



# Enforcement Program Discussion

**PEC Retreat 2023**

**Simon Russell, Enforcement Chief**

# OVERVIEW

2

1. Program Plans For Next 12 Months
2. Staffing Issues
3. Discussion: What Should Enforcement Report to the Commission?
4. Activity: Case Prioritization

# PROGRAM PLANS FOR NEXT 12 MONTHS

3

1. **Revise Complaint Procedures, including:**
  - Confidentiality rules
  - Threshold for opening an investigation
  - Pre-approval of streamline cases
2. **Use streamline and diversion for more low-level cases**
  - Free up resources for higher-level cases
3. **Draft Enforcement manual**

# STAFFING ISSUES

4

1. **Currently no investigators**
  - Permanent investigator hire expected in October
  - Ideally need:
    - 2-4 investigators
    - At least one other attorney
    - An auditor
2. **Most of our cases now “on hold”**



# What does Enforcement Currently Report Every Month

5

1. Caseload data
2. Dismissed complaints
3. Litigation/court actions
4. Personnel updates
5. Miscellaneous updates

# WHAT CANNOT BE REPORTED

6

Specific updates on a particular case  
(other than status)

# CASE DATA: What is Reported?

7

# of new formal complaints, and current status

# of new informal complaints, and current status

Overall case data:

- # of total cases, and their status
- breakdown of cases by type (OCRA, GEA, etc.)

# DISMISSED COMPLAINTS: What is reported?

8

1. Complaint #
2. Respondent(s) name(s)
3. Brief summary of allegations
4. Copy of dismissal letter
  - Typically includes a detailed explanation of the dismissal decision
  - Commission does not vote on these



# LITIGATION/COURT ACTIONS: What is reported?

9

1. Court case name and #
2. Description of the filing
3. Date of upcoming hearing (if any)

# PERSONNEL UPDATES: What is reported?

10

Name, title and background of new  
Enforcement hires

# Miscellaneous updates: What is reported?

11

**Opportunity for Chief to discuss birds-eye issues**

**e.g. staffing/backlog issue**

# What do other Commissions report?

12

## SF & LA:

- Outline every step in Enforcement process
- Provide a list of program initiatives for the year



# What do other Commissions report?

13

Los Angeles breaks down new and ongoing cases by type, e.g.:

Types of Open Enforcement Cases	Jan 2023	Previous Month
<b>Ethics Violations</b>		
<i>Misuse of Authority</i>	22	23
<i>Misuse of Confidential Information</i>	1	1
<i>Gifts</i>	7	6
<i>Conflict of Interests</i>	1	1
<i>Financial Disclosure</i>	1	1
<i>Outside Employment</i>	2	2
<i>Revolving Door</i>	5	5
<b>Campaign Finance Violations</b>		
<i>Money Laundering</i>	2	2
<i>Excess Contribution</i>	0	1
<i>Campaign Solicitation</i>	5	4
<i>Campaign Disclosure</i>	9	13
<i>Campaign Expenditure</i>	0	0
<i>Independent Expenditure</i>	1	2
<b>Lobbying Violations</b>		
<i>Reporting</i>	21	21
<b>TOTAL</b>	<b>77</b>	<b>82</b>

# DISCUSSION

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What other information would be useful/important to the Commission or the public?

# ACTIVITY

15

Case prioritization: To what types of cases should we allocate scarce resources?

Our standard criteria:

- 1) penalty authority
- 2) impact
- 3) public interest, timing, and relevancy,
- 4) staff resources

**PEC RETREAT 2023**  
**ENFORCEMENT DISCUSSION**  
**WRITTEN MATERIALS:**

1. Sample Enforcement Report (PEC)
2. Sample Enforcement Report (San Francisco Ethics Commission)
3. Sample Enforcement Report (Los Angeles City Ethics Commission)
4. Case Priority Activity



