

Item 6 - Form 700 Enforcement Updates



Francis Upton IV, Chair
Tanya Bayeva, Vice Chair
Ryan Micik
Alea Gage
Vincent Steele
Karun Tilak

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Alex Van Buskirk, Lead Analyst, Compliance and Disclosure
DATE: March 6, 2025
RE: Update on Form 700 Enforcement Efforts (PEC # 24-05) and Recommendation to Close or Settle Certain Cases

In 2024, the Commission initiated its first comprehensive enforcement review to ensure compliance with the requirement that City elected officials, commissioners, and staff identified in the City’s Conflict of Interest Code file their annual Statement of Economic Interest, commonly known as the “Form 700.” This report and request for Commission action:

- (1) provides an update on 2024’s ongoing, City-wide Form 700 enforcement program;
- (2) recommends that the Commission close some complaints where either no violation was found or sufficient mitigating circumstances exist to justify closure without further action; and
- (3) recommends that the Commission approve settlements of diversion training for some Form 700 late filers that promptly filed their form upon being notified by Enforcement Staff.

Form 700 Background

Every year, many City officials need to file what is called a Statement of Economic Interest or “Form 700.” On this form, they report any financial or business interests that might affect their impartiality when performing their City duties. Among the things that need to be reported are outside sources of income, stock and real estate holdings, community property, and gifts from persons other than family and friends.¹ Though not every City official needs to file a Form 700, a broad range of officials fall within the annual filing requirement, from Councilmembers and Commissioners to administrative and frontline staff.²

¹ This is a simplified description of what is required to be reported. For details, see the California Government Code sections 87200-87210 and the accompanying regulations.

² The complete list of City positions required to file a Form 700 can be found in the City’s Conflict of Interest Code, OMC Chapter 3.16.

Form 700s are filed with the City Clerk’s office. The list of persons required to file a Form 700 is generated through data provided by Human Resources, which in turn relies upon timely and accurate hiring and leave data from individual departments and commissions. The Public Ethics Commission (PEC) and the state Fair Political Practices Commission (FPPC) enforce the filing requirement, usually after receiving notices from the City Clerk or complaints from the public that a particular official has missed the filing deadline.

A 2022 grand jury report found that many Oakland officials were not filing their required Form 700s.³ In response, the PEC initiated a pilot program in 2023 to (1) obtain comprehensive data from the City Clerk on which required filers had not filed the Form 700 due that year (called the “2022 annual” because it covered officials’ finances from 1/1/22 – 12/31/22) and (2) bring enforcement actions on any elected official, commissioner, or senior-level department staff who had not filed. The idea behind focusing on a subset of officials last year was to allow the PEC to build the internal processes to do a more comprehensive, City-wide enforcement program in 2024.

In accordance with that plan, last year the PEC initiated its City-wide monitoring and enforcement program for compliance with this year’s Form 700 filing requirement (called the “2023 annual” because it covers officials’ finances from 1/1/23 – 12/31/23). That form was due on April 2, 2024, and anyone who missed the deadline is subject to penalties ranging from diversion training to gradually-increasing fines of up to \$5,000.

Ongoing Results of the Citywide Enforcement of 2023 Annual Form 700 Non-Filers

The initial list of 2023 Annual Form 700 non-filers, provided to the PEC on April 12, 2024, included 512 names. Of those, PEC staff determined that 416 were likely no longer with the City anymore, and therefore did not need to file. We provided this information to the City Clerk.

Of the remaining names, we sent notifications and gave them a short grace period to file without opening an enforcement action. We also kept track of filers who responded and told us that they had been on leave or otherwise had some other serious extenuating circumstance. A number of filers also told us that they had filed paper copies of their Form 700 with the City Clerk (the default is to e-file), but that these had not been registered on the system yet. After the short grace period was over, we opened 61 cases against alleged non-filers. Of those 61 cases:

³ “2021-2022 Alameda County Grand Jury Final Report,” section titled “Oakland Fails to Enforce Financial Disclosure Rules to Protect the Public,” pp. 33-46.

