

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Monday, April 5, 2021
6:30 p.m.



PUBLIC ETHICS COMMISSION (PEC or COMMISSION) MEETING

NOTE: Pursuant to the Governor's Executive Order N-29-20 and City of Oakland Emergency Order dated March 23, 2020, suspending the Sunshine Ordinance, all members of the Commission and participating PEC staff will join the meeting via phone/internet audio conference, and the following options for public viewing and participation are available:

- **Television:** KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99, locate City of Oakland KTOP – Channel 10
- **Livestream online:** Go to the City of Oakland's KTOP livestream page here: <https://www.oaklandca.gov/services/ktop-tv10-program-schedule> click on "View"
- **Online video teleconference:** Click on the link below to join the webinar:
<https://us02web.zoom.us/j/88171471481?pwd=ODIQVFFUeVRsZUtHdFU3YU5XcHVadz09>

Password: 674732

- To comment by online video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- **Telephone:** Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
Webinar ID: 881 7147 1481
International numbers available: <https://us02web.zoom.us/j/88171471481>
 - To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing *9 to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

Members of the public may submit written comments to ethicscommission@oaklandca.gov. If you have any questions about how to participate in the meeting, please email ethicscommission@oaklandca.gov before or during the meeting.

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Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Arvon Perteet, and Joseph Tuman

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PEC MEETING AGENDA

1. **Roll Call and Determination of Quorum.**
2. **Staff and Commission Announcements.**
3. **Open Forum.**

ACTION ITEMS

4. **Approval of Commission Meeting Draft Minutes.**
 - a. March 1, 2021 Regular Meeting Minutes ([Meeting Minutes](#))
5. **New Commissioner Selection.** The Commission received 5 timely applications for the PEC-appointed vacancy, all which are included below. Applicants have been invited to appear before the full Commission for a public interview. Each applicant will be given four minutes to introduce themselves to the Commission, followed by questions from Commissioners. After all of the applicants have presented and answered questions, the Commission will vote to select one new member to begin serving immediately through January 21, 2023. Attached are the application materials for each of the following finalists:
 - a. Samantha Columbus ([Columbus Application](#))
 - b. Christopher Johnson ([Johnson Application](#))
 - c. Linda Morton ([Morton Application](#))
 - d. Nicholas Sheehan ([Sheehan Application](#))
 - e. Derrick Wright ([Wright Application](#))



6. ***In the Matter of Everett Cleveland Jr. (Case No. 20-03 (a))***. On January 7, 2020, PEC staff received information alleging that Everett Cleveland Jr. may have violated the Government Ethics Act when he decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 “Notice of Funding Availability” (NOFA) program. Cleveland had taken part in the decision-making process regarding NOFA applications submitted by a nonprofit housing development company called Community Housing Development Corporation, whose executive director, Don Gilmore is Cleveland’s father-in-law. The PEC staff’s investigation found that Cleveland influenced or attempted to influence the review of NOFA applications submitted by CHDC. The investigation also found that Cleveland, although required to file an annual Form 700 Statement of Economic Interests in 2019, failed to file the Form 700. After reviewing the facts, relevant law and Enforcement Procedures, staff recommends that the Commission approve the staff offer of a Diversion Agreement to resolve the violation. ([Staff Memorandum](#), [Proposed Diversion Agreement](#))

7. ***In the Matter of Norma Thompson (Case No. 20-03(b))***. On January 7, 2020, PEC staff received information alleging that Norma Thompson, a City of Oakland Housing Community Development staff member, violated conflicts of interest rules when she decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 “Notice of Funding Availability” (NOFA) program. The allegation was that Thompson was working as a paid consultant for the Community Housing Development Corporation at the time that she took part in the decision-making process regarding CHDC’s 2019 NOFA applications. The PEC staff investigation found that Thompson failed to file a Form 700 when she rejoined the City in 2019, that she failed to file a Form 700 upon leaving office, and that she violated the City of Oakland revolving-door provisions of the Government Ethics Act through her consulting work with CHDC. After reviewing the facts, relevant law and Enforcement Procedures, Commission staff recommends that the Commission approve the staff offer of a Diversion Agreement to resolve the violation. ([Staff Memorandum](#), [Proposed Diversion Agreement](#))

8. ***In the Matter of Manuel Altamirano Sr. (Case No. 20-04(a))***. On February 4, 2020, PEC staff received information alleging that a City Parking Control Technician was approached by a co-worker, Manuel Altamirano Sr., to retract/void two tickets that the technician issued for Use of a Counterfeit/Altered Disabled Placard and Use of Disabled Parking Space on Manuel Altamirano’s wife’s car in exchange for money. Commission staff completed its review and investigation of the matter and found sufficient evidence that Manuel Altamirano Sr. violated the Government Ethics Act. After reviewing the

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facts, relevant law and Enforcement Procedures, Staff recommends that the Commission find probable cause that Manuel Altamirano Sr. Violated the Government Ethics Act and schedule this matter for a hearing. ([Staff Memorandum](#))

DISCUSSION ITEMS

9. **Reports on Subcommittees and Commissioner Assignments.** Commissioners may discuss subcommittee assignments, create a new subcommittee, or report on work done in subcommittees since the Commission’s last regular meeting. Commissioners may also discuss assignments, efforts, and initiatives they undertake to support the Commission’s work. Current or recent subcommittees include the following:
 - a. **Sunshine Review Subcommittee** (*ad hoc*/temporary, created on May 8, 2020)
– Michael MacDonald (Chair), Avi Klein, and Joe Tuman

INFORMATION ITEMS

10. **Disclosure and Engagement.** Lead Analyst Suzanne Doran provides a report of recent education, outreach, disclosure and data illumination activities. ([Disclosure Report](#))
11. **Enforcement Program.** Enforcement Chief Kellie Johnson reports on the Commission’s enforcement work since the last regular Commission meeting. ([Enforcement Report](#))
12. **Executive Director’s Report.** Executive Director Whitney Barazoto reports on overall projects, priorities, and significant activities since the Commission’s last meeting. ([Executive Director’s Report](#))

The meeting will adjourn upon the completion of the Commission’s business.

A member of the public may speak on any item appearing on the agenda. All speakers will be allotted a maximum of three minutes unless the Chairperson allocates additional time.

Should you have questions or concerns regarding this agenda, or wish to review any agenda-related materials, please contact the Public Ethics Commission at (510) 238-3593 or visit our webpage at www.oaklandca.gov/pec.

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3/24/2021

Approved for Distribution

Date



This meeting location is wheelchair accessible. Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email alarafranco@oaklandca.gov or call (510) 238-3593 Or 711 (for Relay Service) five business days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico a alarafranco@oaklandca.gov o llame al (510) 238-3593 al 711 para servicio de retransmisión (Relay service) por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議五天前電

郵 alarafranco@oaklandca.gov 或致電 (510) 238-3593 或 711 (電話傳達服務)。

Quý vị cần một thông dịch viên Ngôn ngữ Ký hiệu Mỹ (American Sign Language, ASL), tiếng Quảng Đông, tiếng Quan Thoại hay tiếng Tây Ban Nha hoặc bất kỳ sự hỗ trợ nào khác để tham gia hay không? Xin vui lòng gửi email đến địa chỉ alarafranco@oaklandca.gov hoặc gọi đến số (510) 238-3593 hoặc 711 (với Dịch vụ Tiếp âm) trước đó năm ngày.

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DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Arvon Perteet, and Joseph Tuman

Commission Staff to attend: Whitney Barazoto, Executive Director; Suzanne Doran, Lead Analyst – Civic Technology and Engagement; Kellie Johnson, Enforcement Chief; Simon Russell, Investigator

City Attorney Staff: Trish Shafie, Deputy City Attorney

PEC MEETING AGENDA

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:32 p.m.

Members present: MacDonald, Yan, Klein, Perteet, and Tuman.

Staff present: Whitney Barazoto, Suzanne Doran, Kellie Johnson, and Ana Lara-Franco.

City Attorney Staff: Trish Shafie

2. Staff and Commission Announcements.

There were no announcements.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

4. Approval of Commission Meeting Draft Minutes.

- a. February 1, 2021 Regular Meeting Minutes

There were no public speakers.

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DRAFT

Tuman moved, and Perteet seconded to adopt the February 1, 2021 Regular Meeting Minutes.

Ayes: MacDonald, Yan, Klein, Perteet, and Tuman.

Noes: None

Vote: Passed 5-0

5. Public Ethics Commission Annual Report.

Whitney Barazoto, Executive Director, presented the Commission's annual report, noting that a commissioner bio and picture had been inadvertently left out.

Commissioners shared their thoughts and discussed the report.

There were no public speakers.

Tuman moved, and Perteet seconded to approve the report with the addition of the missing commissioner bio and picture.

Ayes: MacDonald, Yan, Klein, Perteet, and Tuman.

Noes: None

Vote: Passed 5-0

6. Lobbyist Public Access Portal and Newly Published Datasets Demonstration.

Suzanne Doran, Lead Analyst, provided a demonstration of the new Lobbyist registration public access portal and related datasets that are now available to the public online.

Commissioners asked questions.

There were no public speakers.

MacDonald moved, and Tuman seconded to accept the report.

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DRAFT

Ayes: MacDonald, Yan, Klein, Perteet, and Tuman.

Noes: None

Vote: Passed 5-0

DISCUSSION ITEMS

7. Reports on Subcommittees and Commissioner Assignments.

- a. Sunshine Review Subcommittee** (*ad hoc*/temporary, created on May 8, 2020)
– Michael MacDonald (Chair) and Joe Tuman

MacDonald announced that meetings will start again in few weeks and that Klein will be joining the subcommittee.

There were no public speakers.

INFORMATION ITEMS

8. Public Ethics Commission Report – *Race for Power: How Money in Oakland Politics Creates and Perpetuates Disparities Across Income and Race.*

Ms. Barazoto shared the published copy of the Commission’s Race for Power report that had been approved by the Commission in September 2020 and circulated again to elected officials in advance of the upcoming budget discussion that will incorporate a focus on equity in Oakland. The report evaluates outcomes from Oakland’s existing public financing program and overall campaign finance system, articulates the ways in which some Oaklanders lack political power, explores current trends and best practices across jurisdictions and subject-matter fields, and recommends a new approach for Oakland to expand and diversify participation and influence in the campaign process.

Commissioners asked questions and shared their thoughts.

There were no public speakers.

9. Disclosure and Engagement.

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DRAFT

Ms. Doran provided a report of recent education, outreach, disclosure and data illumination activities. She also shared that there are 4 campaign non-filers and that staff is currently reaching out to them.

There were no public speakers.

10. Enforcement Program.

Kellie Johnson, Enforcement Chief, reported on the Commission’s enforcement work since the last regular Commission meeting. Ms. Johnson shared that moving forward, mediations will be presented as informational items.

There were no public speakers.

11. Executive Director’s Report.

Ms. Barazoto reported on overall projects, priorities, and significant activities since the Commission’s last meeting. She also shared that the recruitment for the current vacancy is still going. There have been about three submissions so far.

There were no public speakers.

The meeting adjourned at 7:29 p.m.

Form Name:
Submission Time:
Browser:
IP Address:
Unique ID:
Location:



Item #5a - Columbus Application

Public Ethics Commission Application

Contact Information

Name Samantha Columbus

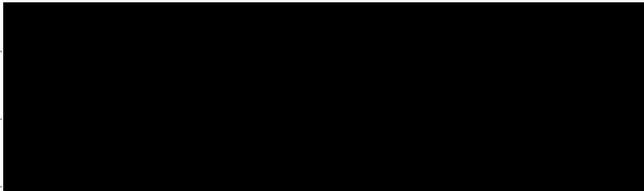
Address



Phone

Evening Phone

Email



Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 6

Your City Council District District 6

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: Alameda County- Oakland Community Action Partnership

Have you attended a Public Ethics Commission meeting? Yes

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Item #5a - Columbus Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

How did you hear about this vacancy? City of Oakland website

Supplemental Questions

- 1. Why do you want to serve on the Public Ethics Commission?** The Public Ethics Commission would be a great avenue for me to be involved in my community and create the change I want to see. Ensuring fairness, openness, honesty, and integrity is very important to my in my Personal life as well as in a public sphere. It's extremely important to hold our city accountable for rules and regulations that are in place and I would love to be a part of a body that does that work.
- 2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)** In my job I work with City officials and administer city regulations so I am very familiar with checking for compliance based on regulations, by reading, and analyzing this information. I have served on the AC-OCAP board for almost two years now and am familiar with the meeting process. I am also a recent SFSU undergraduate with my degree in Urban Studies and Planning. I am very passionate about bringing my knowledge to this commission and working towards fair and equitable goals.
- 3. What issues, projects, or goals would you like to pursue while serving on the Commission?** I would love to see more reports released by the commission on various issues surrounding enforcement programs, lobbyist data, and the city budget and how it's used.
- 4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?** I think it's great that Oakland residents now have online access to lobbyist data and campaign and ethics data, and I think it's of great importance to make access to this information more widely known. I wouldn't have known this information was available to the public if I did not attend the last meeting or read the PEC annual report.
- 5. What else would you like the subcommittee to know as your application is considered?** I am currently a member of Urban Habitat 2021 Board and Commission leadership training. If you are unfamiliar with this program, local people are selected to participate in this program that increases political participation in low-income communities and communities of color and are committed to advancing social justice.

Please provide two references

Reference 1

Name Raquel Pinder-Hughes

Address

Phone

Email

Reference 2

Name Grant Eshoo

Address

Phone

Email

Submit your resume

Upload your resume

Sign and submit application

Signature

Date/Time

Mar 04, 2021

Samantha S. Columbus

EDUCATION

Laney Community College

2014-2017

San Francisco State University

2018-2020

PROFESSIONAL EXPERIENCE

The City of Alameda Housing Authority, Rent Programs Alameda, CA January 2017-present

Program Assistant

- Answer all incoming calls and handle caller's inquiries regarding policies and procedures
- Respond to client and public inquiries and refers clients to appropriate department resources
- Provide word-processing and clerical support
- Maintain and update program website
- Scan and maintain confidential information using YARDI and LASERFICHE
- Coordinate mass mailings
- Maintain clean office space and lobby
- Responsible for processing all Public Records Requests
- Provides information to the public to ensure an understanding of the Rent Program's policies and procedures
- Assists clients, applicants, and tenants with paperwork and documents

Bon Appetite, Oakland, CA

August 2016-January 2017

Front Desk Hostess

- Answered phones and assisted with customer questions
- Greeted customers and assisted with reservations
- Trained new employees

Stefanie Putnam, Lafayette, CA

May 2011-December 2016

Caregiver

- Managed schedules and ensured all doctor's appointments were kept
- Performed light housekeeping duties and meal preparation
- Administered medications following doctor's instructions
- Assisted with daily living activities and personal grooming

St. Mary's College, Professor Cynthia Ganote, Sri Lanka

January 2016

Teacher's Assistant

- Assisted on a service learning trip for twelve college students to Sri Lanka
- Taught English to Sri Lankan students
- Mentored St. Mary's student teachers during their time abroad
- Lead a solo class field trip

Item #5a - Columbus Application

- Organized and maintained expense receipts to facilitate smooth payment of expense reimbursement upon return

Peet's Coffee & Tea, Inc., San Ramon, CA

September 2011-August 2012

Barista

- Prepared coffee bar drinks
- Performed stock closing duties
- Managed end of day store clean up
- Trained and on boarded new employees
- Provided excellent customer service

Dr. Scott Lothamer DDS, Moraga, CA

January 2010-August 2010

Office Assistant

- Answered phones and assisted with patient questions
- Greeted patients and assisted with check in
- Professionally and courteously verified appointment times with patients.
- Sent out reminder card mailings to patients weekly.
- Created new files, and added information to existing client files from dental visits
- Organize and maintain chart filing system
- Performed front office and back office tasks as needed

The Cheesecake Factory, Pleasanton, CA

June 2008-August 2009

Front Desk Hostess

- Answered phones and assisted with customer questions
- Greeted customers and assisted with reservations
- Trained new employees

Professional

NAHRO's certified specialist of Occupancy- Housing Choice Vouchers (CSO-HCV), November 2017

Public Ethics Commission Application

Contact Information

Name Christopher Johnson

Address

Phone

Evening Phone

Email

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 28

Your City Council District District 1

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: Civil Service Board (currently vice-chair)

Have you attended a Public Ethics Commission meeting? Yes

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Item #5b Johnson Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

List any languages other than English that you speak fluently. None

How did you hear about this vacancy? Recruiting email from PEC

Supplemental Questions

Item #5b Johnson Application

1. Why do you want to serve on the Public Ethics Commission?

As a recently retired employee of the U.S. Department of the Treasury / Internal Revenue Service, I have a deep appreciation for the importance of ethics in government and the damage that can be done to public trust when public officials act in a manner inconsistent with those values. Because of its mission as a public trust organization, the IRS is the gold standard for communicating and reinforcing ethics and ethical values with its workforce. Among other things, the IRS requires all employees and leaders to complete annual ethics trainings and formally certify their understanding of the agency's ethics rules.

