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Public Ethics Commission Application

Contact Information

Name Karun Tilak

Address [REDACTED]
Oakland, CA 94609-2035

Phone [REDACTED]

Evening Phone [REDACTED]

Email [REDACTED]

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 5

Your City Council District District 1

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: None

Do you attest that you already have or will attend a PEC meeting before your final interview with the Commission? Yes

If you said yes to the previous question, please let us know what date you attended or will attend. August 9, 2023

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

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Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

How did you hear about this vacancy? Public Ethics Commission website

Supplemental Questions

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1. Why do you want to serve on the Public Ethics Commission?

Our democracy is only as strong as the public's trust in its institutions. Unfortunately, outright corruption, hidden conflicts of interest, political influence, and special interest funding too often undermine the public's faith in government. This can create a vicious cycle of distrust, misinformation, and apathy, which undermines the quality of government decision making, leading to an even less responsive government and even more distrust and apathy. This problem is not just one of national politics, but also affects local governments, including here in Oakland.

The Public Ethics Commission ("Commission") plays a central role in safeguarding the public's trust in Oakland's institutions by ensuring that our robust (and sometimes raucous) public debate remains transparent and that decisions made by our City officials are free of undisclosed conflicts or unfair advantages. As someone who has focused my career on ensuring that local government agencies comply with the law and work to protect the most vulnerable members of the community (discussed further in Question 2), I am drawn to the core work of the Commission: educating City employees and the public about ethics, transparency, and campaign finance laws; overseeing investigations of breaches of ethical obligations; and identifying ways to make City decision making accessible and responsive to everyone. And as an Oakland resident, I am excited to use my professional experience and commitment to local government service for the benefit of the community that I call home.

I am particularly interested in serving on the Commission now because of its cutting edge work to empower local democratic participation, including through the implementation of Measure W. While the funding for the Democracy Dollars component of Measure W has been set back by Oakland's budgetary shortfall, the Commission will nevertheless be engaging in critical work over the next two years to build out the infrastructure for the program and provide limited public campaign financing. That work is novel and challenging, especially because very few jurisdictions across the country have similar programs, and it will be vitally important to a successful rollout. Indeed, the Commission's work could provide a workable model for local jurisdictions across the country.

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2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

Through my nearly 10 years of experiences as an attorney, I have not only demonstrated a commitment to government service, but have also developed substantive knowledge and skills directly relevant to the Commission's work.

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For the last several years, I have worked as an attorney in local government--first as a fellow in the Oakland City Attorney's Office, then at the Santa Clara County Counsel's Office, and now at the San Francisco City Attorney's Office. Through these roles, I have gained significant knowledge of California and local ordinances that help ensure public officials behave ethically, including financial disclosure requirements, limitations on the acceptance or solicitation of gifts, and open meeting and public records laws. For example, at the Santa Clara County Counsel's office, I routinely advised County public safety agencies on public records law compliance and competitive contracting requirements, and advised bodies subject to the Brown Act. As a public employee, I myself have been subject to many of the same or similar financial disclosure and conflicts of interest laws that are applicable in Oakland.

Beyond substantive knowledge of relevant bodies of law, I have also gained a deep understanding of the process of local government decision making, including for example, ordinances, contracting, permit issuance, department policy development, and grant awards. I have come to appreciate the importance of ensuring that these processes remain transparent and independent of undue political influence or financial conflicts of interest. In addition, I have advised agencies on legal compliance and policy development issues of significant public interest, such as use of force policies and disclosure of law enforcement military equipment, and gained experience on navigating the development and implementation of policies that are the focus of scrutiny from the public and elected officials.

Through my work in local government, I have also used my legal skills to work collaboratively with local agencies to protect vulnerable members of the community. During a fellowship at the Oakland City Attorney's Office, for example, I worked to advance tenants' rights by litigating cases against abusive Oakland landlords. At Oakland and at Santa Clara County, I worked on the first government-initiated lawsuit against major opioid manufacturers to hold them accountable for the opioid crisis that has wrought havoc on our community. In both jurisdictions, I also worked to protect vulnerable residents during the COVID-19 pandemic, including drafting guidance for victims of domestic violence while at the Oakland City Attorney's Office and taking enforcement action against businesses that violated COVID-19 Public Health Orders in Santa Clara County. In each of these cases, it was impossible for me to simply litigate the case in a vacuum. Rather, I had to develop close working relationships with staff in City or County departments--and sometimes directly with advocacy groups or members of the public--in order to understand their concerns, gather relevant information, and work together to shape a strategy that would

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reach an outcome beneficial to the community.

