

PEC LIST OF PAST PENALTIES IMPOSED ON OAKLAND GOVERNMENT ETHICS ACT VIOLATIONS

GEA was adopted by City Council on December 9, 2014, and it authorizes the Commission to impose an administrative penalty of up to \$5,000 per violation, or three times the unlawful amount on any person who commits a violation of GEA. The list below contains all the PEC cases and penalty amounts imposed on GEA violations relevant to PEC Case #16-14, since the ordinance was adopted in 2014.

Closure Year	Complaint no.	Respondent	OMC §/Violation	Commission action	Fine Amount	Brief Factual Synopsis
2021	20-03	In the Matter of Oakland Everette Cleveland Jr Members Et. al	2.25.060(A)(2)- Misuse of City Position/Authority	Diversion	(blank)	The Respondent, new to his position with the City, served on a housing fund selection committee that considered the application request for funding of a non-profit organization that was controlled by his father-in-law. The Respondent did not recuse himself from the selection process, in violation of GEA.
2021	18-11	In the Matter of Oakland Anthony Harbaugh Members Et. al	2.25.070(A)- Bribery; 2.25.060(A)(1)-Misuse of City Position/Authority; 2.25.060(A) (2)- Misuse of City Resources, 2.25.040(A)-Conflict of Interest 2.25.040(B)- Fail to File Economic Disclosure	Fine	Total = \$55,000.00* \$5,000 x 11 = *The Commission imposed \$5,000 per GEA count (eleven counts total) to arrive at the final penalty amount.	The Respondent was an Inspector with the City of Oakland Building and Planning Department who aided and abetted another employee in a pay to play/bribery scheme for money. The Respondent falsified documents/reports. entered false information into the City database, falsified inspections and issued permits in exchange for money he received under the table. The Respondent failed to report the money he earned, in violation of GEA.

2020	18-03	In the Matter of Dorian Gray	2.25.070(A)- Bribery	Fine	Total = \$8,000.00	The Respondent, in attempt to assist a friend start a marijuana business, contacted City Councilman Larry Reed and offered him \$10,000 in exchange for a City of Oakland marijuana permit, in violation of GEA.
2018	15-07	In the Matter of CM Lynette Gibson-McElhaney	2.25.040(A)- Conflict of Interest; 2.25.040(B)- Fail to File Economic Disclosure,	Fine	Total = \$2,550.00* \$0. \$0. *The fine was imposed on the first of three counts which was a gift rule violation different from the relevant GEA violations related to PEC Case No. 16-14. The Commission did not impose any additional/separate penalties on the remaining GEA counts two and three.	The Respondent, a City of Oakland Councilmember, became aware of a housing development project that was given permits by the city to start a development project next to her property and she and her spouse went down to the Planning and Building Department to lodge a complaint/opposition to the development and requested an appeal. The Respondent contacted a respected member of a different development company, JRDV and asked one of its employees to speak on her behalf at the hearing. The JRDV representative agreed. In preparation for the hearing the JRDV prepared by researching the property, developing an alternative plan and contacting members of the City Building and Planning Department. The services he provided for free was valued at \$800. The Respondent failed to report the gift/services she received from JRDV on her Economic Interest Statement and subsequently participated in making a decision on a City Contract that was awarded to JRDV, without recusing herself or disclosing the services that JRDV had provided, in violation of GEA.

2017	16-30	In the Matter of James W. Moore	2.25.040(B)- Fail to File an Economic Interest Form	Fine	Total= \$400.00	This case was referred to the PEC by the California Fair Political Practices Commission after they imposed a \$100 fine against the Respondent for similar state violations. The Respondent, a former City Councilmember and Planning Commission member, failed to disclose reportable income (between \$10,001-\$100,000) he earned from consulting while he served on the Planning Commission, in violation of GEA.
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