





















# ENFORCEMENT

The Commission conducts investigations, holds public hearings, issues subpoenas, and imposes fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to impose penalties for violations of ethics laws, campaign finance laws, and lobbyist registration requirements. The Commission also can mediate or recommend “cure and correction” for violations of public records and open meetings laws, respectively.

**51** open complaints and investigations

**28** cases resolved

**\$22,600** in penalties

## Incoming Cases

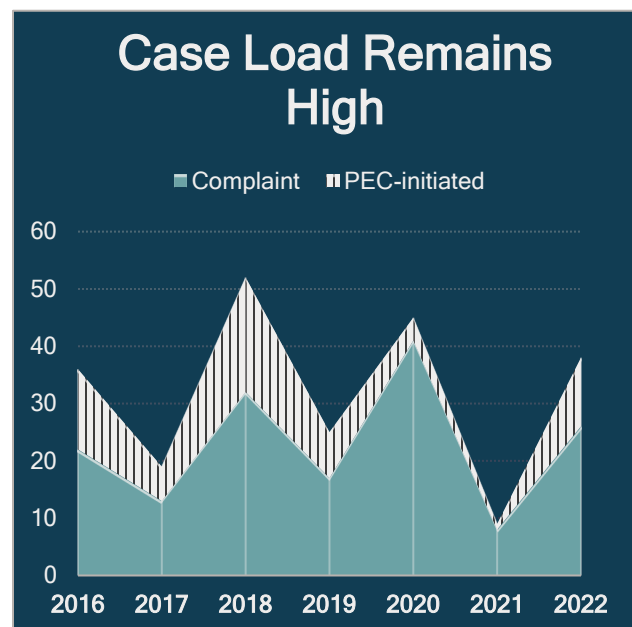
Commission staff received a total of 18 allegations of potential violations under campaign finance, conflicts of interest, transparency, and other ethics-related laws, in 2022. Enforcement staff also received several informal complaints and initiated its own “pro-active” complaints. Enforcement staff opened four investigations in 2022 based on informal complaints and eight investigations based on pro-active complaints. At year-end, there were 51 open enforcement complaints and cases.

## Backlog Reduced

In 2022, an Enforcement priority was resolving outstanding cases or complaints from 2016-2017. Significant progress was made towards this goal, as well as resolution of cases from 2018-2021, while maintaining a steady resolution rate on new cases in 2022. However, despite increases in both case closures and fines imposed by the Commission over the last several years, the Commission has not been able to keep pace with incoming complaints. This is due to a structural issue: the PEC’s lack of adequate Enforcement staff resources and capacity to match demand for service. Without increased staffing, the PEC’s increasingly disproportionate complaint to staff ratio will continue to result in cases that remain on the docket far longer than they should.

## Enforcement Outcomes

By year end, the Commission resolved 28 cases as follows:



- Three fines, with \$22,600 in total penalties;
- Ten cases closed without enforcement action;
- Fifteen complaints dismissed (10 for lack of jurisdiction, 2 for insufficient evidence to support investigation; 1 due to another agency already investigating; 1 referred to another agency; and 1 withdrawn by complainant).

## Training Hearings Officers

Another Enforcement goal for 2022 was to train more Commissioners as hearing officers to be available in cases that Enforcement staff are unable to settle. PEC staff put together a Hearing Officer training in the fall of 2022 that continues to be available to Commissioners interested in serving as hearing officers. The training provides an overview of hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders.

Enforcement staff anticipate increased need for hearing officers in the short- and medium-term as current investigations are completed. The new training program helps ensure that hearings on matters will not be delayed due to a lack of available hearing officers. The training is also available to the public online from the Commission's website and YouTube Channel.

## 2022 Enforcement Actions Summary

**In the Matter of Jason Overman, Case no. 18-14.** The Commission found that Respondent, Jason Overman, a private lobbyist, violated the Oakland Campaign Reform Act's contractor contribution ban by making campaign contributions to City of Oakland elected officials, candidates, or their controlled committees. The Commission approved a financial penalty in the amount of \$2,600.

**In the Matter of Justin Berton (Case No. 18-45).** The Commission found that the Respondent, Justin Berton, the Director of Communications for Oakland Mayor Libby Schaaf, violated the Government Ethics Act's misuse of city resources provision by posting four links to newspaper editorials that endorsed the Mayor's re-election in 2018 to the mayor's official Nextdoor public agencies/elected officials' account. The Commission approved a financial penalty in the amount of \$1,000.

**In the Matter of Rebecca Kaplan, Case no. 20-40.** The Commission found that the Respondent, Rebecca Kaplan, the City Council At-Large member, violated the Government Ethics Act section Form 700 reporting and conflict of interest provisions by failing to disclose her ownership interest in an Oakland condo and voting on matters affecting a park development project next door to her property. The Commission approved a financial penalty in the amount of \$19,000.