During my 28 years living here in Oakland, I have followed the evolution of Oakland's government, both during periods of optimism and growth and during periods of crisis, contraction and scandal. I've witnessed over the years numerous allegations against City officials of corruption, mismanagement, cronyism, self-dealing and cover-ups. Those episodes have been damaging to the City's reputation and, in some cases, resulted in enormous fines and civil liabilities.

We all know Oakland is a gem of a city with great opportunities to grow economically and socially and provide a safe, equitable, high quality standard of living for all its inhabitants. But it all starts with having a well-functioning government and public officials who act reliably with integrity and honesty.

In July 2014 I was a strong, vocal supporter of Councilmember Kalb's proposal to place on the November ballot a measure that would amend the City's Charter to strengthen Oakland's Public Ethics Commission. I was delighted when the measure passed, and I have held an interest ever since in participating on the PEC. Now that I have retired from professional life, I have the time and energy to invest in this important work.

Item #5b Johnson Application

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

I believe my professional and community experience has prepared me well for service on the PEC. I have almost 20 years of experience leading community and professional organizations. Since 2009, I have served on the board of the North Hills Community Association (NHCA), a public service / advocacy association serving residents and property owners in Oakland's North Hills communities. From 2010 to 2014, I served as the NHCA chair. I have served in various other capacities as well. During my tenure, the NHCA has undertaken in partnership with City officials, agencies and representatives numerous improvement efforts focusing on public safety, wildfire prevention, disaster preparedness, community / neighborhood improvement, traffic safety and more.

Prior to serving on the NHCA board, I served as board member and chair of the Vicente Canyon Neighborhood Association, whose efforts focused mostly on topics of public safety and community participation. I have also served in various leadership positions in professional organizations related to my career as a professional communicator.

I have spent the past nineteen years of my career in positions of leadership in corporate and government communication and business leadership functions, with notable experience at Pacific Gas and Electric Company, Kaiser Foundation Health Plan, McKesson Corporation and the Internal Revenue Service. I am skilled at collecting and assimilating information from a variety of sources, understanding and dissecting complex topics, and collaborating with a broad mix of leaders and stakeholders in developing strategies and solutions to address difficult/sensitive issues.

Item #5b Johnson Application

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

I have long been interested in the preservation and maintenance of Oakland's beautiful network of public parks, gardens and recreation facilities. Over the years, my family has donated heavily to the Oakland Parks and Recreation Foundation (OPRF). In 2019, my husband and I hosted a very successful OPRF fundraiser at our home.

I mentioned earlier my volunteer work with the North Hills Community Association (NHCA). The NHCA works closely with the City of Oakland and CalTrans in the care and maintenance of Oakland's Firestorm Memorial Garden and the Gateway Emergency Preparedness Exhibit Center & Garden . Since 2015, we have taken on a lead role in being responsible for these beautiful Oakland assets.

The City of Oakland faces challenges balancing the need to care for and maintain Oakland's parks and recreation facilities for the enjoyment of all Oakland residents, and the City's stated goal of helping to provide safe shelter for persons experiencing homelessness. To the extent the PEC involves itself in such matters, I would be interested in being involved.

I have also been actively involved in public safety concerns in the City of Oakland, particularly with respect to wildfire prevention and disaster response. This is a huge issue, rife with complexities around social equity, availability of resources, public education and enforcement. These issues interest me greatly.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

Oakland currently faces a massive budget shortfall. In December, the City announced \$29 million in immediate spending cuts. City leaders have been planning other cost-savings measures to close a projected year-end \$62 million deficit in the General Purpose Fund. These cost-saving measures and budget cuts are certain to impact virtually every aspect of City services. It will be incumbent on Oakland leaders to be fully transparent in informing the community about how spending cut decisions are made, and steps the City is taking to care for already marginalized and disadvantaged communities.

As mentioned earlier, in past years we have observed Oakland's reputation sullied by the dishonest or unethical activities of various members of the City Council and / or City administration. Given the current spending crisis, we need leaders and administrators to be fully transparent and accountable for their decisions.

Item #5b Johnson Application

5. What else would you like the subcommittee to know as your application is considered?

I love the City of Oakland and have been so happy to call it my home for the past 28 years. I am committed to public service and consider an appointment to the Public Ethics Commission as an excellent way to support my community.

I bring a strong business acumen and understanding of a range of compliance and regulatory environments. I have had senior management responsibility for highly complex, highly visible and politically sensitive internal audit and internal controls programs in a key branch of a major federal government agency.

In addition, I bring substantial leadership experience in communications and public affairs, having led communications functions for several large Bay Area employers.

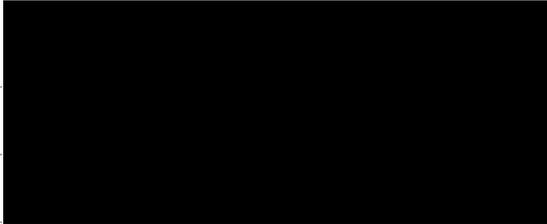
I possess a Master of Arts degree in communications from San Francisco State University and a Bachelor of Arts degree in biological sciences from the University of California, Berkeley.

Please provide two references

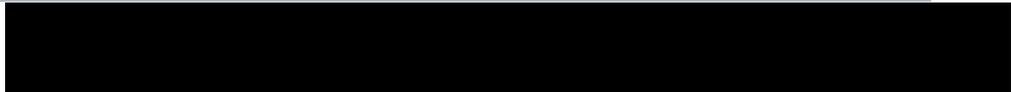
Reference 1

Name	Ian Appleyard
Address	
Phone	
Email	

Reference 2

Name	Brooke Levin
Address	
Phone	
Email	

Submit your resume

Upload your resume	
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Item #5b Johnson Application

Sign and submit application

Signature



Date/Time

Jan 27, 2021

CHRISTOPHER JOHNSON

Professional Experience

Internal Revenue Service (IRS) Large Business & International (LB&I) Division:

Sept 2016 - Dec 2020: Senior Manager, Program Planning, Coordination & Analysis (PPCA)

Provided oversight and direction for three PPCA teams delivering essential “back-office” services to the LB&I division. Key programs include internal audit, Freedom of Information Act (FOIA) reporting; internal controls management and reporting; knowledge management, division business reporting; information security; employee engagement; customer satisfaction; legislative affairs, and more.

Nov 2013 - Sept 2016: Executive Assistant, Planning, Analysis, Inventory and Research (PAIR)

Directed business operations and provided executive coordination for the PAIR branch of the Large Business & International (LB&I) division. Advised LB&I senior leadership on policy matters and directed administrative managers and staff in completion of various back-office operations.

Aug 2008 - Oct 2013: Senior Policy Analyst, LB&I Communications & Liaison - Oakland, CA

Led communication programs and initiatives, and managed intranet and Internet strategy and content for the Large Business & International (LB&I) division of the IRS. Directed a number of major communication initiatives, working closely with the LB&I commissioner and other senior executives.

Aug 2004 - Aug 2006: Director, LB&I Communications & Liaison, Washington, DC

Directed internal communications, media relations, and legislative and stakeholder outreach programs for the IRS’ Large and Mid-Size Business (LMSB) division (7,000 employees, 300+ locations). Managed a team of eleven communicators. Provided communications counsel and support to the LMBS commissioner and other senior executives. Organized formal liaison meetings involving senior IRS officials and leaders of national stakeholder groups. Arranged media interviews and prepared senior executive briefings.

IRS Headquarters Communications & Liaison:

Sept 2002 - Aug 2004: Senior Public Affairs Specialist, Washington, DC

Prepared communication plans and developed messages focusing on various service-wide safety and security, mission assurance, information technology and human capital issues. Provided communications counsel, writing and product support to business owners and executives. Conducted focus groups, interviews and pulse measures to evaluate communication impact.

Kaiser Foundation Health Plan (KFHP)

Feb - Aug 2008: Director of Human Resources Communications (Oakland, CA)

Directed HR communications for KFPH, parent of a multi-divisional company with 120,000+ employees and multiple lines of business. Led a team of five communication manager. Provided strategy and content and served as chief communications advisor for KPFH’s senior vice president, Human Resources. Conducted town hall meetings, developed executive presentations and coordinated HR publications.

McKesson Corporation

Sept 2006 - June 2007: Director, Internal Communications (San Francisco, CA)

Directed employee communications for a Fortune 15 company with 30,000+ employees and nine lines of business. Led a team of six communication managers. Provided strategy and content guidance for McKesson’s executive communications programs, including CEO town hall meetings and all-employee conference calls. Developed strategic communication plans; crafted messages for the CEO and other executives, prepared talking points, video scripts, and presentations. Edited online publications.

Pacific Gas & Electric Company

Aug 1984 - Jan 2001: Various assignments in technical, operations, staff and leadership roles.

CHRISTOPHER JOHNSON

Education

Master of Arts, Speech and Communication Studies, San Francisco State University

Bachelor of Arts, Biological Sciences, University of California, Berkeley

Affiliations and Awards

North Hills Community Association, Oakland / Berkeley, CA

- ♦ *President (Mar 2011 - Mar 2015)*
- ♦ *Board Member (Mar 2016 - Present)*

Vicente Canyon Neighborhood Association

- ♦ *President (1995 - 1999)*

Council of Communication Management

- ♦ *Board member (Apr 2012 - Apr 2015)*

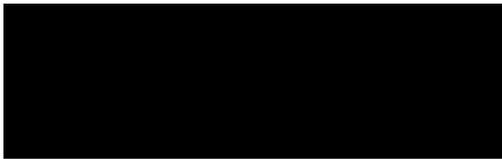
International Association of Business Communicators

- ♦ *President-elect, president, past-president, San Francisco Chapter (2008 - 2011)*
- ♦ *Vice president, San Francisco chapter (2006 - 2008)*
- ♦ *Silver Inkwell Award of Excellence, Washington DC chapter (2005)*
- ♦ *Award of Excellence, US District Chapter 3 (2005)*
- ♦ *Vice president, administration, Washington, DC chapter (2004 - 2005)*
- ♦ *Director, Silver Inkwell communication awards program (2003 - 2004)*

Horizons Foundation, San Francisco, CA

- ♦ *Board member (1996 - 1998)*

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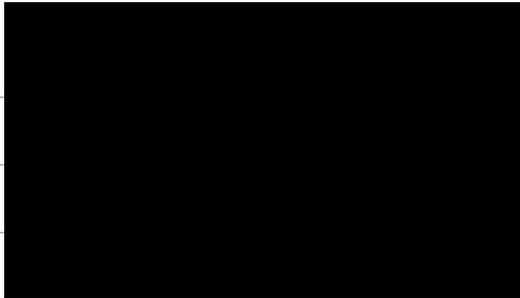


Public Ethics Commission Application

Contact Information

Name Linda Morton

Address



Phone

Evening Phone

Email

Please answer the following questions

Are you an Oakland resident? Yes

Years of residency in Oakland 21

Your City Council District District 5

List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served: None

Have you attended a Public Ethics Commission meeting? No

Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City? No

Are you currently or are you planning to run for elective office in Oakland? No

Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure? No

Item #5c Morton Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

How did you hear about this vacancy? I am on the Oakland Ethic Commission news letter

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?

My graduate research work is concerned with equity in stakeholders' participation of Oakland's natural resources. I am interested in how public-private partnerships can be more successful for all concerned. Urban collaboration efforts are challenging because they involve limited resources and competing social perspectives. I want to help make public-private partnerships more inclusive of the diversity prevalent in Oakland.

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

My experience in the sheet metal trade, horticulture, environmental studies, and urban development in the Bay Area gave me strong skills in planning and organizing people and events with focus and purpose. As a 20 year resident of Oakland, I am invested in seeing our great city be a place all families can raise their families for generations to come.

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

The primary issues I want to see addressed by the Commission are equal access to paved streets, clean streets/illegal dumping, and tree planting for old neighborhoods like mine that were created in 1912. Additionally, I am concerned with increased Library hours and physical recreation for youth.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

Oakland's most pressing ethics challenges include the influence of outside big money on local elections. Transparency is imperative with for-profit developers. Limiting profits in private/public contracts allow access to low-income/no-income housing. Developers can continue to make a profit and help grow the city in a manner that is more inclusive.

Item #5c Morton Application

5. What else would you like the subcommittee to know as your application is considered?

I know that the people who live in Oakland care about their city. They have "Oaklandish Civic Pride." If it were easier for the common person's voice to be heard or represented Okalanders would provide a unique insight into the needs of our city.

As an African American woman, property-owner, and mother of two living in the Dimond district for the past 21 years, I have seen the neighborhoods change and believe that gentrification is not automatic. The negative impacts of gentrification can be offset by policies that consider the needs of all the stakeholders.