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- In 19 cases, Staff is recommending closure with a finding of no violation (this is in addition to the 11 closures with a finding of no violation in June 2024 and July 2024) at this meeting, as discussed below.
- 15 cases where the respondent filed less than 6 months late were settled under the Executive Director's streamlined settlement authority with diversion (training), pursuant to the Penalty Guidelines. This includes 8 new cases being reported to the Commission, as discussed below.
- In 7 cases where the respondent filed more than 6 months late but after Enforcement's first contact, Staff is recommending that the Commission approve diversion (training) settlements at this meeting, as discussed below.
- 9 cases are in different stages of final resolution, including four cases where the Respondent has filed their Form 700 but not signed a proposed settlement offer, two case where Enforcement is awaiting technical assistance to enable the person to file, and three cases where Enforcement Staff expects to bring monetary penalties to the Commission.

Due to the unreliability of the non-filer data for 2022 Annual filers, it is very difficult for the PEC to calculate a year-on-trend regarding whether the rate of filing has increased with the 2023 Annual filers. Anecdotally, Enforcement staff was pleasantly surprised by the relatively low number of 2023 Annual non-filer cases that we had to open. We attribute this to the greater prominence this issue has received since we initiated last year's pilot program, including our reminders to City departments and Commissions to verify the integrity of the City's non-filer data and ensure that their officials had filed by the deadline. The City Clerk's office has also been reminding departments and commissions of the filing requirement.

Recommended Case Closures

A number of the cases we opened ended up concerning people who turned out to have been either (1) on long-term leave, (2) had resigned their position without this being noted in the City's data used to compile the non-filer list, or (3) had transitioned to a new position with a different filing officer (not the City Clerk). **In addition to 11 cases that were already closed, Enforcement Staff is recommending that these 19 cases be closed with no further action (following prior practice, we are omitting the respondents' names for their privacy):**

Case #	City Position	Date Filed	Notes
24-05.4	Commissioner, Community Policing Advisory Board	4/30/2024	On leave, complied upon return.

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 March 6, 2025

Case #	City Position	Date Filed	Notes
24-05.11	Commissioner, Public Safety and Services Violence Oversight Commission	(Not Filed)	Left City service prior to filing obligation.
24-05.12	30672 - Street Cleaning, Public Works Supervisor I	3/8/2024	Error in City Clerk system/data that flagged as a non-filer.
24-05.14	88453 - Infrastructure Inspection, Specialty Combination Inspector	(Not Filed)	Left City service prior to filing obligation.
24-05.16	Member, Cultural Affairs Commission	(Not Filed)	Left City service prior to filing obligation.
24-05.19	30235 - Surveying, City Land Surveyor	(Not Filed)	Left City service prior to filing obligation.
24-05.21	30674 - Illegal Dumping, Public Works Supervisor I	(Not Filed)	Left City service prior to filing obligation.
24-05.24	Commissioner, Oakland Police Commission	5/14/2024	Filed after leaving City service.
24-05.27	30121 - PWA Fiscal Services, Facilities Complex Manager	(Not Filed)	Left City service prior to filing obligation.
24-05.30	Member, Workforce Development Board	(Not Filed)	Left City service prior to filing obligation.
24-05.33	20411 - Emergency Service/Suppression, Assistant Chief of Fire Department	(Not Filed)	On long-term leave.
24-05.37	00711 - District Seven Unit, City Council PSE 14	11/5/2024	On long-term leave; filed upon return.
24-05.40	07111 - City Auditor Unit, Consultant	(Not Filed)	Left City service prior to filing obligation.
24-05.43	88989 - Home Ownership Programs, Home Management Counselor III	(Not Filed)	Left City service prior to filing obligation.
24-05.44	85231 - Real Estate, Real Estate Agent	(Not Filed)	Left City service prior to filing obligation.
24-05.45	Member, Community Policing Advisory Board	(Not Filed)	Left City service prior to filing obligation.
24-05.47	Commissioner, Privacy Advisory Commission	(Not Filed)	Left City service prior to filing obligation.
24-05.50	30275 - IPPD Plans and Programming, Transportation Planner, Senior	3/20/2024	Filed 2023 Assuming Office, precluding requirement to file 2023 Annual.

