

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Hearing Room 4
Friday, August 25, 2023
3:00 p.m.



Effective March 1, 2023, all City of Oakland boards and commissions will conduct in-person meetings. Please check www.oaklandca.gov for the latest news and [important information about the City's return to in-person meetings.](#)

Commissioners: Ryan Micik (Chair), Charlotte Hill (Vice-Chair), Alea Gage, Arvon J. Perteet, Vincent Steele, and Francis Upton IV.

Commission Staff to attend: Nicolas Heidorn, Executive Director; Suzanne Doran, Lead Analyst; Chris Gonzales, Commission Assistant; Jelani Killings, Ethics Analyst; Ana Lara-Franco, Commission Analyst; Simon Russell, Enforcement Chief.

City Attorney Staff: Trish Shafie, Deputy City Attorney.

SPECIAL MEETING AGENDA

- 1. Roll Call and Determination of Quorum.**
- 2. Staff and Commission Announcements.**
- 3. Open Forum.**

ACTION ITEMS

- 4. Public Ethics Commission Retreat.** The Commission will convene for its annual retreat to conduct team development, assess Commission accomplishments, and current context, participate in strategic visioning, and identify key opportunities and priorities for 2023-2024. There will be discussion and decisions made as a group regarding overall PEC direction, goals, activities, and priorities.

The tentative schedule is as follows, but may be adjusted by meeting participants:

- Welcome, Goals, Ice Breaker ([Icebreaker Assignment](#))
- Non-Enforcement Program Area Overview ([2022 Annual Report; Programs and Priorities 2023](#))
 - Lead/Collaborate - Executive/Policy Projects & Priorities ([Policy Priorities Chart](#))
 - Disclose/Illuminate - Disclosure Projects & Priorities ([Disclosure Priorities Chart](#))
 - Educate/Engage – Public Outreach Priorities
- Dinner
- Ad Hoc Subcommittees Review
- Detect/Deter/Prosecute - Enforcement Program Overview, Content of

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- Monthly Enforcement Reports, Enforcement Case Prioritization ([Enforcement Presentation and handouts](#))
- Wrap-Up

5. Future Meeting Business. Commissioners and staff may propose topics for action or discussion at future Commission meetings.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandca.gov/pec.

The meeting will adjourn upon the completion of the Commission’s business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chair allocates additional time.

Members of the public may submit written comments to ethicscommission@oaklandca.gov.

The following options may be available to observe this meeting:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland’s KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on “View”
- **Online video teleconference (via ZOOM):** Click on the link to join the webinar: <https://us02web.zoom.us/j/88362831724>. Please note: the Zoom link and access number are to view/listen to the meetings only, not for participation.
- **Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 **Webinar ID: 883 6283 1724**
International numbers available: <https://us02web.zoom.us/j/88362831724>

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at ethicscommission@oaklandca.gov or visit our webpage at www.oaklandca.gov/pec.

Nicolas Heidorn

8/18/23

Approved for Distribution

Date

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This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email ethicscommission@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a ethicscommission@oaklandca.gov o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 ethicscommission@oaklandca.gov or 或致電 (510) 238-3593 或711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ ethicscommission@oaklandca.gov or hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

Item 4a - Icebreaker Assignment

Icebreaker Assignment

Directions: To kick off the retreat and get our creative juices flowing, commissioners will be asked to answer the following two questions:

1) Interesting personal trivia. Briefly share an interesting piece of personal trivia about yourself that other commissioners may not know about. This might include speaking a second language, a hobby, an unusual college job, or a show you are passionate about.

2) Design a new slogan for the PEC. You work at a marketing firm and have been tasked with proposing a memorable and evocative one-sentence slogan for the PEC. You may wish to re-read the PEC's enacting legislation and adopted mission statement (see next page) and draw on your own experiences serving on the Commission for inspiration.

My proposed slogan is: _____

Item 4a - Icebreaker Assignment

Enacting Legislation - Oakland City Charter Section 603. Public Ethics Commission.

(a) Creation and Role.

There is hereby established a Public Ethics Commission which shall be responsible for: (1) enforcement of laws, regulations and policies intended to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions, and other persons subject to laws within the jurisdiction of the Commission; (2) education and responding to issues regarding the aforementioned laws, regulations and policies, and; (3) impartial and effective administration and implementation of programs to accomplish the goals and purposes of the Commission as defined by this Section. Such laws, regulations, policies, and programs shall include those relating to campaign finance, lobbying, transparency, and governmental ethics, as they pertain to Oakland. The Commission shall have the power to make recommendations to the City Council on matters relating to the foregoing. Nothing in this Section shall preclude other City officials, agencies, boards and commissions from exercising authority heretofore or hereafter granted to them, with the exception of Charter Section 603(b)(5).

Public Ethics Commission – Operations Policies

ARTICLE I - MISSION STATEMENT

The Public Ethics Commission (Commission) ensures compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government. To fulfill its mission, the Commission conducts the following activities:

- A. Lead/Collaborate** – Lead by example and facilitate city policy, management, and technological changes to further the Commission's mission.
- B. Educate/Engage** – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the city's campaign finance, ethics, and transparency laws.
- C. Disclose/Illuminate** – Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.
- D. Detect/Deter** – Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.
- E. Prosecute** – Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.



ANNUAL REPORT 2022

Photo: Greg Linhares, City of Oakland

Public Ethics Commission

Email: ethicscommission@oaklandca.gov

Website: www.oaklandca.gov/pec

Tel: (510) 238-3593

1 Frank H Ogawa Plaza, Room 104
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A SEA CHANGE FOR OAKLAND CAMPAIGN FINANCE

At the end of 2022, the Public Ethics Commission (PEC or Commission) stands poised to reshape Oakland's electoral playing field - opening new pathways enabling more Oaklanders to run for office and creating incentives for greater engagement and participation by residents in the electoral process. The passage of Measure W by Oakland voters in November 2022 augmented the responsibilities, structure and staffing of the Commission as administrator of a completely re-designed public campaign financing program. While the Commission invested a good deal of its energy into legislative reform in 2022, it also continued fulfilling its role as educator, compliance officer, data illuminator, investigator, and enforcer of Oakland's government integrity laws.

2022 Highlights

- **Campaign finance redesigned** - With the passage of Measure W, the Oakland Fair Elections Act (OFEA) took effect creating a new paradigm for financing campaigns administered by the PEC that will equip all Oaklanders with campaign "cash" to contribute to campaigns, thereby incentivizing candidates to engage across demographics regardless of wealth and history of prior political involvement.
- **Increased accountability for elected officials' use of free event tickets** - The City Council adopted the PEC's proposed Ticket Distribution Policy Ordinance, which provides clear instructions for the distribution and use of City tickets, expands the list of public purposes for which City tickets may be distributed, and updates the policy to align with state rules, including a prohibition on disproportionate use of City tickets by elected and high-level officials.
- **New training available on-demand** - New trainings covering changes to the City's new ticket distribution policy; open meeting requirements under the Sunshine Ordinance; and the PEC's administrative hearing process were delivered in-person and made available for viewing on-demand via the PEC website and City employee-training portal.
- **Campaign data illuminated** - The Commission launched updated online tools, www.OpenDisclosure.io and [Show Me the Money](#), that consolidate and visualize campaign data from the City's campaign filings database to provide more meaningful public disclosure of campaign spending for the 2022 election.
- **Enforcement Program maintains productivity** - The Enforcement Unit resolved 28 cases, imposed \$22,600 in penalties, and opened 12 proactive investigations in addition to evaluating 18 complaints of alleged violations.

The year 2022 will go down in history as a year of legislative sea-change that transformed the landscape for Oakland candidates and initiated a new era for resident participation in our local electoral process. This report summarizes these and other Commission accomplishments in 2022.

LEAD AND COLLABORATE

The Commission leads by example and employs collaborative approaches to facilitate changes in City laws, policies, systems, and technology to ensure fairness, openness, integrity, and innovation.

Expanding Equity and Participation in the Campaign Process

The Commission is heading into a major transition with the passage of Measure W, which redesigned Oakland's public financing program to a system of Democracy Dollars (similar to Seattle's [Democracy Voucher](#) Program) that will equip all Oaklanders with campaign "cash" to contribute to campaigns, thereby incentivizing candidates to engage across demographics regardless of wealth and history of prior political involvement. The new Oakland Fair Elections Act (OFEA) and associated Charter Amendments enacted by Measure W were designed to address recommendations in the Commission's 2020 **Race for Power** report and is among the Commission's major policy accomplishments.

Measure W replaces the Limited Public Financing Act with the Oakland Fair Elections Act and a newly designed public financing program to be administered by the Public Ethics Commission. Measure W also included important amendments to the Oakland Campaign Reform Act (OCRA), including revising contribution and campaign spending limits and increasing transparency in political

MISSION AND ACTIVITIES

The Public Ethics Commission was created in 1996 to ensure fairness, openness, honesty, and integrity in City government. The PEC's work is governed by local ordinances in three main areas: campaign finance, transparency, and ethics. The Commission's authority and ability to do its work is guided by the provisions outlined in the City Charter, as amended in 2014, as well as in each relevant ordinance, listed as follows:

- Government Ethics Act
- Conflict of Interest Code
- Oakland Campaign Reform Act
- Lobbyist Registration Act
- Sunshine Ordinance
- Limited Public Financing Act
- False Endorsement in Campaign Literature

The Commission's activities, and the six-person staffing structure are organized by the following ethics compliance framework to ensure a strong, effective, and fair ethics commission:

Lead/Collaborate - Lead by example and facilitate City policy, management, and technological changes to further the Commission's mission.

Educate/Engage - Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the City's campaign finance, ethics, and transparency laws.

Disclose/Illuminate - Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.

Detect/Deter - Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.

Prosecute - Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.

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communications. Much work lies in the years ahead to implement the Democracy Dollars Program including staffing up and setting up the administrative processes, technology, outreach plan, and new policies to support the Program. While the Commission did not receive the necessary funds to distribute Democracy Dollars in the 2024 election in the 2023 - 2025 Budget due to a historic fiscal deficit, in addition to taking steps to ensure a successful Democracy Dollars launch for the 2026 election Commission staff are already educating candidates and officials so they can comply with Measure W's new campaign rules that went into effect on January 1, 2023.

Increased Accountability Added to City Ticket Policy

In 2022, the Commission's proposed policy for the distribution of free event tickets, such as tickets to City-sponsored events, events at City facilities or pursuant to City contracts, and events for which tickets are provided to the City for promotional purposes was adopted by the City Council and took effect in June. Oakland's prior policy was outdated in relation to state and local law and also created problems identified in the PEC's 2017 report, **Ensuring Ethical and Transparent Distribution of City Tickets**. The report found issues with both the policy and the process of ticket distribution and use, including large numbers of tickets (especially high-value tickets) going to elected officials, late or no disclosure regarding ticket use as required by state law, and inappropriate transfers of tickets to family members. Following the report, the California Fair Political Practices Commission (FPPC) amended state regulations in 2019 to tighten restrictions on the quantity of tickets that could be used by City officials, among other changes. The new policy enacted by ordinance aims to provide clear instructions for the distribution and use of City tickets, to expand the list of public purposes for which City tickets may be distributed, and to update the policy to align with state rules. It also articulates the PEC's prevention and enforcement responsibilities consistent with other ordinances under the Commission's jurisdiction.

