Below is an index of legal citations and issues from past complaints. The staff report discussing these issues can be found in the Agenda archives.

COMPLAINT	HEARING/MEETING	LEGAL CITATIONS	ISSUES
NO. 07-09	DATE January 7, 2008	Enabling Ordinance § 2.24.020(B) City Council's Rules of Procedures, Code of Ethics	Comments made over email "crossed the line to criminal conduct" (Nadel)
07-07	November 5, 2007	Sunshine Ordinance § 2.20.150(B); § 2.20.150(B), § 2.20.270(E), Gov't §54954.2, Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196, 200, 92 Ops.Atty.Gen. 212, Sunshine Ordinance §2.20.270(D)	City Council Members took action on a number of agenda items without first taking public comment. (Councilmembers)
07-06	December 3, 2007	Sunshine Ordinance § 2.20.050; § 2.20.080; § 2.20.030(E); Commission's General Complaint Procedures § XII; § 2.20.030(E)(2); § 2.20.030(E)(1) Lobbyist Registration Act §2.20.270(D)	Serial discussions between City Council members re: Port appointments without taking public comment.  (Councilmembers)
07-05	December 3, 2007	Enabling Ordinance. § 2.24.020(E), Sunshine Ordinance § 2.20.040(B), Government Code § 6250 et seq., Sunshine Ordinance § 2.20.190, Lobbyist Registration Act § 3.20.030(D), § .20.120(A)	Children's Fairyland Board of Directors accused of holding an improper closed session meeting on May 24, 2007; 2) failing to create a recording of Children's Fairyland Board meetings on May 24 and June 28, 2007; 3) taking action on non-agendized items at a July 28, 2007, meeting; 4) failing to file with the Office of the City Clerk and provide to agenda subscribers notice of three closed sessions between June 21, 2007, and August 22, 2007; 5) failing to uniformly apply speaker time limits at a July 28, 2007, meeting, and 6) failing to respond timely to a request for public records 7) a number of

			Children's Fairyland Board members failed to file required Statements of Economic Interests (Form 700); and 8) Children's Fairyland executive director C.J. Hirschfield has acted as a local governmental lobbyist without first registering with the Office of the City Clerk.  (C.J. Hirshfield and Children's Fairyland Board of Directors)
07-04	September 5, 2007	Lobbyist Registration Act § 3.20; § 3.20.040 (A); § 3.20.110	Allegation that Serena Chen acted as a local governmental lobbyist since at least December, 2006, without first registering with the Office of the City Clerk. (Chen)
07-03	July 7, 2007	Gov't Code §54954.3(a), Sunshine Ordinance § 2.20.150(B), 92 Ops.Atty.Gen. 212, Sunshine Ordinance §2.20.270(D)	Allegations that the Oakland City Council violated the Oakland Sunshine Ordinance by depriving Mr. Handa the opportunity to speak on four agenda items at the City Council's December 19, 2006, meeting.  (Councilmembers)
07-01 07-02 (Consolidated)	March 5, 2007	Oakland Charter §202(b)(3); Sunshine Ordinance § 2.24.040(C); Article III, § 4 of the Commission's Bylaws Enabling Ordinance § 2.24.030; Bailey v. United States (1995) 516 U.S. 137 Conde v. City of San Diego (2005) 134 Cal.App. 4th 346; Sunshine Ordinance § 2.20.030(E); § 2.20.030(J); Government Code § 54952(b); Sunshine Ordinance § 2.20.160; § 2.20.030(A); § 2.20.080(A)(3); § 2.20.080(A)(2)	Allegations that the Commission's ad hoc nominating committee failed to post an agenda for its interviews of candidates on December 7, 2006.  (Public Ethics Commission)
06-23 06-22 (Consolidated)	April 2, 2007	Stanson v. Mott, 13 Cal. 3d. 206, Miller v. California Commission on the Status of Women 151 Cal. App. 3d. 693, Clark v.	Allegations that the City of Oakland "improperly and illegally" placed misleading information in the ballot materials for the