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Case #	City Position	Date Filed	Notes
24-05.55	85221 - Project Implementation: Staffing, 85411 - Economic Development, 85411 - Economic Development, Urban Economic Analyst II, Urban Economic Analyst III, Urban Economic Analyst IV, Projects	(Not Filed)	On long-term leave.

Simultaneous enforcement of these matters could also be handled by the FPPC upon referral from the City Clerk’s office. We have not been notified of any such referrals being made.

Streamlined Settlements for Late Filers

Of those 61 initial non-filers, 18 people subsequently filed and entered “streamlined” settlement agreements with the Commission. Pursuant to recent amendments to the Commission’s Complaint Procedures,⁴ because these non-filers responded to Enforcement Staff’s first contact regarding non-filing and because their subsequent filing was less than six months late, the Executive Director was able to resolve these minor violations on his own authority. These streamlined settlements include the following 8 cases which settled since the last report:

Respondent	City Position	Date Filed	Resolution	Case #
Hicks, Brian	20411 - Emergency Service/Suppression, Lieutenant of Fire Department	5/13/2024	Diversion (training)	24-05.22
Beene-Clarke, Asha	Commissioner, Commission on Aging	5/7/2024	Diversion (training)	24-05.3
Merriouns, Iris	00411 - District Four Unit, Elmhurst Community Development District Board (District 7), City Council PSE-51, Member	4/30/2024	Diversion (training)	24-05.42
Price, Cedric	20411 - Emergency Service/Suppression, Captain of Fire Department	4/17/2024	Diversion (training)	24-05.51
Shirazi, Sahar	Commissioner, City Planning Commission	5/8/2024	Diversion (training)	24-05.54
Vindiola De Haro, Ricardo	00511 - District Five Unit, City Council PSE 14	4/15/2024	Diversion (training)	24-05.58
Walker, David	Member, Alameda County-Oakland Community Action Partnership Administering Board	4/23/2024	Diversion (training)	24-05.59

⁴ Complaint Procedures, Section VI(D) and (H); and, Penalty Guidelines, “Penalty Options” Section (2)(a).

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Respondent	City Position	Date Filed	Resolution	Case #
Watkins, Robert	Commissioner, Parks and Recreation Advisory Commission	5/3/2024	Diversion (training)	24-05.62

Recommended Diversion Settlements

Several individuals filed their Form 700 after the PEC’s first contact about their non-filing status, but more than six months after the deadline (date) for filing Form 700s. Under the PEC’s Penalty Guidelines, a Form 700 non-filer is generally eligible for a penalty of diversion training if they come into “compliance prior to or in response to first PEC enforcement contact,” but not if they filed more than six months late.⁵

In these cases, Enforcement Staff nonetheless recommends that the Commission approve a mainline settlement of diversion training for these eight late filers due to significant mitigating factors, including delays receiving necessary personnel data and significant Enforcement Unit staffing transitions and medical leaves that delayed Enforcement’s ability to contact and follow-up with these individuals until later in the calendar year. Without these delays, it seems likely these respondents would have filed within the six month window given their responsiveness to Enforcement Staff. One late filer case in this group involves a senior-level official (Artisha McCullough) who was additionally ineligible for streamlined resolution under the Executive Director’s own authority due to being a department head. McCullough’s case and resolution details are included below.

For this reason, staff recommends that the Commission approve the following Form 700 non-filer settlements:

Respondent	City Position	Date Filed	Resolution	Case #
McCullough, Artisha	02311 - Equal Opportunity Programs, 02311 - Equal Opportunity Programs, EEO & Civil Rights Director, Human Resource Analyst, Principal	10/23/2024	Diversion (training)	24-05.39
Johnson, Aaron	Member, Workforce Development Board	11/24/2024	Diversion (training)	24-05.28
Young, Lawrence	20411 - Emergency Service/Suppression, Lieutenant of Fire Department	11/20/2024	Diversion (training)	24-05.32
Lothlen, Mariah	89919 - Admin: Housing & Community Development, Administrative Assistant I	11/21/2024	Diversion (training)	24-05.34

⁵ In five of these cases, the Executive Director signed a settlement agreement with a respondent settling the case with diversion training. However, these settlements were invalid because the respondents had filed more than six months after the filing deadline. Those settlements were rescinded and new settlements with the same resolution of diversion training are being recommended to the Commission for approval.

