June 30, 2021. On June 30, 2021, the PEC deliberated the Findings and proposed penalty in
2 open session and continued the matter a final time for September 17, 2021. On that date, the
3 PEC completed its deliberation of the findings and found the Respondent in violation of 47
4 counts of Government Ethics Act violations and imposed financial penalties totaling \$309,600.

5 The complaint alleged that the Respondent violated the Government Ethics Act by
6 committing 47 separate violations of the Government Ethics Act in the following categories:
7 Soliciting and Receiving Bribes; Misusing City Position, Conflicts of Interest; Making or
8 Seeking to Use His Official Position to Influence Governmental Decisions; Failing to Report
9 Economic Interest Disclosure; and Misuse of City Resources. (Counts 1-47).

10 In October 2016, the PEC Enforcement opened a pro-active investigation into the
11 alleged bribery and misuse of position by building inspector Thomas Espinosa,

12 Respondent, Thomas Espinosa, was a City employee from May 23, 2005, until August
13 16, 2016. The investigation found that Respondent used his position as a Specialty Combination
14 Inspector in the Building Department's Code Enforcement Division, to arrange under the table
15 deals, "quid pro quos," with various property owners. The Respondent would either be assigned
16 to inspect a certain property or respond to a complaint regarding a property and would persuade
17 property owners to pay the Respondent a cash fee to secure a pass on building inspections or
18 permits. On other occasions the Respondent convinced property and business owners to hire and
19 pay him as an independent consultant or building contractor on their building projects, despite
20 the conflicts with his position with the City. To conduct some of these dirty deals he enlisted the
21 assistance of a Building Inspector co-worker, Anthony Harbaugh, to assist with the inspections
22 and permit approvals.¹

23 The Respondent's pay to play/quid pro quo scheme involved six different property
24 owners and multiple properties. The property owners that the Respondent extorted direct
25 payments from were Elizabeth Williams, Bill Charman, Alexandre Machado, Vivian Tang, and
26 Ana Siu.

27
28 ¹ Anthony Harbaugh was adjudicated by the Public Ethics Commission in November 2020. In the Matter of
Anthony Harbaugh, Case No. 18-14.

1 The Respondent also convinced four separate property owners, Pat Viswanathan, Apex
2 Construction, Zati Uysal and Jerry Tran to hire and pay him as a personal consultant to assist
3 with odd assignments like locating properties or warehouses for the use of marijuana facilities in
4 the City of Oakland.

5 The Respondent, while a Building Inspector assigned to inspect the property owner's
6 building project, also entered into a business agreement with the property owner, Ana Siu, and
7 formed a corporation, One Development and Investment Corporation. The property owner paid
8 the Respondent to file articles of incorporation for the business and additional sums of money for
9 contractor work on properties.

10 The Respondent, pursuant to both State law and City policy was required to report all income
11 he received in any given year. The Respondent filed Annual Statements of Economic Interests
12 (Form 700) with the City Clerk's Office for 2010, 2011, 2012, 2013, and 2014. To date,
13 Respondent has not filed an Annual Statement of Economic Interests including the income he
14 extorted from property owners or his payments as an independent consultant for 2015, nor did he
15 file upon leaving the City his final Statement of Economic Interests for the January 1 through
16 August 16, 2016, period.

17 The Respondent also engaged in unlawful activity during City work time and utilized City
18 resources/property to facilitate his schemes. The Respondent used a City Vehicle to conduct his
19 personal contractor work in the City of Orinda. He also used City computers, printers, and
20 telephones to send and receive his personal invoices, contracts, terms of agreements, travel
21 itineraries, project plans and emails. His careless use of City resources resulted in a Building
22 Department Supervisor referring the Respondent's conduct to the Public Ethics Commission.

23 On October 15, 2018, Complainant filed its accusations in a Case Summary of Probable
24 Cause before the Public Ethics Commission. Between 2018 and early 2021, Enforcement Staff,
25 attempted, unsuccessfully, to reach a proposed settlement agreement with the Respondent.
26 Commission staff placed a request for a hearing and probable cause determination on the PEC
27 Agenda for the Commission to consider on February 1, 2021. At that meeting, the Commission
28 pursuant to its Complaint Procedures set the matter for an administrative hearing.

1 The hearing occurred on April 27, 2021, before Hearing Officer Jodie Smith. The
2 Respondent did not appear at the hearing. The Hearing Officer allowed the Complainant to
3 proceed to a hearing with the Respondent in absentia.

