

Item 13b - PEC 23-31 Notice of Complaint Dismissal (re: H. Dang; C. Le)




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

January 4, 2024

Gerald Cheney



Via email: 

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-31

To Gerald Cheney:

On September 22, 2023, the City of Oakland Public Ethics Commission (PEC) received your complaint (# 23-31) alleging that Huey Dang and Chris Le violated one or more laws under the PEC's jurisdiction when they allegedly assessed your vacant property tax liability in a manner that you disputed.

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

The PEC does not have the authority to second-guess a City official or department's exercise of their lawful discretionary authority. The PEC can only intervene in a dispute concerning a City official's discretionary authority if there has been some violation of the laws we specifically enforce. These typically involve some corrupt element in the decision-making process beyond an alleged mistake or lack of due diligence. For example, we enforce the City's laws against financial conflicts of interest, bribery, and coercion. But this complaint did not allege any facts of that nature.

If you wish to contest your vacant property tax assessment and/or the job performance of the employees named in your complaint, we suggest that you make a complaint directly to the Finance Department. You can contact the Director of the Finance Department, Erin Roseman, at ERoseman@oaklandca.gov or (510) 238-2026. We have already notified her of your PEC complaint and provided her with a copy.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions.

Item 13b - PEC 23-31 Notice of Complaint Dimissal (re: H. Dang; C. Le)

That meeting will be on January 17, 2023, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to attend that meeting and give public comment if you wish. You may also submit written comments to us before that meeting at EthicsPublicComment@oaklandca.gov, and we will add them to the meeting materials.

As required by our Complaint Procedures, we are enclosing copies of similar dismissal letters that we have sent to the respondents named in your complaint.

Respectfully,



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

Enclosure: Notice of Complaint Dimissal (Huey Dang); Notice of Complaint Dimissal (Chris Le)

Item 13b - PEC 23-31 Notice of Complaint Dimissal (re: H. Dang; C. Le)



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

January 4, 2024

Chris Le
Department of Finance
250 Frank H. Ogawa Plaza, Suite 1320
Oakland, CA 94612

Via email: CLE@oaklandca.gov

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-31

To Chris Le:

On September 29, 2023, the City of Oakland Public Ethics Commission (PEC) notified you that it had received a complaint (# 23-31) alleging that you violated one or more laws under the PEC's jurisdiction when you allegedly assessed the complainant's vacant property tax liability in a manner that the complainant disputed.

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

The PEC does not have the authority to second-guess a City official or department's exercise of their lawful discretionary authority. We have advised the complainant that any complaint or dispute regarding the methodology used to assess their tax liability should be taken up with the City department making that assessment.

The PEC can only intervene in a dispute concerning a City official's discretionary authority if there has been some violation of the laws we specifically enforce. These typically involve some corrupt element in the decision-making process beyond an alleged mistake or lack of due diligence. For example, we enforce the City's laws against financial conflicts of interest, bribery, and coercion. But this complaint did not allege any facts of that nature.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on January 17, 2023, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and

Item 13b - PEC 23-31 Notice of Complaint Dimissal (re: H. Dang; C. Le)

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

Respectfully,



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

Item 13b - PEC 23-31 Notice of Complaint Dimissal (re: H. Dang; C. Le)



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

January 4, 2024

Huey Dang
Department of Finance
250 Frank H. Ogawa Plaza, Suite 1320
Oakland, CA 94612

Via email: HDang@oaklandca.gov

Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-31

To Huey Dang:

On September 29, 2023, the City of Oakland Public Ethics Commission (PEC) notified you that it had received a complaint (# 23-31) alleging that you violated one or more laws under the PEC's jurisdiction when you allegedly assessed the complainant's vacant property tax liability in a manner that the complainant disputed.

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

The PEC does not have the authority to second-guess a City official or department's exercise of their lawful discretionary authority. We have advised the complainant that any complaint or dispute regarding the methodology used to assess their tax liability should be taken up with the City department making that assessment.

The PEC can only intervene in a dispute concerning a City official's discretionary authority if there has been some violation of the laws we specifically enforce. These typically involve some corrupt element in the decision-making process beyond an alleged mistake or lack of due diligence. For example, we enforce the City's laws against financial conflicts of interest, bribery, and coercion. But this complaint did not allege any facts of that nature.

We are required to inform the Public Ethics Commission of the dismissal of this complaint at an upcoming public meeting, as part of our regular monthly update on Enforcement actions. That meeting will be on January 17, 2023, at 6:30PM, and the agenda will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and

Item 13b - PEC 23-31 Notice of Complaint Dimissal (re: H. Dang; C. Le)

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

Respectfully,



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