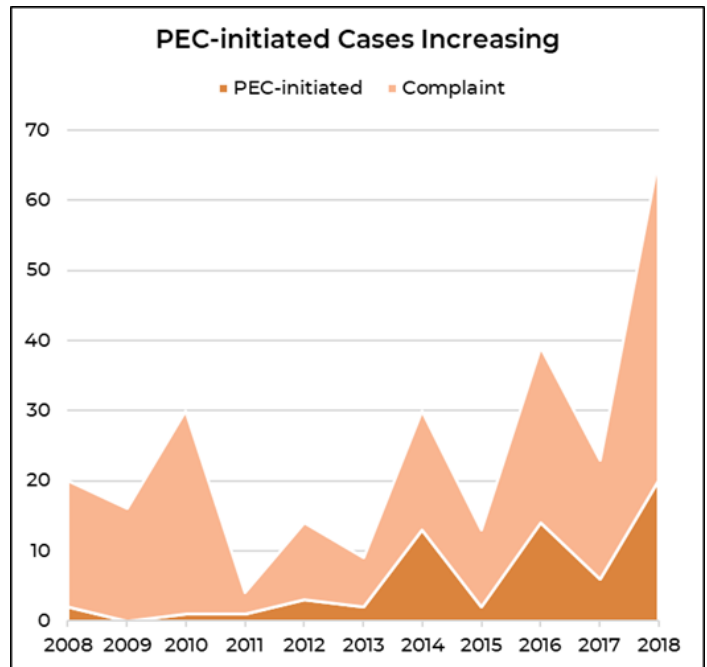


PUBLIC TRUST

A Stronger, More Diverse, and More Agile Enforcement of Oakland's Ethics Laws

Over the past 5 years, the Public Ethics Commission's (PEC) Enforcement Program has increased in capacity and effectiveness by implementing a number of tools to enforce local ethics, campaign and transparency laws. In 2018, the PEC received or initiated a total of 66 allegations of potential violations, the highest in its history! The PEC prioritizes enforcement activities based on the following: 1) its authority to issue penalties; 2) the impact of a Commission decision; 3) public interest, timing, and relevancy; and 4) Commission resources, all while utilizing its adopted penalty guidelines to ensure fair and effective enforcement.

The PEC enforcement team's work continues to grow in depth and breadth compared with past years, showing a broader spread of enforcement tools utilized. These include obtaining forfeiture of contributions received inadvertently over the limit as well as completion of an ad-

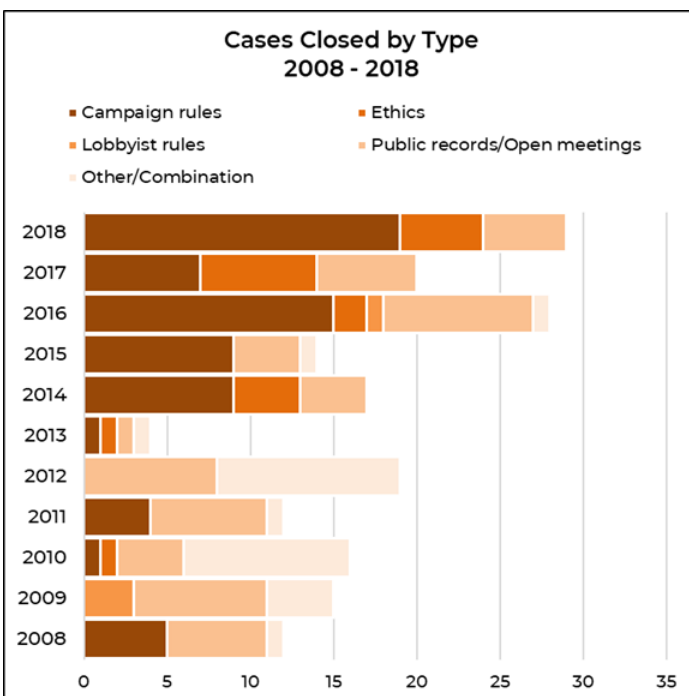


ministrative hearing, proving the Commission ready and able to proceed through the full enforcement process where necessary. In 2018, the Commission resolved 34 cases and imposed a \$2,550 fine and \$5,425 in forfeitures. As of September 2019, the PEC resolved 29 cases so far this year.

Commission staff also opens cases proactively based on hearing or seeing suspicious activities or receiving anonymous tips. During the last few months before the November 2018 election, Enforcement staff coordinated with the Commission's filing officer to review and seek compliance with contribution limits across all campaigns. The Commission staff found 25 contribution limit violations and worked expeditiously to resolve and bring 22 of these cases to the Commission and the public in advance of the election. *(continued on page 2)*

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Enforcement Program cont.



Kellie Johnson,
Enforcement Chief

The enforcement program has continued its successful growth in 2019 under the new leadership of Enforcement Chief Kellie Johnson.

Ms. Johnson joined the PEC in February and brings a wealth of experience investigating and enforcing ethics violations by attorneys for the Oregon State Bar and, prior to that, prosecuting criminal cases for the District Attorney’s Office in Oregon’s Multnomah and Lane counties.

Ms. Johnson grew up in Compton, California, and is pleased to be back in California leading the PEC’s holistic approach to ensuring tough and effective ethics enforcement and building an ethical culture in Oakland City government.

