

# Item 13 - Enforcement Report



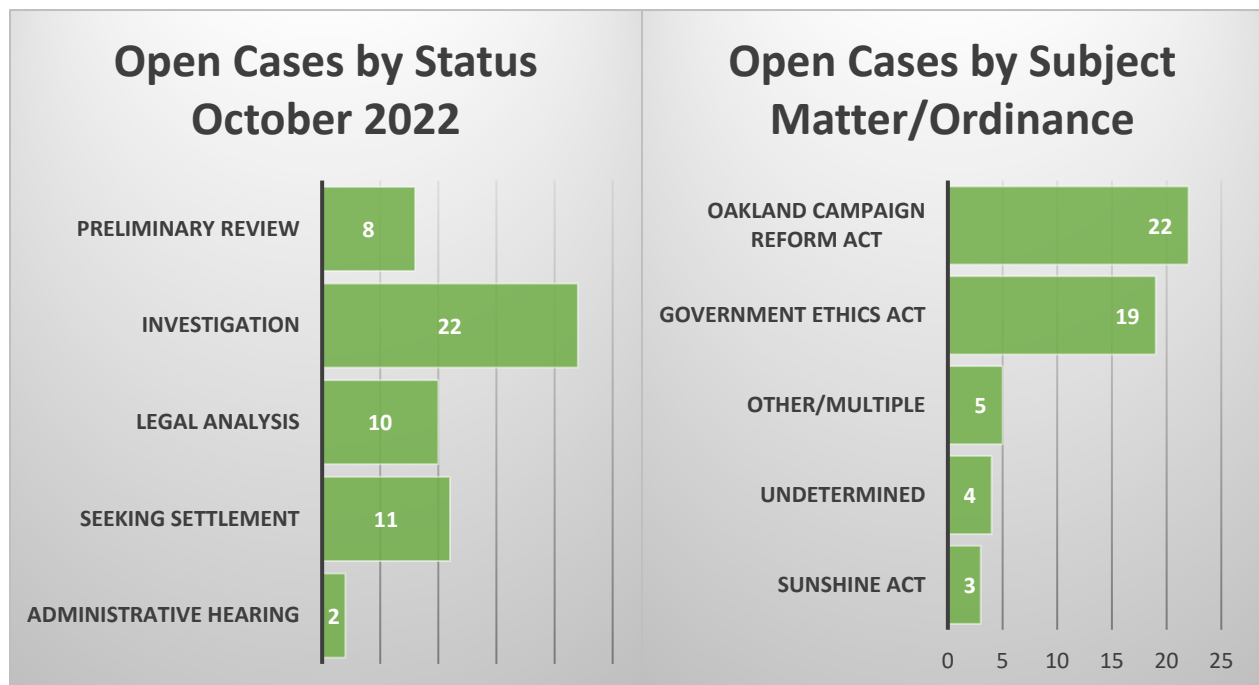
Arvon Perteet, Chair  
Charlotte Hill  
Ryan Micik  
Joseph Tuman  
Francis Upton IV

Kellie Johnson, Executive Director

TO: Public Ethics Commission  
FROM: Simon Russell, Acting Enforcement Chief  
DATE: October 27, 2022  
RE: Enforcement Unit Program Update for the November 9, 2022, PEC Meeting

## Current Enforcement Activities:

Since the last Enforcement Unit Program Update submitted to the Commission on September 27, 2022, Commission staff received 2 formal complaints, dismissed 1 formal complaint, opened 2 new investigations, and began settlement negotiations on 1 case. This brings the total Enforcement caseload to 53 open cases: 8 matters in the intake or preliminary review stage, 22 matters under active investigation, 10 matters under post-investigation analysis, 11 matters in settlement negotiations, and 2 matters awaiting an administrative hearing. Per the Commission’s request at its October 2022 meeting, Enforcement will begin reporting cases it formerly classified as “Resolution Pending” into one of two new categories: “Seeking Settlement” or “Administrative Hearing.”



### Case Resolutions or Submissions

Since the last Enforcement Unit Program report on September 27, 2022, the following cases have been resolved or submitted to the Commission:

1. **In the Matter of Nenna Joiner For Oakland City Council D4 2022, Nenna Joiner, Christina Gilpin, Annie Campbell Washington (Case No. 22-16).** On October 4, 2022, the City of Oakland Public Ethics Commission (PEC) received a formal complaint that alleged that on October 3, 2022, the committee *Nenna Joiner For Oakland City Council D4 2022* reported receiving aggregate contributions from Annie Campbell Washington in excess of the \$900 individual limit established under OCRA. PEC staff contacted the respondents and learned that the committee had made a clerical error when it incorrectly attributed one of the aggregated contributions to Campbell Washington instead of the correct donor. Respondents provided documentary proof to this effect (including the online contribution receipt), and amended their campaign filing to show the correct donor. In light of these facts, as well as the relatively minor nature of the misreporting and the committee's quick action to correct its error, PEC staff found insufficient evidence to support investigation of the allegation in the complaint, and does not believe the misreporting violation is serious enough to warrant further action. Pursuant to Enforcement Procedures the complaint was dismissed with an advisory letter concerning the committee and controlling candidate's duty to verify the accuracy of campaign forms before filing them, pursuant to OCRA § 3.12.240 and associated state regulations. Its case status is now "Closed." (See Attachments)

### Legal Actions

Since the last Enforcement Unit Program report on September 27, 2022, the following court actions have been submitted or scheduled by or on behalf of the Enforcement Unit:

1. **In the Matter of Mike Hutchinson for School Board 2016, Mike Hutchinson, Harriet Hutchinson (Case No. 17-09).** On October 18, 2022, the PEC filed a "Petition to Enforce Investigative Subpoena" in Alameda County Superior Court case no. 22CV019951, *City of Oakland Public Ethics Commission v. Harriet Hutchinson*. No hearing date on this petition is yet scheduled. A Case Management Conference has been scheduled for March 3, 2023, at 9:00 AM in Department 24.
2. **In the Matter of Andy Duong (Case No. 19-14).** On October 7, 2022, the PEC filed a "Declaration Initiating an Indirect Contempt Proceeding Against Respondent Charlie Ngo for Violation of a Court Order" in Alameda County Superior Court case no. RG20070117, *City of Oakland Public Ethics Commission v. Charlie Ngo*. A hearing on the matter has been scheduled for November 16, 2022, at 1:30 PM in Department 511.
3. **In the Matter of Andy Duong (Case No. 19-14).** On October 10, 2022, the PEC filed a "Status Update re Noncompliance with Subpoenas" in Alameda County Superior Court case no. RG20075526, *City of*

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*Oakland Public Ethics Commission v. Margaret Yang*. A hearing on the matter was held on October 12, 2022, at 1:30 PM in Department 511. A Case Management Conference has been scheduled for November 30, 2022, at 1:30 PM in Department 511.

- 4. In the Matter of Andy Duong (Case No. 19-14).** On October 10, 2022, the PEC filed a “Status Update re Noncompliance with Subpoenas” in Alameda County Superior Court case no. RG20075540, *City of Oakland Public Ethics Commission v. Mark Hung Tran*. A hearing on the matter was held on October 12, 2022, at 1:30 PM in Department 511. A Case Management Conference has been scheduled for November 30, 2022, at 1:30 PM in Department 511.

Except where otherwise noted, no allegations have yet been proved or admitted in any of the above matters, and the existence of these cases and associated litigation should not be taken as an indication that the potential respondent(s) necessarily violated any laws. This information is being provided for the PEC’s informational purposes only.