		Burleigh, 4 Cal. 4 <sup>th</sup> 474, Wirta v. Alameda Contra Costa County Transit District 68 Cal. 2d 51	November 7, 2006, municipal election pertaining to Library Bond Measure N. (City of Oakland)
06-21	January 8, 2007	Government Code Section 82048.4; OCRA § 3.14.040; Section 3.14.030(C); Section 3.14.030(A); Section 3.14.060(B)	Allegations that Larry Levine and Associates failed to make required filings in connection with a mass mailing sent to Oakland voters prior to the November 6, 2006, election.  (Larry Levine)
06-20	February 5, 2007	Sunshine Ordinance §2.20.080, §2.20.080(C), § 2.20.080(D), §2.20.080(G)	Allegations that Oakland Planning Commission staff submitted agenda-related material to the Planning Commission at its regular meeting of October 18, 2006, without meeting Sunshine Ordinance requirements for filing such material with the Oakland City Clerk.  (Oakland Planning Commission)
06-19	February 5, 2007	Government Code §54954.3(a)], Government Code §54954.3(b), Sunshine Ordinance. §2.20.150(C); §2.20.150(D), 92 Ops.Atty.Gen. 212,	Allegations that the Central City East Project Area Committee ("Area Committee") violated the Brown Act and the Oakland Sunshine Ordinance when its members interrupted him while speaking at an Area Committee special meeting on August 28, 2006.  (Area Committee)
06-18	May 7, 2007	Gov't Code §6253	Allegations that Oakland Planning Department staff has refused to search for public records he has requested.  (Oakland Planning Department)
06-09-06-17 (Consolidated)	October 1, 2007	Sunshine Ordinance § 2.20.270(D)(2), Government Code § 54960.1(d)(1) - (4)	Allegations from multiple parties that the Oakland City Council violated the Sunshine Ordinance by failing to provide adequate

			public notice for a library bond measure. (City Council)
06-08	October 2, 2006	City Charter § 706; Government Code § 82016; Government Code § 85318; OCRA § 3.12.050; § 3.12.080; § .12.140(A); § 3.12.140(B); §3.12.140(G)(H) and (K); Government Code § 65864 et seq; Consaul v. City of San Diego (1992) 6 Cal.App.4th 1781	Allegation that Signature Properties violated the Oakland Campaign Reform Act (OCRA) by making a \$10,000 (sic) contribution to Mayor Jerry Brown's campaign for state attorney general during a period when Signature Properties was negotiating contracts with the City of Oakland and/or the Redevelopment Agency.  (Signature Properties)
06-07	January 8, 2007	Government Code § 82025; 2 Cal. Code of Regs. § 18225; Gov't Code §82015; 2 Cal. Code of Regs. §18215; OCRA § 3.13.050]	Allegation that City Council candidate Marcie Hodge failed to disclose expenditure from, or an in-kind contribution to, her campaign account for the alleged use of campaign office space at the Prayer Mission Pentecostal Church.
22.22			(Hodge)
06-06 06-05	September 11, 2006	OCRA §3.12.140(A)(B)(C); §3.12.140(G)(H) and (K); § 3.12.280(F); § 3.12.140; § 3.12.140(A); § 3.12.140(D); § 3.12.140(E)(2); OCRA § 3.12.140(G)	Campaign Reform Act  Allegation that ABC Security Service, Inc. ("ABC Security") violated the Oakland Campaign Reform Act by making campaign contributions to local candidates during a period when ABC Security was negotiating contracts with the City of Oakland and the Oakland Base Reuse Authority.  (ABC Security)
06-04	December 11, 2006	City Charter § 907 ; Enabling Ordinance 2.24.020; § 2.24.030	Allegation that Oakland City Councilmember hired a person who was allegedly living out-of-state during part of the reported period of employment, and hired a family relative in violation of a City Charter prohibition against nepotism.  (Brooks)