# Item 4f - Enforcement Presentation and handouts



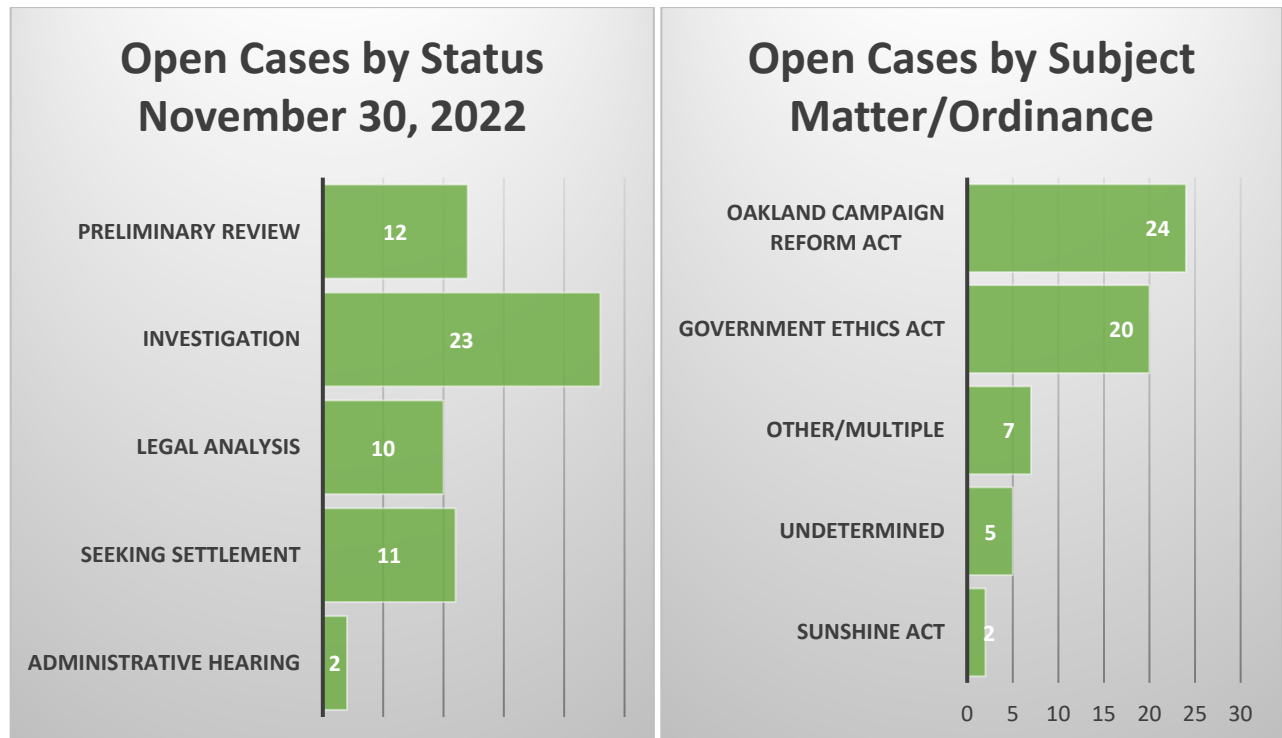
Arvon Perteet, Chair  
Charlotte Hill  
Ryan Micik  
Joseph Tuman  
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission  
FROM: Simon Russell, Enforcement Chief  
DATE: November 30, 2022  
RE: Enforcement Unit Program Update for the December 14, 2022, PEC Meeting

## Current Enforcement Activities:

Since the last Enforcement Unit Program Update submitted to the Commission on October 27, 2022, Commission staff received 7 formal complaints (two of which have been consolidated into a single complaint due to similarity in the allegations), dismissed 2 formal complaints, opened 1 new investigation, and is submitting one case to the Commission for settlement. This brings the total Enforcement caseload to 58 open cases: 12 matters in the intake or preliminary review stage, 23 matters under active investigation, 10 matters under post-investigation analysis, 11 matters in settlement negotiations, and 2 matters awaiting an administrative hearing.