Please provide two references

Reference 1

Name Wendy Brummer

Address

Phone

Email

Reference 2

Name Greg Hall

Address

Phone

Email

Submit your resume

Upload your resume

Sign and submit application

Signature

Date/Time

Fig. 1 Sol Patch Garden Community



Fig. 2 Friends of the Urban Forest

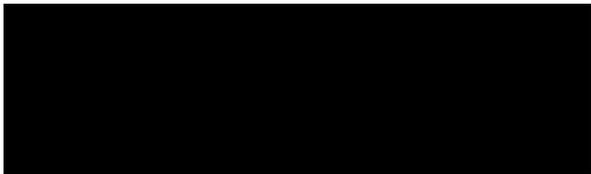


Fig. 3 California Higher Education Sustainability Conference



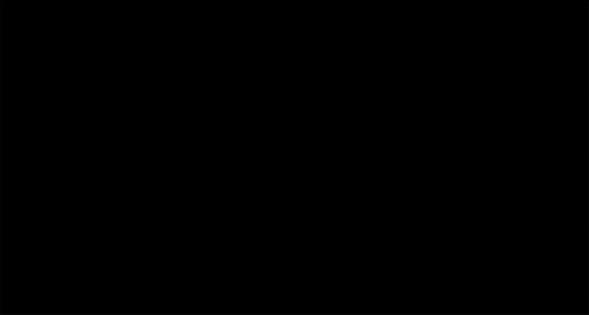
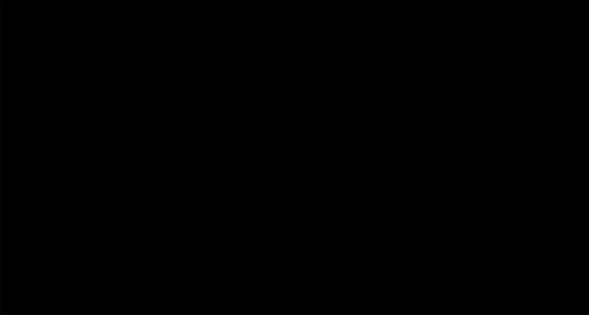
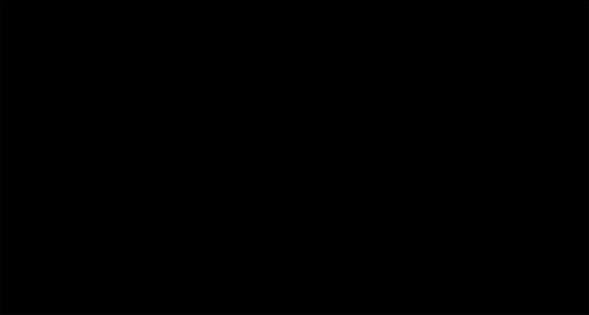
Linda Jo Morton
Gardening Specialist
Chairperson UPM Sustainability Committee
San Francisco State University

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Public Ethics Commission Application

Contact Information

Name	Nicholas Sheehan
Address	
Phone	
Evening Phone	
Email	

Please answer the following questions

Are you an Oakland resident?	Yes
Years of residency in Oakland	5
Your City Council District	District 1
Have you attended a Public Ethics Commission meeting?	No
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No
Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure?	No
Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure?	No
Are you a registered Oakland lobbyist?	No

Item #5d Sheehan Application

Are you required to register as a lobbyist?

No

Do you receive compensation from an Oakland lobbyist?

No

Do you receive gifts from an Oakland lobbyist?

No

How did you hear about this vacancy?

I believe through Dan Kalb's newsletter

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?

Two main reasons. First, I believe strongly that for any government to be perceived as legitimate it must treat all citizens equitably. In this regard, our local, state, and federal governments far too frequently fail. I've dedicated my professional career to ensuring that the governmental systems that touch the lives of people from historically marginalized or underserved communities treat those communities fairly and equitably. And I would like to bring the skills and sensibilities I've gained in those experiences to the Public Ethics Commission (PEC).

My first real job out of college was as an advocate on behalf of low-income special education students and their parents. After attending law school, I returned to this work, focusing my efforts on the issue of school discipline and policing; my clients were kids facing long-term school suspensions and involvement in the juvenile and criminal justice systems. Today I represent several men on California's death row. Each of my current clients touched many governmental systems throughout their lives. But at each of those touchpoints, they were ignored, poorly served, or treated unfairly.

Having read the PEC's recent report *Race for Power: How Money in Oakland Politics Creates and Perpetuates Disparities Across Income and Race* (hereafter *Race for Power*), it's clear to me that the PEC also recognizes how essential equity is in maintaining the legitimacy of democratic government. This apparent alignment in values motivates my application.

Second, although I'm a fairly new resident of Oakland - I moved here from New York City in 2015 - I've come to love the city. I'm especially impressed with the city's obvious commitment to the ongoing struggle for equity and social justice. I am raising my family here in Oakland and I would love the opportunity to contribute to making Oakland a more democratic, equitable, and just city for them and for everyone.

Item #5d Sheehan Application

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

As an attorney, I have experience interpreting rules, laws, and policies and objectively applying a rule to a particular set of facts. I also have some experience working with city governments, specifically the City of New York. As a Skadden Fellow at Advocates for Children of New York, I represented my organization on a subcommittee of a citywide commission established to explore and recommend changes to the city's school-discipline and policing practices. In this role, I regularly interacted with various city officials including elected office holders and their staff. I believe I was able to collaborate effectively with the people I encountered in this role. A recent performance evaluation I received in my current position supports my belief in my collaboration skills. At the risk of tooting my horn, I include the relevant language from this evaluation below in response to question five.

While at Advocates for Children, I also represented my organization in several grassroots coalitions. Parent organizations or other community groups often led these coalitions. My experience working in coalition with these people and communities gave me some insight into how to be an ally. They also taught me that lasting change is achieved not by merely soliciting and listening to "public input," but by working to empower people and communities to effect change themselves.

Admittedly, I gained all of this experience in New York City, and I have little exposure to Oakland politics and community organizing. Still, I think the lessons I've learned are transferrable and would make me an effective PEC commissioner.

Item #5d Sheehan Application

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

On a big-picture level, I would like to work on addressing the high level of distrust of government among communities of color and low-income communities. As documented in *Race for Power*, distrust of government is more prevalent among Oakland's communities of color and low-income neighborhoods. This distrust is, of course, understandable and justified, given the ways in which government has historically failed to serve or actively discriminated against these communities. But it is precisely because of this historical legacy - that is, because government bears responsibility for breaking that trust in the first place - that I believe government must take proactive steps repair harm and rebuild trust.

Which leads me to the discrete project that I am most interested in pursuing: Democracy Vouchers. I honestly had not heard of Democracy Vouchers before reading *Race to Power*, but now that I'm aware of them, I'm infatuated. I believe Democracy Vouchers would go a long way to repairing the broken trust between government and communities of color and/or low-income neighborhoods. The outcomes Seattle has achieved with its voucher program indicate that it can be a great way to improve participation in local politics and elections. Furthermore, I believe this program is a great example of a proactive step government can take to empower the disempowered, in part because of the evidence demonstrating how it changed candidate behavior in Seattle: candidates were more likely to engage in communities that they might otherwise have ignored. Seeing a candidate, and knowing that they are working to earn your voucher, seems like it would help repair trust in the political system; it would make candidates (and eventually elected officials) more accessible to people who might otherwise believe themselves to be shut out of power and therefore discouraged.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

Independent expenditures by non-residents. As *Race for Power* notes, independent expenditures have increased in recent election cycles. That such expenditures have become "particularly influential in Oakland Unified School District Board races," is especially troubling to me, as a parent of future OUSD students. I believe that local governments should be responsive to their constituents, not to the desires of non-resident millionaires and billionaires.

Item #5d Sheehan Application

5. What else would you like the subcommittee to know as your application is considered?

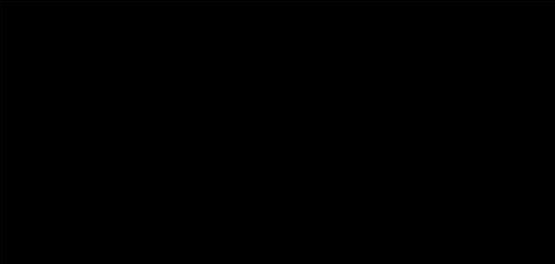
As mentioned above, I believe I am very good at collaborating and working as a member of a team. As my most recent professional performance evaluation notes:

"Nick offers encouragement, support, and helpful guidance to his team members, and consistently asks how he can help others and checks in with team members. He is available to his team members and very communicative - these factors, in turn, encourage a collaborative decision-making process and enables him to keep the team on task. Here and elsewhere, Nick's approachability and good humor were noted as extremely helpful because, as one team member described it, Nick 'manages to diffuse the stress of everyone on the team while making sure that everything gets done.'"

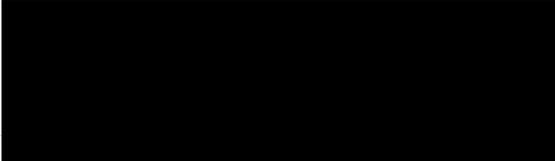
One final note - I recognized that, as a heterosexual, cisgender, white male, I operate and move in the world with a tremendous amount of privilege. There's a strong argument to be made that the last thing Oakland needs is a person who looks like me in a position like PEC Commissioner. I see the merit in that argument, and I would be very happy to see this position filled by a person of color or someone from a low-income community. Still, I think I would do good job. I would be thrilled to help the PEC advocate for and "build a civic-engagement infrastructure and political leadership evaluation, recruitment, and selection process that facilitates broad, inclusive, meaningful, and equitable engagement by all Oaklanders." (Race for Power, p. 1)

Please provide two references

Reference 1

Name	Anne Hawkins
Address	
Phone	
Email	

Reference 2

Name	Nisha Shah
Address	

Phone



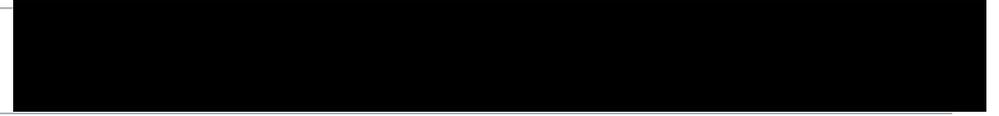
#5d Sheehan Application

Email



Submit your resume

Upload your resume



Sign and submit application

Signature



Date/Time

Mar 05, 2021



LEGAL EXPERIENCE

Habeas Corpus Resource Center, San Francisco, CA *September 2015 – Present*

Habeas Corpus Counsel III

Represent five condemned inmates in their habeas corpus and executive clemency proceedings; draft, file, and argue motions in Superior Court; draft and file writs in the Court of Appeals and California Supreme Court; interview clients, their family members and friends to develop comprehensive, multi-generational social history; prepare witnesses and conduct direct examinations in evidentiary hearings.

Advocates for Children, New York, NY *September 2013 – September 2015*

Skadden Fellow, School Justice Project

Represented students at school suspension hearings and the parents of court-involved, special education students at administrative hearings under the IDEA; conducted community outreach and trainings regarding school discipline; and advocated for policy changes around New York City’s school-to-prison pipeline.

Center for Applied Legal Studies, Washington, D.C. *January 2013 – May 2013*

Student Attorney

Successfully represented a refugee whose application for asylum had been rejected by the U.S. government and was in deportation proceedings before a federal immigration judge; interviewed client, researched and wrote brief for the court, and interviewed and prepared witnesses.

Orrick, Herrington & Sutcliffe LLP, New York, NY *June 2012 – August 2012*

Summer Associate (Permanent Offer Extended)

Conducted legal research and drafted memoranda for attorneys on civil litigation matters; participated in professional development training on legal writing, cost-effective research strategies, and presentation skills.

The Legal Aid Society of the District of Columbia, Washington, D.C. *September 2011 – April 2012*

Legal Intern, Housing Unit

Drafted briefs, motions, memoranda and client correspondence; conducted housing investigations, photographing and documenting housing code violations.

The New York Legal Aid Society, New York, NY *May 2011 – July 2011*

Summer Law Clerk, Criminal Appeals Bureau

Drafted appellate briefs, motions, memoranda and client correspondence; researched constitutional, sentencing and evidentiary issues. Researched statutory changes to penal law and updated agency-wide penal law database.

Advocates for Children, New York, NY *May 2007 – July 2010*

Project Coordinator, Juvenile Justice Project

Drafted impartial hearing requests and prepared attorneys for special education due process proceedings; appeared before Family Court Judges to detail clients’ educational needs and advocate for beneficial dispositions.

EDUCATION

Georgetown University Law Center, Washington, D.C.

Juris Doctor, May 2013

GPA: 3.54; 3L Dean’s List; 2L Dean’s List

Journal: *Georgetown Journal on Poverty Law & Policy*, Editor-in-Chief, Volume XX

Activities: East of the River Youth Court, Intramural Basketball

Trinity College, Hartford, CT

Bachelor of Arts in Political Science, December 2005

Activities: Trinity College Rugby Football Club (Captain, 2005)

AWARDS & FELLOWSHIPS

Fellowship for Emerging Leaders in Public Service (FELPS) *January 2009 – May 2009*

The Research Center for Leadership in Action at NYU Wagner selects fellows based on leadership potential and demonstrated commitment to public service in New York City.

ACTIVITIES

The James P. & Debra Healy Foundation, Norwalk, CT – Board Member *May 2011 – May 2017*

Obama for America, Philadelphia, PA – Staging Location Manager *January 2008 – November 2008*

BAR ADMISSIONS

Admitted to practice law in New York and California



Public Ethics Commission Application

Contact Information

Name	Derrick Wright
Address	[Redacted]
Phone	[Redacted]
Evening Phone	[Redacted]
Email	[Redacted]

Please answer the following questions

Are you an Oakland resident?	Yes
Years of residency in Oakland	1
Your City Council District	District 1
List any City of Oakland Boards or Commissions (including this Commission) on which you currently or have previously served:	None
Have you attended a Public Ethics Commission meeting?	No
Are you currently employed by the City of Oakland or do you have any direct and substantial financial interest in any work, business, or official action by the City?	No
Are you currently or are you planning to run for elective office in Oakland?	No
Are you currently or are you planning to endorse, support or oppose an Oakland candidate or ballot measure?	No

Item #5e Wright Application

Are you currently or are you planning to work on behalf of an Oakland candidate or ballot measure? No

Are you a registered Oakland lobbyist? No

Are you required to register as a lobbyist? No

Do you receive compensation from an Oakland lobbyist? No

Do you receive gifts from an Oakland lobbyist? No

List any languages other than English that you speak fluently. None

How did you hear about this vacancy? Google

Supplemental Questions

1. Why do you want to serve on the Public Ethics Commission?

I want to serve on the Public Ethics Commission because I think its important to give back and try to improve the communities in which we live. I don't just want to merely be critical of city officials and employees and complain about how they perform or do their jobs. I want to be useful, participate and join a team where I can use my time and skill to ensure they are successful and held accountable by ethics law.

Item #5e Wright Application

2. What skills and experience will you bring to the Commission? (Include any governmental experience, activities with civic and business organizations, neighborhood groups, or any other experience that would contribute to your effectiveness as a Commissioner.)

I am a US Marine Combat Veteran, I served in the US Marine Corps as a military policeman during Desert Shield and Desert Storm in Kuwait. I have experience with enforcing military and civilian rules and regulations.

Currently, I am a Substance Use Disorder Social Worker with HUD-VASH/Homeless Programs at the Oakland VA Behavioral Health Clinic. I provide fellow Veteran's with housing assistance and other services, specifically regarding substance use. As a masters degree level social worker, I understand policy but I also understand empathy, compassion and walking a mile in someone else's shoes.

Prior to becoming a social worker, I was a small business owner. From 2002-2012 I operated a small business in Southern California. So I understand the pride and dignity of "pulling yourself up by your bootstraps." I also understand the feeling of not having any straps to pull on because you cant afford boots. This experience gave me strength and taught me how to be creative, resourceful, and resilient but most of all, just do the right thing.

3. What issues, projects, or goals would you like to pursue while serving on the Commission?

While serving on the commission I would like to pursue getting to know the city better, building rapport with colleagues and improving improving ethical practices and transparency in government. I also believe the city can do a better job of managing resources responsibly to improve policing, reduce homelessness and poverty and make the city clean.

4. What do you think are the City's most pressing ethics, campaign finance, or transparency challenges?

I believe that the cities most pressing challenge is to deliver services openly and be completely transparent. This is the only way for it can be effective and efficient. City officials must do better at replying to city residents honestly and in a timely fashion. The City of Oakland also has to be more fiscally responsible with its resources. It must create and maintain concrete financial planning and implement it consistently.