Respondent	City Position	Date Filed	Resolution	Case #
Loud, Kamil	20411 - Emergency Service/Suppression, Captain of Fire Department	12/4/2024	Diversion (training)	24-05.35
Mercado, Christian	20411 - Emergency Service/Suppression, Lieutenant of Fire Department	11/23/2024	Diversion (training)	24-05.41
Obad, Ali	Member, Sugar Sweetened Beverages Community Advisory Board	1/12/2025	Diversion (training)	24-05.46

Recommendation

1. Enforcement staff recommends **closing** the cases listed below due to verified legitimate exemptions, including individuals no longer serving with the City, extended leaves, or data inaccuracies:

- 24-05.4
- 24-05.11
- 24-05.12
- 24-05.14
- 24-05.16
- 24-05.19
- 24-05.21
- 24-05.24
- 24-05.27
- 24-05.30
- 24-05.33
- 24-05.37
- 24-05.40
- 24-05.43
- 24-05.44
- 24-05.45
- 24-05.47
- 24-05.50
- 24-05.55

2. Enforcement recommends that the Commission **approve settlements** in the cases listed below by imposing a penalty of diversion education on the respondents:

- 24-05.39
- 24-05.28
- 24-05.32

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- 24-05.34
- 24-05.35
- 24-05.41
- 24-05.46

Attachment: Proposed Settlements in 24-05.39; 24-05.28; 24-05.32; 24-05.34; 24-05.35; 24-05.41; and 24-05.46.



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ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.28

RESPONDENT NAME AND POSITION: Johnson, Aaron (Member, Workforce Development Board)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	November 24, 2024	236

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;
4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and

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PEC # 24-05.28; Johnson, Aaron

all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.

5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
10. **The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
11. **During the term of this agreement, Respondent shall do the following:**
 - a. **Attend and successfully complete the following training: "Form 700 Diversion**

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Training” (available online via NeoGov); and

b. Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).

- 12. Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.28 with no further action.
14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
18. The parties acknowledge that this agreement, Respondent’s compliance with this

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PEC # 24-05.28; Johnson, Aaron

agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Aaron Johnson, Respondent

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PEC # 24-05.28; Johnson, Aaron

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Aaron Johnson” PEC Case No. 24-05.28 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



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ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
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(510) 238-3593
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PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.32

RESPONDENT NAME AND POSITION: Young, Lawrence (20411 - Emergency Service/Suppression, Lieutenant of Fire Department)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	November 20, 2024	232

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;

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PEC # 24-05.32; Young, Lawrence

4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.
 5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
 6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
 7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
 8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
 9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
 - 10. The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
 - 11. During the term of this agreement, Respondent shall do the following:**
-

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- a. **Attend and successfully complete the following training: “Form 700 Diversion Training” (available online via NeoGov); and**
 - b. **Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).**
 12. **Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
 13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.32 with no further action.
 14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
 15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
 16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
 17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
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PEC # 24-05.32; Young, Lawrence

18. The parties acknowledge that this agreement, Respondent’s compliance with this agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Lawrence Young, Respondent

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PEC # 24-05.32; Young, Lawrence

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Lawrence Young” PEC Case No. 24-05.32 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



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ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.34

RESPONDENT NAME AND POSITION: Lothlen, Mariah (89919 - Admin: Housing & Community Development, Administrative Assistant I)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	November 21, 2024	233

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;

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4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.
 5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
 6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
 7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
 8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
 9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
 - 10. The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
 - 11. During the term of this agreement, Respondent shall do the following:**
-

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- a. **Attend and successfully complete the following training: “Form 700 Diversion Training” (available online via NeoGov); and**
 - b. **Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).**
 12. **Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
 13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.34 with no further action.
 14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
 15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
 16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
 17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
-

