

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Monday, November 2, 2020
6:30 p.m.



Commissioners: James E.T. Jackson (Chair), Jill M. Butler (Vice-Chair), Michael MacDonald, Janani Ramachandran, Joseph Tuman and Jerett Yan

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

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

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland's KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on "View"
- **Online video teleconference:** Click on the link below to join the webinar: <https://us02web.zoom.us/j/88171471481?pwd=ODIQVFFUeVRsZUtHdFU3YU5XcHVadz09>
Password: 674732
 - To comment by online video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- **Telephone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Webinar ID: 881 7147 1481
International numbers available: <https://us02web.zoom.us/j/88171471481>
 - To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing *9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand

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by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>
- Joining-a-meeting-by-phone.

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

PEC MEETING AGENDA

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

ACTION ITEMS

4. **Approval of Commission Meeting Draft Minutes.**
 - a. October 5, 2020 Regular Meeting Minutes ([Meeting Minutes](#))
5. **Public Ethics Commission Regular Meeting Schedule 2021.** The Commission will review a proposed schedule of regular Commission meetings in 2021. ([Meeting Schedule](#))
6. **New Commissioner Selection.** The Commission's ad-hoc recruitment subcommittee met in September to interview Commissioner applicants for two PEC-appointed vacancies. The subcommittee received 11 applications, invited 7 candidates for an interview, and selected four finalists to appear before the full Commission for a public interview. One of the four finalists withdrew their application in order to pursue employment with the City. Each finalist will be given four minutes to introduce themselves to the Commission, followed by questions from Commissioners. After all finalists have presented and answered questions, the Commission will vote to select two new members, one to begin serving immediately through January 21, 2022, and the other whose term will begin on January 22, 2021. Attached are the application materials for each of the following finalists:
 - a. Avi Klein ([Klein Application](#))
 - b. Arvon Perteet ([Perteet Application](#))
 - c. Olivia Rodriguez ([Rodriguez Application](#))



- 7. In the Matter of the City of Oakland Fire Department and Assistant Fire Marshal Vincent Crudele (Case No. M2020-16).** On September 30, 2020, the Commission received a request for mediation from the Requester that alleged that the City of Oakland Fire Department failed to provide responsive documents to a public records request. Assistant Fire Marshal Crudele had contacted a low-income artist living complex in Oakland to inform the residents of building code violations that were uncovered during a recent inspection. The residents asked to view the documentation that Crudele had in his possession, but he allegedly refused to allow the residents to view or inspect the documents. The Requester initiated their respective public records request in July 2020, seeking copies of documents that were in the possession of Assistant Fire Marshal Vincent Crudele; the department did not provide a response. Staff initiated the Mediation process on October 1, 2020. On October 7, 2020, the Department uploaded responsive documents and closed the public records request. Staff recommends that the Commission close the mediation without further action. ([Mediation Summary](#))

DISCUSSION ITEMS

- 8. Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission's last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission's work. Current or recent subcommittees include the following:
- a. Sunshine Review Subcommittee** (*ad hoc*/temporary, created on May 8, 2020)
– Michael MacDonald (Chair), Jill Butler and Joe Tuman
 - b. Commissioner Recruitment Subcommittee** (*ad hoc*/temporary, created on August 3, 2020) – James Jackson (Chair), Michael MacDonald, and Jerett Yan

INFORMATION ITEMS

- 9. Disclosure and Engagement.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Disclosure Report](#))
- 10. Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission's enforcement work since the last regular Commission meeting. ([Enforcement Report](#))

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- 11. Executive Director's Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission's last meeting. ([Executive Director's Report](#))

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

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

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

10/23/2020

Approved for Distribution

Date



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email alarafranco@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a alarafranco@oaklandca.gov o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 alarafranco@oaklandca.gov 或致電 (510) 238-3593 或 711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ alarafranco@oaklandca.gov hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

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DRAFT

Commissioners: James E.T. Jackson (Chair), Jill M. Butler (Vice-Chair), Michael MacDonald, Janani Ramachandran, Joseph Tuman and Jerett Yan

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PEC MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:30 p.m.

Members present: Jackson, Butler, MacDonald, Tuman and Yan. Ramachandran was absent.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson and Ana Lara-Franco

City Attorney Staff: Trish Shafie

2. Staff and Commission Announcements.

There were no announcements

3. Open Forum.

There were two public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. August 3, 2020 Regular Meeting Minutes
- b. August 21, 2020 Special Meeting Minutes

There were no public speakers.

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DRAFT

MacDonald moved, and Butler seconded to adopt the Aug 3, 2020 minutes.

Vote: Passed 5-0

Ayes: Jackson, Butler, MacDonald, Tuman, and Yan

Noes: None

MacDonald moved, and Tuman seconded to adopt the Aug 21, 2020 minutes.

Vote: Passed 5-0

Ayes: Jackson, Butler, MacDonald, Tuman, and Yan

Noes: None

5. OpenDisclosure 2020 Online Web-Application Demonstration.

Suzanne Doran, Lead Analyst, and OpenDisclosure project team members provided a demonstration of the online application visualizing campaign data for the 2020 election.

There was one public speaker.

Commissioners made comments and asked questions.

MacDonald moved, and Tuman seconded to accept the report.

Vote: Passed 5-0

Ayes: Jackson, Butler, MacDonald, Tuman, and Yan

Noes: None

6. In the Matter of Supervisor Rich Fielding City of Oakland Building and Planning (Complaint No. 16-11).

Kellie Johnson, Enforcement Chief, recommended this complaint be closed.

There were no public speakers.

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DRAFT

Commissioners made comments and asked questions.

Butler moved, and MacDonald seconded to adopt the recommendation.

Vote: Passed 5-0

Ayes: Jackson, Butler, MacDonald, Tuman, and Yan

Noes: None

7. *In the Matter of Haydel and Lane Partners (Complaint No. 19-24).*

Mr. Wasserman, Mr. Haydel's lawyer, requested reconsideration of the penalty amount proposed by the Commission in March 2020.

Mr. Wasserman shared his comments on why they are requesting a reconsideration.

Commissioners asked questions and discussed the matter.

There were two public speakers.

MacDonald moved, and Tuman seconded to adopt the recommendation.

Vote: Passed 4-1

Ayes: Butler, MacDonald, Tuman, and Yan

Noes: Jackson

DISCUSSION ITEMS

Reports on Subcommittees and Commissioner Assignments.

- a. **Sunshine Review Subcommittee** (*ad hoc*/temporary, created on May 8, 2020)
– Michael MacDonald (Chair), Jill Butler and Joe Tuman

MacDonald shared they are continuing to meet regarding the report card.

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DRAFT

- b. Commissioner Recruitment Subcommittee** (*ad hoc*/temporary, created on August 3, 2020) – James Jackson (Chair), Michael MacDonald, and Jerett Yan)

Jackson shared they are currently evaluating the candidates. Finalists will be invited to the November meeting to interview in front of the full Commission.

There were no public speakers.

INFORMATION ITEMS

8. Disclosure and Engagement.

Ms. Doran shared that the PEC is coordinating with the FPPC to ensure compliance by candidates with the pre-election deadline of Sept 24, 2020. There are five committees who are non-compliant.

Ms. Doran reminded Commissioners and the public that Open Oakland meets every Tuesday at 6:30 p.m. via Zoom.