### **Case Resolutions or Submissions**

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

- 1. In the Matters of Dan Kalb (PEC Case No. 16-08a); Abel Guillen (PEC Case No. 16-08b); Lynette Gibson McElhaney (PEC Case No. 16-08c); Annie Campbell Washington (PEC Case No. 16-08d); Noel Gallo (PEC Case No. 16-08e); Desley Brooks (PEC Case No. 16-08f); Larry Reid (PEC Case No. 16-08g); Rebecca Kaplan (PEC Case No. 16-08h); Libby Schaaf (PEC Case No. 16-08i).** On June 7, 2016, Enforcement staff opened a proactive investigation to determine whether City officials' use and reporting of free tickets received by the City to events at the Oracle Arena and the Oakland Coliseum were in violation of the Oakland Government Ethics Act. In light of substantially improved compliance with the City's ticket distribution policy and changes to the law meant to address prior violations, Enforcement staff recommends that these matters be closed without any further action.
- 2. In the Matter of Rebecca Kaplan (PEC Case No. 20-40).** On February 22, 2021, Enforcement staff opened an investigation based upon a formal complaint, to determine whether Oakland City Councilmember At-Large Rebecca Kaplan failed to report her partial ownership interest in an Oakland condominium her Form 700 and/or made, participated in making, or attempted to influence a decision of the City concerning the expansion of a park next to her property, in violation of the Oakland Government Ethics Act. Enforcement staff and the Respondent have reached a stipulated agreement, and Staff recommends that the Commission approve the stipulation and impose a financial penalty in the amount of \$19,000.
- 3. In the Matter of Carroll Fife, Cat Brooks, W. Kamau Bell, Lateefah Simon, Julian Glover (Case No. 21-07).** On June 23, 2021, the City of Oakland Public Ethics Commission (PEC) received a formal complaint that alleged a violation of the Sunshine Act in connection with a private event attended by a City Councilmember. The complainant withdrew the complaint within days of filing, and PEC staff chose not to pursue the allegation any further. Due to a clerical error, PEC staff did not change the status of this complaint on its complaint database to "Closed" (it remained as "Preliminary Review"), nor was a notice of dismissal placed on the PEC agenda as required under the Complaint Procedures. PEC staff is correcting that error now. The status of this case is now "Closed." (See Attachments)
- 4. In the Matter of the Public Ethics Commission (Case No. 22-21).** On November 8, 2022, the City of Oakland Public Ethics Commission (PEC) received a formal complaint alleging that the PEC discussed an item at its public meetings of August 10 and September 14, 2022, that were not properly agendized under the Sunshine Act. After determining that it was permissible for the Enforcement Chief to review the complaint pursuant to the PEC's Complaint Procedures regarding complaints against the PEC itself, the Enforcement Chief found insufficient evidence to open an investigation and has dismissed the complaint with no further action. The status of this case is now "Closed." (See Attachments)

### **Legal Actions**

Since the last Enforcement Unit Program report on October 27, 2022, the following public 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).** A hearing on a Petition To Enforce Investigative Subpoena in Alameda County Superior Court case no. 22CV019951, *City of Oakland Public Ethics Commission v. Harriet Hutchinson*, is scheduled for December 6, 2022, at 10:00 AM in Department 14.
- 2. In the Matter of Andy Duong (Case No. 19-14).** On November 9, 2022, the PEC filed a “Status Update re Hearing on Contempt” in Alameda County Superior Court case no. RG20070117, *City of Oakland Public Ethics Commission v. Charlie Ngo*. A hearing was held on the matter on November 16, 2022. On November 30, 2022, the PEC filed a “[Proposed] Order to Show Cause Regarding Contempt of Court” in the same matter. Another hearing on the matter has been scheduled for January 25, 2023, at 1:30 PM in Department 511.
- 3. In the Matter of Andy Duong (Case No. 19-14).** On November 16, 2022, the PEC filed a “Second Status Update re Noncompliance with Subpoenas” in Alameda County Superior Court case no. RG20075526, *City of Oakland Public Ethics Commission v. Margaret Yang*. There are no upcoming hearings on the matter.
- 4. In the Matter of Andy Duong (Case No. 19-14).** On November 16, 2022, the PEC filed a “Second Status Update re Noncompliance with Subpoenas” in Alameda County Superior Court case no. RG20075540, *City of Oakland Public Ethics Commission v. Mark Hung Tran*. There are no upcoming hearings on the matter.

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.

# Item 4f - Enforcement Presentation and handouts



## San Francisco Ethics Commission

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San Francisco, CA 94102-6053  
ethics.commission@sfgov.org  
415-252-3100 | sfethics.org

June 5, 2023

To: Members of the Ethics Commission  
From: Patrick Ford, Director of Enforcement  
Subject: **Agenda Item 6: Quarterly Enforcement Report**

### Summary and Action Requested

This report provides general programmatic updates and data about the cases handled by the Commission's Enforcement Division.

No action is required by the Commission, as this item is for informational purposes only.