06-03	June 5, 2006	Gov't Code § 89001; Title Two, Division Six Cal. Code Regs.; O.M.C § 3.12.230 and §3.12.140; People v. Battin (1978) 77 Cal. App. 3d 635	Allegation that Oakland City Councilmember candidate distributed campaign literature containing an inappropriate reference to her City office telephone number.  (Kernighan)
06-02	May 1, 2006	O.M.C § 13.16.120; Sunshine Ordinance § 2.20.190; Government Code § 5263; Government Code § 6252(d) and (g); Government Code § 6257.	Allegation that the City's Community and Economic Development Agency ("CEDA") failed to provide requested records pertaining to the issuance of a creek protection permit for the Leona Quarry housing project.  (CEDA)
05-11	December 12, 2005	Sunshine Ordinance§ § 2.20.270 (f)	Allegation that the City's Finance and Management Agency is violating the Sunshine Ordinance and Public Records Act by failing to provide relevant pages from a "Civil Service Board log" which was requested.  (Finance and Management Agency)
05-10	December 12, 2005	§ VII of the Commission's General Complaint Procedures	Allegation that the Oakland Board of Education ("School Board") violated the Ralph M. Brown Act and the City of Oakland's Sunshine Ordinance at a special meeting of the School where he was not allowed adequate speaking time.  (OUSD)
05-09	December 12, 2005	Government Code § 54954.2(a); Sunshine Ordinance § 2.20.080; § 2.20.030(B); Government Code § 52952.2(b); Sunshine Ordinance § 2.20.030(F); Government Code § 54952.2(c)(1); Sunshine Ordinance § 2.20.030(F)(4)(a); Government Code § 54952.2(c)(1) and Sunshine Ordinance §	Allegation the Oakland City Council took action on a motion that did not meet the required notice provisions of the Sunshine Ordinance.  (5 councilmembers)

		2.20.030(F)(4)(a)	
05-08	November 7, 2005	Sunshine Ordinance§ § 2.20.270 (f)	Complaint with the Public Ethics Commission regarding various public records requests made to the City's Civil Service Board. Request for Mediation. (Civil Service Board)
05-07	July 11, 2005	City Charter § 202 ; Enabling Ordinance§ 2.24.010 ; § 2.24.020 ; [City of Pasadena v. Paine (1954) 126 Cal.App.2d 93 ; City Charter § 202, Sunshine Ordinance. § 2.20.270	Complaint that Council conducted two votes on one item. (City Council)
05-06	September 12, 2005	No Citations.	Oakland Board of Port Commissioners conducted closed session meeting without giving public notice. (Port Commission)
05-05	June 6, 2005	Sunshine Ordinance §2.24.010;  BreakZone Billiards v. City of Torrence th (2000) 81 Cal.App.4 1205, 1233-1241	Allegation that councilmember made a biased statement before receiving public comment on an item.  (De La Fuente)
05-04	November 7, 2005	Brown Act §s 549954.3(a)and (b); General Complaint Procedures, § IX(A)	School Board failed to provide an opportunity for public comment during a meeting.  (OUSD)
05-03	July 11, 2005	Government Code § 54957; Government Code §54957(b)(1); Sunshine Ordinance § 2.20.100; § 2.20.120(D); Government Code § 54956.9(b)(3)(E); Government Code § 54956.9(b)(3)(A); 75 Ops.Atty.Gen. 14, 20 (1992); Sunshine Ordinance §2.20.130(A)	Allegation that Council members conducted an improper closed session meeting in violation of the Sunshine Ordinance.  (City Council members)
05-02	May 2, 2005	Gov't §54954.2; Sunshine Ordinance §2.20.030.A; 92 Ops.Atty.Gen. 212	Allegations that Commission allowed proponents of a project more speaking time than provided to the opponents of the project in violation of the Sunshine Ordinance.  (Oakland Planning Commission)
05-01	March 7, 2005	Gov't Code §54954.3(a) ; Sunshine	School Board failed to provide an opportunity

