



Public Ethics
Commission | CITY OF
OAKLAND

Streamline and Diversion Amendments

**PEC meeting of October 11, 2023
Simon Russell, Enforcement Chief**

WHAT IS “STREAMLINE”?

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Cases involving:

- Minor violations
- No aggravating factors
- No prior history of similar violations

WHAT IS “STREAMLINE”?

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Violation	Compliance prior to or in response to first PEC enforcement contact	Compliance prior to publication of PEC investigation report
<u>Form 700 Non-Filer and Non-Reporter (GEA § 2.25.040):</u>	<u>\$400</u>	<u>\$800</u>
<u>Gift Restrictions (GEA § 2.25.060C)</u>	<u>\$400, plus unlawful amount</u>	<u>\$800, plus unlawful amount</u>
<u>Form 301 Non-Filer (CRA § 3.12.190)</u>	<u>\$400, plus 2% of contributions received over limit prior to filing form</u>	<u>\$800 plus 2% of contributions received over limit prior to filing form</u>
<u>Campaign Statement/Report Non-Filer and Non-Reporter (CRA § 3.12.340)</u>	<u>\$400, plus 1% of all financial activity not timely reported</u>	<u>\$800, plus 1% of all financial activity not timely reported</u>

WHAT IS “DIVERSION”?

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- A way of resolving less-serious violations without a fine.
- Usually by requiring a training.

WHAT CHANGES ARE WE PROPOSING?

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1. Expand the types of violations eligible for streamline
2. Clarify when streamline is/is not available for each violation type
3. Authorize the Executive Director to enter streamlined settlement agreements without a Commission vote
4. Authorize use of diversion to resolve streamline cases

ELIGIBLE VIOLATIONS

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Currently:

- Form 700 Non-Filer
- Form 700 Non-Reporter
- Campaign Statement Non-Filer
- Campaign Statement Non-Reporter
- Gift restrictions
- Form 301 Non-Filer

ELIGIBLE VIOLATIONS

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Proposed additions:

- **Misuse of City Resources**
- **Campaign Contribution Limit**
- **Contractor Contributions**
- **Lobbyist Registration Non-Filer**
- **Lobbyist Report Non-Filer**
- **Lobbyist Report Non-Reporter**

ELIGIBILITY CRITERIA

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Currently:

“No aggravating factors” (vague)

Proposal:

- More specific criteria for each violation type

APPROVAL PROCESS

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Currently:

- Requires Commission vote

Proposal:

- Allow Executive Director to approve
- Report to Commission (but no vote)
- *Except* for cases involving:
 - Elected officials and chiefs of staff;
 - Department directors; or
 - Campaigns that have raised or spent \$50,000

AUTHORIZE DIVERSION

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Currently:

- Unclear if diversion is available in streamline cases

Proposal:

- Clarify that diversion is available in most streamline cases, where Respondent quickly complies

RECAP; QUESTIONS?

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We are proposing:

1. Expand the types of violations eligible for streamline
2. Clarify when streamline is/is not available for each violation type
3. Authorize the Executive Director to enter streamlined settlement agreements without a Commission vote
4. Authorize use of diversion to resolve streamline cases