

# Item #9 - Enforcement Report



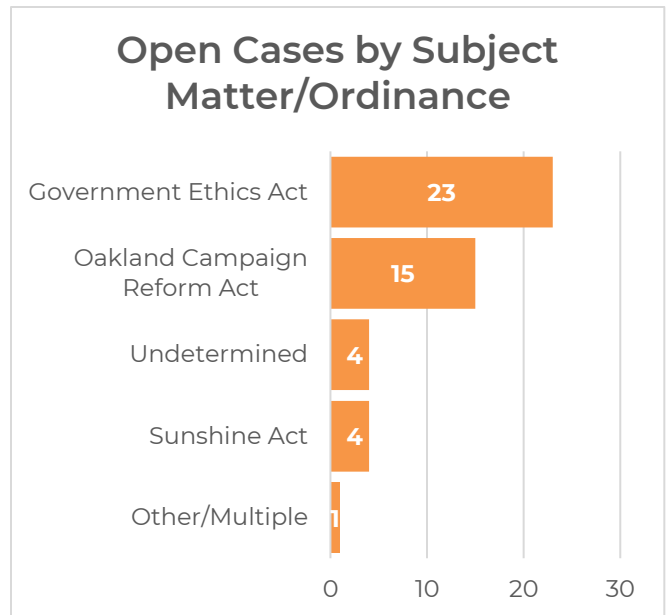
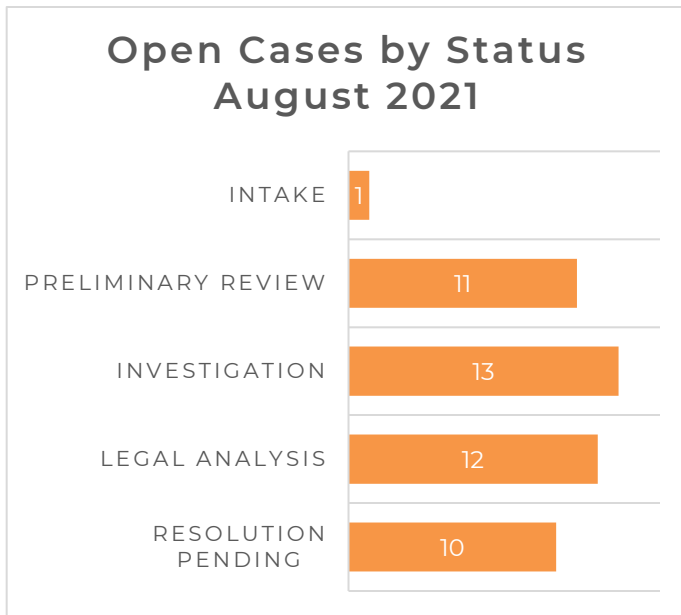
Michael McDonald, Chair  
Jerett Yan, Vice-Chair  
Avi Klein  
Ryan Micik  
Arvon Perteet  
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission  
FROM: Kellie Johnson, Enforcement Chief  
Whitney Barazoto, Executive Director  
DATE: August 20, 2021  
RE: Enforcement Program Update for the September 2, 2021, PEC Meeting

## Current Enforcement Activities:

Since the last Enforcement Program Update on June 7, 2021, Commission staff received one new complaint. This brings the total Enforcement caseload to 47 open cases: 12 matter(s) in the intake or preliminary review stage, 13 matters under active investigation, 12 matters under post-investigation analysis, and 10 matters in settlement negotiations or awaiting an administrative hearing.



## Summary of Current Cases:

Since the last Enforcement Program Update in June 2021, the following status changes have occurred:

1. ***In the Matter of The City of Oakland Planning and Building Department (Case No. 18-48 and 16-22M)***. On September 7, 2016, the Commission received a complaint alleging that the Oakland Planning and Building Department failed to disclose records in response to a public records request made by the Complainant on August 8, 2016. On October 31, 2016, Commission Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance. In response, the Department provided additional records responsive to Complainant's public records request. Commission Staff completed and closed the mediation after the department reported no other documents in their possession regarding the request. The Commission closed the mediation and referred the matter to the Enforcement Unit for further investigation on whether the Planning and Building Department violated any laws within PEC's jurisdiction. Commission staff provides an informational report to the Commission regarding the findings of the investigation, the additional documents that were provided to the Complainant, and the scope of the Commission's authority under the Sunshine Ordinance. (See Agenda Item)
  
2. **Non-Filer Cases Referred by PEC Filing Officer for the 2018 Election**. The following cases were referred to the Enforcement unit by the Public Ethics Commission filing officer for campaign statements required, but never filed, by campaign committees pursuant to the California Political Reform Act and the Oakland Campaign Reform Act during the 2018 election cycle and years leading to it. Commission staff attempted resolution by negotiated settlement but received no response from each filer. Staff provides a report for each committee showing probable cause that one or more violations exist in the following cases and requests approval from the Commission to schedule the cases for an administrative hearing in each case (See Agenda Items):
  - a. PEC Case No. 17-18 and 18-17; In the Matter of Darrel Carey and the East Bay Small Business Council
  - b. PEC Case No. 19-06; In the Matter of Annie Campbell Washington for Oakland City Council 2018
  - c. PEC Case No. 19-13; In the Matter of Matt Hummel for Oakland City Council