

**PUBLIC ETHICS COMMISSION
STIPULATION, DECISION, AND ORDER
SEI Non-Filer – Streamlined Stipulation¹**

PEC CASE NO.: 17-07

RESPONDENT NAME AND POSITION: Jumoke Hinton-Hodge, Candidate

DESCRIPTION OF VIOLATION: Failure to file Semi-Annual Campaign Finance Statement, in violation of Oakland Campaign Reform Act O.M.C. 3.12.340A and Gov. Code Sec. 84215.

TYPE OF SEI	PERIOD COVERED BY SEI	DUE DATE	DATE FILED	FINE AMOUNT²
Semi-Annual Campaign Finance Statement	July 1, 2016 through December 31, 2016	Jan. 31, 2017	Not Filed	\$500

TOTAL FINE AMOUNT: \$500

Complainant, the Enforcement Unit of the Public Ethics Commission, and Respondent hereby agree to the following:

1. This Stipulation will be submitted for consideration by the City of Oakland Public Ethics Commission (Commission) at its next regularly scheduled meeting;
2. This Stipulation resolves all factual and legal issues raised in this matter and represents the final resolution to this matter without the necessity of holding an administrative hearing to determine the liability of Respondent;
3. Respondent knowingly and voluntarily waives all procedural rights under the Oakland City Charter, Oakland Municipal Code, and Public Ethics Commission Complaint Procedures, including, but not limited to, the right to personally appear at an administrative hearing held in this matter, to be represented by an attorney at Respondent's own expense, to confront all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed;
4. This Stipulation is not binding on any other law enforcement agency, and does not preclude the Commission or its staff from referring the matter to, cooperating with, or assisting any other government agency with regard to this matter, or any other matter related to it;
5. It is further stipulated and agreed that Respondent violated the Oakland Government Ethics Act as described herein.

¹ A Streamlined Stipulation provides an efficient resolution for common, low-level violations of the Oakland Government Ethics Act that meet the criteria established in the Commission's Enforcement Penalty Guidelines.

² Pursuant to Streamlined Stipulation fine amounts set by the Commission's Enforcement Penalty Guidelines.

ATTACHMENT 3

6. The Public Ethics Commission Filing Officer referred the Respondent to enforcement for failure to file a required Semi-Annual campaign finance statement(s) for the period(s) of July 1, through December 31, 2016. After investigating Respondent's campaign filings, PEC staff determined that she and/or her committee, despite multiple warnings, had not electronically filed the required information as required by section 3.12.340 (A) of the Oakland Campaign Reform Act (OCRA).
7. The "streamline penalty formula" is \$400 per violation. The streamline penalty in this case would be \$400, without aggravating factors.
8. The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. The PEC can consider a list of factors, although not an exhaustive list, in deciding to increase or decrease the amount of a penalty. There is no requirement or intention that each factor – or any specific number of factors - be present in an enforcement action when determining a penalty. As such, the ability or inability to prove or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an enforcement action or impose a penalty.
9. The aggravating factors include the following: 1) the Respondent knew that she had an obligation to file her Semi-Annual Campaign Finance Statement forms, made promises that she would file them and failed to do so; and 2) the Respondent had enough experience with campaign filings to know that she was required to timely file the statements. The relevant mitigating factor is that the Respondent does not have a history of prior violations. For the reasons stated above, the penalty is \$500.
10. The Commission will impose upon Respondents a total administrative penalty in the amount of \$500.
11. Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a fine in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "City of Oakland," has been submitted by Respondent to be held by the Commission until it issues its Decision and Order.
12. In the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in connection with this Stipulation will be reimbursed to Respondent; and
13. In the event the Commission rejects this Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Dated: _____

12/21/2019


Kenne Johnson, Enforcement Chief on behalf of Complainant

DocuSigned by:

Dated: _____

11/20/2019


Jumoke Hinton-Hodge, Respondent


ATTACHMENT 3

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Public Ethics Commission as its final decision and order and is effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: 12/2/19



Jodi Smith, Commission Chair

ATTACHMENT 3