### Background

The Commission's Enforcement Division is responsible for investigating violations of state and local laws relating to campaign finance, lobbying, conflicts of interest, governmental ethics, and whistleblower protection. Enforcement matters are initiated both in response to complaints the Division receives from members of the public and by the Director of Enforcement based on information contained in public records, media reports, and other sources.

All enforcement matters are first examined through the preliminary review process, which assesses whether there is reason to believe that a violation of law within the Commission's jurisdiction has been committed. Matters will be dismissed in preliminary review if they are outside of the Commission's jurisdiction, lack sufficient evidence to support further investigation, do not allege violations of the law, pertain to conduct that has already been investigated or resolved, or other similar bases that indicate an investigation would not serve the interest of justice.

Matters that are not dismissed in preliminary review are opened as investigations. The Enforcement Division seeks evidence through the investigation that would indicate whether a violation of the law has been committed. This may include interviewing witnesses and respondents, reviewing documents, and issuing subpoenas when necessary. Details about any matter that is opened as an investigation are shared with the City Attorney's and District Attorney's offices so that those offices may determine whether they wish to pursue civil or criminal penalties, respectively.

If the Enforcement Division finds evidence indicating that a violation of the law has been committed, it will seek to resolve the matter by securing penalties from the respondent in one of two ways. First, the respondent may enter into a stipulated settlement agreement with the Commission in which the respondent admits to violating the law, agrees to pay a penalty, and may need to take remedial action such as filing a missing disclosure form. Alternatively, the Enforcement Division may initiate an administrative hearing process before the Ethics Commission.



# Item 4f - Enforcement Presentation and handouts

## Cases Resolved

### Fiscal Year 2023

So far in Fiscal Year 2023 (July 1, 2022 – June 5, 2023), the Enforcement Division has concluded a total of 153 enforcement matters. Ten of these matters resulted in stipulated settlements approved by the Commission. In total, these settlements represented penalties of \$68,795. An additional proposed stipulation is presented as Item 7 on this month’s Commission meeting agenda.

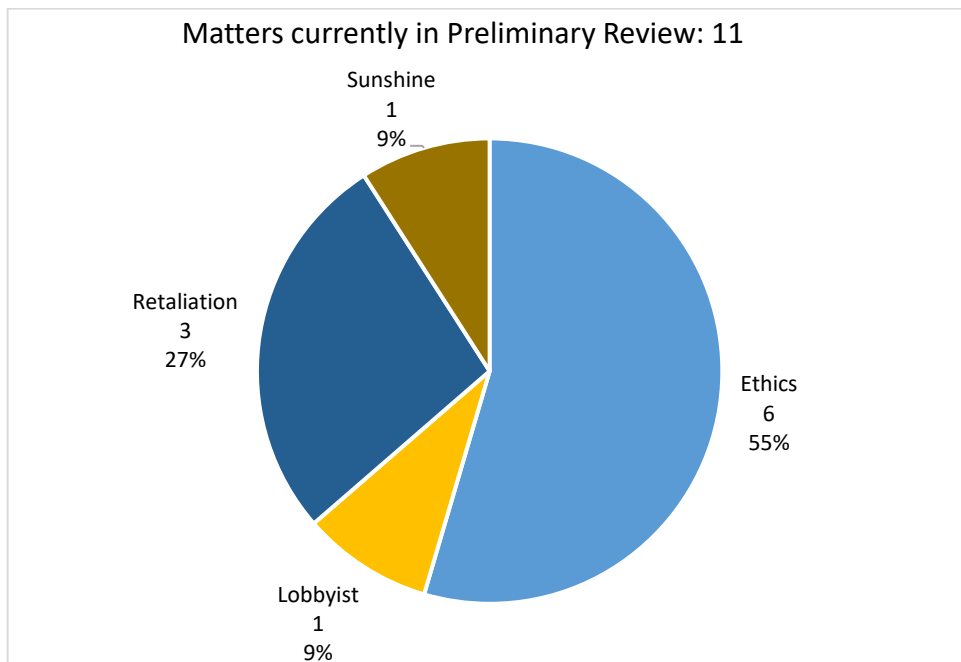
## Cases In Progress

So far in FY23, 97 enforcement matters have been initiated. The majority of these (81) began from complaints that the Commission received from the public, but this also includes 13 matters that the Division initiated based on media reports, observations in public disclosures, independent research, findings from audit reports, and interactions with regulated persons. Two matters were initiated based on referrals from the Controller’s Whistleblower Program, and one was initiated based on a referral from the District Attorney’s Office. Some of these matters initiated in FY23 remain in progress while others have already been resolved.