4 On May 10, 2021, the Hearing Officer submitted a memorandum of her findings and
5 conclusions to the PEC. On June 7, 2021, In the Matter of Espinosa was placed on the PEC
6 Agenda for the Commission to render its decision on the evidence provided by the Hearing
7 Officer's memorandum. On September 17, 2021, the Commission adopted all of the findings of
8 fact and conclusions contained in the Hearing Officer's memorandum, except the conclusion
9 that the Respondent did not violate counts 30-33. Specifically, the Hearing Officer determined
10 that there was insufficient evidence to determine if the Respondent violated Counts 30-33, each
11 a violation of O.M.C. 2.25.040(A) Conflict of Interest: Make or Participate in Making A
12 Governmental Decision Involving a Source of Income. The Commission diverged from the
13 hearing officer on these Counts 30, 31, 32 and 33, and instead found sufficient evidence to
14 conclude that a violation occurred in each instance for Counts 30-33.

15 After deliberating with regard to each violation alleged by the PEC in the Complaint,
16 and based on findings of fact, conclusions of law, deliberation at the hearing and the entire
17 record of the proceedings, the PEC found unanimously by preponderance of the evidence that
18 the Respondent violated all 47 counts of the Government Ethics Act.

19 Further, for each finding of a violation of the Oakland Government Ethics Act, the PEC
20 unanimously imposed a financial penalty as follows for each of the forty-seven counts:

21
22 **I. VIOLATIONS**

23 **1. Count 1: Economic Interest Disclosure Violation: Failing to Report the Source of**
24 **Income (\$5,000 Penalty)**

25
26 Respondent was a Specialty Combination Inspector in the Building Department in 2015,
27 and as such was required to report all sources from whom he received income, including
28

1 loans other than those received from a commercial lending institution, totaling \$500 or
2 more during the January 1 through December 31, 2015, period, by April 1, 2016.

3
4 In 2015, Respondent received income totaling \$176,179 from Ms. Williams, a person
5 doing business in Oakland. Respondent violated Section 2.25.040(B) of the Oakland
6 Government Ethics Act by failing to report Ms. Williams as a source of income by April
7 1, 2016.

8
9 **2. Count 2: Economic Interest Disclosure Violation: Failing to Report the Source of**
10 **Income (\$5,000 Penalty)**

11
12 Respondent was a Specialty Combination Inspector in the Building Department until
13 August 16, 2016, and as such was required to report all sources from whom he received
14 income totaling \$500 or more during the January 1 through August 16, 2016, period, by
15 September 15, 2016.

16
17 On March 3, 2016, Respondent received income totaling \$850 from Ms. Williams.
18 Respondent violated Section 2.25.040(B) of the Oakland Government Ethics Act by
19 failing to report Ms. Williams as a source of income by September 15, 2016.

20
21 **3. Count 3: Conflict of Interest Violation: Making a Governmental Decision Involving**
22 **a Source of Income (\$18,000 Penalty)**

23
24 As a City employee, Respondent was prohibited from making, participating in making, or
25 attempting to use his official position to influence a governmental decision in which he
26 had a disqualifying financial interest.

1 An official has a disqualifying financial interest in any governmental decision that
2 involves an individual from whom the official was promised or provided income totaling
3 \$500 or more within 12 months prior to the time when the governmental decision is
4 made.

5
6 On October 1, 2015, Respondent had a disqualifying financial interest in any
7 governmental decision involving Ms. Williams because he had received income totaling
8 \$112,000 from her within the prior 12 months. On October 1, 2015, Respondent violated
9 Section 2.25.040(A) of the Oakland Government Ethics Act by closing a code
10 enforcement case against Ms. Williams for 915 24th Street.

11
12 **4. Count 4: Bribery Violation: Soliciting Money in Exchange for Performance of an**
13 **Official Act (\$5,000 Penalty)**

14
15 As a City employee, Respondent was prohibited from soliciting or accepting anything of
16 value in exchange for the performance of any official act.

17
18 On January 22, 2016, Respondent violated Section 2.25.070(A) of the Oakland
19 Government Ethics Act by soliciting \$300 from Ms. Williams in exchange for the
20 Building Department passing inspections for her permits, and issuing Green Tags, for 857
21 Mead Avenue.

22
23 **5. Count 5: Conflict of Interest Violation: Attempting to Influence a Governmental**
24 **Decision Involving a Source of Income (\$5,000 Penalty)**

25
26 A City employee attempts to use his or her official position to influence a decision when
27 he or she contacts or appears before any official in his or her agency for the purpose of
28 affecting the decision.