There were no public speakers.

9. Enforcement Program.

Ms. Johnson shared that the PEC has a new intern, Carly Johnson, who will be handling Sunshine mediations. She also commended Simon Russell, Ethics Investigator, for his good work. Tuman thanked the Chief for a great report.

There was one public speaker.

10. Executive Director's Report.

Whitney Barazoto, Executive Director, reported on overall projects, priorities, and significant activities since the Commission's last meeting. Ms. Barazoto shared the City Administrator's response to the letter sent by the PEC regarding open meeting laws during the current COVID-19 pandemic and that she would continue to follow up regarding the status of the law.

There was one public speaker.

Item #4 - Meeting Minutes

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DRAFT

The meeting adjourned at 8:26 p.m.

Item 5 - Meeting Schedule 2021



James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Ana Lara-Franco, Commission
Whitney Barazoto, Executive Director
DATE: October 25, 2020 for the November 2, 2020 PEC meeting
RE: 2021 Regular Meeting Schedule

Below is a proposed schedule for regular Commission meetings in 2021. Unless otherwise specified, meetings occur on the first Monday of each month. If COVID-19 shelter-in-place restrictions are still standard in 2021, then Commission meetings will continue to be conducted via teleconference as posted on each meeting agenda.

2021 REGULAR MEETING SCHEDULE		
DATE	TIME	ROOM
January 4, 2021	6:30 PM	Hearing Room 1
February 1, 2021	6:30 PM	Hearing Room 1
March 1, 2021	6:30 PM	Hearing Room 1
April 5, 2021	6:30 PM	Hearing Room 1
May 3, 2021	6:30 PM	Hearing Room 1
June 7, 2021	6:30 PM	Hearing Room 1
July 5, 2021	6:30 PM	Hearing Room 1
August 2, 2021	6:30 PM	Hearing Room 1
September Recess		
October 4, 2021	6:30 PM	Hearing Room 1
November 1, 2021	6:30 PM	Hearing Room 1
December 6, 2021	6:30 PM	Hearing Room 1

Form Name:
Submission Time:
Browser:
IP Address:
Unique ID:
Location:

Item 6a - Avi Klein

Public Ethics Commission Application

Contact Information

Name Avi Klein

Address

Phone

Evening Phone

Email

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 7

Your City Council District District 1

Have you attended a Public Ethics Commission meeting? Yes

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist?	No
Do you receive compensation from an Oakland lobbyist?	No
Do you receive gifts from an Oakland lobbyist?	No
How did you hear about this vacancy?	email announcement

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?	<p>Democratic governance relies on public confidence in the integrity of elected officials and civil services. In an era where the most corrupt have a vested interest in destroying the public's faith in honest services - for if everyone is seen to be corrupt, then the most corrupt escape inquiry - it is more important than ever that independent bodies like the Public Ethics Commission act as strong voices and critics.</p> <p>Stopping corruption, building transparent institutions and contributing to the democratic process motivate me to serve on the Commission. Many years ago, when I was on staff with the Obama presidential campaign, the president charged all of us - staff and supporters - to get involved and serve our local communities. I have wanted to do so for some time but haven't found the venue where I felt I could donate my knowledge and background in an effective way.</p>
2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)	<p>Trained as a lawyer, but working in politics, journalism and investigations, my entire career has been focused on the combination of business and government as seen through the lens of public records and interviews. Earlier in my career, I was research director at a nonprofit organization that focused on money-in-politics issues, and I have developed extensive experience reviewing campaign finance reports and financial disclosures for indicia of corruption.</p> <p>Likewise, my practice as a corporate private investigator is focused mainly on commercial fraud and identifying illegal or unethical activity. This work has included an investigation connected to the ongoing federal investigation into contracting and permits in San Francisco. I am well-versed in the manners and methods of public corruption and would like to add these skills to the Commission's toolkit.</p>

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

To enhance the Commission's investigative work both through my own ability to assist on complex investigations, and training for staff and other commission members.

To build out a proactive investigations process, through examination of public records and press reports, to identify possible loci of corruption before they are formally brought to the Commission's attention. For instance, periodic review of federal and state civil litigation by local companies can help identify fraud matters that are unknown to the city and that might impact public ethics.

To review the public records appeal system to improve transparency and responsiveness.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

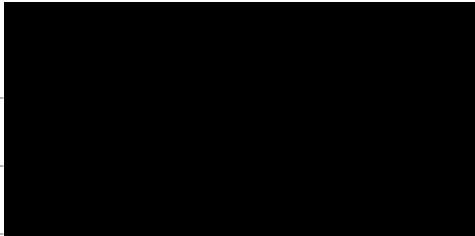
The growth of real estate development and cannabis present the city with two booming industries that have a long history of attracting corrupt actors. A proactive, forward leaning approach to anti-corruption issues can give the Commission additional teeth in both enforcement and deterrence.

5. What else would you like the subcommittee to know as your application is considered?

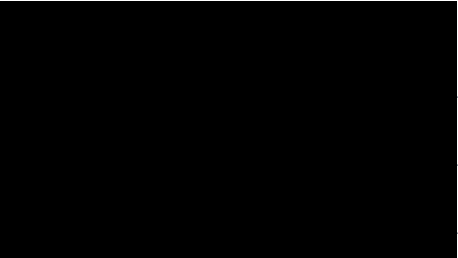
If selected, you will find me to be a prepared, engaged and enthusiastic colleague.

Please provide two references

Reference 1

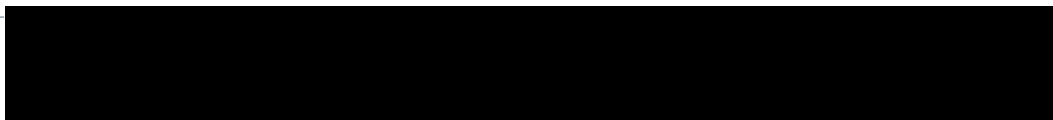
Name	Alan Levins
Address	
Phone	
Email	

Reference 2

Name	jacob Klein (no relation)
Address	
Phone	
Email	

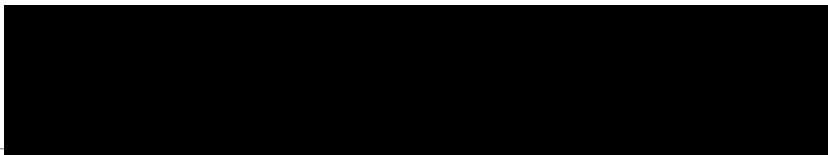
Submit your resume

Upload your resume



Sign and submit application

Signature



Date/Time

Aug 19, 2020

AVI KLEIN



WORK EXPERIENCE

THE KLEIN GROUP, Oakland, CA

May 2018 – Present

Managing Partner

- Originated and conducted more than 100 investigations on behalf of litigators and general counsel, including tracing major commercial fraud, asset searches and background checks.

THE MINTZ GROUP, San Francisco, CA

August 2013 – December 2017

Managing Investigator

- Manage and conduct corporate litigation investigations, including commercial fraud, employment disputes, white collar defense and intellectual property matters. Led a 1.5 year, ongoing fraud matter from engagement, the initiation of litigation, through (to date) discovery and trial preparation.
- West coast lead for on-site physical security reviews on behalf of a commercial real estate company.

