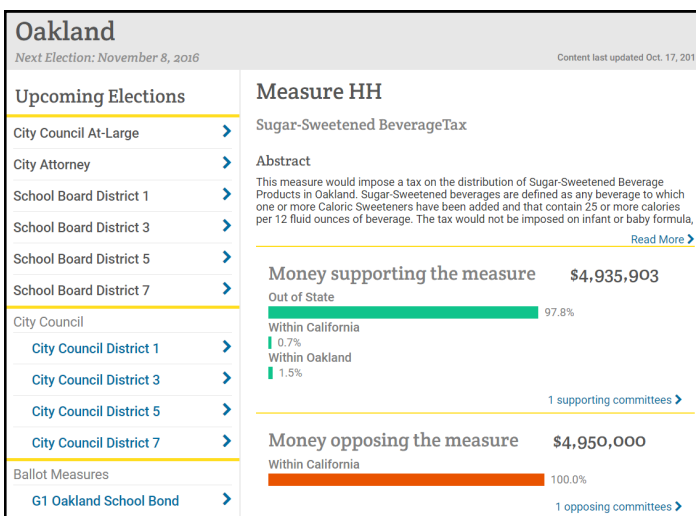


PUBLIC TRUST

PEC and OpenOakland expand campaign data web tool to all City races, ballot measures

The Public Ethics Commission (PEC) once again partnered with volunteers from local civic technology group, OpenOakland, to create a new nonpartisan tool to show how money is raised and spent in local elections. The newly updated website, www.opendisclosure.io, pulls data from the City’s campaign funding database to produce easy to understand graphs so voters can see the source and spending of funds raised by candidate and ballot measure committees.

The 2016 data site, built by the Open Disclosure California team, shows current data on candidates running for Oakland City Council, Oakland City Attorney, Oakland Unified School District Board Member, as well as ballot measures. Users can also search and sort lists of campaign donors. The expanded site is also designed to work well on mobile devices and can be easily adopted by other cities.



“The goal of the website is to illuminate campaign finance data for Oakland voters in a format that is easy to access and understand,” said Whitney Barazoto, Executive Director of the Oakland PEC, “The City collects a wealth of information about campaign finance activities in Oakland, but the data is buried in thousands of pages of PDF documents or in a massive spread-

sheet format. This tool consolidates the data into one easy-to-access online site.”

This was an ambitious endeavor by a volunteer team in partnership with staff of the Public Ethics Commission. When the Open Disclosure team presented their work to the Commission at its October 3, 2016, public meeting, the Commission commended the team for the impressive product that the team created, which is open-sourced and available for free to other cities around California that collect campaign data in the same way.



Open Disclosure team, front row: Elina Rubuliak, Aaron Borden, Kate Drew, Tom Dooner, Mike Ubell; back row: Suzanne Doran, Sarah Seiter. Not pictured: Jamie Marcus, Kyle Warneck and Mike Liu

“I think this is incredible,” said Commissioner King, speaking to the volunteer team following the presentation of the tool to the Commission. “This has been created primarily through volunteers, and I applaud you for giving your time, your talents, and your intelligence toward opening up government because the public is yearning for a way to have information that they can access to help them vote, and this is exactly how it gets done.”

IN THIS ISSUE	
Spot the Yellow Flag! Gifts.....	2
Campaign Statements Moving to PEC.....	2
Director’s Corner.....	3
PEC-Imposed Fine.....	3
Activity Updates	4

Spot the Yellow Flag!

Slow down, be cautious when giving or receiving gifts...

With the holiday season approaching, remember that there are state and local restrictions – as well as reporting requirements – for gifts received by public servants.

Under the Government Ethics Act (GEA), no public servant can accept a gift if the public servant could be influenced by the gift in the performance of his or her official work.

Here are a few tips to help you recognize a yellow flag relating to gifts, depending on your position:

1. All City Staff, Officials, Board Members, and Consultants:

Do not accept a gift of more than \$50 per calendar year from a person doing business with or seeking to do business with the City or a person who attempted to influence you in any legislative or administrative action (i.e. contracting/lobbying).