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On March 1, 2016, Respondent violated Section 2.25.040(A) of the Oakland Government Ethics Act by submitting an application to the Building Department on behalf of Ms. Williams. for an electrical permit for 857 Mead Ave.

6. Count 6: Conflict of Interest Violation: Attempting to Influence a Governmental Decision Involving a Source of Income (\$5,000 Penalty)

On March 1, 2016, Respondent violated Section 2.25.040(A) of the Oakland Government Ethics Act by submitting an application to the Building Department on behalf of Ms. Williams. for a plumbing permit for 857 Mead Ave.

7. Count 7: Conflict of Interest Violation: Making a Governmental Decision Involving a Source of Income (\$18,000 Penalty)

On September 22, 2015, Respondent violated Section 2.25.040(A) of the Oakland Government Ethics Act by waiving the requirement that Elizabeth Williams submit an architectural plan approved by the City’s Zoning Department with her building permit application for 2735 Market Street, confirming that the monetary valuation on her building permit application was correct, allowing her building permit to be issued over-the-counter, and waiving the requirement that she submit photos of the proposed project with her building permit application.

8. Count 8: Conflict of Interest Violation: Attempting to Influence a Governmental Decision Involving a Source of Income (\$5,000 Penalty)

1 On October 27, 2015, Respondent violated Section 2.25.040(A) by attempting to use his
2 official position to influence the Building Department's decision to issue Ms. Williams
3 an electrical permit for 2735 Market Street.
4

5 **9. Count 9: Conflict of Interest Violation: Attempting to Influence a Governmental**
6 **Decision Involving a Source of Income (\$5,000 Penalty)**

7
8 On October 27, 2015, Respondent violated Section 2.25.040(A) by attempting to use his
9 official position to influence the Building Department's decision to issue Ms. Williams a
10 building permit for 2735 Market Street.
11

12 **10. Count 10: Conflict of Interest Violation: Attempting to Influence a Governmental**
13 **Decision Involving a Source of Income (\$5,000 Penalty)**

14
15 On October 27, 2015, Respondent violated Section 2.25.040(A) by attempting to use his
16 official position to influence the Building Department's decision to issue Ms. Williams a
17 plumbing permit for 2735 Market Street.
18

19 **11. Count 11: Bribery Violation: Soliciting Money in Exchange for Performance of an**
20 **Official Act (\$5,000 Penalty)**

21
22 On November 5, 2015, Respondent violated Section 2.25.070(A) of the Oakland
23 Government Ethics Act by soliciting \$300 from Ms. Williams in exchange for her
24 permits for 2735 Market Street passing inspections.
25

26 **12. Count 12: Conflict of Interest Violation: Attempting to Influence a Governmental**
27 **Decision Involving a Source of Income (\$5,000 Penalty)**
28

1 On November 10, 2015, Respondent violated Section 2.25.040(A) of the Oakland
2 Government Ethics Act by attempting to use his official position to influence the
3 Building Department's decision to issue Ms. Williams a building permit for 877/879 27th
4 Street.

5
6 **13. Count 13: Conflict of Interest Violation: Attempting to Influence a Governmental**
7 **Decision Involving a Source of Income (\$5,000 Penalty)**

8
9 On November 10, 2015, Respondent violated Section 2.25.040(A) of the Oakland
10 Government Ethics Act by attempting to use his official position to influence the
11 Building Department's decision to issue Ms. Williams an electrical permit for 877/879
12 27th Street.

13
14 **14. Count 14: Conflict of Interest Violation: Attempting to Influence a Governmental**
15 **Decision Involving a Source of Income (\$5,000 Penalty)**

16
17 On November 10, 2015, Respondent violated Section 2.25.040(A) of the Oakland
18 Government Ethics Act by attempting to use his official position to influence the
19 Building Department's decision to issue Ms. Williams a mechanical permit for 877/879
20 27th Street.

21
22 **15. Count 15: Conflict of Interest Violation: Attempting to Influence a Governmental**
23 **Decision Involving a Source of Income (\$5,000 Penalty)**

24
25 On November 10, 2015, Respondent violated Section 2.25.040(A) of the Oakland
26 Government Ethics Act by attempting to use his official position to influence the
27 Building Department's decision to issue Ms. Williams a plumbing permit for 877/879
28 27th Street.