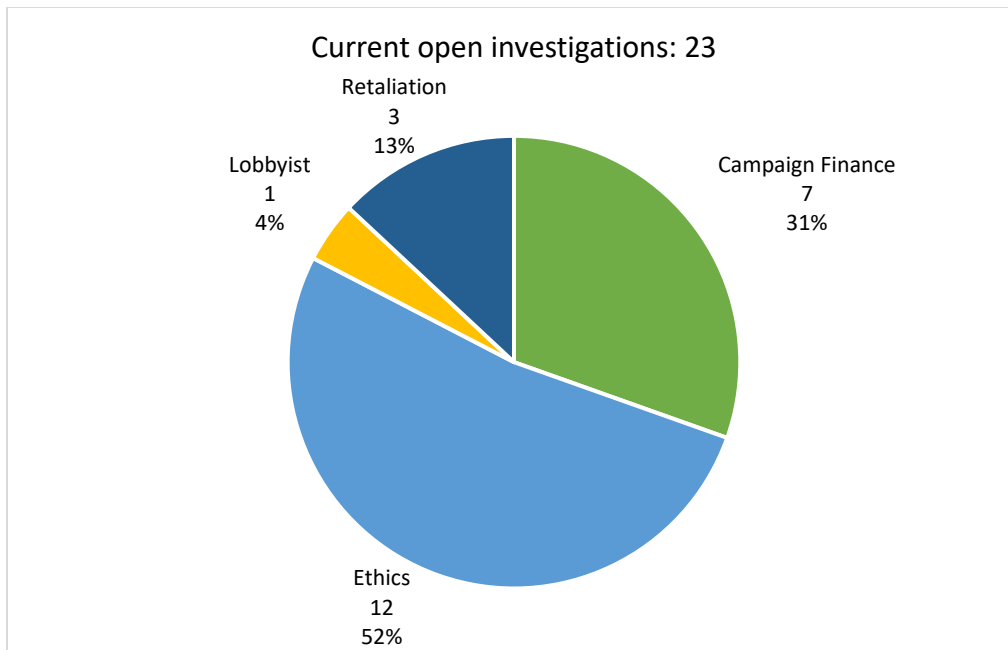
In total, 34 matters are currently in progress, including matters that were initiated during FY23 and matters that were initiated in prior fiscal years. Of these matters, 11 are in preliminary review, and 23 are open investigations.

The current cases in progress are broken down by program area in Charts 1 and 2 below.

**Chart 1 – Matters in Preliminary Review by Program Area**



**Chart 2 – Open Investigations by Program Area**



Four of the 23 open investigations four (17%) are currently more than two years old. This is down from the time of the last Enforcement Report in March, when six of the 44 investigations (14%) were more than two years old, and from May 2022, when 12 of 48 investigations (25%) were more than two years old. This reduction reflects the Division’s ongoing focus to resolve older cases and to timely address newer cases before two years has elapsed. The Division continues to work toward the goal of resolving all cases within two years, in accordance with the Division’s case management protocols. However, there are a variety of reasons a matter might not be resolved within two years, including respondents pursuing all available due process rights, respondents or other sources not readily releasing evidence, complex factual investigative work, coordination with another law enforcement agency, and investigative holds requested by the District Attorney or City Attorney.

At this time, 3 of the cases that are more than two years old are either in the administrative hearing stage or are in the final stages of settlement negotiations. The fourth case would be resolved through the stipulation presented as Item 7 at this Commission meeting. The Division anticipates resolving each of the remaining three cases during FY24, whether through settlement or an administrative hearing. The Division also anticipates that, based on current caseloads and practices, no additional cases will surpass two years during FY24. This is a milestone for the Division because all cases moving forward will be resolved in less than two years, a goal that was identified roughly two years ago. The Division’s quarterly report will no longer include information about cases that are more than two years old.