# ADMINISTRATION

## Staff

Commission staff are responsible for the Commission's day-to-day operations, including investigations and enforcement casework, education and advice, data collection and illumination activities, and law and policy projects. While most City offices remained closed to the public due to orders in response to the on-going COVID pandemic, Commission staff continued to provide services seamlessly without in-person contact. Staff continue to participate in ongoing professional development, including opportunities through the Council of Government Ethics Laws, International Association for Public Participation, and the City of Oakland covering topics such as reducing bias, inclusive engagement, continuing education in legal subjects, filing officer duties, and advanced data analysis and visualization.

2022 saw major leadership changes as the Commission's Executive Director for the past ten years, Whitney Barazoto, stepped down in June 2022. Enforcement Chief Kellie Johnson was promoted to the Executive Director position in August. However, after Ms. Johnson's resignation in November, the Commission's Lead Analyst Suzanne Doran was appointed Acting Director in the interim. A new recruitment for Executive Director was underway at the end of 2022.

Other significant staff transitions include the promotion of Ethics Investigator Simon Russell to Enforcement Chief and the promotion of Administrative Assistant Ana Lara-Franco to the newly-budgeted Administrative Analyst position, both in November 2022.

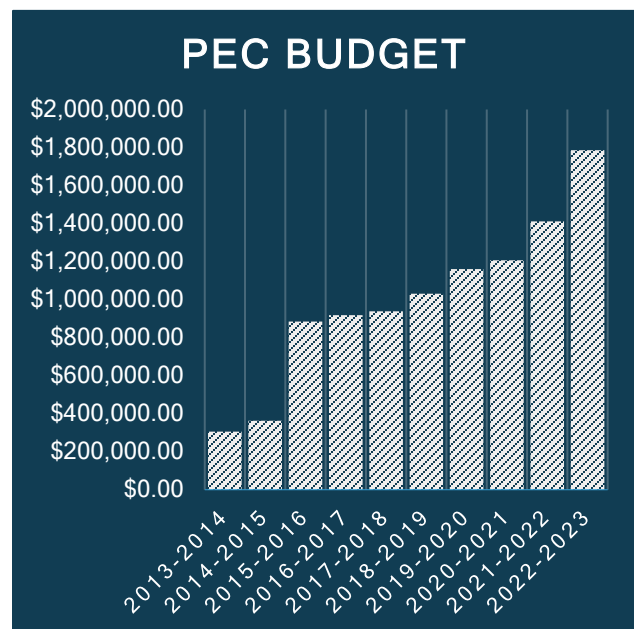
## Budget

The adopted budget for the Commission was \$1,411,407 for Fiscal Year 2021-22 and \$1,786,115 for Fiscal Year 2022-23. In June 2021, the City Council approved a budget that included the addition of one new position for the PEC to begin in July 2022. The addition provides increased staff capacity for administrative support to the Enforcement Team, including complaint intake, communications, complaint database management, case tracking, agenda and

7 volunteer Commissioners

7 fulltime staff

\$1,786,115  
2022-2023 budget



hearing preparation for enforcement cases, and other related tasks.

### **Public Funds for Candidates**

The Limited Public Financing (LPF) program provides District City Council candidates with some public funds by way of reimbursements for qualified expenditures to be used for campaign expenses. The goal of the program is to help ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process. The 2022 program began with a training in August and ongoing interaction with candidates in facilitating program requirements and distributing public funds. Five candidates participated and received some or all of the \$35,400 that was available to each candidate, for a total disbursement of \$159,038 for the 2022 election.

### **Public Meetings**

On September 16, 2021, the Governor signed AB 361 which amended provisions of the Brown Act to allow local legislative bodies to continue to meet by teleconference so long as the body adopts certain findings in compliance with the new law. The Commission's public meetings in 2022 continued to be held online and accessible to the public via Zoom to comply with restrictions imposed by the ongoing COVID pandemic. With the lifting of the emergency order by the State of California at the end of February 2023, all public meetings including Board and Commission meetings are required to be held in-person and will resume again per State law.

## 2022 COMMISSIONERS

### Arvon J. Perteet, Chair

Commission Appointee 1/22/2021 - 1/21/2024



Arvon J. Perteet is the Global Legal Response and Fraud Investigations Manager at Square, Inc. Arvon's teams are responsible for conducting investigations related to external fraud against Square and Square's merchants and responding to legal requests, both civil and criminal in nature. Prior to working at Square, Arvon was an Assistant District Attorney in the Independent Investigations Bureau at the San Francisco District Attorney's Office investigating and prosecuting cases involving officer involved shootings, use of excessive force, and in-custody deaths.

Arvon was an Assistant United States Attorney in the Northern District of California in the Asset Forfeiture Unit for eight years, and he was a Deputy District Attorney in the Contra Costa County District Attorney's office for two years. His legal career also included time at a small insurance defense firm in the Bay Area. Arvon is a graduate of Golden Gate University School of Law, and a graduate of Morehouse College in Atlanta, Georgia. Arvon is an Oakland native.