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.34; Lothlen, Mariah

18. The parties acknowledge that this agreement, Respondent’s compliance with this agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Mariah Lothlen, Respondent

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.34; Lothlen, Mariah

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Mariah Lothlen” PEC Case No. 24-05.34 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



Item 6 - Form 700 Enforcement Updates

ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.35

RESPONDENT NAME AND POSITION: Loud, Kamil (20411 - Emergency Service/Suppression, Captain of Fire Department)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	December 4, 2024	246

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.35; Loud, Kamil

4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.
5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
- 10. The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
- 11. During the term of this agreement, Respondent shall do the following:**

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.35; Loud, Kamil

- a. **Attend and successfully complete the following training: “Form 700 Diversion Training” (available online via NeoGov); and**
 - b. **Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).**
 12. **Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
 13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.35 with no further action.
 14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
 15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
 16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
 17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
-

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.35; Loud, Kamil

18. The parties acknowledge that this agreement, Respondent's compliance with this agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Kamil Loud, Respondent

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.35; Loud, Kamil

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Kamil Loud” PEC Case No. 24-05.35 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



Item 6 - Form 700 Enforcement Updates

ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.39

RESPONDENT NAME AND POSITION: McCullough, Artisha (02311 - Equal Opportunity Programs, 02311 - Equal Opportunity Programs, EEO & Civil Rights Director, Human Resource Analyst, Principal)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	October 23, 2024	204

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.39; McCullough, Artisha

4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.
 5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
 6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
 7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
 8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
 9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
 - 10. The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
 - 11. During the term of this agreement, Respondent shall do the following:**
-

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.39; McCullough, Artisha

- a. **Attend and successfully complete the following training: “Form 700 Diversion Training” (available online via NeoGov); and**
 - b. **Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).**
 12. **Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
 13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.39 with no further action.
 14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
 15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
 16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
 17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
-

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.39; McCullough, Artisha

18. The parties acknowledge that this agreement, Respondent’s compliance with this agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Artisha McCullough, Respondent

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.39; McCullough, Artisha

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Artisha McCullough” PEC Case No. 24-05.39 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



Item 6 - Form 700 Enforcement Updates

ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.41

RESPONDENT NAME AND POSITION: Mercado, Christian (20411 - Emergency Service/Suppression, Lieutenant of Fire Department)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	November 23, 2024	235

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.41; Mercado, Christian

4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.
5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
- 10. The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
- 11. During the term of this agreement, Respondent shall do the following:**

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.41; Mercado, Christian

- a. **Attend and successfully complete the following training: “Form 700 Diversion Training” (available online via NeoGov); and**
 - b. **Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).**
 12. **Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
 13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.41 with no further action.
 14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
 15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
 16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
 17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
-

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.41; Mercado, Christian

18. The parties acknowledge that this agreement, Respondent’s compliance with this agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Christian Mercado, Respondent

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.41; Mercado, Christian

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Christian Mercado” PEC Case No. 24-05.41 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission



Item 6 - Form 700 Enforcement Updates

ENFORCEMENT UNIT
1 FRANK H. OGAWA PLAZA, #104
OAKLAND, CA 94612
(510) 238-3593
TDD (510) 238-3254

PUBLIC ETHICS COMMISSION STIPULATION (FORM 700 LATE FILER)

PEC NO.: 24-05.46

RESPONDENT NAME AND POSITION: Obad, Ali (Member, Sugar Sweetened Beverages Community Advisory Board)

DESCRIPTION OF VIOLATION: Failure to timely file statement of economic interests (Form 700), in violation of Oakland Government Ethics Act section 2.25.040(B):

FORM 700 TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	DAYS LATE
Annual	1/1/23 – 12/31/23	April 2, 2024	January 12, 2025	285

OF PEC ENFORCEMENT CONTACTS PRIOR TO FILING: 1

POSSIBLE CONFLICTS OF INTEREST FLAGGED: None

PROPOSED RESOLUTION: Diversion (Training)

With regard to the above, the Public Ethics Commission and Respondent hereby agree to the following:

STIPULATION

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This agreement shall become effective upon execution by the Commission Chair;
3. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondents;
4. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, the Public Ethics Commission Complaint Procedures, and

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.46; Obad, Ali

all other sources of procedural rights applicable to this PEC enforcement action. These procedural rights include, but are not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at their own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed.

