

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Friday, September 17, 2021
6:30 p.m.



Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Jessica Leavitt, Ryan Micik, Arvon Perteet, and Joseph Tuman

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Ana Lara-Franco, Commission Assistant; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION SPECIAL MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:31 p.m.

Members present: MacDonald, Yan, Micik, Perteet, Tuman

Klein and Leavitt were absent

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, Ana Lara-Franco and Simon Russell.

City Attorney Staff: Trish Shafie.

2. Staff and Commission Announcements.

MacDonald announced the appointment of Commissioner Leavitt. Leavitt was appointed by the City Attorney. Her term ends January 2024.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

4. *In the Matter of Thomas Espinosa (Case No. 16-14)*

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Whitney Barazoto, Executive Director, explained that this item was continued from the Commission's June 7 and June 30, 2021, meetings in which penalties were discussed following an administrative hearing on April 27, 2021. Ms. Barazoto provided an overview of the procedural history of the matter of Thomas Espinosa, including notice requirements and procedural obligations of staff and the Commission, as well as a history of communications with Espinosa. Ms. Barazoto also provided copies, included with the agenda, of a supplemental report from the Hearing Officer and a memorandum from the City Attorney's office providing legal advice to the Commission as to its options in response to Espinosa's claims of a mental impairment.

Commissioners discussed and asked questions.

MacDonald asked if the respondent, Thomas Espinosa, was in attendance at this meeting. He was not.

Commissioners discussed penalties for each count.

At 10:52 p.m. MacDonald called for public speakers.

There were no public speakers.

MacDonald moved and Tuman seconded to adopt the findings of fact from the hearing officer's recommendation.

Ayes: MacDonald, Yan, Klein, Micik and Perteet.

Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

On Counts 30-33, the Commission reached different conclusions from the Hearing Officer.

Perteet moved and MacDonald seconded to find that the Respondent did violate the conflict of interest on count 30, conflict of interest on count 31, conflict to interest on count 32, and conflict of interest on count 33.

Ayes: MacDonald, Yan, Klein, Micik and Perteet

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Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

Perteet moved, and Tuman seconded to adopt each of the following amounts for each respective count, imposing a total penalty total of \$309,600:

| Count | Proposed Amount |
|-------|-----------------|
| 1 | 5,000.00 |
| 2 | 5,000.00 |
| 3 | 18,000.00 |
| 4 | 5,000.00 |
| 5 | 5,000.00 |
| 6 | 5,000.00 |
| 7 | 18,000.00 |
| 8 | 5,000.00 |
| 9 | 5,000.00 |
| 10 | 5,000.00 |
| 11 | 5,000.00 |
| 12 | 5,000.00 |
| 13 | 5,000.00 |
| 14 | 5,000.00 |
| 15 | 5,000.00 |
| 16 | 5,000.00 |
| 17 | 5,000.00 |
| 18 | 5,000.00 |
| 19 | 5,000.00 |
| 20 | 5,000.00 |
| 21 | 5,000.00 |
| 22 | 5,000.00 |
| 23 | 5,000.00 |
| 24 | 5,000.00 |
| 25 | 5,000.00 |
| 26 | 5,000.00 |
| 27 | 5,000.00 |
| 28 | 29,100.00 |

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| | |
|----|----------|
| 29 | 5,000.00 |
| 30 | 7,500.00 |
| 31 | 7,500.00 |
| 32 | 7,500.00 |
| 33 | 7,500.00 |
| 34 | 8,625.00 |
| 35 | 8,625.00 |
| 36 | 8,625.00 |
| 37 | 8,625.00 |
| 38 | 5,000.00 |
| 39 | 5,000.00 |
| 40 | 5,000.00 |
| 41 | 5,000.00 |
| 42 | 5,000.00 |
| 43 | 5,000.00 |
| 44 | 5,000.00 |
| 45 | 5,000.00 |
| 46 | 5,000.00 |
| 47 | 5,000.00 |

Ayes: MacDonald, Yan, Klein, Micik and Perteet.

Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

The meeting adjourned at 11:16 p.m.