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16. Count 16: Bribery Violation: Soliciting Money in Exchange for Performance of an Official Act (\$5,000 Penalty)

On March 1, 2016, Respondent violated Section 2.25.070(A) of the Oakland Government Ethics Act by solicited \$300 from Ms. Williams in exchange for building, mechanical, electrical, and plumbing permits for 877/879 27th Street passing rough inspections.

17. Count 17: Bribery Violation: Soliciting Money in Exchange for Performance of an Official Act (\$5,000 Penalty)

On March 1, 2016, Respondent violated Section 2.25.070(A) of the Oakland Government Ethics by solicited \$300 from Ms. Williams in exchange for building, mechanical, electrical, and plumbing permits for 877/879 27th Street passing final inspections.

18. Count 18: Conflict of Interest Violation: Attempting to Influence a Governmental Decision Involving a Source of Income (\$5,000 Penalty)

On March 14, 2016, Respondent violated Section 2.25.040(A) of the Oakland Government Ethics Act by attempting to use his official position to influence the Building Department’s decision to issue Ms. Williams a building permit for 877/879 27th Street.

19. Count 19: Conflict of Interest Violation: Attempting to Influence a Governmental Decision Involving a Source of Income (\$5,000 Penalty)

On March 14, 2016, Respondent violated Section 2.25.040(A) of the Oakland Government Ethics Act by attempting to use his official position to influence the

1 Building Department's decision to issue Ms. Williams an electrical permit for 877/879
2 27th Street.

3
4 **20. Count 20: Conflict of Interest Violation: Attempting to Influence a Governmental**
5 **Decision Involving a Source of Income (\$5,000 Penalty)**

6
7 On March 14, 2016, Respondent violated Section 2.25.040(A) of the Oakland
8 Government Ethics Act by attempting to use his official position to influence the
9 Building Department's decision to issue Ms. Williams a plumbing permit for 877/879
10 27th Street.

11
12 **21. Count 21: Bribery Violation: Soliciting Money in Exchange for Performance of an**
13 **Official Act (\$5,000 Penalty)**

14
15 On February 9, 2016, Respondent violated Section 2.25.070(A) of the Oakland
16 Government Ethics Act by soliciting and accepting \$1,500 from Bill Charman in
17 exchange for resolving outstanding permit issues for 4163 Rifle Lane.

18
19 **22. Count 22: Conflict of Interest Violation: Attempting to Influence a Governmental**
20 **Decision Involving a Source of Income (\$5,000 Penalty)**

21
22 On February 9, 2016, Respondent violated of Section 2.25.040(A) of the Oakland
23 Government Ethics Act by attempting to use his official position to influence the
24 Building Department's decision to issue Mr. Charman a building permit for 4163 Rifle
25 Lane.

26
27 **23. Count 23: Conflict of Interest Violation: Attempting to Influence a Governmental**
28 **Decision Involving a Source of Income (\$5,000 Penalty)**

1
2 On February 9, 2016, Respondent violated of Section 2.25.040(A) of the Oakland
3 Government Ethics Act by attempting to use his official position to influence the
4 Building Department's decision to issue Mr. Charman an electrical permit for 4163 Rifle
5 Lane.

6
7 **24. Count 24: Conflict of Interest Violation: Attempting to Influence a Governmental**
8 **Decision Involving a Source of Income (\$5,000 Penalty)**

9
10 On February 9, 2016, Respondent violated of Section 2.25.040(A) of the Oakland
11 Government Ethics Act by attempting to use his official position to influence the
12 Building Department's decision to issue Mr. Charman a plumbing permit for 4163 Rifle
13 Lane.

14
15 **25. Count 25: Economic Interest Disclosure Violation: Failing to Report a Source of**
16 **Income (\$5,000 Penalty)**

17
18 On February 9, 2016, Respondent received income totaling \$1,500 from Mr. Charman
19 and was therefore was required to report him as a source of income by September 15,
20 2016. Respondent violated Section 2.25.040(B) of the Oakland Government Ethics Act
21 by failing to report Mr. Charman as a source of income by September 15, 2016.

22
23 **26. Count 26: Economic Interest Disclosure Violation: Failing to Report a Source of**
24 **Income (\$5,000 Penalty)**

25
26 Between February 27 and May 20, 2016, Respondent received income totaling \$12,850
27 from Alex Machado, who was doing business in Oakland. Respondent violated Section
28

1 2.25.040(B) of the Oakland Government Ethics Act by failing to report Mr. Machado as a
2 source of income by September 15, 2016.