DEMOCRATIC NATIONAL COMMITTEE, Chicago, IL

July 2011 – November 2012

Research Associate

- Led 1.5 year examination of private equity issues relevant to the 2012 Obama campaign, focused on identifying through public records all relevant investments, business transactions, adverse events and litigation dating to the 1980s.

PUBLIC CAMPAIGN, Washington, DC

February 2008 – July 2011

Research Director (June 2010-July 2011)

- Research in support of accountability, independent expenditure and legislative efforts focused on campaign finance reform.

EDUCATION

UNIVERSITY OF SOUTHERN CALIFORNIA LAW SCHOOL

Juris Doctor, 2004

Admitted to Maryland Bar Association, 2005

UNIVERSITY OF CALIFORNIA AT DAVIS

Bachelor of Arts, Political Science, 2000

Form Name:
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Unique ID:
Location:

Item 6b - Arvon Perteet

Public Ethics Commission Application

Contact Information

Name Arvon Perteet

Address

Phone

Evening Phone

Email

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 31

Your City Council District District 4

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: None

Have you attended a Public Ethics Commission meeting? Yes

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure?

No

Are you a registered Oakland lobbyist?

No

Are you required to register as a lobbyist?

No

Do you receive compensation from an Oakland lobbyist?

No

Do you receive gifts from an Oakland lobbyist?

No

List any languages other than English that you speak fluently.

Not Applicable

How did you hear about this vacancy?

Commissioner James Jackson and PEC Executive Director Whitney Barazoto

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?

I have lived in Oakland for the majority of my life. I attended public schools in Oakland from elementary schools through high school, with the exception of a few years in Berkeley and Hayward school districts. I have a strong passion and sense of commitment for the city of Oakland and its residents. I've wanted to serve the City of Oakland in some public capacity every sense I could remember. I feel that public servants should be responsible to the community they serve and that serving on the Public Ethics Commission would help me meet my goal of serving Oakland and increasing the greatness that I see in the City of Oakland.

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

For over 10 years I worked as a prosecutor at both the County and Federal levels. During that time, I further developed my skills as an investigator, evaluator, mediator, and decision-maker. I worked alongside investigators to help make the right decisions about when, how, and why to adjudicated matters on behalf of the People of the State of California and the United States. Today, I still lead a team of investigators and I utilize the investigation skills that I honed over the last 27 years to detect and prevent fraud. I pride myself on my ability to be fair and impartial during my investigations and to let the facts guide me and not a desire to reach certain presumed results. I want to make sure that everyone has a fair shot. I would bring that same sense of fairness to the Commission.

Item 6b - Arvon Perteet

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

When I applied for this position in late 2019, I stated that "transparency and truth are some of the biggest concerns for our citizens". Unfortunately, the statement still hold true during the election season in 2020. I still believe that candiates and elected officials should be transparent and honest about their positions and relationships. Thus, I would focus my attention and efforts on making sure the candidates, elected officials, their staff, and even city employees are complying with their disclosure responsibilities and following city guidelines and rules regarding supporting and endorsing candidates and utilization of city resources in the same vein.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

All three areas remain key issues for City of Oakland. The Commission will need to be vigilant in their efforts to address the issue of ethics within the City to ensure that the citizens feel that they can trust the political process. Campaign finance is important to keep an the playing field for all those involved and also identify any potential conflicts of interest. Finally, transparency is the key for Commission. The citizens will only trust the process if they can sure that the Commission's process is transparent and trustworthy.

5. What else would you like the subcommittee to know as your application is considered?

I applied for the Commission previously and I was disappointed that I was not chosen. However, I am undaunted and still have a desire to serve. I truly feel and know that I would be a great asset to the Commission and look forward to serving the City of Oakland. I still want to be an example for young people that great things come from Oakland because I am an example of that greatness.

Please provide two references

Reference 1

Name Jacqueline Thompson

Address

Phone

Email

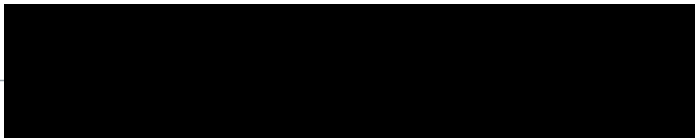
Reference 2

Name Gordon Greenwood

Address

Phone

Email



von Perteet

Submit your resume

Upload your resume



Sign and submit application

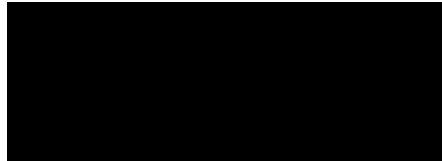
Signature



Date/Time

Aug 30, 2020

Arvon J. Perteet



EXPERIENCE

Square, Inc.

*Global Legal Response and Fraud Investigations
Manager*

San Francisco, CA
October 2018 to present

Lead, train, and manage a team of Fraud Investigators and Legal Response Analysts in San Francisco and New York. Responsible for collaborating with internal partners, litigation attorneys, and law enforcement to develop strategies to detect and prevent fraud against Square and its customers. Manage global legal responses based on criminal and civil requests by third parties in compliance with applicable laws, statutes, and our terms of service. Prepare legal responses related to motions to related to discovery requests from third parties.

San Francisco District Attorney's Office

Assistant District Attorney

San Francisco, CA
April 2017 to Present

Lead Attorney responsible for criminal prosecution of cases involving officer involved shootings, in custody deaths, and use of excessive force; Liaison with Office of Citizen Complaints regarding San Francisco Police Department (SFPD) Officers. Work closely with SFPD internal affairs to conduct criminal investigations, including meeting with witnesses and experts. Also use criminal grand jury to seek indictments and for investigations, and bring charges via preliminary hearings. Prepare public reports involving in custody deaths and officer involved shootings

United States Attorney's Office

*Assistant United States Attorney
Special Assistant United States Attorney*

San Francisco, CA
March 2011 to April 2017
March 2009 to 2011

Responsible for criminal and civil prosecution of asset forfeiture cases; Liaison to local law enforcement relating to Bank Secrecy Act Task Force in the Northern District of California; Prosecution of federal statutory violations relating to narcotics trafficking, mortgage fraud, identity theft, bank and wire fraud; Conducted depositions, propounded and responded to civil discovery; Lead federal civil and criminal investigations relating to violations of the Bank Secrecy Act; Conduct Grand Jury Investigations; Provided training to federal, state, and local law enforcement regarding financial crimes and investigations.

Contra Costa District Attorney's Office

Deputy District Attorney

Martinez, CA
January 2007 to February 2009

Responsible for processing, preparation and prosecution of misdemeanor and felony cases; Conducted preliminary hearings; Investigated, initiated, and handled consumer fraud complaints; Prepared and argued legal motions. Litigated civil asset forfeiture cases related to narcotics trafficking. Interviewed witnesses, experts, and law enforcement officers. Solo chaired numerous jury and bench trials.

Toschi, Sidran, Collins & Doyle

Attorney

Oakland, CA
July 2006 to December 2006

Responsible for caseload of active civil litigation files in the Unlimited and Limited Jurisdiction Courts of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, and Sonoma Counties. Responsibility for initial case analysis, recommendation and implementation of discovery plans, client relations, liability analysis, case evaluation, settlement negotiations, mediations, arbitrations, and trials. Defended third-party claims, uninsured motorist claims, underinsured motorist claims, and medical payment claims. Investigated and litigated trials of suspected fraudulent claims, conducted examinations under oath, and made recommendations for disposition of claims.