		Ordinance §2.20.150(A); §2.20.150(B); §2.20.270(D)	for public comment during a meeting.  (OUSD)
04/09	March 7, 2005	Government Code § 54954.3 (a); Education Code § 35145.5, Sunshine Ordinance § 2020.030 (E); Hall v. Taft, 47 Cal. 2d. 177, 179 (1956), California Teacher's Association v. Hayes, 5 Cal.App4th 1513, 1524 (1992), Whisman v. San Francisco Unified School District, 86 Cal.App3d 782, 789 (1978), Tustin Heights v. Board of Supervisors, 170 Cal.App.2d 619, 630 (1959), California Teacher's Association, 5 Cal.App4th at 1524, Laidlaw Waste Systems, Inc. v. Bay Cities Services, Inc., 43 Cal. App4th 630 (1996). Butterworth v. Boyd, 12 Cal.2d 140, 152 (1938)	School Board failed to provide an opportunity for public comment during a meeting.  (OUSD)
04-08	March 7, 2005	Sunshine Ordinance § 2.20.010(A). (B). and (C)	Complaint for PEC's failure to put a requested item on the agenda. (PEC)
04-07	September 12, 2005	Sunshine Ordinance §2.20.080	Complaint that insufficient notice was given for a Planning Commission meeting.  (Planning Committee)
04-06	July 11, 2005	Government Code § 82031; 2 Cal. Admin. Code § 18423(a); Article III of PUEBLO's bylaws; Government Code § 12588; § III(B)(1)(e) of the Commission's Complaint Procedures	Allegations of OCRA violations by: commingling and using City Funds and failure to register as a political committee.  (PUEBLO)
04-05	April 4, 2005	§ III.B.(1)(e) of the Commission's General Complaint Procedures	Allegations of failure to file campaign statements.  ( PUEBLO; Just Cause Committee)
04-04	August 30, 2004	No Citations	Allegations of failure to file Statement of Economic Interest.  (Phil Tagami)
04-03	February 7, 2005	Government Code §84211 and §85700;	Investigations of campaign expenditures.

		OCRA §3.12.040 and §3.13.140	(Brooks)
04-02	February 7, 2005	Dry Creek Valley Assn. v. Board of Supervisors (1977) 67 Cal.App. 3d 839, 846; 74 Ops.Cal.Atty.Gen. 89, 94; Government Code § 54953.3; Sunshine Ordinance § 2.20.050	Allegation that Board members limited public access to a board meeting.  (School Board)
04-01	June 7, 2004	Government Code §3060, Steiner v. Superior Court (1996) 50 Cal.App. 1771,1782, Penal Code §832.7(a)	Allegation that public official violated the Code of ethics by disclosing confidential attorney-client communications.  (City Official)
03-16	January 5, 2004	Government Code §65753(a), Cal. Constit. Art.XIIID, Sec. 4(e); Government Code §53753(e)(3), Government Code §\$50078.6; 53753, Government Code §50078.13, FPPC "Ewing" and "Bush" advice letters	Allegations of failure to file timely campaign finance statements.  (Supporters of Wildfire District)
03-15	January 5, 2004	Sunshine Ordinance §2.20.080(A)(2), §2.20.080(B), §2.20.030(B), Enabling Ordinance §2.24.020(B), Sunshine Ordinance §2.20.080(D); §2.20.270(D)	Allegations that council considered a proposal on an item without posting agenda related materials  (Jerry Brown/Danny Wan)
03-09 and 03- 14	December 8, 2003	Sunshine Ordinance §s 2.20.270(C), 2.20.270(F)	Consolidated complaints of D. Mix that include request for mediation.  (City Departments)
03-13	April 5, 2004	Government Code §53753, Penal Code § 424; Government Code §8314, Stanson v. Mott (1976) 17 Cal.3d 206, Citizens to Protest Pub. Funds v. Board of Education (1953) 98 A.2d 673, 677, 51 Ops. Cal. Atty. Gen. 190, 193-194 (1968), California Common Cause v. Duffy (1987) 200 Cal.App.3d 730, 748, Cal.Constit., Art.XI §5(a), J.W. Jones Companies v. City of San Diego (1984) 157 Cal.App.3d 745, Solvang v. Board of Supervisors (1980)	Allegations of misuse of public resources to promote passage of Wildfire Prevention.  (City of Oakland)