5. What else would you like the subcommittee to know as your application is considered?

Nothing more at this time

Please provide two references

Reference 1

Item #5e Wright Application

Name John Cheng

Address



Phone

Email

Reference 2

Name Eugene Wease

Address



Phone

Email

Submit your resume

Upload your resume

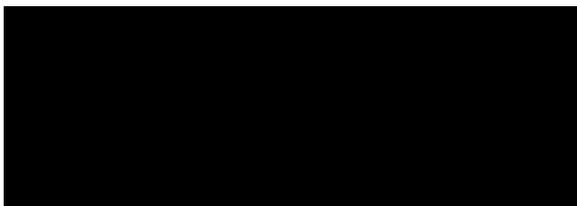


Sign and submit application

Signature



Date/Time Feb 18, 2021

MR. Derrick Anthony Wright**Work Experience:****Oakland VA Behavioral Health Clinic****11/2020 - Present****Salary:** 77,796.00 USD Bi-weekly**Hours per week:** 40**HUD-VASH Substance Use Disorder Specialist****Duties, Accomplishments and Related Skills:**

- * Provide extra support to the HUD-VASH Supervisor and the Homeless Program Coordinator by ensuring programming, including groups, are consistent and responsive to the Veterans' needs.
- *Provide clinical guidance and direction for new staff, HUD-VASH case managers, registered nurses, peer supports, interns, and other positions as applicable.
- *Administrative responsibility for clinical program development and accountable for clinical program effectiveness and modification of service patterns.
- *Collaborate with the other members of the treatment team in the provision of comprehensive health care services to Veterans, ensures equity of access, service, and benefits to this population, ensures the care provided is of the highest quality.
- *Provide leadership, direction, orientation, coaching, in-service training, staff development, and continuing education programs for assigned social work staff.
- *Serve on committees, work groups, and task forces at the facility, VISN and national level, or in the community as deemed appropriate by the supervisor, Social Work Executive or Chief of Social Work Services.
- Complete comprehensive clinical assessments with Veterans and their family members/significant others to fully understand a Veteran's needs and identify treatment goals.
- *Use advanced clinical training, insight, and experience to interpret data and to identify viable treatment options.
- * Utilize available resources and the initial assessment of the veteran's likelihood to accept differing types of assistance, makes initial and continuing decisions regarding use of VA services and referrals.
- *Evaluate practice on an on-going basis through participation in professional peer/quality reviews and discussions, case conferences in Mental Health, and any other organized means as indicated.
- *Initiate and effects changes in methods and interventions to promote efficient practice and improve treatment outcomes.
- *Consult with other specialists in planning treatment for Veterans and with co-morbidities.

*Receives and completes requests for services (consults) from interdisciplinary team members, clinics, and from other professionals on complex, difficult cases, using advanced practice skills and expertise.

Supervisor: Seth Siegle ((510)318 1289)

Okay to contact this Supervisor: Yes

Step Up On Second

03/2020 - 10/2020

Salary: 53,000.00 USD Per Year

Hours per week: 40

VASH Service Coordinator II

Duties, Accomplishments and Related Skills:

- *Complete HMIS homeless survey tool to determine severity of need
- *Perform eligibility assessments to verify eligibility for VA health care services and VASH housing voucher
- *Evaluate for immediate needs such as crisis intervention, medical attention, showers, clothing, food, emergency shelter, etc. Complete assessments, diagnosis, goal plan
- *Assist with housing process from applications, search, move-in.
- * Make appropriate referrals or assist with access.
- *Utilize a Housing First approach to work with Veterans to ensure rapid housing placement and stabilization
- * Identify opportunities for collaborative ventures with local apartment complexes, rental agencies, and owners of rental houses to begin the process of finding local affordable housing for the Veterans.
- *Face-to-Face mental health and clinical interventions/therapy with veterans (1-5 times a week, 2 times a month, etc.) to ensure they are engage in treatment and remain housed.
- *Establish and maintain an intensive therapeutic relationship with the veteran, family, staff, and community programs/agencies, and formulate case-management treatment goals and plans that address identified needs, stressors and problems.
- *Develop appropriate life skills plan, interventions and linkage with Veteran and VA providers.
- *Coordinate interventions with Veterans Administration medical and mental health programs, to ensure services are delivered which will promote housing retention and community integration.
- *Support Veteran once housed to ensure successful transition from the streets to permanent housing.
- *Develop collaborative partnerships with the Los Angeles VAMC, Housing Authorities for the City and the County of Los Angeles, local behavioral health organizations as well as any pertinent referral sources for the Veteran.
- *Collect and track relevant outcomes data of all tenants through the Veterans Admissions forms.
- *Document all clinical case management and psychosocial services and overall effectiveness of services provided, including crisis intervention and progress in VA Electronic Health Record.

Item #5e Wright Application

*Ensure compliance with contract requirements..

Supervisor: Rebecca Ricci ((213) 200-1089)

Okay to contact this Supervisor: Contact me first

SISGI Group

08/2018 - Present

Salary: 0.00 USD Without Compensation

Hours per week: 20

Social Work Intern

Duties, Accomplishments and Related Skills:

*The social work Internship at SISGI Group, provided me with a unique opportunity to gain practical social work experience and leadership skills.

* I had the opportunity to create programs and projects around social problems such as Homelessness, PTSD, Sexual Assault and other social issues that I want to address in my career as a social worker.

*I had the opportunity to network with other interns and program alums, we worked together to create the change we want in our communities and across the globe.

*I was able to participate in management rotations that allowed me to learn general management skills, and focus on research issues and topics that interest me such as development & fundraising, cause marketing, and training & presentation.

Supervisor: Thenera Bailey (201-898-0157)

Okay to contact this Supervisor: Yes

U.S. VETS Initiative

01/2018 - 05/2018

Salary: 0.00 USD Without Compensation

Hours per week: 16

Social Work Intern

Duties, Accomplishments and Related Skills:

*As a social work intern at U.S.VETS, I was given the opportunity to utilize and practice basic micro and macro social work skills.

*Reviewed, proofread, compiled, and edited various grant applications and proposals.

*Responsible for collecting, entering, reviewing and interpreting data from various sources.

*Managed corrective action plans, operation reports and site budgets.

*Attended Los Angeles City and County public hearings on homelessness initiatives and provided support to the Vice President of Operations and Compliance and other headquarters staff as required.

Supervisor: Jessica Rohac (702-423-9283)

Okay to contact this Supervisor: Yes

Providence Tarzana Medical Center

08/2014 - 08/2015

Salary: 58,000.00 USD Per Year

Hours per week: 40

Supervisor On Site Access

Duties, Accomplishments and Related Skills:

- *Supervised access care services on-site operations with focus on accurate registrations.
- *Provided superior customer service, high employee satisfaction and maximized reimbursement.
- *Ensure that the department was adequately staffed at all times to facilitate patient care, including providing 24/7 on-call support to resolve staffing or emergent department issues.
- *Track key performance indicator metrics and take action on outcomes including data accuracy, patient satisfaction, compliance measures/requirements.
- *Improved point of service collections and patient wait times to maximize performance, and ensure revenue cycle goals are met or exceeded.
- *Responsible for the operations of all departmental budgets; including budget development, monitoring, cost approval, reconciliation of expenditures and discrepancies.
- *Ensured compliance with federal, state, local laws, hospital standards and agency regulations.
- *Represent access care services and revenue cycle at facility-based meetings.
- *Support the integration of access care and revenue functions with facility processes to optimize outcomes and the patient experience.
- *Primary responsibility for department disaster and contingency planning; develop and mentor coordinators and staff.

Supervisor: Maria (8188810800)

Okay to contact this Supervisor: Yes

Planned Parenthood Pasadena & San Gabriel Valley

10/2013 - 02/2014

Salary: 24.00 USD Per Hour

Hours per week: 40

Assitant Clinic Manager

Duties, Accomplishments and Related Skills:

- *Effectively coordinated with the Health Center Manager in all aspects of health center functions and patient care.
- *Ensured all OSHA, Title X, UHPP, and PPFA guidelines and protocols are followed regarding all services; Including but not limited to personnel, fiscal, risk management, safety, pharmacy and quality assurance.
- *Provided training and supervision of volunteers and staff as indicated.
- *Prepare and submit, when requested, necessary reports.

- *Responsible for the inventory and ordering of all clinic supplies.
- *Ensured appropriate scheduling of patients, and provided consultation, problem solving and monitoring of performances and evaluations.
- *Participated in the selection of personnel (volunteer and staff) for the clinic.
- *Recommended and implemented training needs, employee corrective actions and retraining plans.
- *Coordinated, with the health center manager to schedule all health center staff personnel leave.
- *Participated in a team approach to patient care, being cognizant of and responsive to the needs of patients and all health center personnel, including clinicians, in the clinic setting.
- *Participated in and ensure training of new employees.
- *Participated in conferences, health fairs and workshops as requested.
- *Manage the health center efficiently and effectively; being aware of agency and budget, profit, loss, staffing needs, mission, goals and direction.
- *Attained annual health center fiscal goals in revenue, expenses, and contribution margin.
- *Monitored training for any and all duties that could be assigned to center's HCA I, II or III.
- *Assured appropriate maintenance of the clinic and facility.
- *Participated in periodic management meetings at the affiliate-wide level.
- *Assured appropriate steps in order to ensure staff safety.
- *Perform all other duties as assigned by the Health Center Manager, VP for Operations and/or the Chief Executive Officer.

Supervisor: Cheryl Pogue (6267980706)

Okay to contact this Supervisor: Yes

Wrights Kung Fu

11/2002 - 12/2017

Salary: 0.00 USD Fee Basis

Hours per week: 20

Chief Instructor

Duties, Accomplishments and Related Skills:

- *Established, created, operated and managed all aspects of a small business.
- *Created and implemented martial art, health & fitness, and safety programs for children, adults, families and seniors.
- *Interview, hire, train, coach, and evaluate instructors, and program coordinators.
- *Responsible for creating and managing monthly, and annual events.

*Responsible for creating sales & marketing programs to increase client recruitment, retention and gain referrals.

*Established daily, weekly and monthly enrollment and budgetary goals.

Conducted payroll functions in concert with the contracted accountant as well as accounts account payable.

*Managed account receivables with client payment processing agencies and past due accounts with collection agencies.

*Managed and maintained equipment and supply inventory , rapport building with local YMCA locations, elementary & middle schools, and after school programs to provide child safety, bully prevention and basic martial arts training to the community.

Supervisor: Self Employed (3238755449)

Okay to contact this Supervisor: Contact me first

Education:

University of Southern California Los Angeles , CA United States

Master's Degree 4 /2019

GPA: 3.67 of a maximum 4.00

Credits Earned: 60 Semester Hours

Major: Social Work **Minor:** Military and Veterans

Relevant Coursework, Licenses and Certifications:

Focus on military, veterans and social change

California State university Dominguez Hills Carson, CA United States

Bachelor's Degree 8 /2012

GPA: 3.35 of a maximum 4.00

Credits Earned: 136 Semester Hours

Major: Behavior Science **Minor:** Psychology

Relevant Coursework, Licenses and Certifications:

Social Organizations, Comparative Cultures, Language and Culture, Developmental Psychology, Seminar in Behavior Science, Public Opinion & Propaganda, Anthropological Theories of Psychology Women Class & Race, Social Change in Modern Latin America, Perspective in American Culture, Cultural Pluralism, Human Struggle, Introduction to Philosophy Ethnic-Minority Relations, Anthropology-Psychology, Public Speaking, Logical Critical Thinking, Personal and Social Development

Santa Monica College Santa Monica, CA United States

Associate's Degree 8 /1997

GPA: 2.5 of a maximum 4.00

Credits Earned: 60 Semester Hours

Major: Liberal Arts

Central High School Cape Girardeau, MO United States

High School or equivalent 6 /1987

GPA: 2.5 of a maximum 4.00

Major: General Education

Relevant Coursework, Licenses and Certifications:

Basic Education

Job Related Training:

Motivational Interviewing 05/2019

Cognitive Behavior Therapy 05/2019

Problem Solving Therapy 05/2019

Art Therapy 05/2019
 Crucial Conversations 03/2008
 Criticism and Discipline Skills for Managers 11/2002
 Medical Legal Aspects of Health Information 11/1999
 EMTALA Seminar 12/2001

Affiliations:

National Association of Social Workers - Social Worker

References:

Name	Employer	Title	Phone	Email
Matthew Overholser	Unknown	Bookkeeper		
John Cheng (*)	South Coast Medical Group	Physician		
Solomon Smith (*)	Seven Stars Martial Arts	Martial Arts Teacher		
Thenera Bailey (*)	SISGI Group	President/CEO		
Ileana Naranjo	SISGI Group	APYD Team Lead		
Jessica Rohac Bazy (*)	United States Veterans Initiative	Vice President of Operations and Compliance		

(*) Indicates professional reference

Item #6 - Staff Memorandum



Michael MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie F. Johnson, Enforcement Chief
DATE: January 25, 2020
RE: Case No. 20-03 (a); In the Matter of Everette Cleveland prepared for the April 5, 2021 Commission meeting.

I. INTRODUCTION:

On or about January 7, 2020, Former Assistant City Administrator Maraskeisha Smith (Smith) reported to the Public Ethics Commission (PEC) Staff that the City Attorney had contacted her about Housing Development Coordinator (HCD), Everette Cleveland Jr.'s (Respondent) alleged violation of the Government Ethics Act. As the Assistant City Administrator, Smith was the Respondent's supervisor. The City Attorney informed Smith, by letter, that two HCD staff members violated conflicts of interest ordinances when they decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 "Notice of Funding Availability" (NOFA) program. (Norma Thompson was also named in the report and the PEC prepared a separate Case Analysis and Recommendation Case No. 20-03 (b))

The Respondent was alleged to have taken part in the decision-making process regarding NOFA applications submitted by a nonprofit housing development company called Community Housing Development Corporation (CHDC), whose executive director – Don Gilmore – is also Cleveland's father-in-law.

The PEC investigation found that Cleveland influenced or attempted to influence the review of NOFA applications submitted by CHDC. It does not appear that he specifically intended to confer an undue benefit on CHDC. Cleveland's supervisors were aware of his potential conflict but did not remove him from working on CHDC applications until midway through the NOFA process; even then, Cleveland was only instructed not to directly score CHDC applications, but does not seem to have been instructed to avoid influencing the review of those applications altogether.

The investigation also found that Cleveland, although required to file an annual Statement of Economic Interest in 2019, failed to file a Form 700.

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Staff recommends that the Commission allow Cleveland to enter into a Diversion Agreement. If Cleveland pays the fees associated with the Diversion Agreement and successfully completes the specified provisions of his agreement, in a timely manner, the Commission will close the allegations against Cleveland.

II. SUMMARY OF LAW:

All statutory references and discussions of law pertain to the referenced statutes and laws as the existed at the time of the violations.

O.M.C. 2.25.040 (A): Financial Conflicts of interest: A public servant is prohibited from participating in making or influencing a decision in which he or she has a financial interest, as defined by the CA Political Reform Act. (CA PRA)

O.M.C. 2.25.040 (B): Elected officials and designated public servants are required to file a Form 700 Statement of Economic Interest pursuant to the CA PRA.

O.M.C. 2.25.060 (A)(2): Misuse of City Position: A Public Servant is prohibited from using his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

O.M.C. 2.25.070 (D): A public servant may not make or influence an employment or contract action involving a relative, as defined.

O.M.C. 2.25.030 (E): Definitions: A relative is any person who is related with in the third degree by blood, marriage, or contract, and includes a spouse, domestic partner, parent, grand parent, child, sibling, parent-in-law, aunt, uncle, niece, nephew, first cousin or any similar step relations.