State Farm Mutual Automobile Insurance Company

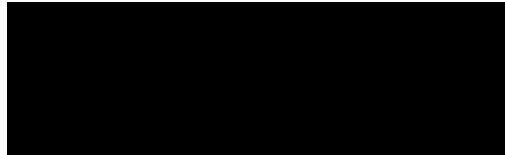
Emeryville, CA

Claim Representative/Team Manager

December 1993 to August 2005

Investigated, evaluated, and analyzed first and third-party automobile claims. Determined the company's financial responsibility under the contract on behalf of the policyholder and determined negligence for the involved parties on the appropriate claims. Trained employees in the areas of negligence, liability investigation, first and third-party settlement evaluations, negotiations, and property damage settlement. Determined and prepared staffing level reports for expense analysis for department and executive management review. Responsible for monitoring and hiring defense counsel to represent insureds and the company in claim related lawsuits. Piloted successful programs that increased company efficiency and productivity. Provided mentoring and coaching for employees on career and personal development.

Arvon J. Perteet

**EDUCATION****Golden Gate University School of Law**, San Francisco, CA

Doctor of Jurisprudence, May 2005

Honors:

Dean's List, Spring 2002, Fall 2004

Diana Richmond Merit Scholarship Recipient, Fall 2002

CALI Award for Insurance Law

Activities:

Student Bar Association, 2L Night representative

Morehouse College, Atlanta, GA

Bachelor of Arts, Business Administration, May 1991

Concentration in Banking and Finance

Honors:

Honor Roll, Spring 1988

Professional Development

Asset Forfeiture, Basic and Advance Money Laundering, Mortgage Fraud, and Tax Crimes –

National Advocacy Center – 2009 -2012

Grand Jury Practice Seminar – National Advocacy Center- 2010

Financial Investigation Seminar – (San Francisco) – 2009

Speaker on Bank Secrecy Act – West Coast Anti-Money Laundering Conference – 2012

Speaker on Asset Forfeiture – West Coast Anti-Money Laundering Conference – 2012

Facilitator – Financial Investigation Seminar -United States Department of Justice, Asset Forfeiture

Money Laundering Section, 2015-2016

Bar Membership:

California State Bar, #242828, Admitted June, 2006

Charles Houston Bar Association

California Association of Black Lawyers

Form Name:
Submission Time:
Browser:
IP Address:
Unique ID:
Location:

Item 6c - Olivia Rodriguez

Public Ethics Commission Application

Contact Information

Name Olivia Rodriguez

Address

Phone

Evening Phone

Email

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 7

Your City Council District District 7

Have you attended a Public Ethics Commission meeting? Yes

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist?	No
Do you receive compensation from an Oakland lobbyist?	No
Do you receive gifts from an Oakland lobbyist?	No
List any languages other than English that you speak fluently.	Spanish
How did you hear about this vacancy?	PEC email

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?	I have been wanting to get involved in a civil capacity here in Oakland for many years now. I considered running for elected office, but the culture of politics has dissuaded me. Therefore, I would like to apply my knowledge of city rules and policies as well as my passion for philanthropy to help my city become a better version of itself through active participation on the Public Ethics Commission.
2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)	I have been in the Education sector for 10+ years and believe that working in such a sector, I would bring a resourceful attitude as well as a relentless spirit of truth seeking. I have worked in teams as well as on solo projects and can navigate both very well. I understand that as a Public Ethics Commissioner, remaining neutral is key and I believe that I am very capable of doing that.
3. What issues, projects, or goals would you like to pursue while serving on the Commission?	I have been following the work that the Commission has been doing with regards to the Election Process here in Oakland, specifically potentially distributing voting vouchers such as was done in Seattle. I would like to continue that work and see it put into effect in the 2024 elections, if not sooner.
4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?	I believe that elected officials in our City need to realize that they are accountable to its residents, and not the other way around. I would like to see our elected officials act in an ethical way in which big money corporations do not "buy" candidates, but rather, the elected officials work for the benefit of our City as a whole.
5. What else would you like the subcommittee to know as your application is considered?	I would like to be considered for the vacancy that opens in September and runs until 2022.

Please provide two references

Reference 1

Name	Krystal Nzoiwu
Address	
Phone	
Email	

Reference 2

Name	Dawn Arens
Address	
Phone	
Email	

Submit your resume

Upload your resume

Sign and submit application

Signature	
Date/Time	Jul 30, 2020

Olivia M. Rodríguez



OBJECTIVE

To work for an organization that provides its community with valuable programs, resources, and community outreach, thus allowing me to fulfill my passion for philanthropy.

EXPERIENCE

Hayward Unified School District Hayward, CA January 2018 – Present
Family Engagement, Outreach & Equity Specialist/Substitute Teacher

- Work with primarily recently emigrated families and help to coordinate community and school resources
- Provide workshops and classes to the parent population on such topics as Parents' Rights, Arts & Crafts, low-income program assistance, Computer Literacy, English Conversation Circles
- Attend planning meetings with colleagues in order to establish coordination of services
- Track parent attendance at events and classes and maintain a database of relevant information

Mills College Oakland, CA December 2016 – October 2017
Student Administrative Services Coordinator

- Work with Academic Records, Student Accounts and Financial Aid in order to help students with their questions and concerns regarding all three departments
- Delegate phone calls and student walk-ins to appropriate departments if I am unable to help them myself
- Prepare transcript orders for printing and sending to respective recipients
- Create Course Schedule online utilizing various systems such as Banner, 25Live, and Google

Newark Memorial High School Newark, CA December 2015 – December 2016
College and Career Program Specialist

- Advise students on college and career pathways, including A-G requirements, SAT/ACT testing, FAFSA, etc.
- Work with parents in order to better serve students by conducting Parent Workshops on various topics such as Financial Aid, ABC's of College Apps
- Coordinate exams for the entire school such as PSAT and AP Exams
- Work with Administrators in order to coordinate and provide services that students need
- Conduct lunchtime workshops for students on various topics such as TAG, Cal Grants, Resume writing, etc.
- Optimize and update Naviance, a college and career tool for student use, with student information such as AP, PSAT, SAT and ACT scores

Item 6c - Olivia Rodriguez

San Leandro Adult School
Spanish GED Instructor

San Leandro, CA

October 2014 – December 2015

- Create and implement a curriculum with corresponding lesson plans for adult learners
- Coordinate with the Transition Center in order to prepare students for transition into the workforce and/or college
- Work in conjunction with administrators in order to meet school educational goals on a weekly basis

EDUCATION

University of California, Irvine

Irvine, CA

September 2003 - June 2008

1st BA: Criminology, Law and Society

2nd BA: Psychology and Social Behavior

REFERENCES

Available upon request

Item 7 - Mediation Summary M2020-16 Final



James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: October 20, 2020
RE: *In the Matter of the City of Oakland Fire Department and Assistant Fire Marshal Vincent Crudele. (Case No. M2020-16);* Mediation Summary for the November 2, 2020, PEC Meeting

I. INTRODUCTION

On September 30, 2020, the Commission received a request for mediation from the requestor alleging that Staff employees in the City of Oakland Fire Department failed to provide responsive documents to a public records request. More than seven months had passed since the request was filed and the requester had not received a response.

