

## Item 8 - Enforcement Report



Francis Upton IV, Chair  
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TO: Public Ethics Commission  
FROM: Tovah Ackerman, Enforcement Chief  
DATE: March 6, 2025  
RE: Enforcement Program Report for the March 19, 2025 PEC Meeting

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Since the last Enforcement Unit Program Update submitted to the Commission on January 14, 2025, Commission staff received four (4) formal (sworn) complaints, nineteen (19) informal (unsworn) complaints, and filed one (1) proactive (staff-generated) complaint, for a total of twenty-four (24) new complaints.

In the same period of time, Commission staff:

- dismissed two (2) formal complaints without opening an investigation;
- moved six (6) cases from “on hold” to “preliminary review;”
- opened one (1) investigation;
- completed one (1) investigation and are conducting an internal legal review of the evidence gathered;
- initiated settlement discussions in three (3) cases;
- recommended to the Commission that nineteen (19) Form 700 cases be closed without prosecution;
- recommended to the Commission that seven (7) Form 700 cases be settled through diversion training;
- and entered into streamlined settlements for seven (7) Form 700 cases.
- Since the last Program Update, a total of thirty-five (35) complaints or cases have been resolved, or have been submitted to the Commission for resolution, by way of dismissal, closure, or settlement.

### Case Resolutions or Submissions

Since the last Enforcement Unit Program report, the following cases or formal complaints have been resolved or submitted to the Commission:

- **In the Matter of Unknown (hearing officer, Oakland Animal Services, 29<sup>th</sup> Avenue Shelter) (PEC No. 23-27).** On August 1, 2023, the PEC received a formal complaint alleging that the Complainant had not received a fair hearing from Oakland Animal Services regarding confiscation of their dog. The Enforcement Unit conducted a preliminary review and determined that there was insufficient evidence of any violation of a law within the PEC's jurisdiction. The PEC lacks jurisdiction to review general claims of unfair hearings unless there is an allegation that a position was misused for personal or financial gain. As such, the complaint was dismissed, and Oakland Animal Services was made aware of the complaint.
- **In the Matter of Corean Todd (Home Management Specialist II, Department of Housing & Community Development, Rent Adjustment Program); Gregory Garrett (Development/Redevelop. Program Manager, Department of Housing & Community Development) (PEC No. 23-25).** On July 7, 2023, the PEC received a formal complaint alleging that Respondents had issued relocation permits to tenants without notifying the property owner. They also stated they have code violations that needed to be corrected, and that two remaining tenants who received relocation payments in the previous year were still occupying the units. While the Government Ethics Act (GEA) prohibits the misuse of position for private advantage, the Complainant did not allege that City officials were acting to confer a private advantage to any person, only that their actions were improper. As such, the complaint was dismissed, and the Housing and Community Development Department and Rent Adjustment Program (RAP) were made aware of the complaint.
- On April 18, 2024, the PEC opened an investigation into allegations that various City officials had failed to timely file their 2023 Annual Form 700. Enforcement staff has completed its investigation into certain respondents and has submitted its Update on Form 700 Enforcement Efforts (PEC #24-05) to the Commission, which includes a recommendation that the Commission approve certain cases for closure or settlement, as follows:
  - a. **In the Matter of Various 2023 Annual Form 700 Non-Filers (Recommending Closure with Finding of No Violation) (PEC ## 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, and 24-05.55).**

- b. In the Matter of Various 2023 Annual Form 700 Non-Filers (Recommending Closure with Settlements Allowing for Diversion) (Training) (PEC ## 24-05.28, 24-05.32, 24-05.34, 24-05.35, 24-05.39, 24-05.41, and 24-05.46).**

We also entered “streamlined” settlement agreements for the following low-level violations. Pursuant to recent amendments to the Commission’s Complaint Procedures, the Executive Director has the authority to resolve these minor violations on their own authority, without a Commission vote, so long as they meet the specific requirements laid out in our Complaint Procedures (Section VI(D), (H)) and Penalty Guidelines.

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

This brings the total Enforcement caseload to one hundred and seventy-one (171) open complaints or cases (this includes forty-two (42) outstanding 2023 Form 700 non-filer proactive cases opened in 2024).<sup>1</sup> Of the remaining one hundred and twenty-nine (129) cases, this includes:

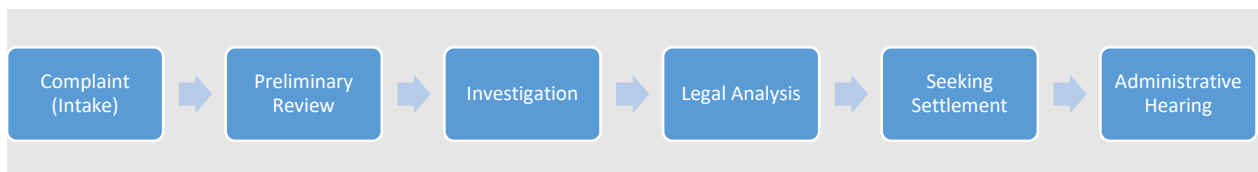
- Fifty-one (51) cases in the Intake or Preliminary Review stage;
- Eighteen (18) cases under investigation;

<sup>1</sup> The PEC opened 61 Form 700 cases, but 18 have been closed, with 42 remaining as of this report. Of these, 19 are being recommended for closure without prosecution, 7 are being recommended to be settled through diversion training, and 7 have entered into streamlined settlements.

- Four (4) cases under post-investigation legal analysis;
- Twenty (20) cases in which Enforcement staff is seeking a negotiated settlement;
- Four (4) cases pending an administrative hearing;
- And thirty-two (32) cases currently on hold.

Enforcement's current staffing is: one (1) Enforcement Chief and one (1) permanent full-time Investigator.

### **Overview of the Enforcement Process**



The PEC's Enforcement Unit investigates and, where appropriate, administratively prosecutes alleged violations of the City's ethics, campaign finance, lobbying, and related laws. Violations can result in the issuance of a monetary fine, a warning letter, or some other remedy to ensure compliance with the law (e.g. a diversion agreement or injunction). Some violations can also be referred to the District Attorney for criminal prosecution.

Enforcement matters begin with a complaint. "Formal" complaints are submitted on the PEC's official complaint form and are signed under penalty of perjury. "Informal" complaints are received in any other manner (e.g. via e-mail, a phone call, etc.) and are not signed under penalty of perjury. By law, the Enforcement Unit must review all formal complaints and report to the Commission at one of its public meetings whether or not it has decided to open an investigation into a formal complaint. By contrast, Enforcement has the discretion not to review an informal complaint and does not have to report rejected informal complaints to the Commission. Commission staff may also initiate its own "pro-active" complaints.

Complaints do not automatically trigger an investigation. Instead, they enter what is called "Preliminary Review," in which Enforcement determines whether there are sufficient legal and evidentiary grounds to open an investigation. This can involve some preliminary fact-finding, usually for purposes of verifying or supplementing the facts alleged in the complaint.

At the completion of Preliminary Review, the Enforcement Chief and the PEC Executive Director jointly decide whether to open an investigation or dismiss the complaint. All dismissals are reported to the Commission at one of its public meetings. Investigations are

confidential, though complainants and respondents (the people being investigated) are usually notified that an investigation has been opened. Enforcement will usually confirm the existence of an investigation if asked, but it will not share any of its findings or analysis until it is ready to present them to the Commission or a court.

The Enforcement Chief and the PEC Executive Director jointly decide whether the evidence gathered during an investigation merits prosecution or closure of the case. This internal decision-making process is referred to as “Legal Analysis” in Enforcement’s case processing workflow. Investigative activity may also continue during this process. If Enforcement recommends closure of a case at this stage, it must present its findings to the Commission at one of its public meetings and obtain a majority vote in favor of closure.

If Enforcement chooses to prosecute a violation, it will usually try to work out a joint settlement agreement with the respondent(s). Settlement negotiations are confidential, and for administrative purposes Enforcement classifies matters at this stage as “Seeking Settlement.” Investigative activity may also continue during this process. All proposed settlement agreements must be presented to the Commission at one of its public meetings and require a majority vote for their approval.

If Enforcement is unable to settle a case within a reasonable time (typically sixty days) or otherwise decides that a hearing is necessary, it will file an Investigation Summary with the Commission at one of its public meetings. This document, also known as a “probable cause report,” lays out the allegations that Enforcement wishes to prosecute, as well as supporting evidence. A majority of the Commission must vote to find probable cause and send the matter to an administrative hearing.

Matters at this stage are classified as “Administrative Hearing” in Enforcement’s internal workflow. The Executive Director and the hearing officer will arrange the logistical and procedural details of the hearing. All administrative hearings are open to the public, and are conducted either by the full Commission, a panel of Commissioners, a single Commissioner, a single hearing officer not from the Commission, or an administrative law judge.

After an administrative hearing, the hearing officer(s) will issue their factual findings and proposed penalty (if any). The full Commission will then vote at one of its public meetings whether to adopt those findings and impose the recommended penalty. The Commission may impose a penalty different from the one recommended by the hearing officer(s).

The Enforcement Unit’s full Complaint Procedures and Penalty Guidelines can be found on our website.

**Appendix: Current Caseload by Case Status**

The table below breaks down all open enforcement matters by their stage of investigation, including Form 700 non-filer cases.