III. OVERVIEW OF THE NOFA PROCESS

The NOFA is an awarding of loan funds from the City of Oakland for the construction, rehabilitation or preservation of affordable housing development projects. The program is administered by HCD, which submits its funding recommendations to the City Council for final approval. Funds are awarded on a biennial basis. In the 2019-2020 City budget, the amount of NOFA funds to be awarded was estimated to be \$19,033,959.

In 2019, NOFA consisted of two separate NOFAs that were awarded at the same time: one for New Construction of Multifamily Affordable Housing, and one for the Acquisition, Rehabilitation, and Preservation of Multifamily Affordable Housing. Nonprofit housing developers were eligible to seek funds for up to two separate projects under each NOFA, meaning that a developer could potentially

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seek funds for a maximum of four of their projects under the 2019 NOFA. Each project required a separate application, even if they belonged to the same developer.

The NOFA process began with the publishing of the NOFA guidelines, detailing what type of projects the City would fund as well as the application requirements. Prior to publication, the NOFA guidelines were drafted by HCD staff and incorporating input from City officials and private sector advisors.

Once NOFA applications were received, HCD staff reviewed those applications in two phases. The first phase – referred to in this report as a “threshold” or “completeness” review – determined whether the applications included all of the necessary information and met the City’s minimum qualifications. The reviewer would then send a letter to the applicant informing them of any outstanding information needed to complete the application. The second phase – referred to in this report as the “scoring” phase – consisted of detailed staff evaluation and ranking of applications per the criteria outlined in the NOFA guidelines.

During both the threshold and the scoring phases, applications were reviewed by a handful of HCD staffers and consultants. Each reviewer typically handled three or four applications apiece, and generally (but not always) reviewed the same set of applications during both phases. Decisions regarding who would review each application were made by HCD staff as a group, with final approval by the HCD Unit Manager/Housing Development Manager.

Both phases of the NOFA application review also involved HCD staff meetings where applications were discussed. During the threshold phase, the meetings concerned questions regarding whether certain submissions made by applicants satisfied the completion criteria. During the scoring phase, the reviewer would present the scores they had assigned to different parts of the application, for the purpose of ensuring that HCD staff was scoring applications consistently and to address any special issues that the reviewer may have encountered.

HCD staff and the respondents characterized the scoring of NOFA applications as more of a technical application of objective criteria, rather than a subjective appraisal of the merits of a particular project. Decisions to award NOFA funds are based on final tabulated scores and availability of funds. (The project with the highest score is awarded the full amount they requested). There is no such thing as a “vote” within HCD to decide which projects get approved for funds; it all depends on the scoring of a project relative to the scores received by other projects.

The next step in the NOFA process was the drafting of the City Council agenda report, which detailed the funding recommendations that had been made by HCD staff. Funding recommendations were based by ranking applications based on their final scores; staff did not “vote” *per se* on which applications should be ranked over others. The City Council would then vote to approve the staff recommendation.

IV. SUMMARY OF EVIDENCE:

Everett Cleveland, Jr., was hired at HCD in May 2018, as a Housing Development Coordinator IV. It was his first time working for the public sector. Previously, he had worked at a nonprofit housing developer. The Respondent is also the son-in-law of Don Gilmore, who is Executive Director of the nonprofit Community Housing Development Corporation (CHDC). Gilmore has been Cleveland's father-in-law since 2007. Neither the Respondent nor his wife received any income from CHDC¹, nor does the Respondent have any other relatives besides Gilmore who work at CHDC.

The Respondent was hired at HCD by Antoinette Pietras, who was then Housing Development Manager. (Pietras passed away shortly after Cleveland joined the City). She was the one who interviewed him, and the only person with whom he interfaced personally during the hiring process. According to the Respondent, there was an understanding when he was hired that he would take the lead on managing the 2019 NOFA process. The topic of the Respondent's relationship to Gilmore never came up during the hiring process, though he told the PEC that it was common knowledge among HCD staff at the time he was hired that Gilmore was his father-in-law. (Gilmore was known to HCD staff from his long-standing role as an affordable housing developer). According to the Respondent, his relationship to Gilmore was never a subject of concern until late in the 2019 NOFA process.

The Assistant City Administrator informed PEC Staff that the Housing Department did not have a formal policy on potential conflicts of interest in the NOFA selection process. Smith was not aware of any conflicts policy, written or otherwise, provided to the Respondent, nor did she recall any formal policy on avoiding an appearance of impropriety in the NOFA selection process.

The Respondent was the "lead facilitator" of the 2019 NOFA process, from the guideline revision phase until the initial drafting of the City Council staff report. He was assigned that role by Pietras. As the lead facilitator, he essentially acted as a project manager – he scheduled HCD staff meetings regarding the NOFA, answered staff questions about how to interpret the NOFA guidelines, ensured that staffers were meeting their internal deadlines, and tracked scoring decisions in a master spreadsheet.

During the drafting of the NOFA guidelines, the drafting team consulted with the Mayor's Housing Cabinet, of which Gilmore was a member. The input from the Mayor's Housing Cabinet was given at a meeting of that group, attended by the Respondent and HCD Deputy Director Leshin, though Gilmore directed his input to the whole group. According to e-mails reviewed by the PEC, Gilmore's input specifically related to equity aspects of the NOFA process. There is no evidence in the e-mails and text messages reviewed by the PEC of any direct communication between Gilmore and the Respondent about the guidelines. According to the Respondent, the subject of a possible conflict with his father-in-law did not come up during the time that he was revising the NOFA guidelines.

¹ Gilmore did provide the Respondent and his wife with a \$5,000.00 cash gift in April 2018 towards the down payment on their house; this was one month prior to the Respondent's employment at the City.

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While drafting the NOFA guidelines, the Respondent would discuss the draft with other HCD staffers. The draft was then presented to Deputy Director Leshin for review and approval; the Respondent did not have final say over the contents of the guidelines. Following publication of the NOFA, the Respondent facilitated a public workshop regarding the requirements of submitting a completed, thorough NOFA application. There was a brief question-and-answer session at the end, but the substance of the workshop was limited to the general guidelines; no individualized advice on particular applications was given because no applications had been completed or submitted at that point.

During the threshold review phase, the Respondent was assigned to review several applications. One of those applications was submitted by CHDC for its project at Harp Plaza. The Respondent was assigned to that application because Harp Plaza was an already-existing (“pipeline”) project which he had been managing on behalf of HCD since before the 2019 NOFA.² (Harp Plaza had been a recipient of NOFA funds in 2017, and was now seeking additional funding in support of the project). According to the Respondent, it was common for HCD staffers already assigned to an existing project to perform the threshold review on that project if they were seeking 2019 NOFA funds; the idea was that the staffer was already familiar with the project and therefore could more easily review the application.

The Respondent wrote a letter to CHDC during the threshold review of its Harp Plaza application, letting them know what further information they needed to submit or clarify. This was standard procedure during the NOFA, in that every other Housing Development Coordinator did the same for the applications that they were reviewing.

Before the scoring phase of the NOFA began, Katz Mulvey was promoted to Unit Manager. She subsequently met with Leshin to review the list of which staff members would score each NOFA application that had passed the threshold review. In reviewing the list, Katz Mulvey noted that the Respondent was assigned to score the Harp Plaza application even though Gilmore was his father-in-law. She flagged this as a potential conflict of interest, and she and Leshin decided to reassign the Harp Plaza application scoring review to another staffer (Janet Howley, a consultant brought on to help with the NOFA). This decision was communicated to the Respondent, along with an instruction not to score any other CHDC applications. Cleveland did not object to the reassignment.

During the subsequent scoring phase of the NOFA process, the Respondent scored two NOFA applications, neither of which were CHDC applications.

² The Respondent had been assigned to facilitate the Harp Plaza project by then-Housing Development Manager Antoinette Pietras. There was no discussion at that time about a potential conflict given that Gilmore was the Respondent’s father-in-law, though it was common knowledge at HCD that Gilmore and he were related.

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CHDC had submitted four applications in total under the 2019 NOFA. Other HCD staffers besides the Respondent conducted the threshold reviews of the other three (non-Harp Plaza) CHDC applications. The Respondent told the PEC that he only discussed those applications during staff meetings, in the same context as with other NOFA applications: to make sure the threshold reviews were consistent across all applications without giving a “special advantage” to one project over another. He does not recall ever disagreeing with another staff member about whether CHDC had fulfilled its threshold requirements on any of its applications.

According to the Respondent, due to the group meetings there was “no need” to come to him individually with questions about a particular application, and in any event, it was “not my role” to make “unilateral decisions.” He did confirm that he discussed all four of the CHDC applications at staff meetings, just as he did with non-CHDC applications. HCD staffers attending those meetings included Cleveland, Thompson, Janet Cowley, Ahmed Conde, and sometimes Katz Mulvey. The Respondent told the PEC that he did not weigh in on any applications during those meetings that he did not personally review. Instead, he took notes on what the other reviewers were doing and documented their decisions into a master spreadsheet.

The Respondent also told the PEC that, outside of the staff meetings, he provided “no input whatsoever” on the scoring of any CHDC applications. Cleveland’s internal e-mails largely verify this. However, there are some instances where – by request of, or in coordination with, other HCD staffers – he weighed in on potential scoring issues on CHDC applications, contacted other City departments to obtain information necessary to score CHDC applications, or reaches out to CHDC to obtain the required documentation or clarification would allow them to receive a higher score.

When asked about this discrepancy between his claim to the PEC that he did not weigh in on CHDC applications outside of meetings, and the evidence of his e-mails, the Respondent clarified that he would give input in a “general context” based upon “NOFA guidelines” because, as the one who had put the guidelines together and therefore had the most knowledge of them, he was responsible for answering such questions. When a staffer would ask him such a question, he would turn to the NOFA guidelines and give an answer based on that.

When scores on all NOFA applications were completed, the Respondent consolidated them into a master spreadsheet. The HCD Director then reviewed the information. The Respondent then wrote the first draft of the City Council staff report, describing HCD’s funding recommendations based on the application scores. He did not finalize the staff report after working on the initial draft, because at that point he was asked to step away from the NOFA process entirely due to the issue of his potential conflict of interest involving Gilmore.

The Respondent has not been specifically involved in any CHDC projects since this matter became an issue. When asked by the PEC if he ever had a personal hesitation about working on CHDC applications, the Respondent said he did not, because in his mind he was not doing anything different from other Housing Development Coordinators. He also never discussed “NOFA stuff” with Gilmore

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outside the office because they did not want to cause any problems with the processing of CHDC applications. When asked if he was ever concerned about the appearance of impropriety, he said no, because he is a “worker bee” and does what he is instructed to do. He said such concerns are a matter for his supervisors, not for him.

In 2019, CHDC, The Respondent’s Father-in-Law’s non-profit, was selected to receive one or more of the NOFA project funding. A report or tip was sent to the City Attorney regarding the selection process. The City Attorney reviewed the facts of the allegations and contacted the Housing Department and the Assistant Administrator Smith and informed her that the that funding awarded to DHDC cannot be approved and must be revoked because of the conflict of interests. As a result of the City Attorney’s decision, CHDC’s funding award was rescinded.

During the investigation, PEC staff confirmed that as of March 17, 2020, the Respondent had not filed any Form 700s. In an interview, he told the PEC that he is familiar with a Form 700, and that he had filed one. When asked when he filed that form, and he said it was around the time he received a letter from Public Ethics about this investigation. Prior to that, no one had ever informed him that it was his responsibility to fill out a Form 700. The Respondent’s only Form 700 was filed on March 30, 2020.

V. ANALYSIS

The evidence obtained during the investigation established that the Respondent, in his official capacity, participated in the decision of the Housing Department to grant NOFA funding to various non-profit candidates. Although the Respondent was adamant that he did not weigh in on any applications during meetings to evaluate NOFA candidate applications, other than those he personally reviewed. Evidence to the contrary established that by request of, or in coordination with, other HCD staffers -- he weighed in on potential scoring issues on CHDC applications, contacted other City departments to obtain information necessary to score CHDC applications, or reaches out to CHDC to obtain the required documentation or clarification would allow them to receive a higher score.

The Respondent also participated in scoring other NOFA applicants. Grading and reviewing other NOFA applicants which created a potential conflict of interest for the Respondent because the opportunity to score or advocate for scoring other applicants lower or differently to provide an advantage to his father-in-law’s nonprofit, remained a possibility.

A City employee is prohibited from making or influencing a contract action involving a relative. Most city governments and agencies have rules against nepotism and Oakland is no different. The Respondent was aware that his father-in-law’s non-profit CHDC submitted an application for NOFA Funds. The NOFA process is the awarding of a contract loan from the City of Oakland for the funding of construction, rehabilitation or preservation of affordable housing development projects. In this case, the Respondent violated the City’s nepotism ordinance when he participated in or influenced the decision to recommend NOFA funding to a particular applicant.

Item #6 - Staff Memorandum

Designated City employees are required to file Statement of Economic Interest Form 700 to openly disclose any economic interests that may present a conflict of interest. The Form 700 is a relatively simple form that requires a public servant to self-report any and all economic interests (including those of a spouse or family member) that may impact their employment with the City of Oakland. Here, the Respondent failed to timely file a Form 700 for the year 2019 until well after the Public Ethics Commission Enforcement Staff contacted him.

Under the provisions of the Government Ethics Act, a Public Servant may violate conflict of interest laws when he or she uses or attempts to use their official position to influence a decision when he or she contacts or appears before any official in his or her agency for the purposes of affecting a decision in which they have a financial interest.

Further, a City employee is prohibited from making, participating in making or influencing a decision of the City when he or she has a financial interest in the decision. On the facts gathered in the investigation, it appears that the Respondent did not have a direct financial interest in the decision to recommend awarding the NOFA funding.

There was no evidence that Cleveland received any funds, fees or kickback when CDHC was initially awarded the NOFA funding. There was no evidence that the Respondent's father-in law promised to make a payment or provided a payment (or any other thing of value) upfront to the Respondent in exchange for a favorable recommendation to the City Council for a NOFA funding. In the absence of any evidence to establish the Respondent's financial interest, there is insufficient evidence to show that the Respondent violated any provision of the Government Ethics Act for Financial Conflicts of Interests.

VI. VIOLATIONS

Count 1: Misuse of City Position

A City employee violates the Government Ethics Act when he or she uses his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

Between January 2019 and December 2019, the Respondent Everett Cleveland, violated O.M.C. 2.25.060 (A)(2), by using his position in a manner intended to induce a private advantage or economic gain to another person.

Count 2: Prohibition Against Nepotism

Item #6 - Staff Memorandum

A City employee violates the Government Ethics Act when he makes or influences a contract action involving a relative.

Between January 2019 and December 2019, the Respondent, Everette Cleveland Jr., violated Section 2.25.070 (D) making or attempting to influence a NOFA application selection process.

Count 3: Failure to File Financial Interest Form (F700)

A designated City employee violates the Government Ethics Act when he or she fails to file a Form 700 Statement of Economic Interest.

The Respondent failed to file a Financial Interest Form 700 for the year 2019, pursuant to the CA PRA and in violation of O.M.C. 2.25.040 (B).

VII. PROPOSED PENALTY

This matter consists of three violations of the Government Ethics Act (GEA), which carries a maximum administrative penalty of \$5,000 per violation or up to three (3) times the amount the person failed to report properly, or expended, gave, or received, whichever is greater.

The PEC considers several factors to determine the appropriate penalty, including, but not limited to, the following factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern
5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent.