Other PEC Legislation

In November 2022, Oakland voters also approved Measure X, Good Governance Charter Reform, which added setting the salaries of the City Auditor and City Attorney to the Commission's duties and adjusted the formula for the Commission to set City Councilmember salaries.

Standardizing Ethics Compliance Processes

Throughout 2022 Commission staff engaged in a cross-departmental effort to develop citywide processes to ensure that departments are uniformly communicating ethics training and Form 700 requirements to employees and consultants hired by their departments. Commission staff collaborated with the Department of Human Resources to add new features into the NeoGov personnel management platform to make sure all employees are properly notified, and department SPOC's (single point of contact) can monitor employee compliance. The database designation enables more effective noticing and tracking of Form 700 and ethics training compliance going forward. PEC ethics training assets were integrated with the City's NeoGov Learn platform so staff can utilize features to assign training, notice employees, and track compliance ahead of future Form 700 filing deadlines.

EDUCATE AND ENGAGE

Prevention activities consist of education, outreach, and online information to facilitate compliance with government integrity laws. The Commission educates and advises candidates for local elective office, elected officials, appointed officials, City staff, lobbyists, people doing business with Oakland, City residents, businesses, and organizations.

Advice and Assistance

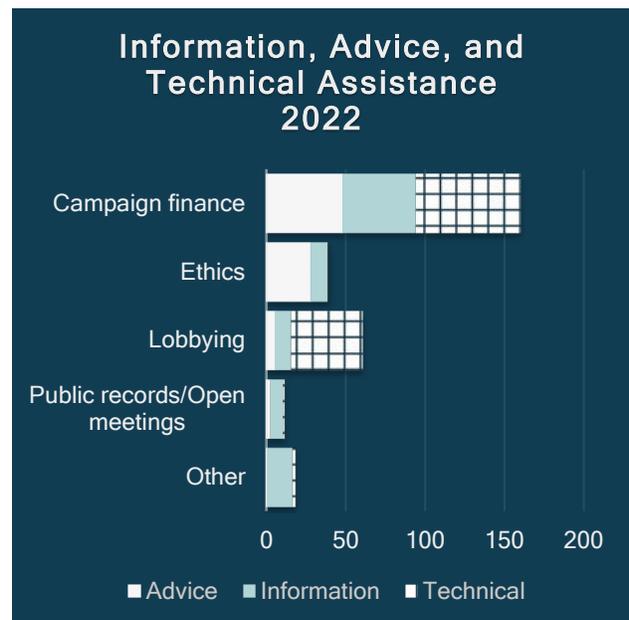
In 2022, Commission staff responded to 305 requests for information, advice or assistance regarding campaign finance, ethics, Sunshine law, or lobbyist issues, fielding an average 25 requests per month. Just over half of requests for advice and assistance came from treasurers, candidates, and law firms seeking to comply with campaign finance disclosure laws. Other questions come from lobbyists, City staff and officials, as well as members of the public regarding lobbyist disclosure rules, misuse of public resources, gift restrictions, and conflicts of interest rules, to name a few.



Ethics Training

Commission staff provided ethics training through various avenues to reach over 800 participants, including the following target audiences:

- Elected officials (4) and their staff participated in an ethics check-in and training focused on the new Ticket Distribution Policy;
- New employees (450) received an ethics overview presentation at the City’s monthly orientation session, and, additionally, staff conducted a live ethics training at the Oakland Parks, Recreation, and Youth Development Department’s Summer Orientation reaching nearly 100 new employees;
- One hundred forty-nine City employees completed the PEC’s comprehensive Government Ethics Training for Form 700 Filers, 89 through the City’s online learning management system and another 60 attended four live trainings conducted by PEC Staff via Zoom;



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- City staff supervisors (85 in total) received a higher-level ethics training at the City's Supervisor Academy;
- Board and Commission members and staff received introductory ethics trainings, for a total of two Commissions and all board liaisons; and
- The Commission's YouTube channel reached 1,298 viewers in 2022: 1,070 viewers watched the PEC's ten-minute ethics introductory video; another 57 viewers watched the one-hour Ethics Training for Form 700 Filers video; and 210 viewers watched training segments on specific topics such as open meeting rules, gift rules, conflicts of interests, misuse of City resources, and post-employment restrictions.

Campaign Finance Training

Commission staff proactively connected with candidates and committees early, often, and ongoing throughout the 2022 election season, including orientations for candidates as they initiated their campaign filings, as well as monthly reminders and trainings. PEC staff partnered with the Fair Political Practices Commission to provide a joint, comprehensive candidate and treasurer training on both state and local campaign rules, reaching 11 local candidates/committees. A recording was made available on the Commission website and provided to all new candidates. Commission staff also provided public financing training to candidates and their campaign staff in August to promote participation in the 2022 Limited Public Financing (LPF) program for District City Council candidates.

Seven candidates and/or campaign representatives attended the training, representing all but one of the City Council candidates certified to appear on the 2022 ballot.

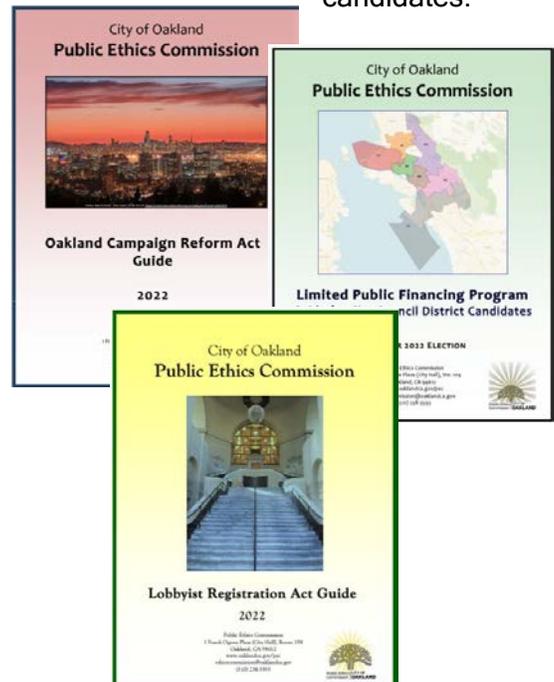
Publications

Commission staff published three updated comprehensive guides intended to assist the regulated community in complying with local laws:

- Oakland Campaign Reform Act Guide
- Limited Public Financing (LPF) Guide
- Guide to the Lobbyist Registration Act

Community Outreach

The Commission conducted outreach to ensure Oakland residents and the regulated community know about the Commission and that the Commission is responsive to their complaints and questions about government ethics, campaign finance, or transparency concerns. During the fall months, Commissioners and staff presented at five Neighborhood Council meetings to share the Commission's work and highlight opportunities to apply for Commissioner vacancies.



DISCLOSE AND ILLUMINATE

The Commission's Disclosure Program aims to help candidates, lobbyists and City officials submit required disclosure reports and ensures Oaklanders can easily access campaign finance, lobbyist, and ethics-related data and information that is accurate, user-friendly, and understandable. The goal is for the public and the PEC to be able to monitor filings, view information, and detect inconsistencies or noncompliance. This program utilizes a collaborative transparency approach, which reaches beyond the traditional minimum of providing copies of filings. The Commission proactively shares data in user-centered formats, invites participation and feedback, and facilitates shared discussion around community needs.

Illuminating Ethics Data

The Commission collects, reviews, and provides public access to ethics-related data. As part of this responsibility, Commission staff works to put the information into formats that can be searched and displayed in easy-to-use data visuals made available for public viewing and more meaningful public disclosure. Election-focused disclosure projects in 2022 included:

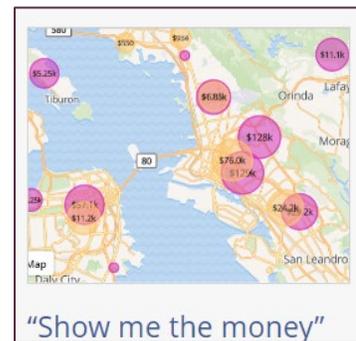
- [Show Me the Money](#), an app hosted on Oakland's open data platform, builds maps showing the source of campaign contributions to candidates, top contributors, and fund raising and spending patterns over time. The tool allows users to build interactive comparisons of campaign donors and expenditures.
- [Open Disclosure](#), a campaign finance website built through a partnership between Commission staff and Open Oakland, visualizes the flow of money in Oakland elections in an easy to understand, interactive format. OpenDisclosure is a nonpartisan tool developed by volunteer developers from civic tech group OpenOakland with advice and oversight from Commission staff and includes a notification system that sends subscribers alerts about new campaign reports, summaries of how much money candidates raise locally and from out-of-state donors, as well as top spenders on local ballot issues. OpenDisclosure gained nearly 6,500 new users and generated over 21,000 pageviews in 2022. Since first launching Open Disclosure in 2014, the site has reached 39,535 users with 163,293 views of OpenDisclosure content.



1,300+ disclosure filings processed

Over 50,000 views of disclosure content

10 public records mediations completed



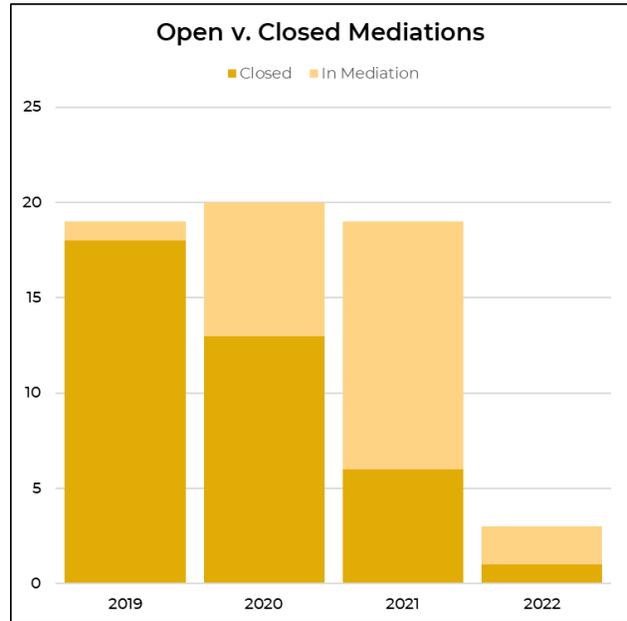
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Mediation Program

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediations of public records requests made by members of the public to City departments for records within the department's control. The Commission received five new requests for mediation in 2022. Ten mediations were completed in 2022.

Online Engagement

In 2022, Commission staff continued producing monthly social media content highlighting PEC policy areas, activities, and topics of interest to specific client-groups ending the year with 1,766 followers.



COMPLIANCE AND DISCLOSURE

As Filing Officer, the Commission collects, reviews, and provides public access to ethics-related data.

