

Item #11 - Enforcement Report



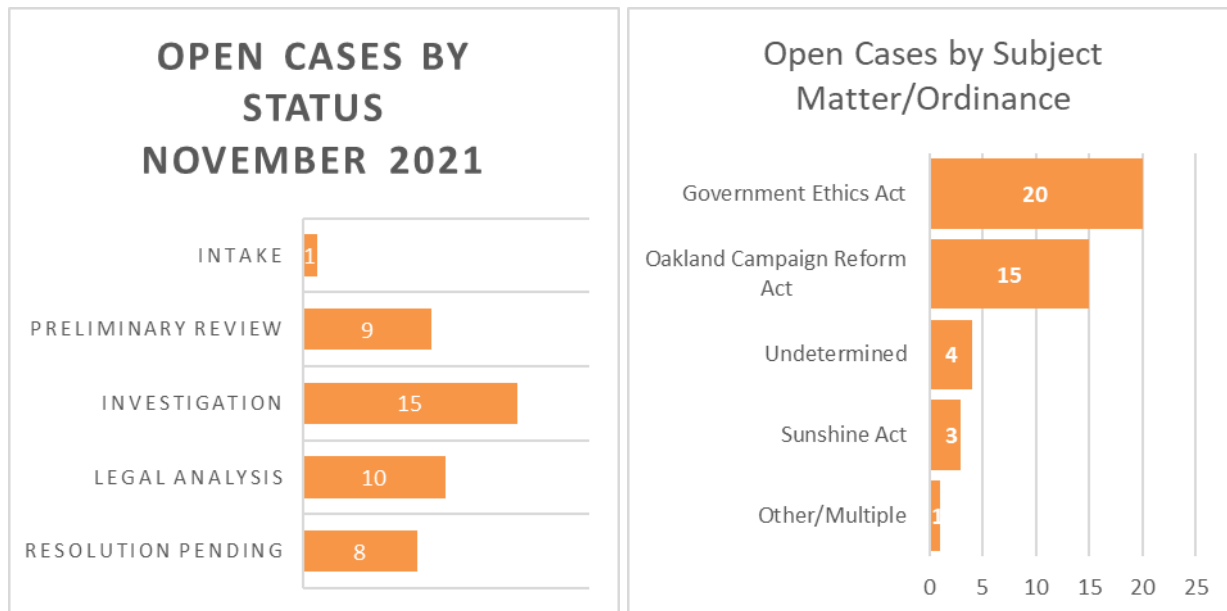
Michael McDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Ryan Micik
Arvon Perteet
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: October 20, 2021
RE: Enforcement Program Update for the November 1, 2021, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on September 2, 2021, Commission staff received one new complaint. This brings the total Enforcement caseload to 43 open cases: 10 matter(s) in the intake or preliminary review stage, 15 matters under active investigation, 10 matters under post-investigation analysis, and 8 matters in settlement negotiations or awaiting an administrative hearing.



Since the last Enforcement Program Update in September 2021, the following status change(s) have occurred:

1. **Non-Filer Cases Referred by PEC Filing Officer for the 2018 Election.** The following case(s) were referred to the Enforcement unit by the Public Ethics Commission filing officer for campaign statements required, but never filed, by campaign committees pursuant to the California Political Reform Act and the Oakland Campaign Reform Act during the 2018 election cycle and years leading to it. At the September 2021 Commission meeting, Staff provided a report for each committee showing probable cause that one or more violations exist in the following cases and requested approval from the Commission to schedule the cases for an administrative hearing in each case (See Agenda Items).
 - a. PEC Case No. 17-18 and 18-17; In the Matter of Darrel Carey, Kiarra Care, Aliyah Carey and the East Bay Small Business Council Committee
 - b. PEC Case No. 19-13; In the Matter of Matt Hummel 4D4 2018, and Donna Smithey

2. ***In the Matter of Annie Campbell Washington for Oakland City Council 2018 (Case No. 19-06).*** On January 3, 2019, the City of Oakland Public Ethics Commission (PEC) Campaign Filing Officer emailed to former City Council Member Annie Campbell Washington the first warning “Notice of Non-filer Non-compliance” for failure to file a Semi-Annual Campaign Statement for the period of July 1, 2018 through December 31, 2018 for her committee Annie Campbell Washington for Oakland City Council 2018. After receiving no reply from the Respondent, on May 9, 2019, the Filing Officer referred the matter to PEC Enforcement Unit for Non-filer enforcement. Enforcement opened an investigation into the Respondent’s campaign filings, PEC staff determined that Campbell-Washington and her campaign committee, despite multiple warnings, did not electronically file the required campaign information pursuant to section 3.12.340 (A) of the Oakland Campaign Reform Act (OCRA). Staff recommends that the Commission approve a stipulation that Annie Campbell Washington for Oakland City Council 2018 violated the Oakland Campaign Reform Act for a penalty of \$1,000 on Count 1, and \$1,171 in late fees, totaling \$2,171 in fines and penalties. (See Agenda Items)