		112 Cal.App.3d 545, 554	
03-12	February 2, 2004	Gov. Code §§89501 89506, inclusive; 2 Cal. Code of Regs. §18950.1, Government Code § 89503, Government Code § 91000.5, OCRA §3.12.280(F)	Failure to disclose out of state trip on Form 700. (De la Fuente)
03-11	November 3, 2003	Gov't Code 87100, 2 Cal. Code Regs. §§8704.1, 18705.1(c)(4), 18705.3	Allegations that Councilmember voted on items where there was a conflict of interest.  (Jane Brunner)
03-10	November 3, 2003	Sunshine Ordinance § 2.20.030(E) ; 2.20.070(A)(B) ; §2.20.070(C)	Allegations of failure to properly announce a public meeting.  (Fire Prevention Steering committee)
03-08	September 8, 2003	Penal Code § 424(a) and (c), AI 140	Allegations that public threats were made using City-wide email system  (Donald Link)
03-06 and 03- 07	September 8, 2003	Sunshine Ordinance §2.20.040(B), O.C.C. §401(6), Enabling Ordinance §2.24.010 et seq., Government Code §54952(c) (1) (A), Government Code §6252(b), ILWU v. Los Angeles Export Terminal, Inc. (1999) 69 Cal.App.4 <sup>th</sup> 287, 296; Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001) 87 Cal.App.4 <sup>th</sup> 862, 870	Allegations of failure to disclose public records (City Attorney's Office)
03-05	September 8, 2003	Sunshine Ordinance §2.20.040(B), O.C.C. §401(6), Enabling Ordinance §2.24.010 et seq., Government Code §54952(c) (1) (A), Government Code §6252(b), ILWU v. Los Angeles Export Terminal, Inc. (1999) 69 5 Cal.App.4 <sup>th</sup> 287, 296; Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001) 87 Cal.App.4 <sup>th</sup> 862, 870	Allegations of failure to disclose public records (City Attorney's Office)
03-04	March 1, 2004	Sunshine Ordinance §2.20.190 ; §2.20	Allegation that City Attorney's office

		270(A)(3), Government Code § 6507, Government Code §6253, Government Code §6254(k); Evidence Code §950 et seq., Evidence Code §952, Evidence Code § 956, Roberts v. City of Palmdale (1993) 5 Cal. 363, 373, People v. Vargas (1975) 53 Cal.App.3d 516, 527, People v. Hayes (1999) 21 Cal.4 <sup>th</sup> 1211, People v. Clark (1990) 50 Cal.3d 583, 622, Glade v. Superior Court (1978) 76 Cal.App.3d, 746	improperly claimed documents to be privileged when they were not.  (City Attorney's Office)
03-03	June 2, 2003 and September 8, 2003	Enabling Ordinance §2.24.020; §§2.24.010 et seq., <u>Terry v. Bender</u> (1956) 143 Cal.App. 2d. 198, <u>BreakZone</u> <u>Billiards v. City of Torrence</u> (2000) 81 Cal.App.4 <sup>th</sup> 1205, 1233-1241	Allegations of conflict of interest re: rent control. (IIIgen)
03-02	October 4, 2004	Gov't Code §6253; Sunshine Ordinance §2.20.190; §2.20.190; Enabling Ordinance §2.24.270; Sunshine Ordinance § 2.20.020(E); §2.20.180; §2.20.060; See Government Code §6507	Allegations of failure to comply with public records request.  (Zoo, Museum, Chabot Space and Science)
03-01	July 7, 2003	Gov't Code §6253, Gov't Code §6253.1, Sunshine Ordinance §2.20.250	Allegations of failure to comply with records request. (CEDA)
02-19	January 6, 2003	Lobbyist Registration Act 3.20.030(D); 3.20.040(A)	Allegation of failure to register as a lobbyist with the City Clerk.  (Peter Smith)
02-18	January 6, 2003	Gov't Code §54954.2(a) and Sunshine Ordinance 2.20.030(A)	Allegation of failure to provide adequate notice of an action on the agenda.  (Planning Commission)
02-17	November 4, 2002	2 Cal. Code of Regs. § 18401	Allegations that candidate for public office failed to file a campaign statement (Wilson Riles)
02-16	December 9, 2002	Brown Act §54954.3(a), 92 Ops.Atty.Gen. 212	Allegation that member of the public was not given sufficient time to speak on an agenda