CAMPAIGN FINANCE data includes candidate and ballot-measure campaign committee information, including contributions to and expenditures made by the committee during the election cycle. Oakland had 103 active political committees as of December 2022. Two Oakland elections were conducted in 2022, a special election on June 7 and the general election on November 8, 2022. There were six campaign statement deadlines, and PEC staff processed and reviewed almost 1,000 campaign-related filings disclosing approximately \$7 million in campaign contributions during 2022.

POLITICAL CONTRIBUTIONS SOLICITED BY CITY OFFICIALS required to file a Statement of Economic Interests (Form 700) must be disclosed to the Public Ethics Commission within 30 days when a political contribution of \$5,000 or more is made by a person or entity that contracts or proposes to contract with the official's department. Three solicited contributions totaling \$235,000 were disclosed in support of ballot measures on the November 2022 ballot.

LOBBYING activity reports identify who is lobbying City officials and for what purpose. In 2022, 75 lobbyists registered with the City of Oakland representing approximately 110 clients. Oakland lobbyists reported \$823,464 in payments from clients and a total of 1,197 contacts with City officials during 2022. PEC staff provides outreach and assistance to lobbyists to ensure compliance with registration and reporting requirements. Staff processed and reviewed 283 quarterly lobbyist activity reports in 2022.

BEHESTED PAYMENTS reports show who is donating to a nonprofit organization at the request or solicitation of an elected official. Elected officials who solicit such payments are required to file a Form 803 to report these payments if they amount to \$5,000 or more. In 2022, elected officials reported 15 behested payments totaling \$1,935,000 benefiting local non-profits and programs.

STATEMENTS OF ECONOMIC INTERESTS (Form 700) are filed with the City Clerk's office but are of high interest to the PEC in ensuring compliance with ethics laws that require reporting of personal financial information by City officials. Commission staff checks for elected official compliance with filing deadlines and provides education and advice regarding Form 700 filing.

ENFORCEMENT

The Commission conducts investigations, holds public hearings, issues subpoenas, and imposes fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to impose penalties for violations of ethics laws, campaign finance laws, and lobbyist registration requirements. The Commission also can mediate or recommend “cure and correction” for violations of public records and open meetings laws, respectively.



51 open complaints and investigations

28 cases resolved

\$22,600 in penalties

Incoming Cases

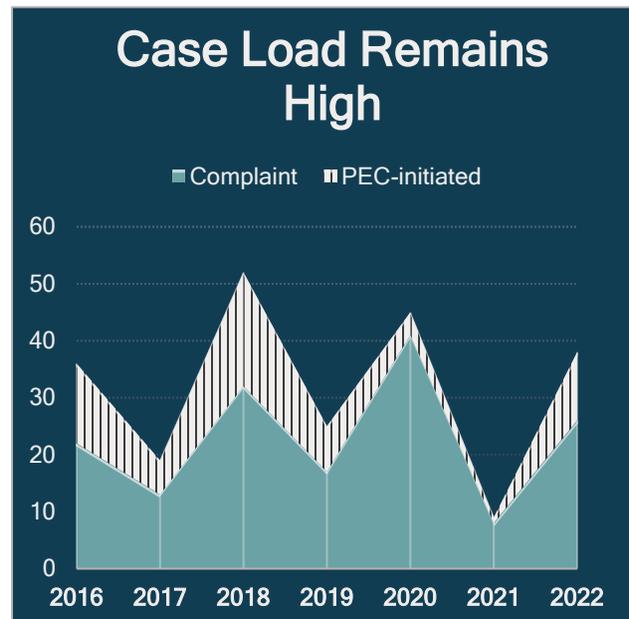
Commission staff received a total of 18 allegations of potential violations under campaign finance, conflicts of interest, transparency, and other ethics-related laws, in 2022. Enforcement staff also received several informal complaints and initiated its own “pro-active” complaints. Enforcement staff opened four investigations in 2022 based on informal complaints and eight investigations based on pro-active complaints. At year-end, there were 51 open enforcement complaints and cases.

Backlog Reduced

In 2022, an Enforcement priority was resolving outstanding cases or complaints from 2016-2017. Significant progress was made towards this goal, as well as resolution of cases from 2018-2021, while maintaining a steady resolution rate on new cases in 2022. However, despite increases in both case closures and fines imposed by the Commission over the last several years, the Commission has not been able to keep pace with incoming complaints. This is due to a structural issue: the PEC’s lack of adequate Enforcement staff resources and capacity to match demand for service. Without increased staffing, the PEC’s increasingly disproportionate complaint to staff ratio will continue to result in cases that remain on the docket far longer than they should.

Enforcement Outcomes

By year end, the Commission resolved 28 cases as follows:



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- Three fines, with \$22,600 in total penalties;
- Ten cases closed without enforcement action;
- Fifteen complaints dismissed (10 for lack of jurisdiction, 2 for insufficient evidence to support investigation; 1 due to another agency already investigating; 1 referred to another agency; and 1 withdrawn by complainant).

Training Hearings Officers

Another Enforcement goal for 2022 was to train more Commissioners as hearing officers to be available in cases that Enforcement staff are unable to settle. PEC staff put together a Hearing Officer training in the fall of 2022 that continues to be available to Commissioners interested in serving as hearing officers. The training provides an overview of hearing procedures, due process for quasi-judicial boards, scheduling procedures, preliminary hearing requirements, credibility determinations, and an overview of findings of facts, penalties, and final orders.

Enforcement staff anticipate increased need for hearing officers in the short- and medium-term as current investigations are completed. The new training program helps ensure that hearings on matters will not be delayed due to a lack of available hearing officers. The training is also available to the public online from the Commission's website and YouTube Channel.

2022 Enforcement Actions Summary

In the Matter of Jason Overman, Case no. 18-14. The Commission found that Respondent, Jason Overman, a private lobbyist, violated the Oakland Campaign Reform Act's contractor contribution ban by making campaign contributions to City of Oakland elected officials, candidates, or their controlled committees. The Commission approved a financial penalty in the amount of \$2,600.

In the Matter of Justin Berton (Case No. 18-45). The Commission found that the Respondent, Justin Berton, the Director of Communications for Oakland Mayor Libby Schaaf, violated the Government Ethics Act's misuse of city resources provision by posting four links to newspaper editorials that endorsed the Mayor's re-election in 2018 to the mayor's official Nextdoor public agencies/elected officials' account. The Commission approved a financial penalty in the amount of \$1,000.

In the Matter of Rebecca Kaplan, Case no. 20-40. The Commission found that the Respondent, Rebecca Kaplan, the City Council At-Large member, violated the Government Ethics Act section Form 700 reporting and conflict of interest provisions by failing to disclose her ownership interest in an Oakland condo and voting on matters affecting a park development project next door to her property. The Commission approved a financial penalty in the amount of \$19,000.

ADMINISTRATION

Staff

Commission staff are responsible for the Commission’s day-to-day operations, including investigations and enforcement casework, education and advice, data collection and illumination activities, and law and policy projects. While most City offices remained closed to the public due to orders in response to the on-going COVID pandemic, Commission staff continued to provide services seamlessly without in-person contact. Staff continue to participate in ongoing professional development, including opportunities through the Council of Government Ethics Laws, International Association for Public Participation, and the City of Oakland covering topics such as reducing bias, inclusive engagement, continuing education in legal subjects, filing officer duties, and advanced data analysis and visualization.

7 volunteer Commissioners

7 fulltime staff

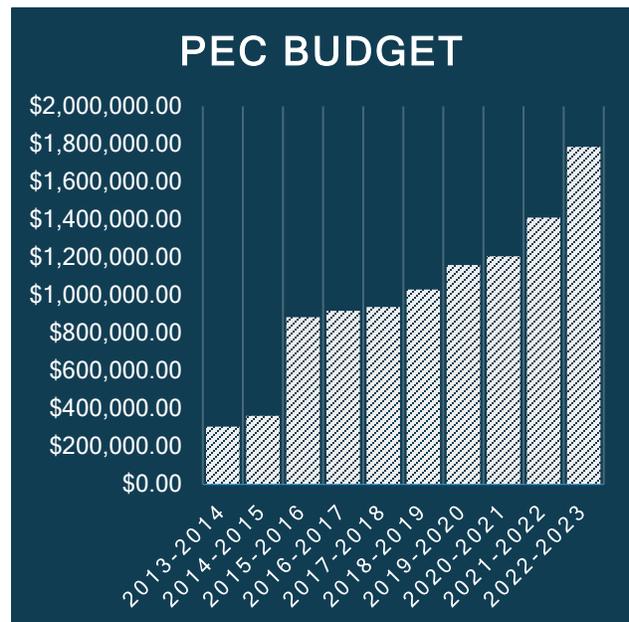
\$1,786,115
2022-2023 budget

2022 saw major leadership changes as the Commission’s Executive Director for the past ten years, Whitney Barazoto, stepped down in June 2022. Enforcement Chief Kellie Johnson was promoted to the Executive Director position in August. However, after Ms. Johnson’s resignation in November, the Commission’s Lead Analyst Suzanne Doran was appointed Acting Director in the interim. A new recruitment for Executive Director was underway at the end of 2022.

Other significant staff transitions include the promotion of Ethics Investigator Simon Russell to Enforcement Chief and the promotion of Administrative Assistant Ana Lara-Franco to the newly-budgeted Administrative Analyst position, both in November 2022.

Budget

The adopted budget for the Commission was \$1,411,407 for Fiscal Year 2021-22 and \$1,786,115 for Fiscal Year 2022-23. In June 2021, the City Council approved a budget that included the addition of one new position for the PEC to begin in July 2022. The addition provides increased staff capacity for administrative support to the Enforcement Team, including complaint intake, communications, complaint database management, case tracking, agenda and



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hearing preparation for enforcement cases, and other related tasks.

Public Funds for Candidates

The Limited Public Financing (LPF) program provides District City Council candidates with some public funds by way of reimbursements for qualified expenditures to be used for campaign expenses. The goal of the program is to help ensure that all individuals have a fair and equal opportunity to participate in the elective and governmental process. The 2022 program began with a training in August and ongoing interaction with candidates in facilitating program requirements and distributing public funds. Five candidates participated and received some or all of the \$35,400 that was available to each candidate, for a total disbursement of \$159,038 for the 2022 election.

Public Meetings

On September 16, 2021, the Governor signed AB 361 which amended provisions of the Brown Act to allow local legislative bodies to continue to meet by teleconference so long as the body adopts certain findings in compliance with the new law. The Commission's public meetings in 2022 continued to be held online and accessible to the public via Zoom to comply with restrictions imposed by the ongoing COVID pandemic. With the lifting of the emergency order by the State of California at the end of February 2023, all public meetings including Board and Commission meetings are required to be held in-person and will resume again per State law.