Staff initiated the Mediation process on or about October 1, 2020. On October 7, 2020, Myra Gloria with the Fire Department released responsive documents to the requester and the request was closed. Staff recommends that the Commission close the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

Item 7 - Mediation Summary M2020-16 Final

III. SUMMARY OF FACTS

Around July 13, 2020, it is alleged that Assistant Fire Marshal Vincent Crudele (“Crudele”) contacted residents at a low-income artist property in the City of Oakland to inform them of serious property and building code violations. During this confrontation, Crudele had a set of documents with him that provided details of all the violations of the property. Residents asked to view the documents that Crudele had in his possession, but he refused to allow them to view or inspect the documents or provide a copy.

As a result of Crudele’s refusal to disclose the documents, on July 21, 2020 the requester made a public records request through NextRequest for the documents Crudele had in his possession along with any emails or documented communications regarding the incident at the property.

July 21, 2020, the Requester made a public records requests for the following:

The complete text of the NextRequest timeline is as follows:

Request #20-4454

CLOSED

APN: 18-460-2 (018 046000200)

1. Please provide complete content (less personally-identifying information) of complaint to Fire Prevention, submitted on or before Monday July 13 2020, to which the assigned inspector is Assistant Fire Marshal Vincent Crudele (VCrudele@oaklandca.gov).
2. Please provide all recent (back to Jan 2020) written correspondence between AFM Crudele, AFM Watson (EWatson@oaklandca.gov), and Inspector Markarian (marakarian@oaklandca.gov) regarding this property, including any correspondence to Code Enforcement, Planning, or Building departments.

3. Please Fire Inspection Report and complete inspection notes of 7/20/2020 inspection.

Thank you :)

[Read more](#)

Received

July 21, 2020 via web

Due

July 31, 2020

Departments

Fire

Documents

(none)

Staff

Point of Contact

Myra Gloria

Request Closed Public

We released all of the requested documents.

October 7, 2020, 3:31pm

Document(s) Released to Requester Public

7-13-20 Email.pdf

7-13-20 Inspection Work Order.pdf

7-20-20 inspection.pdf

7-20-20 Inspection Work Order.pdf

7-20-20 Report of Fire Inspection.pdf

October 7, 2020, 3:29pm

Department Assignment Public

Fire

July 21, 2020, 12:59pm

Request Opened Public

Request received via web

July 21, 2020, 12:59pm

Myra Gloria was noted as the "Point of Contact." Ms. Gloria works for the City of Oakland Fire Department and was assigned the duties of the NextRequest liaison. Although assigned as the point of contact early on, neither Gloria nor anyone else from Fire Department responded to the requestor in NextRequest. The California Public Records Act Requires the following:

California Government Code §6253.

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, **within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.** In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or their designee to the person making the request, setting forth the reasons for the extension and

Item 7 - Mediation Summary M2020-16 Final

the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available...

Contrary to the requirements of the CPRA, no information was uploaded to Next Request to inform the requestor which department would respond to the request, if the department had responsive documents and when or if the documents would be disclosed to the requestor.

Between July 21, 2020 and October 6, 2020, NextRequest does not note or reflect that any activity was conducted in response to the requester's inquiry.

Subsequent to the Commission initiating mediation, the department uploaded responsive documents on October 7, 2020 and closed the request. Staff contacted the requester by email to confirm that all responsive documents were received. The requester did not respond.

IV. RECOMMENDATION

Although there was some delay, the requester received responsive documents, Staff recommends that the Commission close the mediation without further action.

Item 9 – Disclosure Report



James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: October 22, 2020
RE: Disclosure and Engagement Report for the November 2, 2020, PEC Meeting

This memorandum provides a summary of the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last monthly meeting. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as required. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunity for dialogue between the Commission and community members.

Filing Officer/Disclosure

Campaign Finance – October 22 marked the second pre-election deadline for the November 2020 election. The first pre-election deadline occurred on September 24. All candidates on the November ballot must file pre-election statements for their campaign committees as well as any other committees that they control. Ballot measure committees and other recipient committees with fundraising or spending activity connected with the November ballot must also file by the pre-election deadlines. Pre-election filings are undergoing facial review by Commission staff.

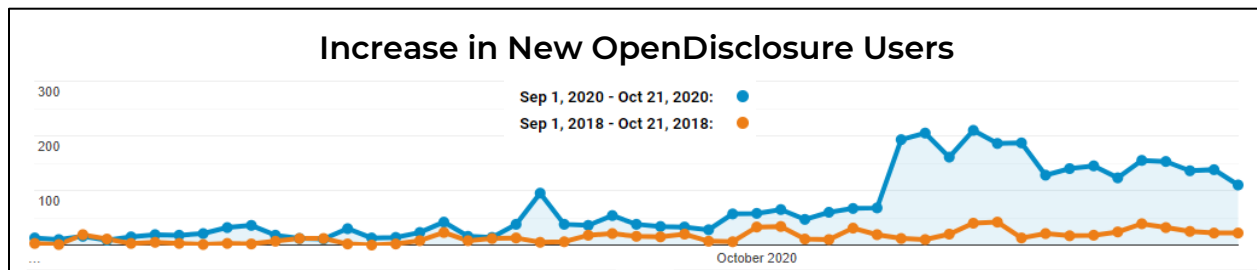
Just under \$2 million in independent spending to influence Oakland elections was reported through October 21. Independent expenditures totaling more than \$125,000 have been made by an independent committee in the race for City Council At-Large and more than \$27,000 by an independent committee in each of the City Council District 3, Oakland School Board District 1, School Board District 3, School Board District 5, and School Board District 7 races. Per the Oakland Campaign Reform Act, this means that the local campaign expenditure ceilings no longer apply to any candidate seeking election to those offices and they are able to spend money over the expenditure ceiling (see our webpage for a [list of the expenditure ceilings for each City office](#)). Expenditure ceilings for all other races remain in effect. Commission staff issued advisories to campaign filers as the threshold to lift the expenditure ceiling was reached for each of the aforementioned electoral races.

Lobbyist Registration and Reporting – The third quarter lobbyist activity report deadline is October 30. Deadline notifications emails were issued through our new OakApps lobbyist reporting system.

Illuminating Disclosure Data

Open Disclosure – The www.OpenDisclosure.io campaign finance app went live in September with new features and data for the 2020 election as reported in October. Increasing the number of OpenDisclosure users was a major goal for the 2020 election period. Commission staff targeted outreach to individuals looking for information on elections and local politics by focusing on announcements and ads coinciding with election coverage and voter education. Digital and print ads are running in the East Bay Express and [Oaklandside](#) from early October through Election Day. Announcements have been sent out through the League of Women Voters Oakland newsletter, East Bay Express e-alerts, and Oaklandside newsletter. The site is also being promoted via social media through the PEC, OpenDisclosure, and East Bay Express social media accounts.