### Michael B. MacDonald, Vice Chair

Commission Appointee 1/22/2020 - 5/28/2022



Michael MacDonald is an Assistant City Clerk at the City of Berkeley. In that role, he supervises a variety of functions within the department with a focus on municipal elections, campaign filings, conflict of interest requirements, and regulations for City advisory commissions.

Prior to serving in municipal government, Michael spent three years as a District Representative under two California State Senators serving as lead representative for K-12 education, transportation, housing, and homelessness issue areas by working closely with the Senator, constituents, district organizations, local governments, and state agencies. Before moving to Oakland in 2018, Michael co-founded the Diversity Collective Ventura County Community Resource Center, a non-profit LGBTQ community center that strives to build a community in which LGBTQ people can be healthy, equal, and complete members of the community.

Michael is a CSU graduate with a Bachelor's Degree in Political Science. He lives in downtown Oakland with his partner.

**Ryan Micik, Vice Chair**

**Commission Appointee 6/11/2021 - 6/30/2022**

**City Attorney Appointee 7/1/2022 - 1/21/2024**



Ryan Micik operates a political research and communications consulting practice. His clients have included government reform advocacy organizations and other nonprofits, private companies, and candidates for all levels of government office, from school board to president. Among other services, he assists clients with mastering complex issues; navigating local, state, and federal public records laws; and developing messaging and strategy. He formerly served as deputy director of Maryland StateStat, a government performance management and accountability initiative. In that role, he engaged with state agencies to improve service delivery, increase government efficiency and responsiveness, and reduce waste.

Ryan earned a BA in Political Science from UC Berkeley, where he was active in progressive and AAPI organizations and won awards for radio journalism. He is a former member of the Alameda County Democratic Central Committee. He resides in Grand Lake.

**Charlotte Hill**

**Commission Appointee 1/22/2022 - 1/21/2025**



Charlotte Hill is a political scientist at UC Berkeley, where she researches the impact of electoral and voting reforms on political participation. She regularly advises organizations focused on improving democracy policy and increasing voter turnout. Before entering academia, Charlotte held senior communications roles for the nonpartisan political reform organization RepresentUs and the international petition platform Change.org. She recently served as the vice president of the San Francisco Elections Commission, where she helped oversee local election administration.

Charlotte grew up in Northern California and has lived in the Bay Area since 2006. She holds a BA, an MPP, and a PhD in Public Policy from UC Berkeley.

**Jessica Leavitt**

**City Attorney Appointee 9/15/2021 - 5/21/2022**



Jessica Leavitt is Senior Corporate Counsel with NetScout Systems, Inc., where she focuses on compliance issues. She previously worked at the City of Oakland as both a Deputy City Attorney and as an investigator for the Citizens' Police Review Board. She also worked as a Special Assistant to the Chief Trial Counsel of the State Bar of California and served on a number of local and state boards.

Jessica is a native Oaklander and holds a BA from Claremont McKenna College, a JD from UC Hastings, and a Master's degree in Information Science from the University of Michigan.

**Joseph Tuman**

**Mayoral Appointee 1/22/2020 - 1/21/2023**



Joseph Tuman is a full-time university professor at San Francisco State University in First Amendment law, public speaking, critical thinking and argumentation, and debate. He has also taught at St. Mary's College, the New School for Social Research in New York, and Paris II Law School in France.

Joseph received his BA in Political Science from UC Berkeley with Great Distinction and Highest Honors and his JD from Boalt Law. His law work included comprehensive evidence review and sorting of internal documents produced by tobacco companies related to advertising and marketing campaigns targeting children for class-action lawsuits filed by different states. He has served as a political analyst for major television networks and newspapers and is an author and senior editor of numerous books and academic journals.

Joseph was born in Dallas, Texas, and raised in the San Joaquin Valley. He has lived in Oakland since 1984 and ran twice for Mayor of Oakland.

**Francis Upton IV**

**City Auditor Appointee 4/20/2022 - 1/21/2025**



Francis Upton IV is a software executive with deep technical experience, particularly in data-related issues and software development productivity. He is currently a founder and the Chief Technology Officer at SnapStrat, Inc.

Previously he was VP of Architecture and Governance at Talend, a leading provider of data integration technology. Before that, he founded Oakland Software where he led the development of advanced data transformation technology which was sold to Talend. Other work has included senior engineering and management positions at various technical startups and at computer manufacturers Digital Equipment Corporation and Hewlett-Packard, where he worked on operating systems, distributed transaction systems, and was a leading contributor to an International Standard. Francis has a long history of significant volunteer contributions to open source projects, notably with the Eclipse Foundation and the Jenkins CI System.

He holds a BA in Liberal Studies from Antioch University and has completed most of the course requirements towards an MS degree in Computer Science at Stanford. Francis was born and raised in Orange County, California, and has been an Oakland resident for over 25 years, currently living in Glenview. He is the proud father of two daughters attending OUSD schools.