5. Respondent represents that they have accurately furnished to the Commission all discoverable information and documents sought by the Commission that are relevant and necessary to the Commission's determination of a fair and comprehensive resolution to this matter.
6. Upon approval of this agreement and full performance of the terms outlined herein, the Commission will take no future action against Respondent regarding the violation(s) of law described in this agreement, and this agreement shall constitute the complete resolution of all claims by the Commission against Respondent related to such violation(s).
7. If Respondent fails to comply with the terms of this agreement, then the Commission may reopen this matter and prosecute Respondent to the full extent permitted by law, except that the Statute of Limitations shall be waived for the underlying violation as well as for any other violations that were not discoverable by the Commission due to non-compliance with any of the terms of this agreement.
8. This agreement is not binding on any other law enforcement or regulatory agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it.
9. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described in this agreement.
10. **The term of this agreement shall be for forty-five (45) calendar days, beginning on the date this agreement is executed by both parties and terminating forty-five (45) calendar days thereafter, or until the parties have satisfied all of the requirements of this agreement, whichever is earlier.**
11. **During the term of this agreement, Respondent shall do the following:**
 - a. **Attend and successfully complete the following training: "Form 700 Diversion**

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.46; Obad, Ali

Training” (available online via NeoGov); and

b. Ensure the submission of the corresponding completion certificate to the PEC (preferred method is via email to ethicscommission@oaklandca.gov).

- 12. Respondent acknowledges that a failure to timely complete this requirement may be grounds for the unilateral extension or termination of this agreement by the Commission.**
13. Following completion of Respondent’s obligation(s) under this agreement as described above, the Commission shall do the following:
 - a. Close PEC case # 24-05.46 with no further action.
14. Any subsequent complaint received or initiated by the PEC during the term of this agreement that alleges Respondent violated a provision of any other law under the PEC’s jurisdiction, regardless of whether that matter is related or unrelated to the facts stipulated to in this agreement, is a basis for the unilateral extension or termination of this agreement by the PEC.
15. In the event the PEC has a reason to believe that there is a basis to extend or terminate the agreement, PEC staff shall make reasonable efforts to provide the Respondent with an opportunity to be heard through written submission concerning the alleged non-compliance. Thereafter, PEC staff shall determine whether to unilaterally terminate or extend this agreement.
16. During the term of this agreement, Respondent shall notify the PEC, in writing, of any change of e-mail address, mailing address, or telephone number within 10 business days of the change. Should PEC staff be unable to contact Respondent due to the latter’s failure to comply with the terms of this Section, or if Respondent should otherwise fail to respond within a reasonable time to PEC staff’s attempts to contact Respondent using the contact information which the PEC has on record, PEC staff shall be deemed to have made “reasonable efforts” to contact Respondent pursuant to the terms of this agreement.
17. In the event that the Respondent fails to comply with the terms of this agreement, they agree that all of the facts stated herein shall be deemed true in any subsequent evidentiary hearing.
18. The parties acknowledge that this agreement, Respondent’s compliance with this

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.46; Obad, Ali

agreement, and the disposition of this matter upon completion or termination of the agreement, are matters of public record. Respondent further acknowledges that the Complainant (if any) will be made aware that this matter was resolved through this agreement and may be provided with a copy of this agreement upon request.

SO AGREED:

Date

Tovah Ackerman, Enforcement Chief of
the City of Oakland Public Ethics
Commission, Petitioner

Date

Ali Obad, Respondent

Item 6 - Form 700 Enforcement Updates

Form 700 Late-Filer – Stipulation
PEC # 24-05.46; Obad, Ali

DECISION AND ORDER

The foregoing Stipulation of the parties to “In the Matter of Ali Obad” PEC Case No. 24-05.46 is hereby accepted as the final Decision and Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Francis Upton IV, Chair
City of Oakland Public Ethics Commission