The Public Ethics Commission has an independent obligation to determine the penalty merited by the Respondent's violation of the GEA. And, although the Commission has often concluded that the guideline penalty is sufficient to vindicate the Commission's interests in regulating violations of GEA, the Commission is free to impose a different sanction if that is appropriate. In this case, Staff recommends that the Commission impose a different sanction, a Diversion Agreement.

Aggravating Factors

1. The respondent did not recuse himself from the application review process.

Mitigating Factors:

1. The Respondent cooperated with Enforcement Staff's investigation into this matter.
2. The Respondent was new to his position with the City.
3. The Department failed to provide Cleveland training on conflicts of interests.
4. The Department did not have a written policy, nor did it inform Cleveland on recusal due to conflicts of interest.
5. The Respondent made an effort to not directly review or approve his father-in-law's application.
6. The Respondent's supervisors were aware of the relationship between Cleveland and his father-in-law applicant and did not take action to resolve the conflict until later in the process.
7. Although untimely, the Respondent eventually filed a Financial Interest Form 700.

The purpose of administrative penalties like those provided in the Government Ethics Act is to promote transparency, gain compliance with the City Ordinance requirements and protect the public from Public Servants who have not discharged, will not discharge or are unlikely to properly discharge their professional duties. In this case, lack of knowledge of the law is not a defense to a Government Ethics Act violation. In fact, the facts establish Cleveland was vaguely aware of the potential conflict of interest and eventually attempted to mitigate the conflict by not directly reviewing his father-in-law's application. Here, most of the Respondent's actions, if not all, were performed with the full knowledge of his department supervisors. Not until later in the application review process did the Respondent's Supervisors recognize the potential conflict of interest.

This is a case where the failure of the department to provide sufficient training and oversight informed the choices that Cleveland made. As a result of the department's failure to provide training, staff recommends that Cleveland enter a Diversion Agreement with the Commission pay an imposed fee and agree to successfully complete trainings on conflicts of interest and related policies.

V. CONCLUSION AND RECOMMENDATION

There is probable cause that the Respondent violated Count 2 Financial Conflict of Interest, Count 1 Misuse of City Position, Count 2 Prohibition Against Nepotism and Count 3 Failure to File Form 700 when he participated in the decision to recommend a grant of NOFA funding, knowing that his father-in-law's non-profit was a candidate in the applicant pool.

To resolve this case, Staff recommends that the Commission approve a Diversion Agreement to counts 1, 2, and 3. A diversion program will provide the Respondent with the essential training and services that can address the underlying cause that contributed to his violations of the Government Ethics Act. By targeting the underlying issue of lack of training and department policies, a diversion

Item #6 - Staff Memorandum

program can improve long-term compliance with City ordinances and ensure effective execution of City policies and laws.

Item #6 - Proposed Diversion Agreement

1 Kellie F. Johnson
Enforcement Chief
2 CITY OF OAKLAND PUBLIC ETHICS COMMISSION
1 Frank Ogawa Plaza, Rm. 104
3 Oakland, CA 94612
Telephone: (510) 238-4976
4

5 Petitioner

6 BEFORE THE CITY OF OAKLAND

7 PUBLIC ETHICS COMMISSION
8

9 In the Matter of

) Case No.: 20-03 (a)

10 EVERETT CLEVELAND Jr.,

) **Diversion Agreement**
)
)

11 Respondent.
12
13

14
15 Petitioner, the Enforcement Unit of the City of Oakland Public Ethics Commission (PEC), and
16 Respondent, Everett Cleveland Jr., enter into the following Diversion Agreement pursuant to
17 O.M.C. 2.24.030.

18 **DIVERSION ELIGIBILITY**

19 The Respondent is eligible for and that this matter may be resolved by diversion, in that:

- 20 (a) the allegation against Respondent does not involve misappropriation of City funds
21 or property; or the commission of a misdemeanor or felony under California law;
 - 22 (b) the violation by Respondent appears to be the result of inadequate departmental
23 controls and lack of training education; and
 - 24 (c) there appears to be a reasonable likelihood that the successful completion of a
25 remedial program will prevent the recurrence of violations by Respondent similar to
26 that under consideration for diversion.
- 27
28

Item #6 - Proposed Diversion Agreement

DIVERSION STIPULATIONS:

- 1
2
3 1. This Diversion Agreement resolves all factual and legal issues raised in this matter and
4 represents the final resolution to this matter without the necessity of holding an
5 administrative hearing to determine the liability of Respondents;
6
- 7 2. In exchange for his entry into the Diversion Agreement, admission to the counts named
8 in this agreement, and completion of the terms of the Diversion Agreement, the
9 Commission, if approved, will close this matter with no further penalty.
10
- 11 3. Respondent knowingly and voluntarily agrees to enter diversion and waive all
12 procedural rights under the Oakland City Charter, Oakland Municipal Code, and Public
13 Ethics Commission Complaint Procedures, including, but not limited to, the right to
14 personally appear at an administrative hearing held in this matter, to be represented by
15 an attorney at their own expense, to confront all witnesses testifying at the hearing, to
16 subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed;
17
- 18 4. This Diversion Agreement is not binding on any other law enforcement agency, and
19 does not preclude the Commission or its staff from referring the matter to, cooperating
20 with, or assisting any other government agency with regard to this matter, or any other
21 matter related to it;
22
- 23 5. There is probable cause to establish that the Respondent violated the Government Ethics
24 Act by engaging in the following conduct: a). using his position in a manner intended to
25 induce a private advantage or economic gain to another person., in violation of the
26 Oakland Municipal Code section O.M.C. 2.25.060 (A) (2) (Misuse of Position); b).
27 making or attempting to influence a NOFA application selection process involving a
28 relative in violation of O.M.C. 2.25.070 (D) (Prohibition Against Nepotism); and c).

Item #6 - Proposed Diversion Agreement

1 failure to file a Form 700 Statement of Economic Interests for the year 2019 in violation
2 of O.M.C. 2.25.040 (B).

3 **DIVERSION AGREEMENT TERMS**

- 4
- 5 1. The term of this agreement shall be for six (6) months, beginning on May ____, 2021, and
6 shall terminate on November ____, 2021, or until Respondent has satisfied all of the
7 requirements of this agreement, whichever is later.
- 8
- 9 2. The proposed Diversion Agreement is subject to approval by the Public Ethics
10 Commission.
- 11
- 12 3. The respondent agrees that in the event the Commission refuses to approve the proposed
13 Diversion Agreement, it shall become null and void.
- 14
- 15 4. In the event the Commission rejects the proposed Diversion Agreement and a full
16 evidentiary hearing before the Commission becomes necessary, no member of the
17 Commission shall be disqualified because of prior consideration of the diversion
18 agreement.
- 19
- 20 5. During the term of this agreement, Respondent shall attend and successfully complete
21 the following trainings:
- 22 i. Government Ethics Act Training for Form 700 Filers, in coordination with
23 Public Ethics Commission staff to ensure course completion,
- 24 ii. Conflicts of Interest Training provided by PEC staff, and
- 25 iii. One-hour follow-up in-person training with PEC staff.
- 26
- 27 6. Respondent acknowledges that a failure to complete this requirement timely may be
28 grounds for the extension or termination of this agreement by the PEC.

Item #6 - Proposed Diversion Agreement

- 1
- 2 7. The Respondent agrees to pay a Diversion Program Fee of \$150, payable to the City of
- 3 Oakland upon entry into the Diversion Agreement by money order or cashier's check.
- 4 Any costs associated with the remedial program shall be borne by Respondent.
- 5
- 6 8. Respondent is responsible for the timely submission of all completion certificates
- 7 required by this agreement and must communicate the completion of all requirements to
- 8 the PEC.
- 9

COMPLIANCE AND DISPOSITION

- 10
- 11
- 12 1. Any failure by Respondent to comply with any term of this agreement or any
- 13 subsequent complaint that alleges that the Respondent violated a provision of Oakland's
- 14 Government Ethics Act in a matter unrelated to the facts stipulated to in this diversion,
- 15 is a basis for the extension or termination of this agreement by the PEC.
- 16
- 17 2. In the event the PEC has a reason to believe that there is such a basis to extend or
- 18 terminate the agreement, Respondent acknowledges that the PEC shall provide the
- 19 Respondent with an opportunity to be heard through written submission concerning the
- 20 alleged non-compliance. Thereafter, the PEC staff shall determine whether to terminate
- 21 or extend this agreement and, if so, shall refer the matter to the PEC for review.
- 22
- 23 3. In the event that the Respondent fails to comply with the terms of this agreement, he
- 24 agrees that the following facts shall be deemed true in any subsequent hearing:
- 25
- 26 a. On or between January 2019 and December 2019, Respondent, Everett Cleveland Jr.
- 27 attempted to use his official position to influence the Housing Department's decision
- 28

Item #6 - Proposed Diversion Agreement

1 to approve his father-in-law's (Don Gilmore) non-profit Community Housing
2 Development Corporation's NOFA application for funding.

3
4 b. Between January 2019 and December 2019, the Respondent Everett Cleveland Jr.,
5 used his position in the Housing Department as a Housing Development Coordinator
6 in a manner intended to induce a private advantage or economic gain to another
7 person, Don Gilmore and the community Housing Development Corporation.

8
9 c. Between January 2019 and December 2019, the Respondent, Everett Cleveland Jr., a
10 City of Oakland Housing Development Coordinator, made or attempted to influence a
11 NOFA application selection process involving a family member, Don Gilmore.

12
13 d. The Respondent, Everett Cleveland Jr. failed to timely file a Financial Interest Form
14 700 for the year 2019.

15
16
17 4. Notification: During the term of this Diversion Agreement, Respondent shall notify the
18 PEC, in writing, of any change of e-mail address, mailing address, or telephone change
19 within 10 days of the change.

20
21 5. This Diversion Agreement is a deferral of enforcement proceedings, fines and penalties.
22 If, in the sole discretion of the PEC, Respondent complies with all the terms of this
23 agreement through the duration of the agreement, the matter/complaint shall thereafter
24 be closed and shall not be considered a prior PEC offense in any subsequent PEC
25 proceeding against him/her. The stipulated facts contained in this agreement will serve
26 as your admission to the alleged violation(s). If the terms of this agreement are violated,
27 the enforcement action will proceed, and the stipulated facts contained in this agreement
28 will serve as your admission to the alleged violation(s).

Item #6 - Proposed Diversion Agreement

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6. The parties acknowledge that this Diversion Agreement, Respondent’s compliance with the Agreement, and the disposition of this proceeding upon completion or termination of the Agreement, are matters of public record. He further acknowledges that the Complainant will be made aware that this matter was resolved through a diversion agreement.

Dated: _____

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

I, (Everett Cleveland Jr.), attest that the statements contained in the diversion agreement are true and correct, and that I agree to the above terms.

Dated: _____

Everett Cleveland Jr., Respondent

Print Name: _____

Item #6 - Proposed Diversion Agreement

ORDER OF DIVERSION

The foregoing Diversion Agreement of the parties (Case No. 20-03(a)), including all attached exhibits, is hereby accepted as the Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Michael MacDonald, Chair
City of Oakland Public Ethics Commission



Michael MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie F. Johnson, Enforcement Chief
Simon Russell, Investigator
DATE: January 25, 2020
RE: Case No. 20-03(b) ; In the matter of Norma Thompson prepared for the April 5, 2021, Commission meeting

I. INTRODUCTION:

On or about January 7, 2020, this matter was referred to the PEC by the City of Oakland’s Assistant City Administrator Marakiesha Smith. Smith had received a letter from the Oakland City Attorney that informed her that two City of Oakland Housing Community Development (HDC) staff members violated conflicts of interest ordinances when they decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 “Notice of Funding Availability” (NOFA) program.

One of the HCD staff members identified in the City Attorney’s letter was Norma Thompson. (Everette Cleveland was also named in the report and the PEC prepared a separate Case Analysis and Recommendation) The allegation is that Thompson was working as a paid consultant for Community Housing Development Corporation (CHDC) at the time that she took part in the decision-making process regarding CHDC’s 2019 NOFA applications. The PEC also proactively inquired into whether Thompson may have violated any of the revolving-door provisions of GEA through her consulting work with CHDC.

The investigation also found that Thompson failed to file a Form 700 when she rejoined the City in 2019 and that she failed to file a Form 700 upon leaving office.

Staff recommends that the Commission allow Thompson to enter into a Diversion Agreement. If Thompson pays the fees associated with the Diversion Agreement and successfully completes the specified provisions of his agreement, in a timely manner, the Commission will dismiss and close the allegations against Thompson.

II. SUMMARY OF LAW:

All statutory references and discussions of law pertain to the referenced statutes and laws as they existed at the time of the violations.

O.M.C. 2.25.040(A), Financial Conflicts of interest: A public servant is prohibited from participating in making or influencing a decision in which he or she has a financial interest, as defined by the CA Political Reform Act. (CA PRA)

O.M.C. 2.25.040(B), Form 700 Disclosure: Elected officials and designated public servants are required to file a Form 700 Statement of Economic Interest pursuant to the CA PRA.

O.M.C. 2.25.060(A)(2), Misuse of City Position: A Public Servant is prohibited from using his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

O.M.C. 2.25.050(D), Leaving public service "revolving door" restrictions; Employment by a Party to a City Contract on Which the Public Servant Worked: No current or former Public Servant shall be employed by or otherwise receive compensation from a person or entity that entered into a contract with the City within the preceding one year where the Public Servant personally and substantially participated in the award of the contract.

III. SUMMARY OF EVIDENCE:

For an overview of the NOFA process please review the Case Summary in the Matter of Everett Cleveland Case No. 20-03(a).

Norma Thompson worked for the City of Oakland on-and-off beginning in 1989, always in the housing field (though not always with HCD). She also worked for the cities of San Francisco and Richmond. In 2010, she joined HCD and worked on several NOFAs during her time there. Thompson retired from HCD in 2017; her title at that time was Housing Development Manager.

During periods where Thompson was not working in the public sector, she worked for affordable housing non-profits. This included some periods where she worked for CHDC, the first of which began in 2004 and lasted (according to Thompson) “for a couple of years.” She later became a volunteer board member of CHDC from 2008-2010 and resigned from that position after joining HCD in 2010. After retiring from the City, she worked for CHDC as a consultant on some projects it was developing in Richmond. She was also an unpaid board member of CHDC during that time.

Thompson twice came out of retirement in 2019 to work at HCD as a temporary annuitant. First, she came back from April to September, where she oversaw the development of the 2019 NOFA guidelines. She was Cleveland’s supervisor during that time. After the NOFA was published, she was asked to come back again and assist in the scoring phase of the NOFA – sometimes around November-December 2019. At that time, she and Cleveland were supervised by Christia Katz Mulvey.

When Thompson first returned to HCD 2019, she was hired by Michele Byrd, who was then the Director of HCD. (Byrd left the City in April 2019 and was replaced by Maraskeshia Smith).¹ Leshin and Katz Mulvey were not involved in re-hiring Thompson. Byrd asked Thompson to come back because Thompson’s position had not been filled and staff was under workload pressure, particularly

¹ On Byrd’s departure from the City, see: <https://www.nbcbayarea.com/news/local/michele-byrd-no-longer-oakland-housing-chief/158263/>. Byrd’s departure appears to have been unrelated to the NOFA.

considering the upcoming NOFA. Byrd formally offered Thompson the position via an offer letter dated March 11, 2019.