2022 COMMISSIONERS

Arvon J. Perteet, Chair

Commission Appointee 1/22/2021 - 1/21/2024



Arvon J. Perteet is the Global Legal Response and Fraud Investigations Manager at Square, Inc. Arvon's teams are responsible for conducting investigations related to external fraud against Square and Square's merchants and responding to legal requests, both civil and criminal in nature. Prior to working at Square, Arvon was an Assistant District Attorney in the Independent Investigations Bureau at the San Francisco District Attorney's Office investigating and prosecuting cases involving officer involved shootings, use of excessive force, and in-custody deaths.

Arvon was an Assistant United States Attorney in the Northern District of California in the Asset Forfeiture Unit for eight years, and he was a Deputy District Attorney in the Contra Costa County District Attorney's office for two years. His legal career also included time at a small insurance defense firm in the Bay Area. Arvon is a graduate of Golden Gate University School of Law, and a graduate of Morehouse College in Atlanta, Georgia. Arvon is an Oakland native.

Michael B. MacDonald, Vice Chair

Commission Appointee 1/22/2020 - 5/28/2022



Michael MacDonald is an Assistant City Clerk at the City of Berkeley. In that role, he supervises a variety of functions within the department with a focus on municipal elections, campaign filings, conflict of interest requirements, and regulations for City advisory commissions.

Prior to serving in municipal government, Michael spent three years as a District Representative under two California State Senators serving as lead representative for K-12 education, transportation, housing, and homelessness issue areas by working closely with the Senator, constituents, district organizations, local governments, and state agencies. Before moving to Oakland in 2018, Michael co-founded the Diversity Collective Ventura County Community Resource Center, a non-profit LGBTQ community center that strives to build a community in which LGBTQ people can be healthy, equal, and complete members of the community.

Michael is a CSU graduate with a Bachelor's Degree in Political Science. He lives in downtown Oakland with his partner.

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Ryan Micik, Vice Chair

Commission Appointee 6/11/2021 - 6/30/2022

City Attorney Appointee 7/1/2022 - 1/21/2024



Ryan Micik operates a political research and communications consulting practice. His clients have included government reform advocacy organizations and other nonprofits, private companies, and candidates for all levels of government office, from school board to president. Among other services, he assists clients with mastering complex issues; navigating local, state, and federal public records laws; and developing messaging and strategy. He formerly served as deputy director of Maryland StateStat, a government performance management and accountability initiative. In that role, he engaged with state agencies to improve service delivery, increase government efficiency and responsiveness, and reduce waste.

Ryan earned a BA in Political Science from UC Berkeley, where he was active in progressive and AAPI organizations and won awards for radio journalism. He is a former member of the Alameda County Democratic Central Committee. He resides in Grand Lake.

Charlotte Hill

Commission Appointee 1/22/2022 - 1/21/2025



Charlotte Hill is a political scientist at UC Berkeley, where she researches the impact of electoral and voting reforms on political participation. She regularly advises organizations focused on improving democracy policy and increasing voter turnout. Before entering academia, Charlotte held senior communications roles for the nonpartisan political reform organization RepresentUs and the international petition platform Change.org. She recently served as the vice president of the San Francisco Elections Commission, where she helped oversee local election administration.

Charlotte grew up in Northern California and has lived in the Bay Area since 2006. She holds a BA, an MPP, and a PhD in Public Policy from UC Berkeley.

Jessica Leavitt

City Attorney Appointee 9/15/2021 - 5/21/2022



Jessica Leavitt is Senior Corporate Counsel with NetScout Systems, Inc., where she focuses on compliance issues. She previously worked at the City of Oakland as both a Deputy City Attorney and as an investigator for the Citizens' Police Review Board. She also worked as a Special Assistant to the Chief Trial Counsel of the State Bar of California and served on a number of local and state boards.

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Jessica is a native Oaklander and holds a BA from Claremont McKenna College, a JD from UC Hastings, and a Master's degree in Information Science from the University of Michigan.

Joseph Tuman

Mayoral Appointee 1/22/2020 - 1/21/2023



Joseph Tuman is a full-time university professor at San Francisco State University in First Amendment law, public speaking, critical thinking and argumentation, and debate. He has also taught at St. Mary's College, the New School for Social Research in New York, and Paris II Law School in France.

Joseph received his BA in Political Science from UC Berkeley with Great Distinction and Highest Honors and his JD from Boalt Law. His law work included comprehensive evidence review and sorting of internal documents produced by tobacco companies related to advertising and marketing campaigns targeting children for class-action lawsuits filed by different states. He has served as a political analyst for major television networks and newspapers and is an author and senior editor of numerous books and academic journals.

Joseph was born in Dallas, Texas, and raised in the San Joaquin Valley. He has lived in Oakland since 1984 and ran twice for Mayor of Oakland.

Francis Upton IV

City Auditor Appointee 4/20/2022 - 1/21/2025



Francis Upton IV is a software executive with deep technical experience, particularly in data-related issues and software development productivity. He is currently a founder and the Chief Technology Officer at SnapStrat, Inc.

Previously he was VP of Architecture and Governance at Talend, a leading provider of data integration technology. Before that, he founded Oakland Software where he led the development of advanced data transformation technology which was sold to Talend. Other work has included senior engineering and management positions at various technical startups and at computer manufacturers Digital Equipment Corporation and Hewlett-Packard, where he worked on operating systems, distributed transaction systems, and was a leading contributor to an International Standard. Francis has a long history of significant volunteer contributions to open source projects, notably with the Eclipse Foundation and the Jenkins CI System.

He holds a BA in Liberal Studies from Antioch University and has completed most of the course requirements towards an MS degree in Computer Science at Stanford. Francis was born and raised in Orange County, California, and has been an Oakland resident for over 25 years, currently living in Glenview. He is the proud father of two daughters attending OUSD schools.

PUBLIC ETHICS COMMISSION
Programs and Priorities 2023

Program	Goal	Desired Outcome	Program Activities	2023 Major Projects
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity, and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ul style="list-style-type: none"> ○ Lead Measure W implementation 	<ul style="list-style-type: none"> ○ Public Records Performance Tool ○ Lobby Registration Act amendment to incorporate new fees and waiver policy ○ Ordinance for one-time LPF for 2024 elections ✓ GSPP project re contractor pay-to-play restrictions and improving disclosure
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ul style="list-style-type: none"> ● Regular ethics training ● Information, advice, and technical assistance ● Targeted communications to regulated communities ● New trainings as needed for diversion 	<ul style="list-style-type: none"> ○ Collaboration with Clerk and HR on process improvements for ethics onboarding/exit and Form 700 compliance ✓ Public Records training
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ul style="list-style-type: none"> ● Public Records mediations ● Commissioner-led public outreach ● Outreach to client groups – targeted training and compliance ● PEC social media outreach 	<ul style="list-style-type: none"> ✓ Develop content to reflect Measure W changes and Democracy Dollar Program ○ Review and update mediation procedures/staff manual ✓ Update public and stakeholders on Democracy Dollar postponement
Disclose/ Illuminate	PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.	Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.	<ul style="list-style-type: none"> ● Monitor compliance (campaign finance/lobbyist/ticket use) ● Proactive engagement with filers ● Technical assistance 	<ul style="list-style-type: none"> ○ Democracy Dollars admin system development/issue RFP ○ Updates to Ticket Distribution (Form 802) database

Item 4c - Programs and Priorities 2023

Program	Goal	Desired Outcome	Program Activities	2023 Major Projects
	Filing tools collect and transmit data in an effective and user-friendly manner.	Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.	<ul style="list-style-type: none"> • Assess late fees/refer non-filers for enforcement • Maintain data assets 	
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-compliance with laws within the PEC's jurisdiction.	Public servants, candidates, lobbyists, and City contractors are motivated to comply with the laws within the PEC's jurisdiction.	<ul style="list-style-type: none"> • Process and investigate complaints • Initiate proactive cases • Collaborate/coordinate with other government law enforcement agencies 	<ul style="list-style-type: none"> ○ Digital complaint form/mediation request ○ Improve Enforcement database
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ul style="list-style-type: none"> • Prioritize cases • Conduct legal analyses, assess penalty options • Negotiate settlements • Make recommendations to PEC 	<ul style="list-style-type: none"> ○ Resolve 2016 and 2017 case backlog ○ Review/revise policies for release of public information and election-related complaints ○ Develop internal Enforcement staff manual
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ul style="list-style-type: none"> • Annual Report • Budget proposal • Ongoing professional development and staff reviews • Fill staff vacancies • Commissioner onboarding 	<ul style="list-style-type: none"> ○ 2023 – 2025 strategic plan preparation/retreat ✓ Develop process for City Attorney and City Auditor Salary Adjustment and adopt resolution for Council

Item 4d - Policy Priorities Chart

PUBLIC ETHICS COMMISSION Policy and Executive Projects and Priorities 2023 – 2024

Under the City Charter, the Public Ethics Commission (PEC) must periodically report to the City Council concerning the effectiveness of all local laws regarding campaign finance, lobbying, transparency, and governmental ethics and may make recommendations to the City Council for improving these laws. In addition, under the City Charter the City Council is required to consult with the PEC prior to amending laws that the PEC enforces. The table below summarizes current and potential policy and executive projects by project urgency, difficulty, and impact on the Commission’s overall goals.

Project	Description	Timing	Staff Effort	Impact	Recommended Priority
Limited Public Financing (LPF) Act of 2024	CAMPAIGN FINANCE Proposes to bring back a limited public financing program for the 2024 cycle only	IN-PROGRESS Likely considered by Council in October. Program launch in 2024	MEDIUM <ul style="list-style-type: none"> • Significant legislative engagement • If enacted: Update guides and implement LPF program 	HIGH <ul style="list-style-type: none"> • Ensures public financing for 2024 election cycle • Provides opportunity to pilot some Measure W policies 	2023 - 2024 HIGH PRIORITY: PEC has recommended this policy to the Council
Lobbyist Registration Act (LRA) Fee Waiver/Reduction	LOBBYING Proposes to establish a fee waiver/reduction program and other changes to the LRA	IN-PROGRESS Likely considered by Council in October. Fee and lobbyist training implemented in 2024	MEDIUM <ul style="list-style-type: none"> • Significant legislative engagement • Update guides; add waiver/reductions with new fee • Create lobbyist training 	MEDIUM <ul style="list-style-type: none"> • Provides fee relief to nonprofits and small business/organizations • Includes some lobbying policy streamlining/best practices 	2023 HIGH PRIORITY: PEC has recommended this policy to the Council
Voter Guide	CAMPAIGN FINANCE Pilot a candidate information voter guide for the 2024 election cycle	NEAR/MEDIUM TERM Guide design would need to be complete by early 2024	HIGH <ul style="list-style-type: none"> • Research voter guide content and design best practices • Solicit candidate statements • Create online/paper format 	HIGH <ul style="list-style-type: none"> • Advances many Measure W goals, including promoting voucher usage, voter information, and turnout • Piloting a voter guide in 2024 would enable the PEC to refine guide design/admin for 2026 	2023 – 2024 HIGH PRIORITY: Aligns with and amplifies Measure W goals
Assign Mayor’s Salary Setting to PEC	ETHICS Provide PEC’s perspective as to whether/how PEC should set the Mayor’s salary, vs waiting for Administrator’s proposal (Council policy proposal)	NEAR TERM City Administrator will likely provide a recommendation to Council by early next year	MEDIUM <ul style="list-style-type: none"> • Modest policy research and legislative drafting • Modest leg. engagement • Mayor salary setting would be incorporated with City Attorney/Auditor processes 	MEDIUM <ul style="list-style-type: none"> • With this change, PEC would set all elected officials’ salaries • Opportunity to propose refining charter criteria for setting other officeholders’ salaries based on experience 	2023 MEDIUM PRIORITY: PEC must be consulted on this proposal, but may choose to be proactive

