

ATTACHMENT 7



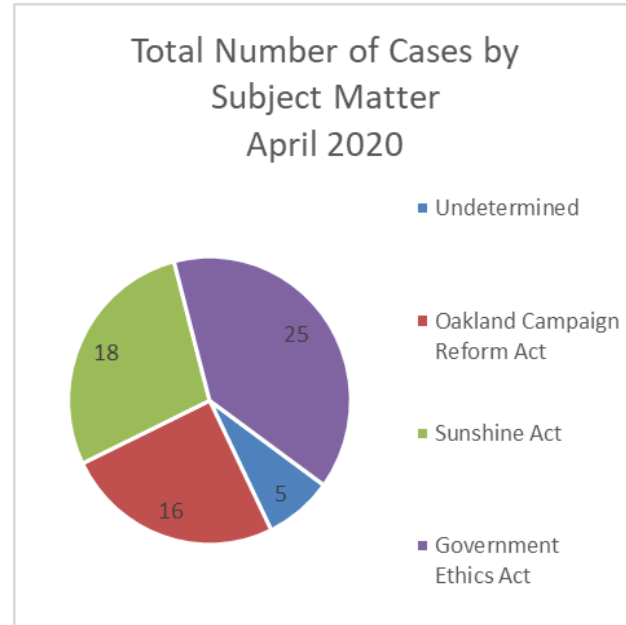
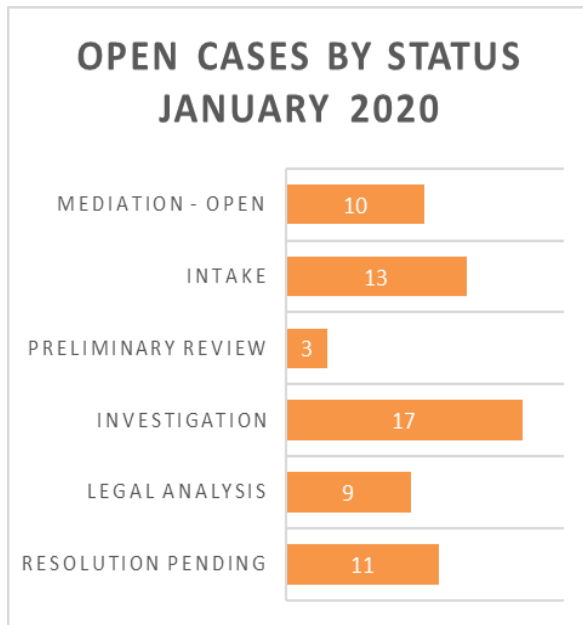
James E.T. Jackson, Chair
Nayeli Maxson Velázquez, Vice Chair
Jill M. Butler
Michael MacDonald
Janani Ramachandran
Joseph Tuman
Jerett Yan

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: April 21, 2020
RE: Enforcement Program Update

Current Enforcement Activities:

Since the last Enforcement Program Update on March 2, 2020, Commission staff received three complaints. This brings the total Enforcement caseload to 64 enforcement and mediation cases: 16 matters in the intake or preliminary review stage, 17 matters under active investigation, 9 matters under post-investigation analysis, 11 matters in settlement negotiations or awaiting an administrative hearing, and 10 ongoing public records request mediations.



Summary of Cases:

Since the last Enforcement Program Update in March 2020, the following status changes occurred:

1. *In the Matter of Raven Bays* (Complaint No. 20-06) On February 19, 2020, the City of Oakland Public Ethics Commission (PEC) received this fourth complaint that alleged the same allegations from complaint (#19-21, 20-01, and 20-02) that an Oakland City employee with

Public Works Department (maintenance/grounds keeping) violated the Oakland Government Ethics Act by engaging in harassing, profane, sexist and racially incendiary conduct against the complainant. Complaints (#19-21, 20-01 and 20-02) were previously dismissed because the alleged conduct, even if true, did not fall within the PEC's enforcement jurisdiction. The fourth complaint filed by the complainant was reviewed pursuant to the PEC complaint policy and after review of the PEC Chair, it was determined that the complainant filed an Unmeritorious Complaint and the complaint was dismissed.

