

Item 10a - Enforcement Report



Ryan Micik, Chair
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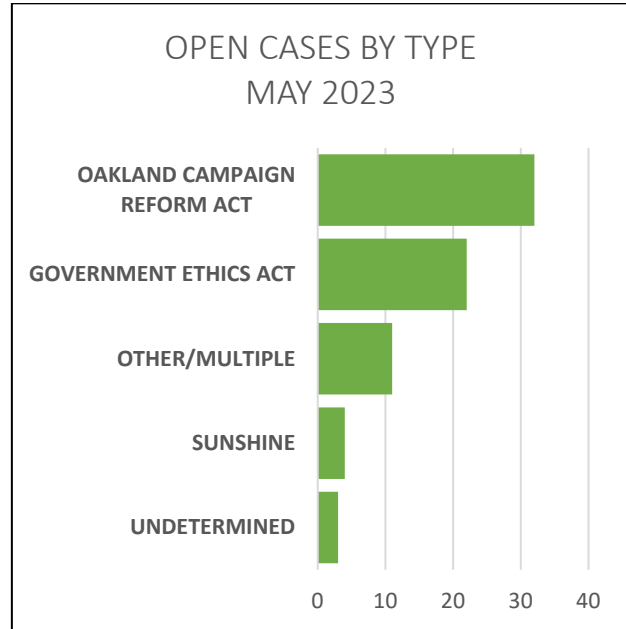
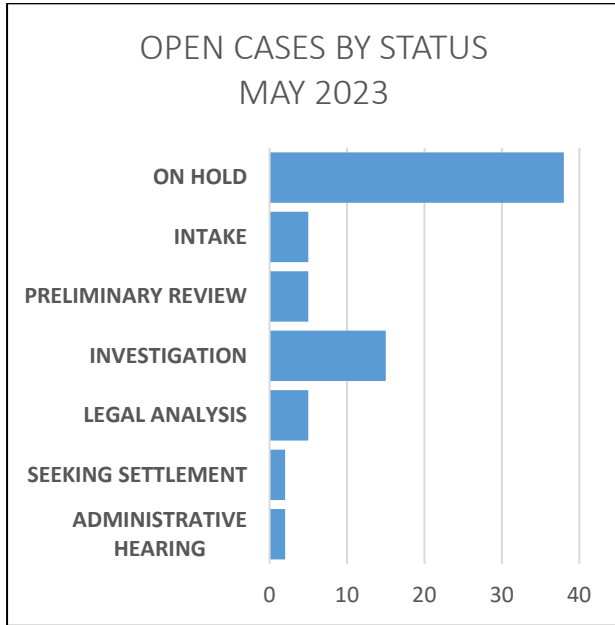
Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Enforcement Chief
DATE: June 1, 2023
RE: Enforcement Unit Program Update for the June 14, 2023, PEC Meeting

Current Enforcement Activities:

Since the Enforcement Unit Program Update submitted to the Commission on April 26, 2023, Commission staff received 2 formal complaints, one of which is under preliminary review and the other of which is still in the intake stage. Enforcement also received 7 informal complaints, one of which was escalated to preliminary review (i.e., is being processed like a formal complaint from this point onward); four of which were rejected; and two of which are awaiting a decision as to whether to reject them or escalate them to preliminary review.

This brings Enforcement's caseload to 72 matters at all stages, from preliminary review through to investigation, settlement negotiations or administrative hearing. That includes 38 cases or complaints that are now "On Hold." It does not include informal complaints awaiting a decision as to whether to reject them or escalate them to preliminary review.



Personnel

Enforcement is very pleased to announce the hiring of Garrett Micheels as an exempt limited duration employee (ELDE) Ethics Investigator. Garrett will be handling most of the Enforcement Unit’s investigations and assisting the Enforcement Chief with preliminary review of complaints. Garrett is a former Special Investigator with the Fair Political Practices Commission, which is the state-level equivalent to Oakland’s PEC. In that role he investigated cases across California pertaining to campaign finance, ethics, and lobbyist violations. He has a B.A. in the Administration of Justice from the University of Hawai’i at Hilo. Garrett is filling a position that has been vacant since last fall, and we are extremely pleased that he will be bringing his skills and experience to our team.

Case Resolutions or Submissions

Since the last Enforcement Unit Program report on April 26, 2023, the following cases have been resolved or submitted to the Commission:

1. **In the Matter of Nikki Fortunato Bas, et al. (PEC No. 23-13).** On March 22, 2023, Enforcement staff received a formal complaint alleging that District 2 City Councilmember Nikki Fortunato Bas and her staff violated the Government Ethics Act (GEA) by failing to return the phone calls and/or e-mails of a member of the public. After conducting a preliminary review of the complaint, Enforcement staff determined that the complaint fails to allege a violation of GEA. We have referred the complainant to our mediation program for resolution of any

dispute concerning public records and/or oral public information requests. The status of this matter is now “Closed.” (See Attachment)

2. **In the Matter of East Oakland Community Project (PEC No. 23-18).** On April 24, 2023, Enforcement staff received a formal complaint concerning the East Oakland Community Project (EOCP) Crossroads facility and staff. After conducting a preliminary review of the complaint, Enforcement staff determined that the PEC lacks jurisdiction over the EOCP and its staff, and dismissed the complaint. We advised the complainant of alternative agencies to which they could address their allegations. The status of this matter is now “Closed.” (See Attachment)