Item 4d - Policy Priorities Chart

Project	Description	Timing	Staff Effort	Impact	Recommended Priority
Charter Review	GOVERNANCE Review City Charter to propose changes that could be incorporated in a ballot measure charter amendment affecting the PEC	NEAR/MEDIUM TERM Proposed ballot measures would likely need to be considered by Council in first half of year	LOW TO MEDIUM <ul style="list-style-type: none"> • Modest policy research and legislative drafting • Modest legislative engagement • Possible formation of Ad Hoc subcommittee to provide recommendations 	LOW TO HIGH <ul style="list-style-type: none"> • Impact would vary based on changes proposed 	2023 – 2024 MEDIUM PRIORITY: Possible Nov 2024 ballot measure may be unique opportunity to strengthen PEC governance.
Bi-Annual Policy Review: Lobbyist Registration Act (LRA)	LOBBYING Comprehensively review the LRA, including who is required to register as a lobbyist and what lobbyists are required to disclose	LONG TERM Staff goal is to review one law administered by the PEC every two years	HIGH <ul style="list-style-type: none"> • Research peer jurisdictions; hold informational hearings; engage stakeholders • Draft report of recommended changes • Significant policy research and legislative drafting • Significant legislative engagement 	HIGH <ul style="list-style-type: none"> • Increased transparency of lobbying activities • Opportunity to address deficiencies in LRA identified by staff, elected officials, and regulated community • Builds off registration fee work 	2024 - 2025 HIGH PRIORITY: Oakland’s LRA has not been updated in decades and falls short of peer lobbying ordinances in many areas
Build Ethics Commission Network	GOVERNANCE Create a regularly-meeting network of California Ethics Commissions and an annual conference (Goldman reco)	LONG TERM PEC already coordinates with other ethics commissions, but on an as-needed basis	MEDIUM <ul style="list-style-type: none"> • Propose Network concept; set up regular meetings; prepare agendas • Secure meeting space and logistics; prepare conference topics and materials 	LOW TO MEDIUM <ul style="list-style-type: none"> • Promotes problem and solution-sharing • Restarts prior PEC effort 	2024 LOW PRIORITY: prioritize setting up regular quarterly check-in meetings; participate in an annual conference if another Ethics Commission hosts

Item 4d - Policy Priorities Chart

Project	Description	Timing	Staff Effort	Impact	Recommended Priority
Strengthen Public Records Mediation/ Disclosure Laws	TRANSPARENCY Review causes of mediation delays and research policy alternatives to increase records request responsiveness (Nardi reco)	LONG TERM	HIGH <ul style="list-style-type: none"> • Categorize and review mediation dispute types • Research peer jurisdiction approaches • Draft report of recommended changes • Significant policy research and legislative drafting • Significant legislative engagement • Likely requires budget prioritization 	MEDIUM <ul style="list-style-type: none"> • Potentially reduce mediation backlog • Faster responsiveness to records requests 	FUTURE CONSIDERATION: revisit if staff resources allow; potentially seek student assistance for policy research
Contributor Certification	CAMPAIGN FINANCE Require contributors to certify they meet OCRA requirements, including the contractor contribution prohibition (Goldman reco)	LONG TERM	LOW <ul style="list-style-type: none"> • Modest policy research and legislative drafting • Modest legislative engagement • Potentially significant staff resources to implement/ enforce 	LOW <ul style="list-style-type: none"> • Increase contributor awareness of OCRA restrictions 	FUTURE CONSIDERATION: revisit once contractor database and Schedule O contractor ban acknowledgment are implemented
Create Regular Auditing Program	ENFORCEMENT Create a regular comprehensive or randomized auditing program for lobbying and campaign finance reports (Goldman reco)	LONG TERM	HIGH <ul style="list-style-type: none"> • Requires additional staff to implement 	HIGH <ul style="list-style-type: none"> • Increase compliance with PEC-enforced laws and detection of violations 	FUTURE CONSIDERATION: revisit as part of future budget processes or as staff capacity increases

Item 4e - Disclosure Priorities Chart

PUBLIC ETHICS COMMISSION

Disclosure Projects and Priorities 2023 – 2024

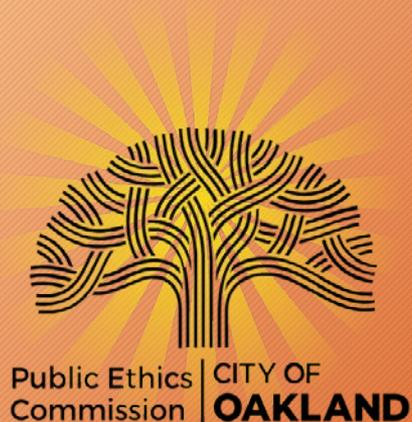
The Commission’s Disclosure Program aims to help candidates, lobbyists and City officials submit required disclosure reports and ensures Oaklanders can easily access campaign finance, lobbyist, and ethics-related data and information that is accurate, user-friendly, and understandable. The goal is to provide more meaningful disclosure so the public and Commission can monitor filings, view information, and detect inconsistencies or noncompliance. The table below summarizes current disclosure projects by project urgency, difficulty, and impact on the Commission’s overall goals. Links to the PEC’s disclosure resources are included in the table and can be found here: <https://www.oaklandca.gov/topics/disclosure-information-and-data>

Project	Description	Timing	Effort	Impact	Staff Recommendation
Open Disclosure	CAMPAIGN FINANCE Website aggregates and visualizes campaign finance data built in partnership with Open Oakland volunteers	NEAR TERM Requires updates to display 2023 and 2024 election data	HIGH <ul style="list-style-type: none"> Requires staff project management, subject matter expertise, data entry, quality assurance checks, marketing Dependent on recruitment of volunteer developers 	HIGH <ul style="list-style-type: none"> PEC’s most popular, comprehensive campaign finance disclosure tool Can assist identification of features for integration into Democracy Dollars transparency portal Engagement with Oakland civic tech community 	2024 HIGH PRIORITY: Maintain site as-is thru 2024 election; add efficiencies, if possible
Show Me the Money	CAMPAIGN FINANCE Web app on Oakland’s open data portal, maps and visualizes campaign finance data.	NEAR TERM Requires updates to display 2023 and 2024 election data	MEDIUM <ul style="list-style-type: none"> Not automated; requires staff process data Staff resources required to coordinate automation with ITD 	HIGH <ul style="list-style-type: none"> Adds geo-location to campaign finance data Can assist identification of features for integration into Democracy Dollars transparency portal 	2024 HIGH PRIORITY: Maintain site as-is thru 2024 election; add efficiencies, if possible
Contractor Database/Schedule O Form	CAMPAIGN FINANCE/ETHICS NEW – Measure W amended the Oakland Campaign Reform Act giving PEC ownership of “Schedule O” contractor ban acknowledgement form	MEDIUM TO LONG TERM No legal requirement to change form, however, high interest for PEC education, disclosure, and enforcement goals	MEDIUM <ul style="list-style-type: none"> Simple form to digitize, easily create a database Requires collaboration and buy-in from City Administration, Finance Department, and IT to implement 	HIGH <ul style="list-style-type: none"> Greatly improve public transparency Identify contractors impacted by ban for education Improve detection of potential violations Provide candidate tool to avoid violations 	Mid-2024 – 2025 HIGH PRIORITY: Initiate project after lobbyist app update completed

Item 4e - Disclosure Priorities Chart

Project	Description	Timing	Effort	Impact	Staff Recommendation
Ticket Distribution Database (Form 802)	ETHICS NEW - Update Form 802 database to conform with new disclosure requirements adopted by Council in 2022	MEDIUM TERM Existing system does not completely address new disclosure requirements under 2022 policy	HIGH <ul style="list-style-type: none"> ITD database needs to be rebuilt Requires prioritization by City Administration/ITD for work to commence 	MEDIUM <ul style="list-style-type: none"> Improve compliance and transparency Improve PEC detection of potential violations 	2023 – 2024 LOW PRIORITY: Initiate project after lobbyist app, contractor database completed, unless additional staff resources allow
Lobbyist Data Portal	LOBBYING Application built in partnership with PEC allows lobbyists to register and submit reports electronically, collects and publishes disclosure data	NEAR TERM New features needed to administer new registration fees in 2024	MEDIUM <ul style="list-style-type: none"> Requires PEC staff outline administrative processes, test new features, and approve work by IT staff Subject to overall ITD priorities 	HIGH <ul style="list-style-type: none"> Streamline administration of lobbyist program Seamless registration process for lobbyists 	2023 HIGH PRIORITY: Updates to facilitate collecting registration fees and late fees, other new features low priority in near term
Public Records Performance Toolⁱ	PUBLIC RECORDS Webpage aggregates and visualizes department public record request performance using Next Request system data	NEAR TO MEDIUM TERM Project initiated in 2021 as part of Commission’s public records performance review and delayed due to reduced staff resources	LOW <ul style="list-style-type: none"> Draft complete and reviewed by Commission in 2021 Requires staff resources to add automated update as new data is received 	MEDIUM <ul style="list-style-type: none"> Complete high-interest project Promote dialog and accountability Assist with continued monitoring Basis for future performance evaluation 	2023 – 2024 HIGH PRIORITY: Add automation and publish by early 2024
Enforcement Outcomes and Other PEC Data	PEC PERFORMANCE PEC performance data published to share progress toward PEC goals	LONG TERM No new projects at present	LOW <ul style="list-style-type: none"> Requires monthly processing and upload of PEC data to maintain 	MEDIUM <ul style="list-style-type: none"> Model culture of accountability, transparency by sharing performance measures Promote awareness of PEC activities and outcomes 	2023 – 2024 LOW PRIORITY: Maintain datasets, unless additional staff resources allow expansion

ⁱ Draft webpage is unpublished. Underlying data is published on the Oak Data platform <https://data.oaklandca.gov/City-Government/Public-Records-Requests-NextRequest-by-Department/qcv9-7n2m>.