## FY23 Initiatives

During FY2022-23, the Division undertook a number of initiatives to increase the Commission's enforcement capacity and refine and standardize processes. This work was done in order to better conduct thorough, high-quality investigative work, develop more high-impact cases, and achieve more efficient case resolutions. The main initiatives undertaken were:

- **Launch of New Case Management System** – The new system was fully launched on February 24<sup>th</sup>. The system integrates case data tracking with case document management, so that only one system need be used (previously two systems were needed to accomplish tracking and document management). The system also provides for significantly expanded case data tracking, allowing for faster and more thorough communication between investigators who are collaborating on a case and provide a more detailed picture of the current status of each case.
- **Streamlining Preliminary Review** – The Enforcement Division made preliminary reviews more efficient and timely by establishing benchmarks for preliminary review completion, using case tracking data to better monitor the status of preliminary reviews and balance investigator workloads, and by prioritizing more complex and important cases that will require more time to conduct the review. Another significant factor in reducing preliminary review time has been the greater number of investigators on staff during the last two fiscal years. Through these methods and increased staff, the Division has been able to significantly reduce the amount of time taken on average to complete preliminary reviews.
- **Probable Cause Proceedings and Administrative Hearings** – In order to more fully provide for the effective resolution of enforcement matters, the Division created the [Enforcement Hearing Guidebook](#) that summarizes the laws governing the Commission's probable cause process and hearings on the merits. The purpose of the resource is to assist the Commission and the public in understanding the legal processes in place for the Commission to consider the evidence in a case and determine whether a violation has occurred. These processes are core features of the Commission's role as an administrative enforcement body, a role that was established in the City Charter when the Commission was first formed. The guidebook, which was published to the commission's website May 1<sup>st</sup>, will help guide the administration of hearings moving forward.
- **Developing Investigator Specializations** - A major focus of the Division's work this year has been developing specializations within the team. This is true of both program areas and functions. Investigators have developed expertise in the specific areas of law administered by the Commission through case work and training. Thanks to the expanded number of investigators, cases can now be assigned in many instances to an investigator that has handled similar cases in the past and who has particular expertise in the laws at issue. Additionally, investigators now team up on cases, with one investigator leading the investigative work and one leading the steps involved in pursuing liability in the case, such as settlement negotiations, probable cause, and hearings on the merits. This approach has allowed for further skill specialization and more efficient case resolution.
- **Proactive Enforcement** – The Division has begun to increase its proactive enforcement work, which is when investigators initiate enforcement matters without receiving a complaint. The Charter provides for this proactive work to take place, and it is an important way to ensure that violations that are apparent from disclosure filings, public records, or media reports are

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investigated appropriately. Refining, standardizing, and expanding this aspect of the Division's work will be a major focus of FY24.

- **Refining and Documenting Investigative Protocols** – Another major focus this fiscal year has been refining and documenting the protocols followed by the Division when investigating cases. Although the Division has always followed protocols, the process of refining and documenting them more thoroughly has allowed the expanded team to effectively collaborate and conduct their work in a standardized way.

### FY24 Initiatives

Building on the progress achieved in FY23, the Division will undertake new initiatives in FY24 that will further expand the Commission's enforcement capacity and increase the variety, complexity, and volume of cases handled by the Division. During the ongoing project to develop Performance and Appraisal Reports (PPARs) for Commission staff, the Enforcement Division will identify the primary initiatives to be undertaken.

Commission input on goals and priorities for the Enforcement Division in FY24 are invited and can be shared at a Commission meeting or sent directly to Staff. Staff are also available to meet with individual commissioners to discuss goals for FY24. The Enforcement Division is grateful for the Commission's support in FY23 and looks forward to continuing the Commission's important work in FY24.

# Item 13

## Information

### *Executive Director's Report*

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**Executive Summary:** This item highlights staff activities and other items of note since the last meeting.

**Recommended Action:** This item is for informational purposes only.

**Authors:** David Tristan, Executive Director  
Heather Holt, Deputy Executive Director

**Presenter:** David Tristan, Executive Director

EXCERPT



## Item 4f - Enforcement Presentation and handouts

handbook and a new online ethics training for City officials. The table below highlights activity in January.

Communications	Jan 2023	YTD
Website Updates	5	5
Educational Notices	2	2
Filing Reminders	4	4
Informational Events	2	2
Policy Updates	0	0
Press Releases	1	1
Publications	0	0

All educational materials, including brochures, guides, and videos, can be viewed online at [ethics.lacity.org/publications](https://ethics.lacity.org/publications). Press releases can be viewed at [ethics.lacity.org/news](https://ethics.lacity.org/news).