2. *In the Matter of The National Association of Realtors* (Complaint No. 20-07) On February 25, 2020, Enforcement staff received a formal complaint alleging that the National Association of Realtors, authorized and distributed ballot measure campaign literature through the mail opposing Ballot Measure Q without including its FPPC Registration Number on the mailer. Staff reviewed the facts and the law and determined that the Oakland Campaign Reform Act does not require a campaign committee include this information on a mailed advertisement and no other provision under the PEC's jurisdiction applied. The complaint was dismissed.
3. *In the Matter of The Bridge Association of Realtors* (Complaint No. 20-08) On February 25, 2020, Enforcement staff received a formal complaint alleging that the National Association of Realtors, authorized and distributed ballot measure campaign literature through the mail opposing Ballot Measure Q without including its FPPC Registration Number on the mailer. Staff reviewed the facts and the law and determined that the Oakland Campaign Reform Act does not require a campaign committee include this information on a mailed advertisement and no other provision under the PEC's jurisdiction applied. The complaint was dismissed.
4. *In the Matter of City of the Department of Building and Planning* [Mediation Summary] (Case No. M2019-17). On October 8, 2019, the Commission received a request for mediation from the Requestor alleging that Building and Planning Department failed to provide responsive documents to two separate public records requests. The Requester initiated their respective public records request on May 11, 2019 and August 25, 2019, seeking copies of Radio Frequency Reports that they believed were provided to the City of Oakland between January 1996 and August 2019, the department did not provide a response. Staff initiated the Mediation process on October 16, 2019. The Deputy Director of the Building department confirmed that the documents that the Requester was seeking were not documents collected or maintained by his department. Staff recommends that the Commission close the mediation without further action. (See Action Items)
5. *In the Matter of The Economic and Workforce Development Department* [Mediation Summary] (Case No. M2020-05) On February 20, 2020, the Commission received a request for mediation from the requestor alleging that an employee from the City's Economic and Workforce Development department failed to provide responsive documents to a public records request. Three months had passed since the request was filed and the requester did not get a response. Staff initiated the Mediation process on March 2, 2020. On March 3, 2020, the department representative confirmed that all responsive documents were released. Staff recommends that the Commission close the mediation without further action. (See Action Items)



CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

April 21, 2020

Raven Bays



Re: PEC Complaint No. 20-06; Dismissal Letter

Dear Ms. Bays:

On February 19, 2020, the City of Oakland Public Ethics Commission (PEC) received your fourth complaint (#20-06) asserting the same allegations from complaint (#19-21, 20-01, and 20-02) that an Oakland City employee with Public Works Department (maintenance/grounds keeping) violated the Oakland Government Ethics Act by engaging in harassing, profane, sexist and racially incendiary conduct against you. Complaints (#19-21, 20-01 and 20-02) were dismissed because the allegations, if true, do not constitute a violation of law within the Commission's enforcement jurisdiction. As with your previous complaints, the alleged conduct does not fall within the PEC's enforcement jurisdiction, and we are therefore dismissing your complaint.

Under the Public Ethics Commission Complaints Policy, any person who has submitted (4) four complaints with the Commission within a twelve (12) month period and has had each complaint determined adversely to the person, shall be deemed a "repetitive unmeritorious complaint." Any subsequent complaint submitted by a repetitive unmeritorious complainant during the (12) twelve-month period must be reviewed by the Commission Chair, and, if deemed unmeritorious on its face, the complaint shall not be processed or reviewed. On February 26, 2020 the Chair of the Public Ethics Commission determined that the complaint you filed was unmeritorious on its face and that the case will not be reviewed further.

We are concerned about your safety. If you are being sexually harassed, assaulted or touched in an inappropriate way, you should immediately call 9-1-1. If the incident has already occurred, please call the Oakland Police report line at (510) 777-3333 to report the incident. If you need help or further assistance on your rights or protections, please call the Bay Area Rape Crisis line at (510) 845-RAPE. This is a 24-hour crisis line that can assist you with getting the help you need.

We are required to inform the Public Ethics Commission of the resolution of this matter at its next public meeting, as part of our regular monthly update on Enforcement actions. That meeting will take place on May 4, 2020, at 6:30 p.m. by teleconference as will be posted on the Commission's website in advance of the meeting. The report will be purely informational, and

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PEC Complaint No. 20-06; Dismissal Letter
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no action will be taken by the Commission regarding this matter, which is now closed. However, you are welcome to call-in to that meeting to listen and/or give public comment if you wish. You may also submit written comments to us before that meeting, and we will add them to the meeting materials. Thank you for bringing this matter to our attention.

Sincerely,

Kellie Johnson, Enforcement Chief
City of Oakland, Public Ethics Commission
KJohnson3@oaklandca.gov



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April 23, 2020

National Association of Realtors
[REDACTED]
[REDACTED]

Re: PEC Complaint No. 20-07 and 20-08; Dismissal of Complaint

Dear Sir or Madam:

The City of Oakland Public Ethics Commission received the attached complaint(s) against the National Association of Realtors (Association) (20-07 and 20-08), alleging violations of the Oakland Campaign Finance Act (OCRA) for failing to include the Association's campaign committee California Fair Political Practices Commission Registration Number on mailed advertisements.

We have reviewed the complaint, the facts and the law. The allegations raised by the complainant do not provide sufficient facts to establish a violation of OCRA or a violation within the PEC's jurisdiction. Therefore, we are dismissing this complaint against the Association. No action is necessary on your part; this is just a courtesy notice.

A copy of the dismissal letter to the complainant is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

Kellie F. Johnson
Enforcement Chief
City of Oakland Public Ethics Commission

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April 23, 2020

Bridge Association of Realtors
[REDACTED]
[REDACTED]

Re: PEC Complaint No. 20-07 and 20-08; Dismissal of Complaint

Dear Sir or Madam:

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Sincerely,

Kellie F. Johnson
Enforcement Chief
City of Oakland Public Ethics Commission