3
4 **27. Count 27: Conflict of Interest Violation: Making a Governmental Decision**
5 **Involving a Source of Income (\$5,000 Penalty)**

6
7 On March 31, 2016, Respondent violated Section 2.25.040(A) of the Oakland
8 Government Ethics Act by issuing a “work-stop order” on 6220 Valley View, a property
9 owned and being remodeled by Mr. Machado.

10
11 **28. Count 28: Misuse of City Authority: Using One’s City Authority to Induce or**
12 **Coerce a Person to Provide an Economic Gain (\$29,100 Penalty)**

13
14 On March 31, 2016, Respondent issued a “work-stop order” on 6220 Valley View, a
15 property owned and being remodeled by Mr. Machado, for the purpose of inducing or
16 coercing Mr. Machado into providing Respondent with payments. By attempting to use
17 his authority as a City official to induce or coerce a person to provide him with an
18 economic gain, Respondent violated Section 2.25.060(A)(2) of the Oakland Government
19 Ethics Act.

20
21 **29. Count 29: Economic Interest Disclosure Violation: Failing to Report a Source of**
22 **Income (\$5,000 Penalty)**

23
24 Between January 29 and May 20, 2015, Respondent received income totaling \$24,600
25 from Vivian Tang, a person doing business in Oakland. Respondent violated Section
26 2.25.040(B) of the Oakland Government Ethics Act by failing to report Ms. Tang as a
27 source of income by April 1, 2016.

1 **30. Count 30: Conflict of Interest Violation: Making a Governmental Decision**
2 **Involving a Source of Income (\$7,500 Penalty)**

3
4 On January 21, 2015, Respondent violated Section 2.25.040(A) of the Oakland
5 Government Ethics Act by closing a code enforcement case against Ms. Tang for 8925
6 Lawlor Street.

7
8 **31. Count 31: Conflict of Interest Violation: Making a Governmental Decision**
9 **Involving a Source of Income (\$7,500 Penalty)**

10
11 On January 21, 2015, Respondent violated Section 2.25.040(A) of the Oakland
12 Government Ethics Act by passing an inspection for Ms. Tang’s building permit for 8925
13 Lawlor Street.

14
15 **32. Count 32: Conflict of Interest Violation: Making a Governmental Decision**
16 **Involving a Source of Income (\$7,500 Penalty)**

17
18 On January 21, 2015, Respondent violated Section 2.25.040(A) of the Oakland
19 Government Ethics Act by passing an inspection for Ms. Tang’s electrical permit for
20 8925 Lawlor Street.

21
22 **33. Count 33: Conflict of Interest Violation: Making a Governmental Decision**
23 **Involving a Source of Income (\$7,500 Penalty)**

24
25 On January 21, 2015, Respondent violated Section 2.25.040(A) of the Oakland
26 Government Ethics Act by passing an inspection for Ms. Tang’s plumbing permit for
27 8925 Lawlor Street.

1 **34. Count 34: Conflict of Interest Violation: Making a Governmental Decision**
2 **Involving a Source of Income (\$8,625 Penalty)**

3
4 On February 19, 2015, Respondent violated Section 2.25.040(A) of the Oakland
5 Government Ethics Act by passing another inspection for Ms. Tang’s building permit for
6 8925 Lawlor Street.

7
8 **35. Count 35: Conflict of Interest Violation: Making a Governmental Decision**
9 **Involving a Source of Income (\$8,625 Penalty)**

10
11 On February 19, 2015, Respondent violated Section 2.25.040(A) of the Oakland
12 Government Ethics Act by passing another inspection for Ms. Tang’s electrical permit for
13 8925 Lawlor Street.

14
15 **36. Count 36: Conflict of Interest Violation: Making a Governmental Decision**
16 **Involving a Source of Income (\$8,625 Penalty)**

17
18 On February 19, 2015, Respondent violated Section 2.25.040(A) of the Oakland
19 Government Ethics Act by passing another inspection for Ms. Tang’s plumbing permit
20 for 8925 Lawlor Street.

21
22 **37. Count 37: Conflict of Interest Violation: Making a Governmental Decision**
23 **Involving a Source of Income (\$8,625 Penalty)**

24
25 On February 19, 2015, Respondent violated Section 2.25.040(A) of the Oakland
26 Government Ethics Act by passing another inspection for Ms. Tang’s mechanical permit
27 for 8925 Lawlor Street.