In addition, the League of Women Voters [election resources webpage](#) and [Voter's Edge](#) website are both linking to Open Disclosure. Online referrals (users clicking a link from another source) are an important source of users. Over 1,000 user referrals came from the Voter's Edge website, a voter information site produced by MapLight in partnership with the California League of Women Voters. User engagement with Open Disclosure content is already showing significant increases over prior election years. Users increased by 97 percent over 2018, with 6,226 new users visiting the site in 2020 so far. Open Disclosure received 29,932 pageviews between January 1 and October 21. Website data shows upticks in daily users roughly corresponding with the publication of ads and email alerts as well as major pre-election filing deadlines. In prior years, engagement usually peaks in the week leading up to the Election Day.



Since launching Open Disclosure in 2014, the site has reached 27,523 users with 127,329 views of Open Disclosure content. Open Disclosure is a project of Open Oakland volunteers in partnership with Public Ethics Commission staff.

New Oakland Campaign Finance App – An innovative new tool that builds maps showing the geographic source of campaign contributions to Oakland candidates and political committees will soon be available to Oakland residents. The “Show me the money” tool was developed by Tyler Technologies for the Socrata data platform, which provides the [OakData](#) Open Data portal for the City of Oakland. Tyler approached Commission staff earlier this year to collaborate on the launch of the tool citing the Commission’s commitment to innovative disclosure tools and experience with publishing high-quality open datasets. Oakland will be the first city to implement the campaign finance mapping app.

Users of “Show me the money” enter the name of a candidate or committee in a search box to generate a map showing the sources of campaign cash. The application also shows a bar chart of top

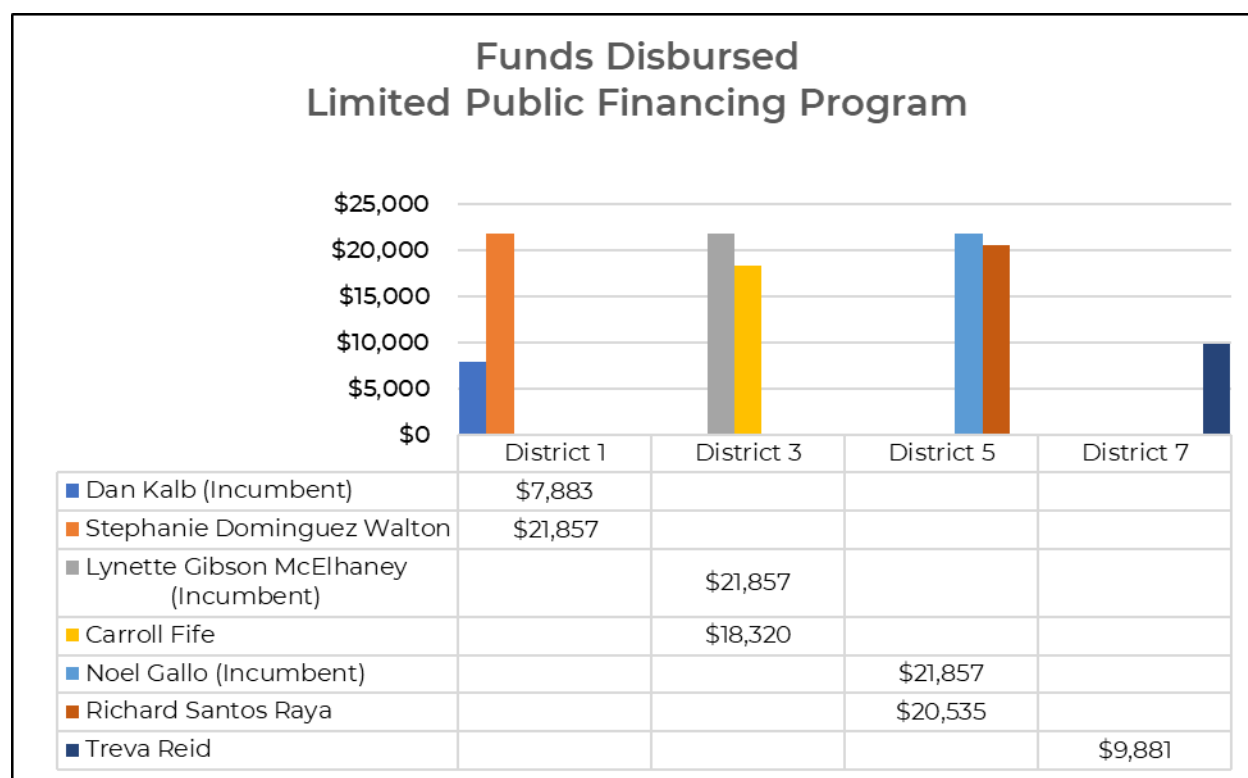
Item 9 – Disclosure Report

contributors and a graph of contributions over time.¹ Up to three candidates may be selected at a time for comparison. Like the Commission's other campaign finance projects, the data will be updated daily from the City's campaign finance database.

Commission staff is finalizing the process of extracting the data from Oakland's campaign finance database, transforming the data into the appropriate format, and loading to the mapping tool in collaboration with the City's IT department. The "Show me the money" tool will go live the last week of October in time for the November election. Once the new app is live, links will be accessible on the Commission website, OakData portal, and OpenDisclosure.

Limited Public Financing Program (LPF)

To date, \$122,189 of the \$153,000 available through the election fund has been claimed and processed for reimbursements to participating candidates. Each of the seven participating candidates can claim up to \$21,857 in reimbursements for qualified campaign expenditures.



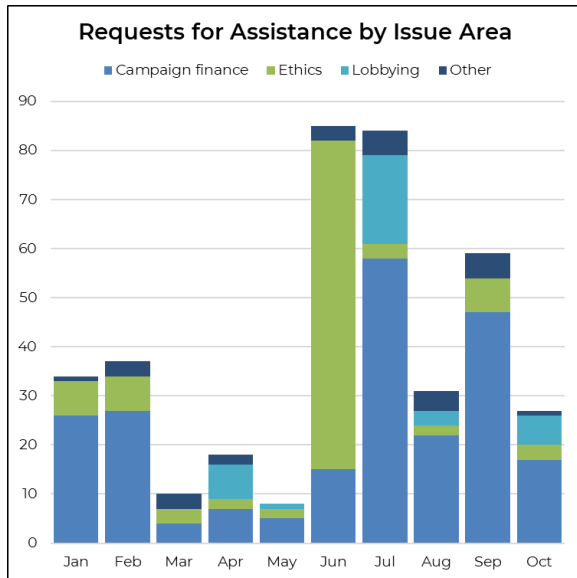
LPF participants have until Monday, November 2 to file reimbursement claims up to their allotted amount. Staff continues to work closely with participants to process claims.

Advice and Engagement

Advice and Assistance – Commission staff responded to 27 requests for advice and assistance during the month of October. Commission staff fulfilled 393 requests for advice and assistance this year.

