



News from: **City of Oakland Public Ethics Commission**

FOR IMMEDIATE RELEASE

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Oakland Public Ethics Commission finds Probable Cause that Councilmember Lynette McElhaney violated Government Ethics Act, Assigns Case to an Administrative Hearing

The Public Ethics Commission (Commission) decided Monday night to proceed to an administrative hearing, which is the next stage of the Commission's enforcement process, to determine whether Council Member Lynette Gibson McElhaney violated the City's conflict of interest, gift, and disclosure laws. Commission staff presented an investigative summary of evidence that Council Member McElhaney committed three violations of the Government Ethics Act (Act) for activities she engaged in after the Act was adopted unanimously by the City Council on December 9, 2014. The new Act enabled the Commission to impose penalties for violations of ethics laws.

Public Ethics Commission



After robust discussion Monday night that included hearing from Council Member McElhaney and her attorney as well as members of the public, the Commission decided that the evidence shows sufficient probable cause to move the case on to the next step in the enforcement process pursuant to the Commission's [Complaint Procedures](#): an administrative hearing. At that hearing, much like a trial, the parties are expected to present their respective cases to the hearing examiner, who will issue a report on the facts of the case and proposed conclusions. After any request for rehearing is decided, the Commission will then determine what corrective, remedial, or punitive actions are justified, if any, in light of the litigated factual record.

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Typically, enforcement matters are settled with a negotiated fine prior to the finding of probable cause and the administrative hearing process; however, no such settlement between staff and Council Member McElhaney had been reached.

In addition to approving Commission staff's recommendation to proceed to an administrative hearing on the evidence provided by staff Monday night, the Commission also discussed how to address alleged violations that occurred prior to passage of the Government Ethics Act. Commissioners discussed whether to direct staff to provide a broader report summarizing the evidence regarding the activities that occurred prior to December 9, 2014, and ultimately requested that this question be placed on the Commission's agenda for its next public meeting to occur on September 5, 2017.

The agenda and video recording of the Commission's Monday, July 31, 2017, meeting is available on the ["Meetings" page](#) of the [Commission's website](#).

The Public Ethics Commission (www.oaklandnet.com/pec) was created by voters in 1996 and has grown significantly in recent years due to the new Government Ethics Act and City Charter amendment passed in 2014. The Commission is an independent City agency, governed by a volunteer, seven-member citizen board, and is responsible for ensuring compliance with the City's ethics, campaign finance, and transparency laws. The Commission's activities include policy leadership, education, ethics and campaign finance disclosure, investigations, and administrative prosecution.

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