According to Thompson's lawyer, Thompson consulted for CHDC from January 1- April 2, 2019, and again from November 1 - December 12, 2019.² According to City HR, Thompson's "start date with the city as an ELDE (TCSE) was 4/6/2019 and her end date was 1/4/2020." Thompson's offer letter (dated March 11, 2019) and Temporary Employment Agreement both state that the term of her employment would end on October 8, 2019. Based on a review of City emails, Thompson worked on the NOFA at least through November 28, 2019. In an interview with the PEC, she said that she was no longer actively involved with HCD by the Christmas holiday, though she did attend a holiday party.

Maryann Leshin recalled that Thompson was a temporary contract employee from April 8, 2019 to October 8, 2019, with an extension from November 11, 2019 to January 3, 2020. Christia Mulvey Katz took over as Unit Manager (overseeing Cleveland, among others) on September 30, 2019.

Thompson told the PEC that she did not perform any work for CHDC or receive any payments from them during her time at HCD in 2019. Before returning to HCD, Thompson also resigned her unpaid board position at CHDC so as not to create the appearance of a conflict of interest. For the same reason, she also told her supervisor that she would not "sign off" on anything regarding CHDC (as Thompson later described it to the PEC during an interview). Instead, her supervisor signed off on things regarding CHDC. When asked by the PEC if that arrangement just included "signing off" on CHDC matters, or if it meant that Thompson would not weigh in on CHDC matters at all, Thompson said that there were rarely discussions about CHDC matters and "if there were" then she would refer the staff person to someone else, especially if it involved making a decision. Thompson also communicated this to staff members who tried to bring CHDC matters to her attention. Thompson told the PEC that she would never make a decision regarding CHDC funding or be in a situation that involved exercising judgment over a CHDC matter, just to avoid the perception of a conflict.

When asked by the PEC if she had a similar agreement with CHDC to not discuss the content or status of their NOFA applications, Thompson said she did not, because no one at CHDC ever asked her about it in the first place. She also told the PEC that she did not offer any such information to CHDC without them asking. The PEC requested that Thompson and Gilmore provide all of their correspondence concerning CHDC's NOFA applications; both said they did not have any responsive

² Thompson's lawyer also provided the following detail:

Between January 1 and April 2, 2019, Norma consulted with CHDC on proposed affordable housing projects in both Oakland and Richmond. From November 1 to December 12, 2019, she only consulted on affordable housing developments in the City of Richmond. As we stated in our interview with you, both Norma and CHDC believed that they took the proper steps to avoid even the appearance of conflict of interest and fully disclosed to the City of Oakland the nature of her work with CHDC. Neither Norma nor CHDC (nor, apparently, the Housing Department of the City) was aware of the conflict of interest regulations or restrictions in effect for staff or consultants to the City. Each has had a longstanding relationship with the City, and neither would have deliberately done anything to damage that relationship.

records, which would seem to corroborate Thompson's claim that she did not discuss their NOFA applications with them.³

None of the HCD staffers interviewed by the PEC (Cleveland, Leshin, Mulvey Katz, or Smith) were under the impression that Thompson was working for CHDC while she was working for the City.

Thompson's role upon her return to HCD was to assist in the launching of the NOFA, and to lead the staff meetings in the development of the NOFA. In terms of what that specifically entailed, Thompson told the PEC that HCD staff gave input on how applications would be scored, as well as what funding priorities would be (i.e. type of projects to prioritize). If the discussion concerned something that Thompson felt was "political or above my head" then she would refer it to the Housing Director. She told the PEC that she did not discuss the NOFA guideline revisions with CHDC, and that CHDC is not one of the nonprofit housing developers that tends to get involved in the revision process.

Thompson left HCD (initially) in mid-September 2019, just after NOFA applications began to come in. Thompson told the PEC that she was not involved in assigning Cleveland to perform the threshold review of the Harp Plaza application because she was not "there" at the time that such assignments were being made.

Thompson did return to HCD a few weeks later to take part in the scoring phase of the NOFA. Of the applications that she scored, none of them were from CHDC. It was around this time that Leshin and Mulvey Katz met to review who would be assigned to score each NOFA application, and decided to remove Cleveland from any CHDC applications. At the same time, Mulvey Katz suggested that Thompson also not be assigned to any CHDC applications due to her past association with CHDC, and Leshin agreed. Christia Mulvey Katz says Leshin had been aware of Cleveland's relationship with Gilmore; she does not know if Leshin raised this issue with anyone else before this discussion between the two of them (Mulvey Katz and Leshin). Christia Mulvey Katz pro-actively raised the issue re: Cleveland's potential conflict during that conversation. She also raised the issue re: Thompson, but only because she knew that Thompson had done consulting work for CHDC at some point after retiring from the City; she was not sure if Thompson was still consulting for CHDC after re-joining the City as an annuitant, but she felt it was best to keep Thompson from reviewing any CHDC applications because of her past association with the company. She was not concerned about Thompson's objectivity, but she did not want to put her in that role regardless given that they had other staff available. She did not discuss the matter with Thompson at that time; she does not know if anyone else (e.g. Leshin) discussed it with Thompson.

However, Thompson did attend the staff meetings to discuss the scores of other applications besides those she personally scored. She recalled about two such meetings taking place. She also recalled weighing in on a discussion of a CHDC application, when Janet Howley (a consultant brought on by HCD, who was scoring some of CHDC's applications) was concerned that CHDC lacked the in-house staff capacity to take on more projects in addition to those it was already working on. At that meeting, Thompson argued in response that CHDC could overcome that problem by hiring consultants and pointed out that this was a common practice among nonprofit housing developers. Other people at the meeting agreed with Thompson. Thompson does not believe that Howley had given CHDC a

³ It should be noted that these were voluntary requests for documents, not subpoenas, so Thompson and Gilmore's responses were not sworn.

score on its application at that point. She told the PEC that this conversation was not contentious, and that she does not recall anyone else getting involved in the conversation. Other than that incident, she does not recall discussing a CHDC application with anyone. She also does not recall discussing any NOFA applications at all outside of those meetings.

According to Thompson, she left the City in December 2019 and began doing consulting work for CHDC and on some of their Richmond projects. The PEC asked Thompson to describe when she began communicating with CHDC about the possibility of going back to work for them. She could not recall exactly but said because she had a “relationship” with them for many years and did not consult for anyone else. Thompson’s attorney and fellow CHDC board member, Kit Hoover, who was also present at the PEC interview, stated it was “always the thought” that Thompson would return to work for CHDC when she was no longer working at the City. She said Thompson is “one of the consultants who does regular work for CHDC” so it was not necessary to have formal discussions about her returning to that role. Thompson did not dispute this characterization during the interview. Hoover also said CHDC had a law firm-style “Chinese wall” with Thompson while she was working with the City.⁴

In her interview with the PEC, Thompson said she was unfamiliar with the revolving door provisions of GEA. Thompson and her lawyer pointed out that the “housing community” in the Bay Area is very small, and they believe the revolving-door provisions are commonly violated. The only ethics training Thompson recalled receiving was one about sexual harassment. Thompson did not have an exit interview with the City.

Thompson did not fill out a Form 700 when she came back to the City to work on the NOFA. According to Thompson, no one in HCD ever told her to complete one.

IV. ANALYSIS

Oakland City Ordinance provides that it is a misuse of position for a Public Servant to use his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person. O.M.C. 2.25.060 (A)(2). During the time that Thompson participated in the processing of the NOFA applicants, on at least two occasions, she attended staff meetings to discuss the scores of other applications besides those she personally scored. She weighed in on a discussion of a CHDC application, when Janet Howley (a consultant brought on by HCD, who was scoring some of CHDC’s applications) was concerned that CHDC lacked the in-house staff capacity to take on more projects in addition to those it was already working on. At that meeting, Thompson advocated on CHDC’s behalf, knowing that she was also working as a consultant with CHDC. Thompson’s participation in the evaluation process of the NOFA applicants, while she was consulting for CHDC, establishes that she misused her position to induce City staff to provide a benefit or advantage to CHDC in violation of the Government Ethics Act.

The Oakland Municipal Code restricts public servants from engaging in “revolving door” practices. The Code provides that no current or former Public Servant shall be employed by or otherwise receive compensation from a person or entity that entered into a contract with the City within the preceding one year where the Public Servant personally and substantially

⁴ Thompson and her attorney Hoover did not have anything in writing regarding that firewall; Hoover characterized the situation as more informal and said CHDC just calls people when it needs consultants.

participated in the award of the contract. A City employee who engages in this conduct violates O.M.C. 2.25.050. Here, Thompson while employed by the City in the Housing Department, entered into a consulting contract with CDHC, an entity, which was in the process of entering a contract with the City and had entered into contracts with the City in previous years.

All designated City employees are required to file a Form 700 Statement of Economic Interest pursuant to the CA PRA. Although Thompson has worked with the City of Oakland multiple times, for more than 20-years, she failed to file a Form 700 when she was hired in 2019 by the City and upon her departure from the City in January of 2020.

The City also prohibits an employee from participating in making or influencing a decision in which he or she has a financial interest, as defined by the CA Political Reform Act. (CA PRA). This investigation did not confirm that Thompson received any payment or thing of value in exchange for her participation in the recommendation of the NOFA funding. Although she was a consultant for CHDC at the time she was participating in the evaluation of NOFA applicants, there is no evidence that she was a paid consultant receiving compensation or reimbursement from CHDC. In the absence of evidence to the contrary, there is insufficient evidence to establish that Thompson had a financial interest that influenced her decision making.

V. VIOLATIONS:

Count 1: Misuse of City Position

A City employee violates the Government Ethics Act when he or she uses his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

Between January 2019 and December 2019, the Respondent Norma Thompson, violated O.M.C. 2.25.060 (A)(2), by using her position in a manner intended to induce a private advantage or economic gain to Don Gilmore and CDHC.

Count 2: Revolving Door Restrictions

A City employee violates the Government Ethics Act when she is employed by or otherwise receives compensation from a person or entity that entered into a contract with the City within the preceding one year where the Public Servant personally and substantially participated in the award of the contract.

Between January 2019 and December 2019, the Respondent, Norma Thompson, violated Section O.M.C. 2.25.050 – when she was employed by CDHC as a consultant, when CDHC had a contract with the City within the preceding one year where the Public Servant personally and substantially participated in the award of the contract.

Count 3: Failure to File Financial Interest Form (F700)

A designated City employee violates the Government Ethics Act when he or she fails to file a Form 700 Statement of Economic Interest.

The Respondent, Norma Thompson failed to file a Financial Interest Form 700 for the year 2019, pursuant to the CA PRA and in violation of O.M.C. 2.25.040 (B).

VI. PROPOSED PENALTY

This matter consists of three violations of the Government Ethics Act (GEA), which carries a maximum administrative penalty of \$5,000 per violation or up to three (3) times the amount the person failed to report properly, or expended, gave, or received, whichever is greater.

The PEC considers several factors to determine the appropriate penalty, including, but not limited to, the following factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern
5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent.

The Public Ethics Commission has an independent obligation to determine the penalty merited by the Respondent's violation of the GEA. And, although the Commission has often concluded that the guideline penalty is sufficient to vindicate the Commission's interests in regulating violations of GEA, the Commission is free to impose a different sanction if that is appropriate. In this case, Staff recommends that the Commission impose a different sanction, a Diversion Agreement.

Aggravating Factors

1. The Respondent did not recuse herself from the application review process.
2. The Respondent was a long-standing employee with the City and should have been aware of City policy and ordinances.
3. The Respondent was working both for the City and an applicant CDHC at the time she participated in the NOFA application review process.

Mitigating Factors:

1. The Respondent cooperated with Enforcement Staff's investigation into this matter.
2. The Department failed to provide Thompson training on conflicts of interests.
3. The Department did not have a written policy, nor did it inform Thompson on recusal due to conflicts of interest.
4. The Respondent made an effort to not directly review or approve the CDHC application.

The purpose of administrative penalties like those provided in the Government Ethics Act is to promote transparency, gain compliance with the City Ordinance requirements and protect the public from Public Servants who have not discharged, will not discharge or are unlikely to properly discharge their professional duties. In this case, lack of knowledge of the law is not a defense to a Government Ethics Act violation. In fact, the facts establish Thompson was aware of the potential conflict of interest and eventually attempted to mitigate the conflict by not directly reviewing CDHC's application. Not until later in the application review process did the Respondent's Supervisors recognize the potential conflict of interest.

This is a case where the failure of the department to provide sufficient training and oversight informed the choices that Thompson made. As a result of the department's failure to provide training, staff recommends that Thompson enter a Diversion Agreement with the Commission pay an imposed fee and agree to successfully complete trainings on conflicts of interest and related policies.

V. CONCLUSION AND RECOMMENDATION

There is probable cause that the Respondent violated count 1 Misuse of Position, Count 2 Violation of Revolving Door Restrictions and Count 3 Failure to File Form 700 when she participated in the decision to recommend a grant of NOFA funding to CDHC, knowing that she was employed as a consultant for CDHC, a candidate in the NOFA applicant pool.

To resolve this case, Staff recommends that the Commission approve a Diversion Agreement to counts 1, 2 and 3. A diversion program will provide the Respondent with the essential training and services that can address the underlying cause that contributed to her violations of the Government Ethics Act. By targeting the underlying issue of lack of training and department process and policies to prevent ethics violations, a diversion program can improve long-term compliance with City ordinances and ensure effective execution of City policies and laws.

Item #7 - Proposed Diversion Agreement

DIVERSION STIPULATIONS:

- 1
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3 1. This Diversion Agreement resolves all factual and legal issues raised in this matter and
4 represents the final resolution to this matter without the necessity of holding an
5 administrative hearing to determine the liability of Respondents;
6
- 7 2. In exchange for his entry into the Diversion Agreement, admission to the counts named
8 in this agreement, and completion of the terms of the Diversion Agreement, the
9 Commission, if approved, will close this matter with no further penalty.
10
- 11 3. Respondent knowingly and voluntarily agrees to enter diversion and waive all
12 procedural rights under the Oakland City Charter, Oakland Municipal Code, and Public
13 Ethics Commission Complaint Procedures, including, but not limited to, the right to
14 personally appear at an administrative hearing held in this matter, to be represented by
15 an attorney at their own expense, to confront all witnesses testifying at the hearing, to
16 subpoena witnesses to testify at the hearing, and to have the matter judicially reviewed;
17
- 18 4. This Diversion Agreement is not binding on any other law enforcement agency, and
19 does not preclude the Commission or its staff from referring the matter to, cooperating
20 with, or assisting any other government agency with regard to this matter, or any other
21 matter related to it;
22
- 23 5. There is probable cause to establish that the Respondent violated the Government Ethics
24 Act by engaging in the following conduct: a). using her position in a manner intended to
25 induce a private advantage or economic gain to another person, in violation of the
26 Oakland Municipal Code section O.M.C. 2.25.060 (A) (2) (Misuse of Position); b). when
27 she was employed by CDHC as a consultant, when CDHC had a contract with the City
28 within the preceding one year, where the Public Servant personally and substantially

Item #7 - Proposed Diversion Agreement

1 participated in the award of the contract in violation of O.M.C. 2.25.050 (Revolving Door
2 Restrictions); and c). failure to file a Form 700 Statement of Economic Interests for the
3 year 2019 in violation of O.M.C. 2.25.040 (B).

