

CITY OF OAKLAND

Public Ethics Commission



Marc Pilotin, Chair
Krisida Nishioka, Vice-Chair
Lisa Crowfoot
Dana King
Gail Kong
Jodie Smith
Jonathan Stein

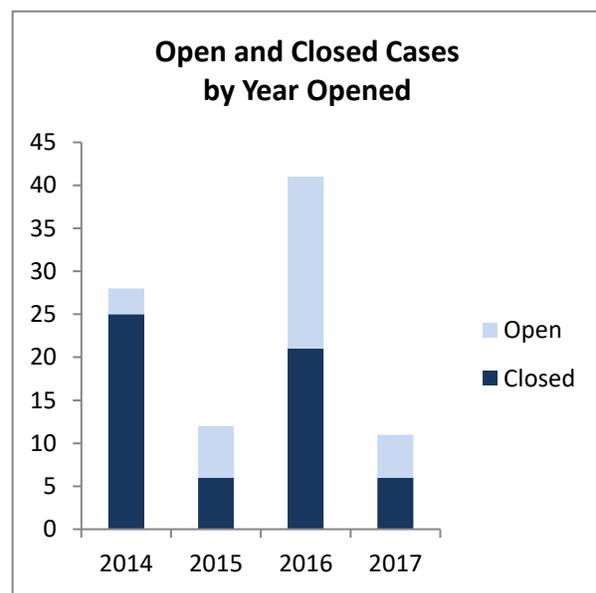
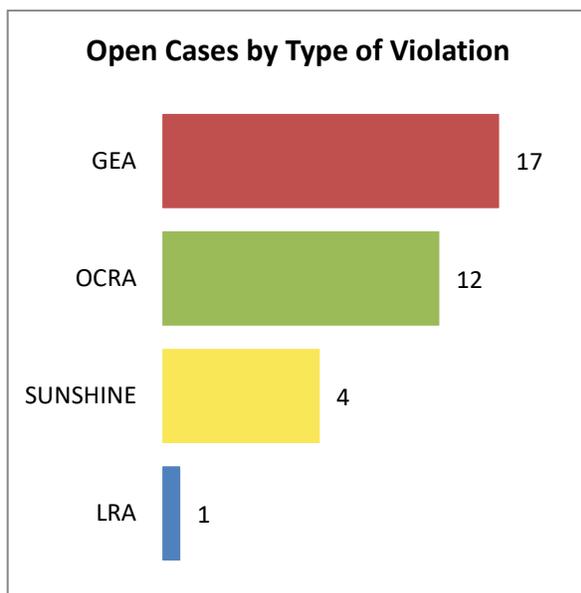
Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Milad Dalju, Deputy Director
DATE: October 27, 2017
RE: Enforcement Program Update

Summary of Cases

As of October 27, 2017, the Commission has 34 open enforcement cases, each in various stages: 12 are in active investigation, 17 are pending resolution, four are being mediated, and one pending an administrative hearing. Additionally, three complaints are pending a decision regarding alleged Sunshine Ordinance violations involving the Commission.

The following graphs illustrate: 1) open enforcement cases by type of violation being investigated, and 2) open and closed enforcement cases by year opened.



Since the last Enforcement Program Update on September 22, 2017, the following status changes occurred:

1. Case No. 15-02a (*In the Matter of Re-Elect Mayor Quan 2014*) was closed with a warning letter;
2. Case No. 16-01 (*In the Matter of Michael Colbruno*), which was an active investigation, is now pending resolution.
3. Case No. 16-08a (*In the Matter of Dan Kalb*), which was an active investigation, is now pending resolution.
4. Case No. 16-08b (*In the Matter of Abel Guillen*), which was an active investigation, is now pending resolution.
5. Case No. 16-08c (*In the Matter of Lynette Gibson McElhaney*), which was an active investigation, now pending resolution.
6. Case No. 16-08d (*In the Matter of Annie Campbell Washington*), which was an active investigation, is now pending resolution.
7. Case No. 16-08e (*In the Matter of Noel Gallo*), which was an active investigation, is now pending resolution.
8. Case No. 16-08f (*In the Matter of Desley Brooks*), which was an active investigation, is now pending resolution.
9. Case No. 16-08g (*In the Matter of Larry Reid*), which was an active investigation, is now pending resolution.
10. Case No. 16-08h (*In the Matter of Rebecca Kaplan*), which was an active investigation, is now pending resolution.
11. Case No. 16-08i (*In the Matter of Libby Schaaf*), which was an active investigation, is now pending resolution.
12. Case No. 17-16 (*In the Matter of Noel Gallo, Jose Dorado (Treasurer), and ReElect Noel Gallo for Oakland City Council 2016*) is pending a decision by the Commission;
13. Complaint No. 17-19 was reviewed and dismissed because the alleged conduct did not violate any of the laws within the Commission's enforcement jurisdiction.
(Attachment 1)

In the Matter of Lynette Gibson McElhaney; PEC Case No. 15-07

Pursuant to the Commission's decision and instructions at the July 31, 2017, meeting, Staff is preparing for an administrative hearing, continuing its efforts to reach a settlement agreement with Councilmember McElhaney, and attempting to address the findings in the Alameda County Grand Jury Report regarding events that occurred before the Government Ethics Act was passed.

Current Enforcement Priorities

Staff continues to prioritize cases based on the following priority factors: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources. As a result, investigations into allegations of violations of the Government Ethics Act and the Campaign Reform Act, for which the Commission has its greatest penalty authority, are prioritized ahead of all others. Sunshine-related complaints, for which the Commission has no penalty authority, take last priority behind complaints related to the Oakland Campaign Reform Act, the Government Ethics Act, and the Lobbyist Registration Act.

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

September 25, 2017

Michael P. Brown



Re: PEC Complaint No. 17-19; Dismissal Letter

Dear Mr. Brown:

On September 19, 2017, the City of Oakland Public Ethics Commission (PEC) received your complaint alleging that your rights as a tenant in the City of Berkeley were violated. We have reviewed your complaint and determined that the allegations do not fall within our enforcement jurisdiction. Because the alleged conduct does not fall within the PEC's enforcement jurisdiction, we are dismissing your complaint.

Since the alleged conduct occurred in the City of Berkeley, you may want to contact Bay Area Legal Aid at 800-551-5554, or the City of Berkeley Rent Stabilization Board at 510-981-RENT.

Thank you for taking the time to communicate your concerns with us.

Sincerely,

Milad Dalju
Deputy Director and Chief of Enforcement
City of Oakland Public Ethics Commission