			item. (Planning Commission)
02-15	November 4, 2002	Gov't Code §54954.2(a), Gov't Code §54960.1, Sunshine Ordinance 2.20.070(B)	Allegation of improper notice for a public meeting.  (Planning Commission)
02-14	October 7, 2002	OCRA § 3.12.050(B), OCRA §s 3.13.140; 3.13.160	Allegations that candidate for public office failed to file a campaign statement.  (Nadir Bey)
02-13	June 2, 2003	OCRA §3.12.050; §3.12.060, 3.13.100, OCRA §3.12.080(C), OCRA §2.12.060, OCRA § 3.12.130	Allegation that public official exceeded the voluntary expenditure ceiling.  (Moses Mayne)
02-12	January 6, 2003	Gov't Code §s 87100, 87103; 87203, 2 Cal. Code of Regs. §s 18704.2, 18704.2(a), 18704.2(a)(6); 18705.1(b), 18705.2(b)(1), 18707.1(b)(1)(B)], 18703.1, 218703.3(a),	Allegation that councilmember failed to disclose property on his Form 700.  (Henry Chang)
02-12 (Supplemental)	December 8, 2003	Government Code §s 81000 et seq, 91001, 91001.5, 91007	Allegation that councilmember failed to disclose property on his Form 700.  (Henry Chang)
02-10 and 02- 11	August 26, 2002	Penal Code § 424; <u>Stanson v. Mott</u> (1976) 17 Cal.3d 206; <u>Mines v. Del Valle</u> (1927) 201 Cal. 273, <u>People v. Battin</u> (1978) 77 CA 3d 635	Allegation that City organization misused public funds (Oakland Museum and Chabot Space and Science)
02-09	July 1, 2002	Brown Act §54954.3(a), 92 Ops.Atty.Gen. 212	Allegation that public speaker time was not uniformly applied.  (Planning Commission)
02-03 and 02- 08	July 1, 2002	People v. Battin (1978) 77 CA 3d 635, Elections Code § 18522, Government Code § 54964, Penal Code § 424, Stanson v. Mott, (1976) 17 Cal.3d 206, and Mines v. Del Valle (1927) 201 Cal. 273	Allegation that City organization misused public funds (Oakland Museum and Chabot Space and Science)
02-07	May 6, 2002	OCRA § 3.12.050(B), 2 Cal. Code of Regs. § 18533	Allegation that candidate for public office improperly received campaign contributions

			in excess of contribution limits set forth.  (Jean Quan)
02-06	May 6, 2002	OCRA § 3.12.050(B), OCRA §3.12.090(A), Government Code §§ 82036; 84203	Allegation that candidate for public office improperly received campaign contributions in excess of contribution limits set forth.  (Melanie Sweeney-Griffith)
02-05	May 6, 2002	Gov't Code §82016; 2 Cal. Code of Regs. §18215, Gov't Code §82028	Allegation that councilmember failed to disclose legal services on his Form 700.
			(Henry Chang)
02-04	May 6, 2002	No cites	Candidate for public office made unethical
	•		communications to a citizen. (David Stein)
02-02	June 3, 2002	Gov't Code §82015; 2 Cal. Code of Regs. §18215, §18225, Gov't Code §82031, Gov't Code §82048.4(c)	Allegations that persons violated OCRA with telephone communications and a mass mailing. (Unnamed)
02-01	April 8, 2002	OCRA § 3.12.090 (D)	OCRA Violation (Russo)