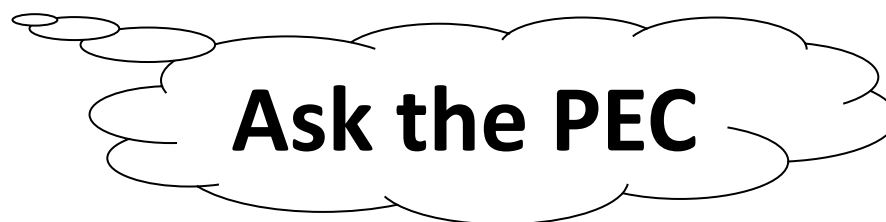


Meet Our New Commissioner



Jerett Yan was appointed to the PEC by City Auditor Courtney Ruby in May 2019. Commissioner Yan is an attorney with Hanson Bridgett LLP where he provides litigation and advisory services to public entities. In that capacity, he serves as a deputy city attorney to the City of Millbrae and as an investigator for the San Jose Board of Fair Campaign and Political Practices, where he advises on matters relating to public ethics, transparency, elections, and campaign practices.

Mr. Yan previously served as an attorney adviser to the U.S. Environmental Protection Agency’s Office of Civil Rights, where he investigated claims of discrimination in environmental permitting practices. He was a law clerk with the Superior Court of California, County of Los Angeles, and an Americorp VISTA in Chicago as a tenant organizer with the Metropolitan Tenants Organization. He holds degrees from the U.C. Berkeley, School of Law, and Northwestern University.



Is This a Gift?

Q: A local organization provided me with a complimentary ticket to their upcoming event. The cost of the ticket for this event exceeds the annual gift limit, can I accept the complimentary ticket?

A: It depends. If the value of the ticket exceeds the annual gift limit then you would be prohibited from accepting it unless you paid the difference between the ticket value and the annual gift limit. Remember that if the organization is doing business or is seeking to do business with the City, the annual gift limit is \$50.

However, the FPPC does provide exceptions to the definition of gifts for specific items in which a payment would not be considered a gift or income. If the complimentary ticket is to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, it might meet the exemption requirements and the gift limit may not apply. The tickets must be received from the organization or committee hosting the fundraiser and not from any 3rd party.

There are also gift exceptions that require alternate reporting so long as the payments meet certain conditions and they are reported by the City. These exceptions include gifts to the City for official business (reported on Form 801) and tickets to events given to the City (reported on Form 802).

For a full list of gift exceptions, see the FPPC’s [Local Gift Fact Sheet](#). Contact the PEC or FPPC to ask about limits and reporting rules for any tickets or other gifts you receive.



PASSIONATE ABOUT GOVERNMENT INTEGRITY? JOIN OUR TEAM!

The Public Ethics Commission is an independent commission made up of Oakland residents and charged with ensuring fairness, openness, honesty and integrity in Oakland City government. The Commission has transformed significantly in recent years toward becoming a guiding light and a watchdog to ensure compliance with government ethics, campaign finance, lobbying, and transparency laws. The Commission:

- Educates residents and City staff on ethics-related issues
- Conducts investigations, audits and public hearings
- Imposes fines and penalties as part of enforcement activities
- Provides policy direction to Commission staff

HELP LEAD THE PUBLIC ETHICS COMMISSION TO EVEN GREATER IMPACT

Want to learn more?
Visit: www.oaklandca.gov/pec

Application deadline: Oct. 25, 2019

Apply online: <https://tinyurl.com/y5jymd8y>

For inquiries, contact: (510) 238-3593
or ethicscommission@oaklandca.gov



Activity Updates

Enforcement

The Public Ethics Commission (PEC) Enforcement Staff welcomes tips and complaints from City employees and members of the public to assist the commission in the oversight of compliance with political spending, transparency and ethics laws.

This year to date, the Commission has opened 18 formal complaints and received several additional informal tips. Between January and September 2019, the PEC successfully closed 29 cases, including 5 Campaign Finance Rule violations, 12 Government Ethics Act violations, and 10 Public Records Requests mediations.

For more information, go to the PEC website for a list of fines, advisory letters, warning letters and settlement documents.

Education

PEC staff has been working with City boards and commissions to ensure compliance with local ethics and transparency laws. Over the past few months, PEC staff has met with board and commission support staff to ensure that board members are aware of Form 700 filing requirements and that all meeting agendas are properly noticed online and accessible to the public.

Visit the PEC's [Ethics for Board and Commission Member Essentials](#) page for more resources and information.

Lobbyist Registration

Under the Lobbyist Registration Act, registered lobbyists are required to submit quarterly reports disclosing their lobbying activities in Oakland and are required to register with the City before commencing with any lobbying activities.

Currently, there are 53 registered lobbyists with the City reporting lobbying activities including compensation received as well as solicitation of contributions made on behalf of an elected official.

Find out who is being paid to influence City staff and elected officials on administrative or legislative actions in Oakland by checking out our lobbyist information page on the PEC website.

Outreach

This fall, the PEC is collaborating with the Bay Area Political Equality Collaborative to conduct a number of outreach workshops to engage the community in campaign finance reform. Commissioners and staff will share information about Oakland's existing campaign finance laws and outcomes, and will offer ideas for reform that aim to enhance participation by traditionally under-represented communities.

Policy

On June 18, City Council adopted an ordinance amending the Oakland Campaign Reform Act to require disclosure of the principal officers of non-candidate controlled committees and requiring that City public servants also disclose solicitation of contributions from any person or entity contracting or proposing to contract with the City.

The intent of the recent legislation is to provide transparency to significant campaign-related activities by City staff who may be in a position to leverage their City position to benefit a candidate, ballot measure, or other committee. Commission staff created a reporting process for City staff as well as educational materials to spread the word about the new requirement.

Social Media

Follow the PEC on Twitter and Facebook. Stay informed of important updates and join the conversation on good governance and ethics.



@OakGovEthics



@OaklandEthics

You can also subscribe to our email distribution list at www.oaklandca.gov/pec.