Finally, my work in local government follows a career in private practice where I focused significant time on litigating cases to protect disfavored groups from harmful governmental policies. For example, during the Trump administration, I successfully represented voters from all across the country challenging President Trump's decision to add a citizenship question to the census---a measure blatantly aimed at scaring Latinx residents, depressing the census count in areas with large immigrant populations, and disenfranchising minority and immigrant members of our communities. I also represented students and advocacy groups challenging the various iterations of President Trump's travel ban policies that banned travel from certain Muslim countries and stigmatized Muslim Americans. My experience in private practice taught me the role of the public in holding government officials accountable for their actions.

I hope to bring my knowledge of local government decision making and public ethics requirements, and my passion for ensuring that our public officials maintain the public's trust, to the work of the Commission so that we can continue to protect our vibrant local democracy here in Oakland.

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3. What issues, projects, or goals would you like to pursue while serving on the Commission?

There are several projects and issues that I would like to prioritize if appointed to the commission.

On the legislative front, I would like to see the Public Ethics Commission work with City Administration and the City Council to pass an ordinance strengthening behested payments requirements applicable to certain City officials beyond what state law requires. San Francisco, for example, recently passed an ordinance prohibiting City department heads and Form 700 filers from soliciting behested payments from lobbyists, consultants, or other parties with business before the official's department. Such a policy makes good sense. Ethical issues are raised not just when an elected official seeks a behested payment-which is the focus of State disclosure laws and the Form 803. Similar ethical considerations also arise, for example, when a department head asks a permit applicant or prospective contractor to donate to a non-profit or another entity supported by the department head. I would like to see Oakland adopt an ordinance that addresses these ethical concerns by either prohibiting or requiring disclosure of behested payments for a broader category of City officials than is presently covered by state law.

I am also interested in contributing to the Commission's work on implementation of Measure W. I understand that Seattle has a similar democracy voucher program, and I would be interested in setting up a bilateral information-sharing relationship (to the extent one does not already exist) to help identify best practices and pitfalls as the Commission builds out the infrastructure for the distribution of Democracy Dollars for the 2026 election.

With respect to the Commission's enforcement activities, I would like to explore ways to sort through and prioritize the backlog of enforcement cases within the constraints of the Commission's budgetary limitations and short staffing. For example, I would like to consider whether technology assisted review ("TAR") products-which are increasingly used for document review in large-scale litigation-could be useful in taking a first pass through complaints and documents received as part of investigations to ease the burden on Commission staff. I would also like to consider whether it would be appropriate and economical for the Commission to contract with an outside investigator to augment the investigative capabilities of Commission staff.

Finally, with respect to public records, I would like to understand whether there are structural issues in the City's recordkeeping, collection, and review processes that create roadblocks to timely compliance with the City's Sunshine Ordinance and California Public Records Act. While recognizing the limits of the Commission's jurisdiction and the budgetary and staffing constraints of City agencies, I would like to explore whether there are fixes, such as centralization of document storage in designated databases, use of technology assisted review, and OCR recognition of PDF documents, that can expedite review and production of public records. I'd

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also be interested in exploring if it would be feasible for departments to identify issues or decisions of public interest and preemptively post likely public records related to those decisions, without waiting for a specific request.

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4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

The three most pressing challenges for Commission and the City are (1) beginning the implementation of Measure W despite the shortfall in the adopted budget; (2) reducing the enforcement backlog; and (3) ensuring City agencies continue to work towards better public records disclosure.

First, the Commission and City need to start the implementation process for Measure W despite the budgetary shortfall. Building the processes and technology for distribution of Democracy Dollars is likely to be a complex and novel endeavor. Indeed, no other California jurisdictions, and only one other city in the country (Seattle) have a similar program, so the Commission and the City will be treading new ground in developing the Democracy Dollars program. This endeavor will likely be even more challenging given the limited funding in the adopted budget.

Second, the Commission has a backlog of enforcement cases, a problem that has been exacerbated by the present budgetary situation. If the Commission fails to make progress on investigating and resolving enforcement cases, the public and City employees may be disincentivized from filing new complaints, thus depriving the Commission of a vital source of information regarding potential ethics violations and undermining the public's faith in the Commission.