Enforcement Program Discussion

PEC Retreat 2023

Simon Russell, Enforcement Chief

OVERVIEW

2

1. Program Plans For Next 12 Months
2. Staffing Issues
3. Discussion: What Should Enforcement Report to the Commission?
4. Activity: Case Prioritization

PROGRAM PLANS FOR NEXT 12 MONTHS

3

1. **Revise Complaint Procedures, including:**
 - Confidentiality rules
 - Threshold for opening an investigation
 - Pre-approval of streamline cases
2. **Use streamline and diversion for more low-level cases**
 - Free up resources for higher-level cases
3. **Draft Enforcement manual**

STAFFING ISSUES

4

1. **Currently no investigators**
 - Permanent investigator hire expected in October
 - Ideally need:
 - 2-4 investigators
 - At least one other attorney
 - An auditor
2. **Most of our cases now “on hold”**

What does Enforcement Currently Report Every Month

5

1. Caseload data
2. Dismissed complaints
3. Litigation/court actions
4. Personnel updates
5. Miscellaneous updates

WHAT CANNOT BE REPORTED

6

Specific updates on a particular case
(other than status)

CASE DATA: What is Reported?

7

of new formal complaints, and current status

of new informal complaints, and current status

Overall case data:

- # of total cases, and their status
- breakdown of cases by type (OCRA, GEA, etc.)

DISMISSED COMPLAINTS: What is reported?

8

1. Complaint #
2. Respondent(s) name(s)
3. Brief summary of allegations
4. Copy of dismissal letter
 - Typically includes a detailed explanation of the dismissal decision
 - Commission does not vote on these

LITIGATION/COURT ACTIONS: What is reported?

9

1. Court case name and #
2. Description of the filing
3. Date of upcoming hearing (if any)

PERSONNEL UPDATES: What is reported?

10

Name, title and background of new
Enforcement hires

Miscellaneous updates: What is reported?

11

Opportunity for Chief to discuss birds-eye issues

e.g. staffing/backlog issue

What do other Commissions report?

12

SF & LA:

- Outline every step in Enforcement process
- Provide a list of program initiatives for the year

What do other Commissions report?

13

Los Angeles breaks down new and ongoing cases by type, e.g.:

Types of Open Enforcement Cases	Jan 2023	Previous Month
Ethics Violations		
<i>Misuse of Authority</i>	22	23
<i>Misuse of Confidential Information</i>	1	1
<i>Gifts</i>	7	6
<i>Conflict of Interests</i>	1	1
<i>Financial Disclosure</i>	1	1
<i>Outside Employment</i>	2	2
<i>Revolving Door</i>	5	5
Campaign Finance Violations		
<i>Money Laundering</i>	2	2
<i>Excess Contribution</i>	0	1
<i>Campaign Solicitation</i>	5	4
<i>Campaign Disclosure</i>	9	13
<i>Campaign Expenditure</i>	0	0
<i>Independent Expenditure</i>	1	2
Lobbying Violations		
<i>Reporting</i>	21	21
TOTAL	77	82

DISCUSSION

14

What other information would be useful/important to the Commission or the public?

ACTIVITY

15

Case prioritization: To what types of cases should we allocate scarce resources?

Our standard criteria:

- 1) penalty authority
- 2) impact
- 3) public interest, timing, and relevancy,
- 4) staff resources

PEC RETREAT 2023
ENFORCEMENT DISCUSSION
WRITTEN MATERIALS:

1. Sample Enforcement Report (PEC)
2. Sample Enforcement Report (San Francisco Ethics Commission)
3. Sample Enforcement Report (Los Angeles City Ethics Commission)
4. Case Priority Activity

Item 4f - Enforcement Presentation and handouts



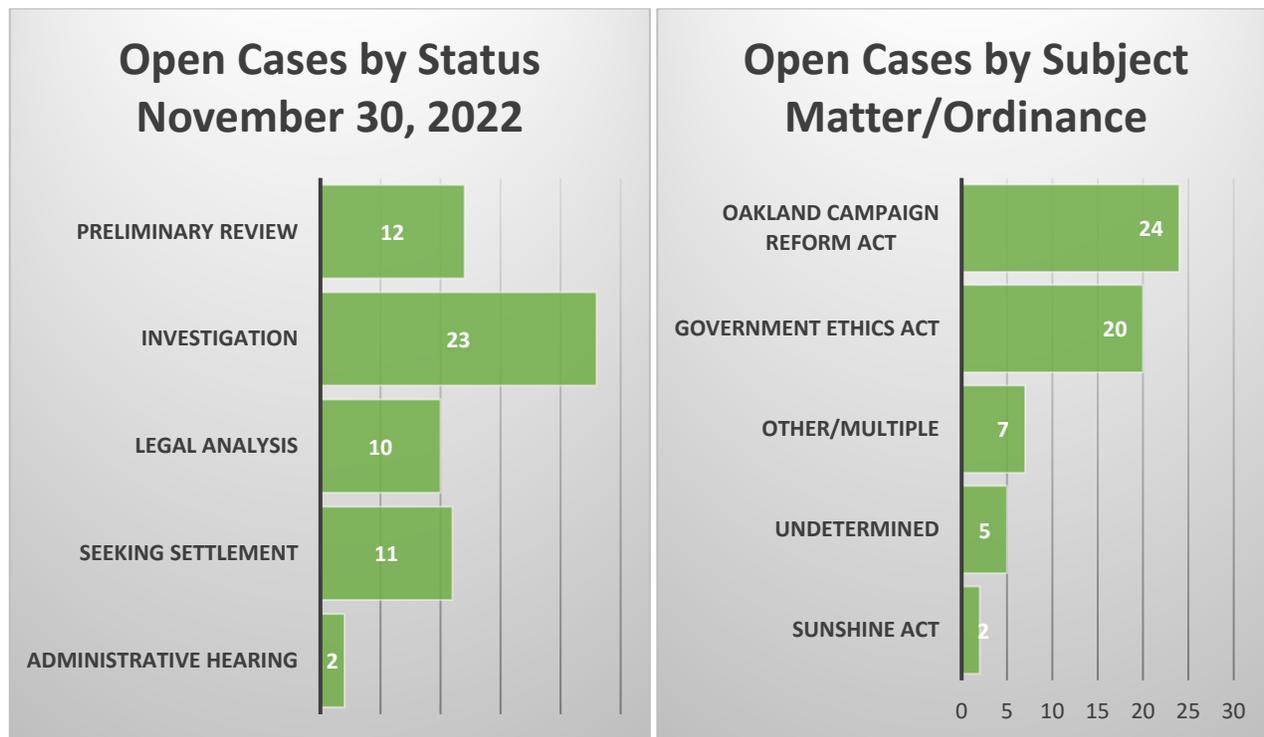
Arvon Perteet, Chair
Charlotte Hill
Ryan Micik
Joseph Tuman
Francis Upton IV

Suzanne Doran, Acting Executive Director

TO: Public Ethics Commission
FROM: Simon Russell, Enforcement Chief
DATE: November 30, 2022
RE: Enforcement Unit Program Update for the December 14, 2022, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Unit Program Update submitted to the Commission on October 27, 2022, Commission staff received 7 formal complaints (two of which have been consolidated into a single complaint due to similarity in the allegations), dismissed 2 formal complaints, opened 1 new investigation, and is submitting one case to the Commission for settlement. This brings the total Enforcement caseload to 58 open cases: 12 matters in the intake or preliminary review stage, 23 matters under active investigation, 10 matters under post-investigation analysis, 11 matters in settlement negotiations, and 2 matters awaiting an administrative hearing.



Case Resolutions or Submissions

Since the last Enforcement Unit Program report on October 27, 2022, the following cases have been resolved or submitted to the Commission:

1. **In the Matters of Dan Kalb (PEC Case No. 16-08a); Abel Guillen (PEC Case No. 16-08b); Lynette Gibson McElhaney (PEC Case No. 16-08c); Annie Campbell Washington (PEC Case No. 16-08d); Noel Gallo (PEC Case No. 16-08e); Desley Brooks (PEC Case No. 16-08f); Larry Reid (PEC Case No. 16-08g); Rebecca Kaplan (PEC Case No. 16-08h); Libby Schaaf (PEC Case No. 16-08i).** On June 7, 2016, Enforcement staff opened a proactive investigation to determine whether City officials' use and reporting of free tickets received by the City to events at the Oracle Arena and the Oakland Coliseum were in violation of the Oakland Government Ethics Act. In light of substantially improved compliance with the City's ticket distribution policy and changes to the law meant to address prior violations, Enforcement staff recommends that these matters be closed without any further action.
2. **In the Matter of Rebecca Kaplan (PEC Case No. 20-40).** On February 22, 2021, Enforcement staff opened an investigation based upon a formal complaint, to determine whether Oakland City Councilmember At-Large Rebecca Kaplan failed to report her partial ownership interest in an Oakland condominium her Form 700 and/or made, participated in making, or attempted to influence a decision of the City concerning the expansion of a park next to her property, in violation of the Oakland Government Ethics Act. Enforcement staff and the Respondent have reached a stipulated agreement, and Staff recommends that the Commission approve the stipulation and impose a financial penalty in the amount of \$19,000.
3. **In the Matter of Carroll Fife, Cat Brooks, W. Kamau Bell, Lateefah Simon, Julian Glover (Case No. 21-07).** On June 23, 2021, the City of Oakland Public Ethics Commission (PEC) received a formal complaint that alleged a violation of the Sunshine Act in connection with a private event attended by a City Councilmember. The complainant withdrew the complaint within days of filing, and PEC staff chose not to pursue the allegation any further. Due to a clerical error, PEC staff did not change the status of this complaint on its complaint database to "Closed" (it remained as "Preliminary Review"), nor was a notice of dismissal placed on the PEC agenda as required under the Complaint Procedures. PEC staff is correcting that error now. The status of this case is now "Closed." (See Attachments)
4. **In the Matter of the Public Ethics Commission (Case No. 22-21).** On November 8, 2022, the City of Oakland Public Ethics Commission (PEC) received a formal complaint alleging that the PEC discussed an item at its public meetings of August 10 and September 14, 2022, that were not properly agendized under the Sunshine Act. After determining that it was permissible for the Enforcement Chief to review the complaint pursuant to the PEC's Complaint Procedures regarding complaints against the PEC itself, the Enforcement Chief found insufficient evidence to open an investigation and has dismissed the complaint with no further action. The status of this case is now "Closed." (See Attachments)

Legal Actions

Since the last Enforcement Unit Program report on October 27, 2022, the following public court actions have been submitted or scheduled by or on behalf of the Enforcement Unit:

1. **In the Matter of Mike Hutchinson for School Board 2016, Mike Hutchinson, Harriet Hutchinson (Case No. 17-09).** A hearing on a Petition To Enforce Investigative Subpoena in Alameda County Superior Court case no. 22CV019951, *City of Oakland Public Ethics Commission v. Harriet Hutchinson*, is scheduled for December 6, 2022, at 10:00 AM in Department 14.
2. **In the Matter of Andy Duong (Case No. 19-14).** On November 9, 2022, the PEC filed a “Status Update re Hearing on Contempt” in Alameda County Superior Court case no. RG20070117, *City of Oakland Public Ethics Commission v. Charlie Ngo*. A hearing was held on the matter on November 16, 2022. On November 30, 2022, the PEC filed a “[Proposed] Order to Show Cause Regarding Contempt of Court” in the same matter. Another hearing on the matter has been scheduled for January 25, 2023, at 1:30 PM in Department 511.
3. **In the Matter of Andy Duong (Case No. 19-14).** On November 16, 2022, the PEC filed a “Second Status Update re Noncompliance with Subpoenas” in Alameda County Superior Court case no. RG20075526, *City of Oakland Public Ethics Commission v. Margaret Yang*. There are no upcoming hearings on the matter.
4. **In the Matter of Andy Duong (Case No. 19-14).** On November 16, 2022, the PEC filed a “Second Status Update re Noncompliance with Subpoenas” in Alameda County Superior Court case no. RG20075540, *City of Oakland Public Ethics Commission v. Mark Hung Tran*. There are no upcoming hearings on the matter.