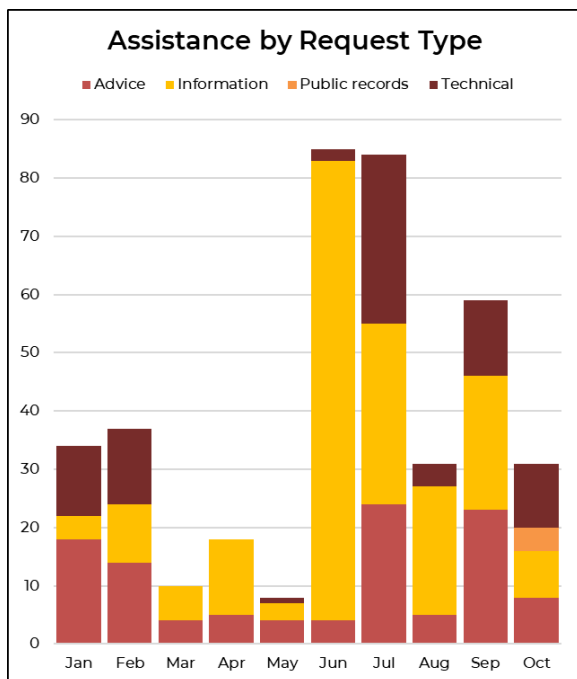
¹ Only candidates and campaign committees that file campaign statements with the City of Oakland appear in the app. Oakland candidates that spend under \$2,000 are not required to file detailed campaign statements and therefore will not have data in the system.

Item 9 – Disclosure Report



Candidates and Campaigns – As part of campaign education efforts, staff routinely issues advisories to ensure that candidates and committees are aware of local rules during election season. On October 19, staff issued an advisory about rules specific to non-candidate-controlled committees, such as independent expenditure, ballot measure and general purpose committees. The advisory covered provisions including advertisement disclaimers, disclosure of principal officers, committee sponsors, contribution limits, and understanding responsibilities under both state and local rules.

Ethics – On October 7, staff made an ethics presentation at the request of the City's Oakland Fund for Children and Youth (OFCY) Planning and Oversight Committee. Staff provided board members with information about the Commission and its services and gave an overview of the Government Ethics Act, including Form 700 filing requirements.



On October 12, staff provided an ethics presentation for City employees at the request of the Department of Human Resources regarding campaign rules for City staff. The training covered the prohibition on using City resources for campaign activity, the prohibition on soliciting contributions from other public servants, ballot measure activities, and mandatory reporting requirements for solicited contributions.

Staff continues to make presentations at the City's monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On

October 21, staff trained a total of 40 new employees on GEA provisions.

General Outreach

Social Media – Communications in October focused on promoting Open Disclosure and awareness of campaign finance and lobbyist filing deadlines.

Item 10 - Enforcement Report



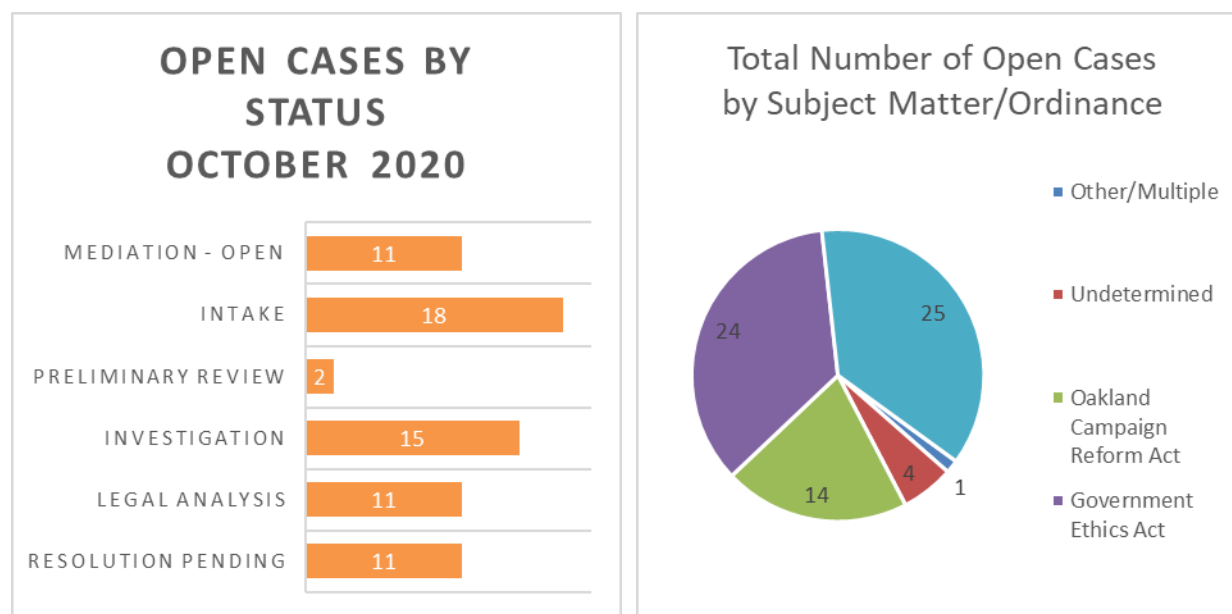
James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: October 20, 2020
RE: Enforcement Program Update for the November 3, 2020, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on October 3, 2020, Commission staff received 2 complaints. This brings the total Enforcement caseload to 68 enforcement and mediation cases: 20 matters in the intake or preliminary review stage, 15 matters under active investigation, 11 matters under post-investigation analysis, 11 matters in settlement negotiations or awaiting an administrative hearing, and 11 ongoing public records request mediations.



Summary of Cases:

Since the last Enforcement Program Update in October 2020, the following status changes occurred:

1. *In the Matter of the City of Oakland Fire Department and Assistant Fire Marshal Vincent Crudele* [Mediation Summary] (Case No. M2020-16). On September 30, 2020, the Commission received a request for mediation from the Requestor alleging that the City of Oakland Fire Department failed to provide responsive documents to a public records request. The Requester initiated their respective public records request in July 2020, seeking copies of documents that were in the possession of Assistant Fire Marshal Vincent Crudele, the department did not provide a response. Staff initiated the Mediation process and on October 1, 2020. On October 7, 2020, the Department uploaded responsive documents and closed the public records request. Staff recommends that the Commission close the mediation without further action. (See Action Items)

2. *In the Matter of Candidate for Oakland City Council Carroll Fife* (Complaint No. 20-35). On September 21, 2020, the PEC received this complaint that alleged, among other things, that Carroll Fife a candidate for District 3 City Council Seat and a participant in the PEC Limited Public Financing Program, failed to timely file her Recipient Committee Campaign Disclosure Statement Form 460 or her Statement of Organization Recipient Committee Form 410. It was further alleged that Fife functioned as a lobbyist in the City of Oakland in 2017 but failed to register as a lobbyist with the City. After careful review of the allegations, facts and the law Staff determined that the complaint failed to establish a violation of the Campaign Finance Reform Act, the Lobbyist Registration Act or any other provision within the jurisdiction of the PEC and dismissed the complaint. (See attached)



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

October 20, 2020

Re: PEC Complaint No. 20-35; Notice of Dismissed Complaint

Dear Sir or Madam:

On September 21, 2020, the City of Oakland Public Ethics Commission (PEC) received an anonymous complaint (the sender did not include contact information and the signature was illegible) (#20-35) alleging that Carroll Fife, Candidate for District #3 City Council Seat, violated the Campaign Reform Act and the Lobbyist Registration Act when she failed to timely file her Recipient Committee Campaign Disclosure Statement Form 460, Statement of Organization Recipient Committee Form 410 and failed to register as a lobbyist after function as a lobbyist in the City of Oakland in 2017. After a careful evaluation of the allegations and the law, we have concluded our preliminary review of the allegations and we are dismissing this complaint because there is no evidence of a violation within the PEC's enforcement jurisdiction.