Finally, the City needs to do better in timely responding to public records requests while still preserving privileged and confidential information where appropriate. While the large number of public records requests and the volume of potentially responsive electronic documents likely contribute to the City's public records backlog, I think the City should explore organizational and technological options to help streamline the collection and review process. Improving the City's public records request production timeliness is not just a matter of public transparency, but would also protect the City from potentially significant liability under local and state public records laws.

5. What else would you like the subcommittee to know as your application is considered?

I hope my answers to Questions 1-4 have conveyed my interest in the Commission, my relevant experience and commitment to local government service, and some of the specific issues and projects that I hope to focus on if I were selected for the Commission. I would be happy to provide any additional information that would be helpful to the subcommittee in evaluating my application. Thank you for taking the time to consider my application.

Please provide two references

Reference 1

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Name	Kavita Narayan
Address	[REDACTED] [REDACTED] San Jose, CA 95110
Phone	[REDACTED]
Email	[REDACTED]

Reference 2

Name	Erin Bernstein
Address	[REDACTED] [REDACTED] Oakland, CA 94611
Phone	[REDACTED]
Email	[REDACTED]

Submit your resume

Upload your resume	https://www.formstack.com/admin/download/file/14978977931
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Sign and submit application

Signature	[REDACTED]
Date/Time	Jul 30, 2023

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KARUN TILAK

EDUCATION

YALE LAW SCHOOL, J.D., 2014

Editor: Yale Law Journal Vol. 123, Yale Journal of International Law Vol. 37

Clinics: Worker & Immigrant Rights Advocacy Clinic, Immigration Legal Services Clinic

AMERICAN UNIVERSITY, B.A./B.S., 2011, *summa cum laude*, International Studies and Economics

JUDICIAL CLERKSHIPS

Hon. Anita B. Brody, U.S. District Court, Eastern District of Pennsylvania, Philadelphia, PA 2015-2016

Hon. Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit, Oklahoma City, OK 2014-2015

EXPERIENCE

SAN FRANCISCO CITY ATTORNEY'S OFFICE, Deputy City Attorney June 2023-present

SANTA CLARA COUNTY COUNSEL'S OFFICE, Deputy County Counsel June 2020-June 2023

- Represented the People of the State of California in public nuisance and consumer protection litigation against opioid manufacturers. Involved in all aspects of discovery, drafted dispositive motions, and argued pretrial and trial motions. Actively involved in multi-month trial and post-trial briefing.
- Representing the County in lawsuit to enforce COVID-19 public health orders and defending the County from constitutional challenges to its enforcement action. Co-lead in drafting and strategy for summary judgment motion, and will argue the motion in February 2023.
- Lead County Counsel's Office efforts to strengthen County firearms policies, including coordinating with agencies to propose and draft ordinance code amendments and providing the Board of Supervisors with legal analyses of the impact of recent caselaw and statutes on local firearms regulations.
- Supervise Stanford Law clinic students and impact litigation fellows on a variety of impact litigation and policy projects.
- Advise public safety agencies on legal compliance and policy matters, including interfacing with agency stakeholders and responding to Board of Supervisors questions on wide-ranging issues such as jail reform, peace officer use of force, law enforcement use of military equipment, and criminal justice data privacy.

OAKLAND CITY ATTORNEY'S OFFICE, Public Rights Project Fellow July 2019-June 2020

- Assisted with the City's response to the COVID-19 pandemic. Led efforts to combat false advertising claims regarding purported coronavirus treatments, advocated for better protections for individuals held in county jails, and developed guidance for survivors of domestic violence affected by shelter-in-place order.
- Represented the City in litigation against Oakland landlord for numerous violations of tenants' rights.

COVINGTON & BURLING, LLP, Litigation Associate Aug. 2016- July 2019

- Represented individuals who challenged the Trump Administration's attempt to add a citizenship question to the 2020 Census. Developed legal theories, drafted complaint and dispositive motions, deposed Census Bureau officials, cross-examined the government's key witness at trial, and supervised post-trial briefing.
- Represented individuals and organizations who challenged President Trump's "Travel Ban" Executive Orders, including drafting trial court and appellate briefing. Coordinated and helped draft amicus brief on behalf of an interfaith coalition of religious groups in parallel case before the U.S. Supreme Court.
- Represented the State of Minnesota in natural resources damages lawsuit against the 3M Company, resulting in a \$850 million settlement on the eve of trial. Deposed senior corporate officials, worked with expert witnesses, and assisted with opening statements and witness preparation for trial.

BAR ADMISSIONS: California, New York, District of Columbia, U.S. Court of Appeals for the Tenth Circuit.