Except where otherwise noted, no allegations have yet been proved or admitted in any of the above matters, and the existence of these cases and associated litigation should not be taken as an indication that the potential respondent(s) necessarily violated any laws. This information is being provided for the PEC’s informational purposes only.

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San Francisco Ethics Commission

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June 5, 2023

To: Members of the Ethics Commission
From: Patrick Ford, Director of Enforcement
Subject: **Agenda Item 6: Quarterly Enforcement Report**

Summary and Action Requested

This report provides general programmatic updates and data about the cases handled by the Commission's Enforcement Division.

No action is required by the Commission, as this item is for informational purposes only.

Background

The Commission's Enforcement Division is responsible for investigating violations of state and local laws relating to campaign finance, lobbying, conflicts of interest, governmental ethics, and whistleblower protection. Enforcement matters are initiated both in response to complaints the Division receives from members of the public and by the Director of Enforcement based on information contained in public records, media reports, and other sources.

All enforcement matters are first examined through the preliminary review process, which assesses whether there is reason to believe that a violation of law within the Commission's jurisdiction has been committed. Matters will be dismissed in preliminary review if they are outside of the Commission's jurisdiction, lack sufficient evidence to support further investigation, do not allege violations of the law, pertain to conduct that has already been investigated or resolved, or other similar bases that indicate an investigation would not serve the interest of justice.

Matters that are not dismissed in preliminary review are opened as investigations. The Enforcement Division seeks evidence through the investigation that would indicate whether a violation of the law has been committed. This may include interviewing witnesses and respondents, reviewing documents, and issuing subpoenas when necessary. Details about any matter that is opened as an investigation are shared with the City Attorney's and District Attorney's offices so that those offices may determine whether they wish to pursue civil or criminal penalties, respectively.

If the Enforcement Division finds evidence indicating that a violation of the law has been committed, it will seek to resolve the matter by securing penalties from the respondent in one of two ways. First, the respondent may enter into a stipulated settlement agreement with the Commission in which the respondent admits to violating the law, agrees to pay a penalty, and may need to take remedial action such as filing a missing disclosure form. Alternatively, the Enforcement Division may initiate an administrative hearing process before the Ethics Commission.

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Cases Resolved

Fiscal Year 2023

So far in Fiscal Year 2023 (July 1, 2022 – June 5, 2023), the Enforcement Division has concluded a total of 153 enforcement matters. Ten of these matters resulted in stipulated settlements approved by the Commission. In total, these settlements represented penalties of \$68,795. An additional proposed stipulation is presented as Item 7 on this month’s Commission meeting agenda.

Cases In Progress

So far in FY23, 97 enforcement matters have been initiated. The majority of these (81) began from complaints that the Commission received from the public, but this also includes 13 matters that the Division initiated based on media reports, observations in public disclosures, independent research, findings from audit reports, and interactions with regulated persons. Two matters were initiated based on referrals from the Controller’s Whistleblower Program, and one was initiated based on a referral from the District Attorney’s Office. Some of these matters initiated in FY23 remain in progress while others have already been resolved.

In total, 34 matters are currently in progress, including matters that were initiated during FY23 and matters that were initiated in prior fiscal years. Of these matters, 11 are in preliminary review, and 23 are open investigations.

The current cases in progress are broken down by program area in Charts 1 and 2 below.

Chart 1 – Matters in Preliminary Review by Program Area

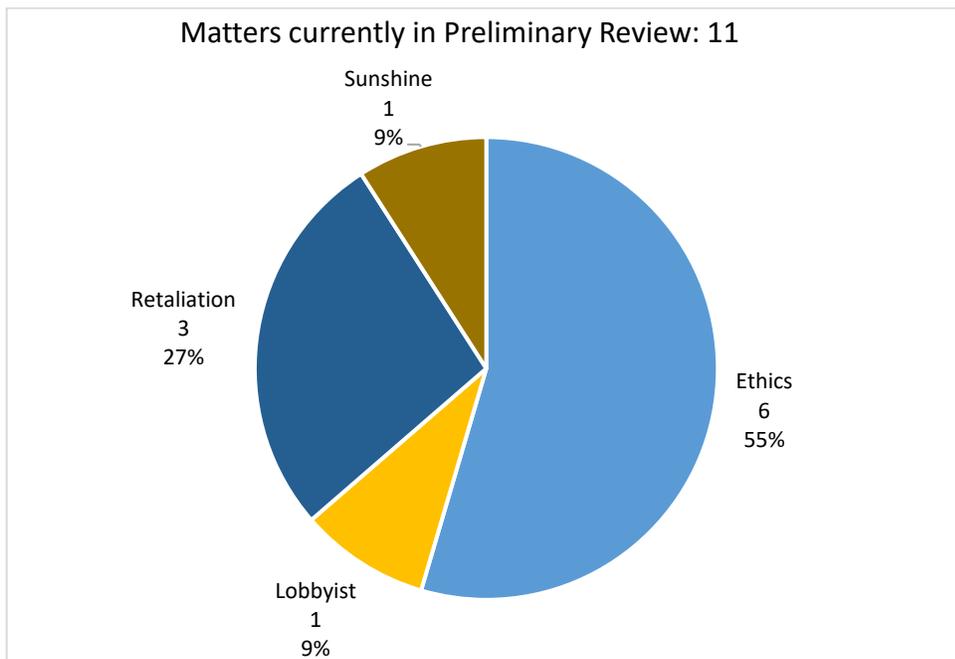
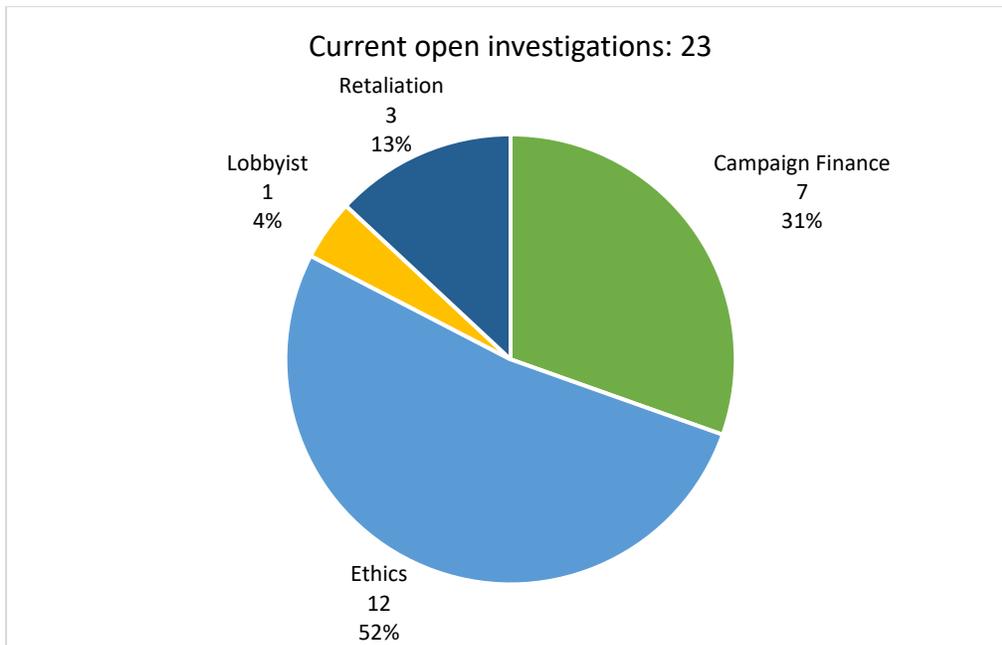


Chart 2 – Open Investigations by Program Area



Four of the 23 open investigations four (17%) are currently more than two years old. This is down from the time of the last Enforcement Report in March, when six of the 44 investigations (14%) were more than two years old, and from May 2022, when 12 of 48 investigations (25%) were more than two years old. This reduction reflects the Division’s ongoing focus to resolve older cases and to timely address newer cases before two years has elapsed. The Division continues to work toward the goal of resolving all cases within two years, in accordance with the Division’s case management protocols. However, there are a variety of reasons a matter might not be resolved within two years, including respondents pursuing all available due process rights, respondents or other sources not readily releasing evidence, complex factual investigative work, coordination with another law enforcement agency, and investigative holds requested by the District Attorney or City Attorney.

At this time, 3 of the cases that are more than two years old are either in the administrative hearing stage or are in the final stages of settlement negotiations. The fourth case would be resolved through the stipulation presented as Item 7 at this Commission meeting. The Division anticipates resolving each of the remaining three cases during FY24, whether through settlement or an administrative hearing. The Division also anticipates that, based on current caseloads and practices, no additional cases will surpass two years during FY24. This is a milestone for the Division because all cases moving forward will be resolved in less than two years, a goal that was identified roughly two years ago. The Division’s quarterly report will no longer include information about cases that are more than two years old.

FY23 Initiatives

During FY2022-23, the Division undertook a number of initiatives to increase the Commission's enforcement capacity and refine and standardize processes. This work was done in order to better conduct thorough, high-quality investigative work, develop more high-impact cases, and achieve more efficient case resolutions. The main initiatives undertaken were:

- **Launch of New Case Management System** – The new system was fully launched on February 24th. The system integrates case data tracking with case document management, so that only one system need be used (previously two systems were needed to accomplish tracking and document management). The system also provides for significantly expanded case data tracking, allowing for faster and more thorough communication between investigators who are collaborating on a case and provide a more detailed picture of the current status of each case.
- **Streamlining Preliminary Review** – The Enforcement Division made preliminary reviews more efficient and timely by establishing benchmarks for preliminary review completion, using case tracking data to better monitor the status of preliminary reviews and balance investigator workloads, and by prioritizing more complex and important cases that will require more time to conduct the review. Another significant factor in reducing preliminary review time has been the greater number of investigators on staff during the last two fiscal years. Through these methods and increased staff, the Division has been able to significantly reduce the amount of time taken on average to complete preliminary reviews.
- **Probable Cause Proceedings and Administrative Hearings** – In order to more fully provide for the effective resolution of enforcement matters, the Division created the [Enforcement Hearing Guidebook](#) that summarizes the laws governing the Commission's probable cause process and hearings on the merits. The purpose of the resource is to assist the Commission and the public in understanding the legal processes in place for the Commission to consider the evidence in a case and determine whether a violation has occurred. These processes are core features of the Commission's role as an administrative enforcement body, a role that was established in the City Charter when the Commission was first formed. The guidebook, which was published to the commission's website May 1st, will help guide the administration of hearings moving forward.
- **Developing Investigator Specializations** - A major focus of the Division's work this year has been developing specializations within the team. This is true of both program areas and functions. Investigators have developed expertise in the specific areas of law administered by the Commission through case work and training. Thanks to the expanded number of investigators, cases can now be assigned in many instances to an investigator that has handled similar cases in the past and who has particular expertise in the laws at issue. Additionally, investigators now team up on cases, with one investigator leading the investigative work and one leading the steps involved in pursuing liability in the case, such as settlement negotiations, probable cause, and hearings on the merits. This approach has allowed for further skill specialization and more efficient case resolution.
- **Proactive Enforcement** – The Division has begun to increase its proactive enforcement work, which is when investigators initiate enforcement matters without receiving a complaint. The Charter provides for this proactive work to take place, and it is an important way to ensure that violations that are apparent from disclosure filings, public records, or media reports are

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investigated appropriately. Refining, standardizing, and expanding this aspect of the Division's work will be a major focus of FY24.