The source of the Complaint's allegations stem from a Facebook Post that was publicly shared on June 29, 2020 and a Twitter post from July 17, 2020. On June 29, 2020, it is alleged that Fife or someone on her behalf uploaded a social media post that said "Did we just raise more than our \$10K goal in just over 24hrs? Carroll 4 Council 2020!" Based on this post the complainant alleged that Fife had an obligation under the law to immediately file a Form 410 once her campaign had raised over \$2,000 but that her campaign failed to do so until after the deadline for that filing period. Our preliminary investigation confirmed that the Fife's committee did timely file its Form 410 indicating that the committee had not yet "qualified," or raised over \$2,000 up until that date.

A review of the campaign bank statements confirmed the account did not contain the campaign threshold amount at the date of the filing. On July 22, 2020, the Fife campaign filed an amended Form 410 representing that the campaign had reached the qualification threshold on July 12, 2020. A candidate can file a Form 410 prior to reaching the threshold \$2,000. However, an amended Form 410 must be filed within 10 days of reaching the \$2,000 threshold amount. Our investigation confirmed Fife's amended Form 410 was filed within ten days of the date her campaign reached the campaign amount.

The PEC's preliminary investigation also confirmed that the Fife campaign timely filed its Prelection Statement Form 460 on September 24, 2020.

Even if the Facebook post was made by the candidate or her campaign, and even if it represented that the campaign may have raised over \$10,000 when the campaign had not actually raised that amount at that time, there is no provision of the Campaign Reform Act or any other law under

Item 10 - Enforcement Report

PEC Complaint No. 20-35; Dismissal Letter
Page 2

the PEC's jurisdiction that would give the PEC authority to investigate misrepresentations made by a campaign in a social media post regarding how much money they raised. The Campaign Reform Act provides specific financial reporting requirements on advertisements (print and broadcast), campaign reports and financial statement forms where a misrepresentation about the amount actually raised or spent could result in a violation of the Act. The facts presented in this complaint did not allege nor was their evidence found those violations occurred.

Further, the complaint alleged that on July 17, 2020, a person by the name of "Sassmaster Deane," posted an article on Twitter announcing that Fife was running for Oakland City Council. Under the posted article, a Twitter user posted a statement acknowledging that Fife has done good work with Moms 4 Housing but questioned whether she had more to offer Oakland.

The Twitter user posed the question "How involved with the city has she been?" and then stated, "She'll need 2 have some knowledge of City issues." To which the poster, Sassmaster Deane responded, "...Carroll Fife has been the People's Lobbyist at almost every single council meeting for the past 6 years. She leads the Refund Oakland coalition of community & labor groups fighting for an equitable budget. She's been shaping policy in Oakland for yrs."

The complaint did not provide any additional information on the Twitter user to establish that this was an account owned or controlled by Fife or anyone associated with her campaign. Nonetheless, the complaint alleged that this Twitter post established that Fife was, in fact, a lobbyist since June 2017 and that she failed to register as such with the City of Oakland for multiple years. The information provided in the complaint does not establish that Fife was or is a lobbyist required to register with the City of Oakland as defined by the Oakland Municipal Code 3.20.030.

Because Candidate Carroll Fife's alleged conduct does not constitute a violation of the Campaign Reform Act or the Lobbyist Registration Act, we are dismissing this complaint pursuant to the PEC's Complaint Procedures. The PEC's Complaint Procedures is available on the PEC's website.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting as part of our regular monthly update on Enforcement actions. That meeting will take place on November 2, 2020, at 6:30 p.m. by teleconference as 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/or 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.

Thank you for bringing this matter to our attention. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Kellie Johnson, Enforcement Chief
City of Oakland, Public Ethics Commission



James E.T. Jackson, Chair
Jill M. Butler, Vice-Chair
Michael B. MacDonald
Janani Ramachandran
Joe Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: October 23, 2020
RE: Executive Director's Report for the November 2, 2020, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities completed or in progress since the Commission's last regular meeting that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and activities for 2019-20 for each program area.

Part-Time Positions

Commission staff have conducted interviews for the part-time investigator position and is finalizing Budget and HR approvals before preparing an offer. In addition, Commission staff are creating a second part-time, temporary position, Ethics Analyst, to assist with public engagement, disclosure, and data management projects. Both positions are made possible with the \$100,000 one-time allocation provided in the adopted budget for Fiscal Year 2020-21, and both positions will expire on June 30, 2021.

PEC Legislation

Commission staff has submitted a request to schedule consideration of its proposed amendments to the PEC's enabling ordinance at City Council Rules Committee on November 12. The amendments will update the ordinance to conform with City Charter section 603, delete duplicative language that now appears in the City Charter, and codify the Commission's administrative hearing and fine collection process. Following Rules Committee review, the amendments would go on to City Council for consideration, likely on December 1, 2020.

PEC Commissioner Recruitment

The Commission received 11 applications to fill the current and upcoming vacant positions on the Commission and invited 7 candidates for an interview with the Commission's Recruitment subcommittee. The subcommittee conducted interviews of candidates via Zoom on October 1 and selected four finalists to invite to appear before the full Commission for final selection (see agenda summary for more on the final selection process). The first vacancy will begin immediately for a term that ends January 21, 2022, and the second vacancy will begin January 22, 2021, for a term that ends January 21, 2024.

Attachments:
Commission Programs and Priorities

PUBLIC ETHICS COMMISSION

Programs and Priorities 2019-20

Program	Goal	Desired Outcome	Key Projects for 2019-20
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Adoption of PEC-drafted City Ticket Distribution policy and process changes 2. Campaign Finance/Public Financing Act Project to expand participation in the campaign process ✓
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Online ethics training for Form 700 filers – ensure training delivered to a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Board/Commission member/liaison support/guidance; Sunshine/Meeting agenda posting Compliance Review ✓ 3. Ongoing: advice calls, in-person trainings, ethics orientation for new employees (12), supervisor academy (3-4), and PEC newsletter (2) 4. Sunshine and Lobbyist education materials
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Outreach to client groups: -City staff/officials ✓ -Candidates ✓ -people doing business with the City 2. Sustain/enhance general PEC social media outreach 3. PEC Roadshow – focus on CF project outreach (Commissioners) 4. Engage Boards/Commissions regarding Sunshine requirements ✓ (ensure/review agenda postings online)
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Lobbyist Registration – pilot new e-filing system, create online open data format for public accessibility ✓ 2. Form 803 Behested Payments – implement e-filing process, create online open data format for public accessibility ✓ 3. Initiate/develop project plan to establish contractor database 4. Open Disclosure 2020 – campaign data visualization project ✓ 5. Government Integrity Data Project planning and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Focus on ethics violations, proactive investigations ✓ 2. Conduct complaint intakes within 2 weeks 3. Collaborate with other government law enforcement agencies

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	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	4. Conduct audits to identify common, across-the-board compliance issues
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct hearings as needed 2. Complete City ticket cases 3. Expedite Sunshine Mediations ✓ 4. Amend Complaint Procedures ✓ 5. Resolve all 2014 and 2015 cases ✓ 6. Streamline and expand enforcement systems to incorporate broader tools
Administration/Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Revise PEC Enabling Ordinance 2. Publish performance goals and data on PEC website – dashboards 3. Review data to adjust activities throughout the year 4. Ongoing: professional development and staff reviews