



FOR IMMEDIATE RELEASE: September 20, 2021

Oakland Public Ethics Commission Imposes \$309,600 in Fines Against City Employee for Bribery, Conflicts of Interest, Misuse of City Resources

The Public Ethics Commission oversees compliance with Oakland campaign finance, lobbying, transparency, and government ethics laws.

Media Contact:

Whitney Barazoto
Executive Director
Public Ethics Commission
(510) 238-6620
wbarazoto@oaklandca.gov

September 20, 2021 — Late Friday night, the Public Ethics Commission took final action to impose \$309,600 in fines against Thomas Espinosa, a former Oakland building inspector who was found to have committed 47 violations of the Oakland Government Ethics Act, including bribery, conflict of interest, failing to report income, misusing a City position, and misusing City resources.

Thomas Espinosa was a City employee from 2005 to 2016, working as a Specialty Combination Inspector in the City’s Planning and Building Department’s Code Enforcement Division. In early 2016, managers in the Planning and Building Department brought their concerns regarding City employee Thomas Espinosa’s behavior to the attention of the Public Ethics Commission’s Enforcement Unit, which opened an investigation. Shortly after Espinosa was notified and interviewed by Commission investigators, he left his City position. Meanwhile, Commission staff pursued the investigation and administrative action against Espinosa, culminating in a report to the Commission in 2018, an administrative hearing in April 2021, and final determination of a \$309,600 penalty by the Commission on September 17, 2021.

Commission staff’s investigation found that Espinosa used his City position as an inspector to arrange under the table “quid pro quo” deals with various property owners. He assigned himself or an accomplice to inspect a property or respond to a complaint regarding a property and persuade a property owner to pay him a cash fee to secure a pass on building inspections or permits. One such incident involved the cover-up of a life-safety issue at a residential apartment complex. On other occasions, Espinosa convinced Oakland property owners or investors to hire and pay him as a business partner, independent consultant or building contractor on their building projects, despite the conflicts with his City position and without reporting these interests to the City as required by law. He further enlisted the assistance of fellow building inspector Anthony Harbaugh, who was fined \$55,000 by the Commission earlier this year for his role in Espinosa’s permit-approval scheme. Harbaugh also left his City position following the Commission’s investigation.

“This case is, by far, the most extensive and egregious activity ever investigated by the Public Ethics Commission,” said Commission Chair Michael MacDonald. “The evidence in this case showed a pattern of intentional behavior for personal gain at the expense of the City, property owners, and the public, justifying maximum-level penalties of \$5,000 or up to three times the amount unlawfully received, for each violation.”

The Public Ethics Commission discussed the case at its [public meeting on Friday, September 17, 2021](#), following two prior meetings in which it reviewed records from the administrative hearing that was held on April 27, 2021. The hearing officer made [findings of fact and recommended a penalty of \\$210,000](#). The

Commission has the authority to review and adjust the penalty and, in this case, decided to increase the fine amount to \$309,600, citing the intentional nature of the violations and the impact on public safety as rationale for pursuing maximum fines. The Commission's decision on this matter is final and constitutes closure of the Commission's administrative process.

The Public Ethics Commission is a seven-member board of Oakland residents who, together, provide policy direction and decide on enforcement actions brought by Commission staff. In 2014, Oakland voters approved Measure CC to strengthen the Commission's authority, independence, and staffing (from two positions to six). Also in 2014, the Commission drafted and introduced the Government Ethics Act (the law enforced in the above case), which was adopted unanimously by City Council that same year.

###