### D. Web Site

In January, our web site had just under 19,000 page views, and over 6,500 searches had been conducted through the Public Data Portal (PDP). Just over half of the PDP searches (58 percent) sought campaign finance data, and 23 percent sought lobbying data. The PDP may be accessed at [ethics.lacity.org/data](https://ethics.lacity.org/data).

### E. Audits

Audits are required for 47 committees associated with the 2020 elections. Seven of those audits have been completed and released, and the remaining 40 are in progress. Copies of the most recently released audits, which address committees controlled by Tanya Ortiz Franklin, are provided in Attachments A and B and, along with all other final audit reports, are also available online at [ethics.lacity.org/data/more/audits](https://ethics.lacity.org/data/more/audits).

### F. Enforcement

Every enforcement matter begins with a complaint that alleges wrongdoing. We receive complaints in a variety of ways, including through our ethics hotline, internal reviews of documents that are filed with us, audits, referrals, and media reports. The following table identifies complaints that we received last month.

Types of Complaints	Jan 2023	YTD
Governmental Ethics Allegations	26	26
Campaign Finance Allegations	2	2
Lobbying Allegations	2	2
Allegations Outside Our Jurisdiction	45	45
<b>TOTAL</b>	<b>75</b>	<b>75</b>

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We are required by law to review every complaint we receive. In January, the review process led to the resolution of 79 complaints. As noted in the next table, we ended the month with 7 active complaints, all less than two years old. There are a variety of reasons a complaint might not be resolved within two years, including complex facts, voluminous records, individuals pursuing all available due process rights, coordination with another law enforcement agency, direction from a criminal law enforcement agency to pause administrative enforcement until the criminal action is resolved, and other similar scenarios.

Status of Complaints	Jan 2023	Previous Month
Active Complaints (on last day of month)	7	11
<i>New Complaints</i>	75	59
<i>Cold Complaints (2+ years old)</i>	0	0
Resolved Complaints	79	73

Based on the review of a complaint, an enforcement case may be opened. The table below shows that six new cases were opened in January, and we ended the month with a total of 77 open cases. Cases may be closed for a variety of reasons, such as a lack of evidence or an outreach effort by the enforcement staff that leads to mitigation.

Enforcement Cases	Jan 2023	Previous Month
Open Cases (on last day of month)	77	82
New Cases	6	17
Resolved Cases:		
<i>Closed</i>	11	9
<i>Settled</i>	0	4
<i>Adjudicated</i>	0	0

There are various stages in the life of an open enforcement case. As detailed in the following table, four settlements were offered and two probable cause reports were served in January.

Enforcement Case Status	Jan 2023	Previous Month
Ongoing Investigation	69	74
Closing Memo	2	3
Settlement Offered	4	3
PC Report Served	2	2
Hearing/Decision Pending	0	0
<b>TOTAL</b>	<b>77</b>	<b>82</b>

An enforcement case may address any of the laws within our jurisdiction. The table on the next page organizes January's open enforcement cases by type. They included 39 governmental ethics allegations, 17 campaign finance allegations, and 21 lobbying allegations.

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Types of Open Enforcement Cases	Jan 2023	Previous Month
Ethics Violations		
<i>Misuse of Authority</i>	22	23
<i>Misuse of Confidential Information</i>	1	1
<i>Gifts</i>	7	6
<i>Conflict of Interests</i>	1	1
<i>Financial Disclosure</i>	1	1
<i>Outside Employment</i>	2	2
<i>Revolving Door</i>	5	5
Campaign Finance Violations		
<i>Money Laundering</i>	2	2
<i>Excess Contribution</i>	0	1
<i>Campaign Solicitation</i>	5	4
<i>Campaign Disclosure</i>	9	13
<i>Campaign Expenditure</i>	0	0
<i>Independent Expenditure</i>	1	2
Lobbying Violations		
<i>Reporting</i>	21	21
<b>TOTAL</b>	<b>77</b>	<b>82</b>

An enforcement case may be resolved by imposing monetary penalties. To date this year, no penalties have been imposed. Enforcement orders may be viewed online at [ethics.lacity.org/data/more/enforcement-orders](https://ethics.lacity.org/data/more/enforcement-orders).