- **Refining and Documenting Investigative Protocols** – Another major focus this fiscal year has been refining and documenting the protocols followed by the Division when investigating cases. Although the Division has always followed protocols, the process of refining and documenting them more thoroughly has allowed the expanded team to effectively collaborate and conduct their work in a standardized way.

FY24 Initiatives

Building on the progress achieved in FY23, the Division will undertake new initiatives in FY24 that will further expand the Commission's enforcement capacity and increase the variety, complexity, and volume of cases handled by the Division. During the ongoing project to develop Performance and Appraisal Reports (PPARs) for Commission staff, the Enforcement Division will identify the primary initiatives to be undertaken.

Commission input on goals and priorities for the Enforcement Division in FY24 are invited and can be shared at a Commission meeting or sent directly to Staff. Staff are also available to meet with individual commissioners to discuss goals for FY24. The Enforcement Division is grateful for the Commission's support in FY23 and looks forward to continuing the Commission's important work in FY24.

Item 13 Information

Executive Director's Report

Executive Summary: This item highlights staff activities and other items of note since the last meeting.

Recommended Action: This item is for informational purposes only.

Authors: David Tristan, Executive Director
Heather Holt, Deputy Executive Director

Presenter: David Tristan, Executive Director

EXCERPT

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handbook and a new online ethics training for City officials. The table below highlights activity in January.

Communications	Jan 2023	YTD
Website Updates	5	5
Educational Notices	2	2
Filing Reminders	4	4
Informational Events	2	2
Policy Updates	0	0
Press Releases	1	1
Publications	0	0

All educational materials, including brochures, guides, and videos, can be viewed online at ethics.lacity.org/publications. Press releases can be viewed at ethics.lacity.org/news.

D. Web Site

In January, our web site had just under 19,000 page views, and over 6,500 searches had been conducted through the Public Data Portal (PDP). Just over half of the PDP searches (58 percent) sought campaign finance data, and 23 percent sought lobbying data. The PDP may be accessed at ethics.lacity.org/data.

E. Audits

Audits are required for 47 committees associated with the 2020 elections. Seven of those audits have been completed and released, and the remaining 40 are in progress. Copies of the most recently released audits, which address committees controlled by Tanya Ortiz Franklin, are provided in Attachments A and B and, along with all other final audit reports, are also available online at ethics.lacity.org/data/more/audits.

F. Enforcement

Every enforcement matter begins with a complaint that alleges wrongdoing. We receive complaints in a variety of ways, including through our ethics hotline, internal reviews of documents that are filed with us, audits, referrals, and media reports. The following table identifies complaints that we received last month.

Types of Complaints	Jan 2023	YTD
Governmental Ethics Allegations	26	26
Campaign Finance Allegations	2	2
Lobbying Allegations	2	2
Allegations Outside Our Jurisdiction	45	45
TOTAL	75	75

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We are required by law to review every complaint we receive. In January, the review process led to the resolution of 79 complaints. As noted in the next table, we ended the month with 7 active complaints, all less than two years old. There are a variety of reasons a complaint might not be resolved within two years, including complex facts, voluminous records, individuals pursuing all available due process rights, coordination with another law enforcement agency, direction from a criminal law enforcement agency to pause administrative enforcement until the criminal action is resolved, and other similar scenarios.

Status of Complaints	Jan 2023	Previous Month
Active Complaints (on last day of month)	7	11
<i>New Complaints</i>	75	59
<i>Cold Complaints (2+ years old)</i>	0	0
Resolved Complaints	79	73

Based on the review of a complaint, an enforcement case may be opened. The table below shows that six new cases were opened in January, and we ended the month with a total of 77 open cases. Cases may be closed for a variety of reasons, such as a lack of evidence or an outreach effort by the enforcement staff that leads to mitigation.

Enforcement Cases	Jan 2023	Previous Month
Open Cases (on last day of month)	77	82
New Cases	6	17
Resolved Cases:		
<i>Closed</i>	11	9
<i>Settled</i>	0	4
<i>Adjudicated</i>	0	0

There are various stages in the life of an open enforcement case. As detailed in the following table, four settlements were offered and two probable cause reports were served in January.

Enforcement Case Status	Jan 2023	Previous Month
Ongoing Investigation	69	74
Closing Memo	2	3
Settlement Offered	4	3
PC Report Served	2	2
Hearing/Decision Pending	0	0
TOTAL	77	82

An enforcement case may address any of the laws within our jurisdiction. The table on the next page organizes January's open enforcement cases by type. They included 39 governmental ethics allegations, 17 campaign finance allegations, and 21 lobbying allegations.

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Types of Open Enforcement Cases	Jan 2023	Previous Month
Ethics Violations		
<i>Misuse of Authority</i>	22	23
<i>Misuse of Confidential Information</i>	1	1
<i>Gifts</i>	7	6
<i>Conflict of Interests</i>	1	1
<i>Financial Disclosure</i>	1	1
<i>Outside Employment</i>	2	2
<i>Revolving Door</i>	5	5
Campaign Finance Violations		
<i>Money Laundering</i>	2	2
<i>Excess Contribution</i>	0	1
<i>Campaign Solicitation</i>	5	4
<i>Campaign Disclosure</i>	9	13
<i>Campaign Expenditure</i>	0	0
<i>Independent Expenditure</i>	1	2
Lobbying Violations		
<i>Reporting</i>	21	21
TOTAL	77	82

An enforcement case may be resolved by imposing monetary penalties. To date this year, no penalties have been imposed. Enforcement orders may be viewed online at ethics.lacity.org/data/more/enforcement-orders.

G. Looking Ahead

The first quarter is typically our busiest. We continue to have a large workload on the campaign finance front, juggling the work of three election cycles at different stages. We are processing first-quarter filings in the lobbying, contracts, developer, and campaign finance programs. We have begun work on the annual Form 700 filings, which are due in April from approximately 9,700 City officials, and we are finalizing a new online ethics training for City officials. We also continue to move forward with work on several significant enforcement cases, a variety of policy issues, and the budget for Fiscal Year 2023-204.

The next regular commission meeting will be held April 19. Attachment C is a timeline of key events on the horizon for the agency and our regulated communities.

Attachment:

- A *Audit report: "Tanya Ortiz Franklin for School Board 2020"*
- B *Audit report: "Tanya Ortiz Franklin for School Board 2020 – General"*
- C *Timeline*

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Retreat Exercise – Prioritizing Enforcement Cases

Directions: Currently, the PEC’s enforcement workload exceeds its staff capacity, requiring that certain cases be prioritized over others. At the retreat, commissioners will engage in an exercise of prioritizing hypothetical cases to explore the decisions staff must make, and to collectively discuss how to weigh competing factors. In preparation of the retreat, please review the following hypothetical cases below.

You are the Enforcement Chief at the PEC. You are trying to decide which of the following 6 cases to investigate. Each case requires a certain amount of “investigation points” to investigate, which corresponds to the complexity of the case and the staff resources required to complete the investigation. You have a maximum of 10 “investigation points” to allocate:

1. (“The Campaign”) In the course of conducting an unrelated investigation, PEC staff begins to suspect that an elected City official violated the Oakland Campaign Reform Act (OCRA) through a deliberate scheme that resulted in their campaign obtaining about \$90,000 in funds over the contribution limit from City contractors, without reporting any of it on their campaign forms. **This investigation will take substantial resources and the allegations will be hard to prove (but not impossible). (7 points needed)**
2. (“The Conflict”) PEC staff receives an informal complaint alleging that a mid-level City staffer had a financial conflict of interest in the awarding of a contract valued at \$250,000 to a family member’s firm. The staffer’s job involves rating bidders on all contracts (including this one). In an email to the PEC sent in response to the complaint, the staffer claims to have only applied a set formula per agency rules, and was not the final decision-maker on who would win the contract. (These claims have not yet been verified). **This investigation may take a moderate-to-substantial amount of resources. The allegations will not be hard to prove, but it will take some time to determine the facts necessary to determine an appropriate penalty. (6 points needed)**
3. (“The Lobbyist”) The City Council just awarded a somewhat controversial \$200,000 grant to a nonprofit. A media article then comes out alleging that the nonprofit has an in-house employee who met individually with several City Councilmembers (prior to the vote) to discuss the grant, without registering as a lobbyist. The article has attracted significant public attention, but no complaint has yet been filed with the PEC. **This investigation will take a moderate amount of resources. Given the at-times gray-area nature of what constitutes “lobbying,” the outcome is uncertain. (3 points needed)**
4. (“The Campaign Non-Filer”) PEC staff monitoring incoming campaign forms tells Enforcement that a losing candidate for School Board has filed to file their 3 most recent Form 460s since the election, and has not responded to front-office efforts to contact them. On the most recent 460 that they filed (just before the election), the candidate reported having \$4,000 left in their

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campaign account. It is unclear what, if anything, they have done with the leftover money since then. **This investigation will not take much time, unless the respondent is difficult to contact or does not cooperate. (2 points needed)**

5. (“The 700 Non-Filers”) PEC staff receives a formal complaint alleging that nearly a dozen low-level staffers at the same City Department have never filed a Form 700. It is unclear whether the staffers’ Department has informed them that they needed to file Form 700s. **This investigation will not take much time, unless the respondents claim (as a mitigating factor) that they were never notified that they needed to file. (1 point needed)**

6. (“The Gift”) PEC staff receives an informal complaint alleging that a senior staffer in the Mayor’s office failed to declare a gift from a private entity in Oakland worth \$50 on their Form 700. As yet, there are no facts alleged indicating that the entity had any business with the City. **This investigation will not take much time, unless the respondent tries to argue that a reporting exception exists (as a mitigating factor) or PEC staff learns that the entity may have had business with the City. (1 point needed for streamline; 1 additional point needed to investigate whether the entity had business with the City)**

I would investigate the following cases: _____
