

# Item 5 - Meeting Minutes

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Teleconference  
Wednesday, December 14, 2022  
6:30 p.m.



DRAFT

Commissioners: Arvon Perteet (Chair), Ryan Micik (Vice-Chair), Charlotte Hill, Joseph Tuman, and Francis Upton IV.

Commission Staff to attend: Suzanne Doran, Acting Executive Director/Lead Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

## **PUBLIC ETHICS COMMISSION REGULAR MEETING MINUTES**

### **1. Roll Call and Determination of Quorum.**

The meeting was held via teleconference.

The meeting was called to order at 6:30 p.m.

Members present: Perteet, Micik, Hill, Tuman and Upton IV. Hill arrived at 6:32 p.m.

Staff present: Suzanne Doran, Ana Lara-Franco, and Simon Russell.

City Attorney Staff: Tricia Shafie

### **2. Staff and Commission Announcements.**

Suzanne Doran, Acting Executive Director, shared that Simon Russell had been promoted as the new Enforcement Chief.

### **3. Open Forum.**

Public comment: There were four speakers. A full recording of public comments is available in the [meeting video](#). Video recordings are posted on the meeting webpage, which may be found at [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec).

## **PRELIMINARY ACTION ITEMS**

### **4. Virtual meetings by the Public Ethics Commission.**

The Commission reviewed and renewed Resolution 22-01, approved at the January 12, 2022, Regular meeting, to justify the ongoing need for virtual meetings following the

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California State Legislature's adoption and Governor's approval of AB 361 on September 16, 2021 (Chapter 165; Statutes of 2021).

Public comment: There were two speakers.

Micik moved, and Hill seconded to approve the renewal of RESOLUTION NO. 22-01.

Ayes: Perteet, Hill, Micik, Tuman, Upton IV.

Noes: None.

Vote: Passed 5-0.

### ACTION ITEMS

#### **5. Approval of Commission Meeting Draft Minutes.**

- a. November 9, 2022, Regular Meeting Minutes

Public comment: There was one speaker.

Hill moved, and Micik seconded to approve the November 9, 2022, Regular Meeting Minutes.

Ayes: Perteet, Hill, Micik, Tuman.

Noes: None.

Abstain: Upton IV, was not present at the meeting.

Vote: Passed 4-0.

- 6. 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).**

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Simon Russell, Enforcement Chief, presented the report and shared that 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. Considering substantially improved compliance with the City's ticket distribution policy and changes to the law meant to address prior violations, Enforcement staff recommended that these matters be closed without any further action.

Commissioners asked questions and discussed the recommendation.

Public comment: There were three speakers.

Upton moved, and Micik seconded to accept the staff recommendation.

Ayes: Perteet, Hill, Micik, Tuman and Upton IV.

Noes: None.

Vote: Passed 5-0.

### **7. In the Matter of Rebecca Kaplan (PEC Case No. 20-40).**

Chief Russell shared that 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. He recommended that the Commission approve the stipulation and impose a financial penalty in the amount of \$19,000.

Commissioners asked questions and discussed the recommendation.

Matthew Alvarez, counsel for Rebecca Kaplan, spoke on behalf of Rebecca Kaplan and was available for questions.

Public comment: There were four speakers.

Hill moved, and Upton seconded to accept the staff recommendation.

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Ayes: Perteet, Hill, Micik, Tuman and Upton IV.

Noes: None.

Vote: Passed 5-0.

### DISCUSSION ITEMS

#### 8. Reports on Subcommittees and Commissioner Assignments.

- a. **Outreach Subcommittee** (*ad hoc*, created on June 8, 2022) – Francis Upton IV (Chair), and Charlotte Hill.

There were no updates. Hill shared that the subcommittee would look into providing information on the recruitment for the Executive Director position.

Public comment: There were two speakers.

- b. **Recruitment Subcommittee** (*ad hoc*, created on October 12, 2022) – Ryan Micik (Chair), Charlotte Hill, Francis Upton IV.

Micik shared that the subcommittee interviewed seven candidates and invited four to interview in front of the full commission.

Public comment: There was one speaker.

Perteet created the Measure W *ad hoc* Subcommittee to discuss the implementation of the measure. Members are Perteet (Chair), Hill, and Upton IV.

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## 9. Limited Public Financing Program Summary 2022.

Commission staff summarized candidate participation and the distribution of funds by the City's last public financing program during the 2022 general election.

Public comment: There was one speaker.

## 10. Implementation of Measure W - Oakland Fair Elections Act and Public Ethics Commission Amendment to the City Charter.

Ms. Doran provided a broad overview of the operational changes required by the new law and associated amendments, which passed the ballot on November 8, 2022, along with a tentative timeline for implementation tasks.

Commissioners reviewed and discussed the activities necessary to implement Measure W.

Public comment: There were two speakers.

## 11. Transparency and Public Records Requests Improving Responsiveness.

Commissioners discussed best practices regarding public records requests.

Public comment: There were two speakers.

## INFORMATION ITEMS

### 12. Disclosure and Engagement.

Ana Lara-Franco, Commission Analyst, provided an overview of education, outreach, disclosure, and data illumination activities for this past month.

Public comment: None.

### 13. Enforcement Program.

Chief Russell provided a monthly update on the Commission's enforcement work since

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the last regular Commission meeting.

Public comment: There was one speaker.

### **14. Executive Director's Report.**

Ms. Doran reported on overall projects, priorities, and significant activities since the Commission's last meeting.

The recruitment for Executive Director has started with a deadline of 1/2/2023. Staff requested approval to hire a part-time investigator while the investigator position is vacant. Candidates are being referred for the Administrative Assistant II vacancy.

Commissioners discussed recruitment for the Executive Director, application deadline, and options should the Commission desire more applicants.

Public comment: There was one speaker.

### **15. Future Meeting Business.**

Perteet noted the following topics would be on the agenda for the next meeting: Executive Director search, selection of a new Chair and Vice-Chair, and selection of commissioners to fill two vacancies.

Micik requested a discussion be scheduled for a future meeting to review policies for communicating and responding to media requests about investigations involving candidates.

Perteet asked staff to provide an update on action related to the Grand Jury report regarding the Form 700 filing officer duties.

Public comment: There was one speaker.

The meeting adjourned at 9:18 p.m.