### G. Looking Ahead

The first quarter is typically our busiest. We continue to have a large workload on the campaign finance front, juggling the work of three election cycles at different stages. We are processing first-quarter filings in the lobbying, contracts, developer, and campaign finance programs. We have begun work on the annual Form 700 filings, which are due in April from approximately 9,700 City officials, and we are finalizing a new online ethics training for City officials. We also continue to move forward with work on several significant enforcement cases, a variety of policy issues, and the budget for Fiscal Year 2023-2024.

The next regular commission meeting will be held April 19. Attachment C is a timeline of key events on the horizon for the agency and our regulated communities.

#### Attachment:

- A Audit report: “Tanya Ortiz Franklin for School Board 2020”
- B Audit report: “Tanya Ortiz Franklin for School Board 2020 – General”
- C Timeline

## Item 4f - Enforcement Presentation and handouts

### Retreat Exercise – Prioritizing Enforcement Cases

**Directions:** Currently, the PEC’s enforcement workload exceeds its staff capacity, requiring that certain cases be prioritized over others. At the retreat, commissioners will engage in an exercise of prioritizing hypothetical cases to explore the decisions staff must make, and to collectively discuss how to weigh competing factors. In preparation of the retreat, please review the following hypothetical cases below.

*You are the Enforcement Chief at the PEC. You are trying to decide which of the following 6 cases to investigate. Each case requires a certain amount of “investigation points” to investigate, which corresponds to the complexity of the case and the staff resources required to complete the investigation. You have a maximum of 10 “investigation points” to allocate:*

1. (“The Campaign”) In the course of conducting an unrelated investigation, PEC staff begins to suspect that an elected City official violated the Oakland Campaign Reform Act (OCRA) through a deliberate scheme that resulted in their campaign obtaining about \$90,000 in funds over the contribution limit from City contractors, without reporting any of it on their campaign forms. **This investigation will take substantial resources and the allegations will be hard to prove (but not impossible). (7 points needed)**
2. (“The Conflict”) PEC staff receives an informal complaint alleging that a mid-level City staffer had a financial conflict of interest in the awarding of a contract valued at \$250,000 to a family member’s firm. The staffer’s job involves rating bidders on all contracts (including this one). In an email to the PEC sent in response to the complaint, the staffer claims to have only applied a set formula per agency rules, and was not the final decision-maker on who would win the contract. (These claims have not yet been verified). **This investigation may take a moderate-to-substantial amount of resources. The allegations will not be hard to prove, but it will take some time to determine the facts necessary to determine an appropriate penalty. (6 points needed)**
3. (“The Lobbyist”) The City Council just awarded a somewhat controversial \$200,000 grant to a nonprofit. A media article then comes out alleging that the nonprofit has an in-house employee who met individually with several City Councilmembers (prior to the vote) to discuss the grant, without registering as a lobbyist. The article has attracted significant public attention, but no complaint has yet been filed with the PEC. **This investigation will take a moderate amount of resources. Given the at-times gray-area nature of what constitutes “lobbying,” the outcome is uncertain. (3 points needed)**
4. (“The Campaign Non-Filer”) PEC staff monitoring incoming campaign forms tells Enforcement that a losing candidate for School Board has filed to file their 3 most recent Form 460s since the election, and has not responded to front-office efforts to contact them. On the most recent 460 that they filed (just before the election), the candidate reported having \$4,000 left in their

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campaign account. It is unclear what, if anything, they have done with the leftover money since then. **This investigation will not take much time, unless the respondent is difficult to contact or does not cooperate. (2 points needed)**

5. ("The 700 Non-Filers") PEC staff receives a formal complaint alleging that nearly a dozen low-level staffers at the same City Department have never filed a Form 700. It is unclear whether the staffers' Department has informed them that they needed to file Form 700s. **This investigation will not take much time, unless the respondents claim (as a mitigating factor) that they were never notified that they needed to file. (1 point needed)**

6. ("The Gift") PEC staff receives an informal complaint alleging that a senior staffer in the Mayor's office failed to declare a gift from a private entity in Oakland worth \$50 on their Form 700. As yet, there are no facts alleged indicating that the entity had any business with the City. **This investigation will not take much time, unless the respondent tries to argue that a reporting exception exists (as a mitigating factor) or PEC staff learns that the entity may have had business with the City. (1 point needed for streamline; 1 additional point needed to investigate whether the entity had business with the City)**

*I would investigate the following cases:* \_\_\_\_\_

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