Note: The \$50 limit is a cumulative amount per year, so multiple gifts from the same source are aggregated for purposes of determining the total amount.



2. Form 700 (Statement of Economic Interests) Filers:

In addition to the above \$50 restriction, you may not accept gifts of more than \$250 per calendar year from a single source.

In addition, you must report all gifts of \$50 or more on your Form 700. See Schedule D on the Form 700 for information about exceptions, such as gifts from family members.

If you receive a gift, you may do one of the following:

- * Report the gift if over \$50
- * Decline to accept the gift or give it back to the individual/organization
- * Donate the gift to a nonprofit, 501(c)3, organization within 30 days (and do not claim a tax deduction for it)

If you have any concerns concerning gift rules, contact the PEC with your questions.

Campaign Statements - Moving to PEC

New staff member to implement the City Charter Change

In January, 2017, the Public Ethics Commission will become the filing officer for all state-required campaign statements that previously have been submitted to the City Clerk. This change, required by the voter-approved City Charter amendment of 2014, means that candidates and committees raising and spending money for Oakland campaigns must file their campaign finance forms with the PEC, which can then easily monitor and respond to filing concerns.

This new filing officer program will be led by the PEC's latest and final hire, Suzanne Doran, Lead Analyst, Civic Technology and Engagement. Suzanne joined the PEC in her new role in August 2016 and already led her first project, Open Disclosure, to a successful launch.



She will continue to work to enhance the filing, compliance, disclosure and use of Oakland campaign-finance and ethics-related data and information.

Get to know Suzanne...

Q: What is your favorite thing about Oakland?

SD: *There are too many things I love about Oakland to name just one—first, the people! I also love that even though I live in urban North Oakland, I can take a short walk and see wild turkeys, deer, and coyotes on a hike in Mountain View Cemetery.*

Q: Who is one of your heroes?

SD: *Phillip Randolph—legendary African-American labor leader and an early visionary in the Civil Rights Movement, who was also a Shakespearean actor and writer.*

Q: What keeps you motivated?

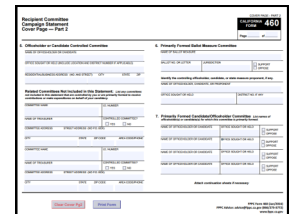
SD: *Extra tall latte with an extra shot of espresso.*

Q: If you could visit one landmark, which would it be?

SD: *Iguacu Falls, massive waterfalls on the Brazilian-Argentine border.*

Q: What values are important to you?

SD: *Justice and compassion.*





Director's Corner

Dear City of Oakland Community,

In a recent conversation at one of the PEC's community outreach events, a citizen suggested that our PEC issue an ethics report card to assess whether elected officials are "ethical" here in Oakland. We talked more about whether there might be objective indicators that could be used in some way to provide such an assessment. But it was the "ethical" categorization that struck a chord with me because I hear this generalization often.

It is tempting for us to place people into a category that is either "ethical" or "unethical," as if there are clearly defined criteria for what makes one an "ethical" public servant. It gets even more tempting during election season. But this is not the role of our Public Ethics Commission. We don't have evaluative criteria for categorizing a person as "ethical" or not; however, thanks to the Oakland City Council passing our PEC-proposed ethics ordinance in 2014, we do have local ethics laws. These laws are considered the "floor" or the minimum requirements that we expect from our public servants. It is our PEC's job to ensure that City staff and officials follow the laws - both through education and advice as well as enforcement - and to base our enforcement actions on evidence and a neutral, apolitical process. The PEC has established investigative procedures to ensure due process for the accused, as well as enforcement penalty guidelines to maintain consistency in our fine structure while providing flexibility to respond to the unique facts of each case - both mitigating and aggravating. The benefit of this process is fairness; the drawback is that this takes patience, diligence, and time.