1 **38. Count 38: Economic Interest Disclosure Violation: Failing to Report a Source of**
2 **Income (\$5,000 Penalty)**

3
4 In 2015, Respondent received income totaling \$66,277 from Ana Siu, a person doing
5 business in Oakland. Respondent violated Section 2.25.040(B) of the Oakland
6 Government Ethics Act by failing to report Ms. Siu as a source of income by April 1,
7 2016.
8

9 **39. Count 39: Economic Interest Disclosure Violation: Failing to Report a Source of**
10 **Income (\$5,000 Penalty)**

11
12 In 2015, Respondent received income totaling \$19,770 from One Development and
13 Investment Corporation, a business entity doing business in Oakland. Respondent
14 violated Section 2.25.040(B) of the Oakland Government Ethics Act by failing to report
15 One Development and Investment Corporation as a source of income by April 1, 2016.
16

17 **40. Count 40: Economic Interest Disclosure Violation: Failing to Report a Business**
18 **Position (\$5,000 Penalty)**

19
20 In 2015, Respondent was the president of One Development and Investment Corporation,
21 a business entity doing business in Oakland. Respondent violated Section 2.25.040(B) of
22 the Oakland Government Ethics Act by failing to report his business position with One
23 Development and Investment Corporation by April 1, 2016.
24

25 **41. Count 41: Economic Interest Disclosure Violation: Failing to Report a Source of**
26 **Income (\$5,000 Penalty)**

1 On August 15, 2016, Respondent received income totaling \$3,500 from Jerry Tran, a
2 person doing business in Oakland. Respondent violated Section 2.25.040(B) of the
3 Oakland Government Ethics Act by failing to report Mr. Tran as a source of income by
4 September 15, 2016.

5
6 **42. Count 42: Economic Interest Disclosure Violation: Failing to Report a Source of**
7 **Income (\$5,000 Penalty)**

8
9 On March 15, 2015, Respondent received income totaling \$1,000 from Pat Viswanathan,
10 a person doing business in Oakland. Respondent violated Section 2.25.040(B) of the
11 Oakland Government Ethics Act by failing to report Mr. Viswanathan as a source of
12 income by September 15, 2016.

13
14 **43. Count 43: Economic Interest Disclosure Violation: Failing to Report a Source of**
15 **Income (\$5,000 Penalty)**

16
17 On April 8, 2015, Respondent received income totaling \$3,000 from Zati Uysal, a person
18 doing business in Oakland. Respondent violated Section 2.25.040(B) of the Oakland
19 Government Ethics Act by failing to report Mr. Uysal as a source of income by April 1,
20 2016.

21
22 **44. Count 44: Economic Interest Disclosure Violation: Failing to Report a Source of**
23 **Income (\$5,000 Penalty)**

24
25 On April 3, 2015, Respondent received income totaling \$3,000 from Apex Construction,
26 a business entity doing business in Oakland. Respondent violated Section 2.25.040(B) of
27 the Oakland Government Ethics Act by failing to report Apex Construction as a source of
28 income by April 1, 2016.

1
2 **45. Count 45: Misuse of Public Resources Violation: Using City Resources for Personal**
3 **Matters (\$5,000 Penalty)**

4
5 In 2015, Respondent violated Section 2.25.060(A)(1) of the Oakland Government Ethics
6 Act by using a City-owned vehicle for personal matters unrelated to any City business.

7
8 **46. Count 46: Misuse of Public Resources Violation: Using City Resources for Personal**
9 **Matters (\$5,000 Penalty)**

10
11 In 2015, Respondent violated Section 2.25.060(A)(1) of the Oakland Government Ethics
12 Act by using a City-owned computer and printer for personal matters unrelated to any
13 City business.

14
15 **47. Count 47: Misuse of Public Resources Violation: Using City Resources for Personal**
16 **Matters (\$5,000 Penalty)**

17
18 In 2015, Respondent violated Section 2.25.060(A)(1) of the Oakland Government Ethics
19 Act by using a City-owned cell phone for personal matters unrelated to any City business.

20
21 **II. MONETARY PENALTIES**

22 Based on the findings and penalties set forth above and pursuant to Oakland Municipal
23 Code section 2.25.080(C)(3), the PEC orders that Respondent pay a monetary penalty in the
24 total amount of \$309,600, to the General Fund of the City of Oakland upon issuance of this
25 order.

26
27 **IT IS SO ORDERED.**

28 Dated: 9/28/2021

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Michael MacDonald, Chair
City of Oakland Public Ethics Commission