

# Item 13c - PEC 23-20 Notice of Complaint Dismissal (re: S. Navarro; et al)



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

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October 31, 2023

Derreck Johnson  
[REDACTED]  
[REDACTED]

Via email: [REDACTED]

## **Re: Notice of Dismissal of Oakland Public Ethics Commission Complaint no. 23-20**

To Derreck Johnson, et al.:

On May 15, 2023, the City of Oakland Public Ethics Commission (PEC) received your complaint (# 23-20) alleging that the Oakland City Council, Sofia Navarro, and Steven Falk violated one or more laws under the PEC's jurisdiction when they allegedly awarded a lease of City-owned property without performing adequate due diligence.

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 enforce any due diligence requirements pertaining to the City's contracting process. Complaints or disputes regarding the methodology used to award a particular contract should be taken up with the City department that oversaw the bidding process.

The PEC can only intervene in the contracting process if there has been some violation of the laws we specifically enforce. These typically involve some corrupt element in the bidding process beyond an alleged lack of due diligence. For example, we enforce the City's laws against financial conflicts of interest, bribery, and coercion. But your complaint does not allege any facts of that nature, nor did you respond to my effort to contact you and verify whether any such facts exist.

The complaint you filed with the PEC was also addressed to the City Attorney. The PEC is separate agency from the City Attorney's office and we do not forward complaints to them. If you want to file a claim with the City Attorney's office, you should use their claim form located online at:

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<https://www.oaklandcityattorney.org/Resources/fileclaim.html>

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 December 13, 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, and we will add them to the meeting materials. We are also enclosing a copy of the dismissal notice that we are sending to the respondents named in your complaint, as required under our Complaint Procedures.

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](mailto:srussell@oaklandca.gov) | he/him/his  
[www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)

Enclosure: Notice of Complaint Dismissal (City Council); Notice of Complaint Dismissal (S Navarro)

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October 31, 2023

Nikki Fortunato Bas  
President, City Council  
1 Frank Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94612

Via email: [NFortunatoBas@oaklandca.gov](mailto:NFortunatoBas@oaklandca.gov)

## **Re: Notice of Receipt and Dismissal of Oakland Public Ethics Commission Complaint no. 23-20**

To Council President Nikki Fortunato Bas o/b/o all members of the City Council:

On May 15, 2023, the City of Oakland Public Ethics Commission (PEC) received a complaint (# 23-20) alleging that the City Council violated one or more laws under the PEC's jurisdiction when it allegedly awarded a lease of City-owned property without performing adequate due diligence. A copy of that complaint is attached for your reference (personal information redacted, other than the complainant's name).

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 enforce any due diligence requirements pertaining to the City's contracting process. We have advised the complainant that any complaints or disputes regarding the methodology used to award a particular contract should be taken up with the City department that oversaw the bidding process and/or the City Attorney's office.

The PEC can only intervene in the City's contracting process if there has been some violation of the laws we specifically enforce. These typically involve some corrupt element in the bidding process beyond an alleged 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, nor did the complainant respond to my effort to contact them and verify whether any such facts exist.

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.

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October 31, 2023

Sofia Navarro  
Director, Economic & Workforce Development Department  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Via email: [SNavarro@oaklandca.gov](mailto:SNavarro@oaklandca.gov)

## **Re: Notice of Receipt and Dismissal of Oakland Public Ethics Commission Complaint no. 23-20**

To Director Navarro:

On May 15, 2023, the City of Oakland Public Ethics Commission (PEC) received a complaint (# 23-20) alleging that you violated one or more laws under the PEC's jurisdiction when your Department allegedly awarded a lease of City-owned property without performing adequate due diligence. A copy of that complaint is attached for your reference (personal information redacted, other than the complainant's name).

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 enforce any due diligence requirements pertaining to the City's contracting process. We have advised the complainant that any complaints or disputes regarding the methodology used to award a particular contract should be taken up with the City department that oversaw the bidding process and/or the City Attorney's office.

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