Our PEC is working to better position itself in future years to investigate and respond more quickly on allegations of government ethics law violations now that we have a full team as of this past August. While the PEC can't and shouldn't be making subjective determinations about the ethical character of a public servant, we can provide information about the facts and conclusions of legal violations (a "report card" of sorts) so that Oakland voters can decide for themselves whether a particular legal violation is "unethical." For this information, check out the "Enforcement" page of our website to view Commission-imposed fines and penalties. And as always, keep your suggestions coming so we can continue the dialogue about our PEC's work.

Very sincerely,

Whitney Barazoto

\$14,400 Fine by PEC for Illegal Campaign Contributions

After a joint investigation between the Enforcement Division of the Fair Political Practices Commission (FPPC) and the Oakland Public Ethics Commission (PEC), the PEC announced an approved settlement of \$14,400 for multiple violations of Oakland's contribution limits in 2014. The joint investigation uncovered 37 laundered campaign contributions for a total of \$23,900 from AB&I Foundry, a division of McWane, Inc., through 17 officers/employees (and their spouses) to four Oakland mayoral candidates and two city council candidates from 2012 through 2014. The candidates receiving the contributions were not a focus of the investigation.

"We are pleased to present the findings from our joint investigation involving laundered campaign contributions," said FPPC Chief of Enforcement Galena West. "Working cooperatively

with the Oakland Public Ethics Commission allows us to combine our resources and expeditiously prosecute violations."

The FPPC imposed a penalty of \$100,000 for the violations related to state law.

"The [FPPC] will be vigilant in defending the public's right to know the true source of funding in any campaign," said [FPPC] Chair Jodi Remke. "I applaud the diligent work of the Enforcement Division in investigating and prosecuting these cases. I am also extremely pleased with the outstanding cooperation with our partners in Oakland. And with the upcoming elections, I hope it serves as a reminder that we will be monitoring campaigns to make sure public officials and candidates follow the law as expected."



Activity Updates

Enforcement

In 2016, the Commission has resolved 25 cases and issued a total of \$19,500 in fines for violations of ethics laws including a joint case with the FPPC that resulted in the largest PEC penalty to date. The Commission also opened six proactive investigations into possible violations of the Government Ethics Act or the Campaign Reform Act.

Commission 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.

The Commission now posts a list of all fines and settlement documents on the [Enforcement page](#) of its website.

Outreach

The PEC Roadshow is officially underway! Commissioners have been making rounds to share about the PEC's mission and efforts at neighborhood and community meetings. If you would like to have a Commissioner come speak to your community group or association, you can contact Jelani Killings at (510) 238-3593 or at jkillings@oaklandnet.com.

Lobbyist Registration

Under the Lobbyist Registration Act, registered lobbyists are required to submit quarterly reports disclosing their lobbying activities in Oakland and are required to register with the City before commencing with any lobbying activities.

There are currently 44 registered lobbyists with the City and over \$1,150,029.81 has been reported in 2016 for compensation received by lobbyists to lobby City officials.

Find out who is trying to influence City officials regarding issues and governmental decisions in Oakland by checking out our [lobbyist information](#) page on the PEC website.

Policy

On November 16, the PEC will be hosting a forum on the City's Ticket Distribution Policy.

State law requires that public agencies have a ticket distribution policy in place for the distribution of tickets received by the public agency.

The PEC aims to facilitate a public dialogue on best practices concerning the distribution of City-received tickets to events to ensure accountability regarding how tickets are used.

Education

The PEC continues to educate City employees and board/commission members about the Government Ethics Act and their responsibilities under City law.

The PEC partnered with the City Administrator's office to require the Government Ethics Act introductory video as mandatory staff training this year.



Commission staff is now working on a more comprehensive online ethics training for all Form 700 filers.

Data

Check out the new Open Disclosure app for the 2016 election!

<http://www.opendisclosure.io/>

The new website now includes information for all city-wide elections including information regarding City ballot measures.

Email Commission staff Suzanne Doran at sdoran@oaklandnet.com with any feedback you have about Open Disclosure so she can forward it to the volunteer project team.

“Ensuring Fairness, Openness, Honesty, and Integrity in City Government”