5 **DIVERSION AGREEMENT TERMS**

- 6
- 7 1. The term of this agreement shall be for six (6) months, beginning on May ____, 2021, and
8 shall terminate on November ____, 2021, or until Respondent has satisfied all of the
9 requirements of this agreement, whichever is later.
- 10
- 11 2. The proposed Diversion Agreement is subject to approval by the Public Ethics
12 Commission.
- 13
- 14 3. The respondent agrees that in the event the Commission refuses to approve the proposed
15 Diversion Agreement, it shall become null and void.
- 16
- 17 4. In the event the Commission rejects the proposed Diversion Agreement and a full
18 evidentiary hearing before the Commission becomes necessary, no member of the
19 Commission shall be disqualified because of prior consideration of the diversion
20 agreement.
- 21
- 22 5. During the term of this agreement, Respondent shall attend and successfully complete
23 the following trainings:
- 24 i. Government Ethics Act Training for Form 700 Filers, in coordination with
25 Public Ethics Commission staff to ensure course completion,
- 26 ii. Conflicts of Interest Training provided by PEC staff, and
- 27 iii. One-hour follow-up in-person training with PEC staff.
- 28

Item #7 - Proposed Diversion Agreement

- 1 6. Respondent acknowledges that a failure to complete this requirement timely may be
2 grounds for the extension or termination of this agreement by the PEC.
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- 4 7. The Respondent agrees to pay a Diversion Program Fee of \$150, payable to the City of
5 Oakland upon entry into the Diversion Agreement by money order or cashier's check.
6 Any costs associated with the remedial program shall be borne by Respondent.
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- 8 8. Respondent is responsible for the timely submission of all completion certificates
9 required by this agreement and must communicate the completion of all requirements to
10 the PEC.
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14 1. Any failure by Respondent to comply with any term of this agreement or any
15 subsequent complaint that alleges that the Respondent violated a provision of Oakland's
16 Government Ethics Act in a matter unrelated to the facts stipulated to in this diversion,
17 is a basis for the extension or termination of this agreement by the PEC.
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- 19 2. In the event the PEC has a reason to believe that there is such a basis to extend or
20 terminate the agreement, Respondent acknowledges that the PEC shall provide the
21 Respondent with an opportunity to be heard through written submission concerning the
22 alleged non-compliance. Thereafter, the PEC staff shall determine whether to terminate
23 or extend this agreement and, if so, shall refer the matter to the PEC for review.
24
- 25 3. In the event that the Respondent fails to comply with the terms of this agreement, she
26 agrees that the following facts shall be deemed true in any subsequent hearing:
27
28

Item #7 - Proposed Diversion Agreement

- 1 a. Between January 2019 and December 2019, the Respondent Norma Thompson used
2 her position in the Housing Department in a manner intended to induce a private
3 advantage or economic gain to another person, Don Gilmore and the community
4 Housing Development Corporation.
- 5
- 6 b. Between January 2019 and December 2019, the Respondent, Norma Thompson,
7 when she was employed by CDHC as a consultant, and when CDHC had a contract
8 with the City within the preceding one year, the Public Servant personally and
9 substantially participated in the recommendation of the award of the NOFA funding
10 contract for her employer CDHC.
- 11
- 12 c. The Respondent, Norma Thompson failed to timely file a Financial Interest Form 700
13 for the year 2019.
- 14
- 15 4. Notification: During the term of this Diversion Agreement, Respondent shall notify the
16 PEC, in writing, of any change of e-mail address, mailing address, or telephone change
17 within 10 days of the change.
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- 19 5. This Diversion Agreement is a deferral of enforcement proceedings, fines and penalties.
20 If, in the sole discretion of the PEC, Respondent complies with all the terms of this
21 agreement through the duration of the agreement, the matter/complaint shall thereafter
22 be closed and shall not be considered a prior PEC offense in any subsequent PEC
23 proceeding against him/her. The stipulated facts contained in this agreement will serve
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Item #7 - Proposed Diversion Agreement

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6. The parties acknowledge that this Diversion Agreement, Respondent’s compliance with the Agreement, and the disposition of this proceeding upon completion or termination of the Agreement, are matters of public record. He further acknowledges that the Complainant will be made aware that this matter was resolved through a diversion agreement.

Dated: _____

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

I, (Norma Thompson), attest that the statements contained in the diversion agreement are true and correct, and that I agree to the above terms.

Dated: _____

Norma Thompson, Respondent

Print Name: _____

Dated: _____

The Respondent is Represented by Attorney

Print Name: _____

Item #7 - Proposed Diversion Agreement

ORDER OF DIVERSION

The foregoing Diversion Agreement of the parties (Case No. 20-03(b)), including all attached exhibits, is hereby accepted as the Order of the City of Oakland Public Ethics Commission, effective upon execution below by the Chair.

Dated: _____

Michael MacDonald, Chair
City of Oakland Public Ethics Commission

Item #8 - Staff Memo



Michael MacDonald, -Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie F. Johnson, Enforcement Chief
DATE: February 26, 2021
RE: Case No. 20-04 (a) and (b) ; In the matter of Manuel Altamirano Sr. and Andrew Altamirano prepared for the April 5, 2021, Public Ethics Commission Meeting

BACKGROUND:

On February 4, 2020, Employee Relations Manager Janelle Smith (Smith) reported to the Public Ethics Commission (PEC) Staff that Duvon Wright (Wright), a City Parking Control Technician was approached by a co-worker, Manuel Altamirano Sr. to retract/void two tickets that Wright issued for Use of a Counterfeit/Altered Disabled Placard and Use of Disabled Parking Space on Manuel Altamirano's wife's car in exchange for money.

Commission Staff completed its review and investigation of the matter and found that Manuel Altamirano Sr., among other things, made an offer to pay Wright and Yolanda Powe, both City of Oakland Public Servants, money (or a thing of value) in exchange for the performance of an official act, in violation of the Oakland Government Ethics Act (GEA). For the reasons explained in this memorandum, Staff recommends that the Commission find probable cause that Manual Altamirano violated the Government Ethics Act and schedule a hearing before the Commission. There are insufficient facts to establish that Andrew Altamirano committed or assisted Altamirano Sr. in committing a violation of the Government Ethics Act, therefore, the allegations against him were dismissed.

SUMMARY OF LAW:

All statutory references and discussions of law pertain to the referenced statutes and laws as they existed at the time of the violations.

O.M.C. 2.25.060(A)(2) Misuse of City Position: prohibits a Public Servant from using his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

O.M.C. 2.25.060(A)(1) Misuse of City Resources: prohibits a Public Servant from using or permitting others to use public resources for personal or non-City purposes not authorized by law.

O.M.C. 2.25.080 Bribery: No Public Servant can offer or make, and no Public Servant shall solicit or accept anything of value in exchange for the performance of any official act.

O.M.C. 2.25.060(A)(2) Using Authority as a City Official to Induce or Coerce a Private Advantage: A City employee may not use his or her position, or the power or authority of his or her position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City employee or any other person.¹

FACTUAL SUMMARY:

Overview

Manuel Altamirano Sr. (“Altamirano Sr.”) was hired by the City of Oakland on March 12, 2007, as a Parking Control Technician. Parking Control Technicians work for the Parking and Mobility Division of Parking Enforcement, which itself is a part of the City of Oakland Department of Transportation (“OakDOT”). Ira Christian was Altamirano Sr.’s direct supervisor. Yolonda Powe was a supervisor in the Mobility Division and she was Wright’s Supervisor. The Division Manager of Parking Enforcement was Michael Ford. At all relevant times, Altamirano Sr. worked as a Parking Control Technician in the OakDOT and had a personal and professional relationship with Wright and Yolonda Powe. Altamirano Sr. had two sons that also worked for the Parking and Mobility Division of OakDOT, Andrew Altamirano and Manuel Altamirano Jr.

Altamirano Sr. attempted to bribe another Parking Control Technician, Wright in exchange for voiding a pair of tickets that Wright had issued to Altamirano Sr.’s wife for misuse of a disabled parking placard. Wright did not accept the alleged bribe. Unsuccessful in his attempt to bribe Wright, he attempted to bribe Wright’s supervisor, Yolanda Powe, to void the tickets. Powe did not accept the alleged bribe. The informal complaint also alleged that Altamirano Sr. may have retaliated against Wright by damaging Wright’s car, and that the parking placard in question may have been City property that was stolen.

Summary of Facts:

Shortly after 1:30 p.m. on January 30, 2020, Wright was patrolling a City-owned parking lot located at 1719 Franklin. He spotted a black Porsche parked in a handicap spot, which had a handicap placard on the dashboard with the serial number on the bottom cut off. Wright issued two tickets to the vehicle -- one for misuse of a handicap placard, and one for a "blue zone" violation for parking in a handicapped spot. The fine amounts on the tickets were \$371, the parking spot violation and \$513, the misuse of placard violation, for a total of \$884.

Parking technicians do not have the ability to “run” license plates and see who owns a car. Therefore, Wright was unaware that the vehicle belonged to the wife of his co-worker Altamirano Sr.

That same day, shortly after Wright issued the tickets, Altamirano Sr. or his son Andrew called OakDOT dispatcher LaKeisha Montalvo and learned that it was Wright who issued the tickets. Wright then received a call around 2:00 p.m. from Montalvo. She told Wright that Altamirano Sr. was about to call

Item #8 - Staff Memo

him because Wright had just issued handicap tickets to his wife's car. She also told Wright that she had already informed the Altamiranos that there was nothing she or Wright could do about the tickets.

Within minutes of Wright speaking to Montalvo, Andrew called Wright on his cell phone. Wright rejected the call because he needed a moment to collect himself. He then called Andrew right back; Altamirano Sr. was also on the line already when Andrew picked up.

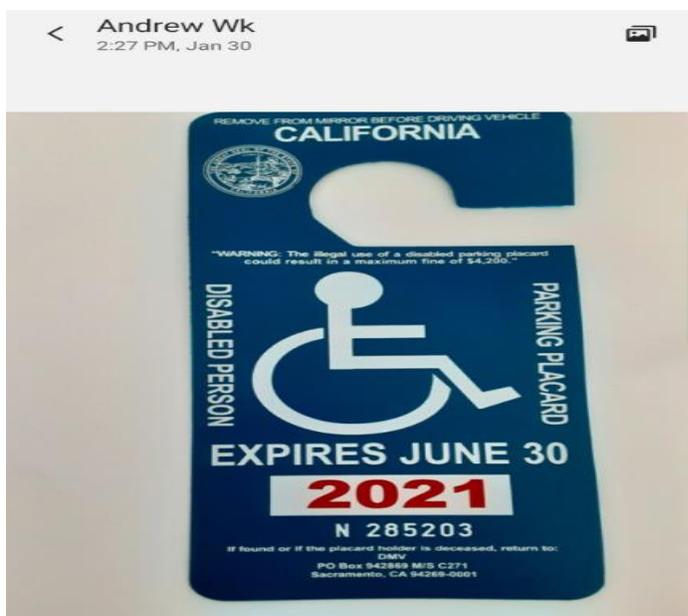
Andrew told Wright that he was aware that he had just issued his mother a handicapped ticket. Wright "played dumb" and asked where the ticket was issued. Altamirano Sr. took over the conversation and said Wright had just issued his wife a ticket in a garage. Cutting to the chase, Wright told Altamirano Sr., at this point that it was impossible to void the tickets because they were high-profile violations, and voiding them without explanation might then place Wright himself in trouble because "the numbers were clearly cut off on the placard. It was clearly a valid ticket"

Altamirano Sr. told Wright, "How about we send you a valid placard and you write the valid placard number on the ticket? And you write, driver arrived, or something to that nature." Wright knew that Altamirano Sr's plan wouldn't work, because Wright had already taken photos of the placard with the numbers cut off, and those photos were downloaded right into OakDOT's system when the tickets are issued. To avoid further pressure, Wright told Altamirano Sr. that he would look into the idea, in anticipation that the conversation would end there.

Altamirano told Wright, "let me just give you a hundred dollars to make these tickets go away." Wright understood that Altamirano Sr. was offering him money in exchange for voiding the tickets."

Wright told Altamirano Sr. that he could not accept any money, but that he would talk to his supervisor, Powe and have her look into the situation.

At 2:27 p.m., Andrew texted Wright the following photo and copies of the tickets Wright had issued:



The next day at work, Wright spoke to his supervisor, Powe, in her office at the beginning of their shift. Wright told Powe that he had issued a citation the previous day, and was then approached by someone (whom he did not name at first) about “trying to get it taken away.” Wright asked if there were anything that could be done about the tickets. Powe told Wright that the person would need to go through regular appeals process, known as PCAC. She then asked Wright who the person was, and he told her that it was Altamirano Sr., who had been asking on behalf of his wife who had received the tickets. Wright also told Powe that Altamirano Sr. and Andrew had initially called Montalvo about the matter, and that they had wanted Wright to write “void” on the tickets. Powe reiterated that Altamirano Sr. would need to go through the regular appeals process.

Later that morning, Wright was contacted by Andrew and Wright told him there was nothing he could do and relayed the process as Powe instructed. Afterward, Andrew did not text or otherwise communicate with him anything further about the matter after this point, nor did Altamirano Sr.

Later that day, Altamirano Sr. contacted Powe at her office. Altamirano Sr. came in on his day off without his parking uniform on. Powe was surprised that Altamirano Sr. came to speak with her, because she is not his direct supervisor. Altamirano Sr. has never worked for Powe and has no work-related reason to meet with her. Her office is located next to that of Ira Christian, who is Altamirano Sr.’s supervisor.

Altamirano Sr. asked if Powe could “send up a request for the citations to be dismissed.” Powe told him that he would need to appeal the tickets per regular procedure. Altamirano Sr. responded that the tickets amounted to about \$800, and if Powe could arrange to have at least one of them voided then he could give her a couple hundred dollars or some cologne. Powe again told him no, and that he needed to contest the tickets per regular procedure. She asked Altamirano Sr. why he did not just go upstairs and contest them right away. Altamirano Sr. responded that he didn’t have time to do that because he needed to go move his car before he got another citation. Altamirano Sr. then explained that the placard in his wife’s car belonged to his mother, and that somehow his wife had gotten ahold of it and cut the bottom off. He told Powe that he did not know how his wife had gotten ahold of the placard or why she used it, but that \$800 was a lot of money to pay. He asked again if Powe would dismiss the tickets, and she said she would not.

Wright was informed by some of his co-workers that word had gotten out around the office about the situation. Wright also heard that Altamirano Sr. seemed to be upset about the situation. Later that day, Wright got off work, he went to retrieve his car from his usual parking location – the parking lot of the Pilgrim Res Baptist Church, located at 659 16th St (about a five-minute walk from 250 Frank Ogawa Plaza). After getting in his car, he heard glass and saw that his driver’s-side back window was broken. Nothing had been taken or tampered, leading him to believe it was not a break-in but someone just purposefully breaking his window. No other cars were damaged on the lot.

Wright believed Altamirano Sr. damaged his car in retaliation for not voiding the tickets. Altamirano Sr. knew where he parked because they had walked to Wright’s car together before. Altamirano Sr. does not park at that lot. Wright reported the incident to the police. Oakland Risk Management could not obtain the security camera footage of the lot that day because it was not functional.

Powe had walked with Wright to the parking lot and was present when Wright found the damage on his car. She encouraged him to photograph the damage with his phone, and to send the photos to her; she subsequently sent them to Division Manager Michael Ford.

Later that afternoon, Powe called Ira Christian, who is Altamirano Sr's supervisor. Christian recalled that Powe seemed "very upset" and related that Altamirano Sr. had come to her office that day to talk about some tickets that his wife had received from Wright.

The following Monday, Christian saw a series of e-mails about the matter, including one from Powe and one from Wright which included a lengthy statement recounting his encounter with Altamirano Sr. At that point, Christian did not intend to speak to Altamirano Sr. about the matter, because the e-mails had already gone to Division Manager Michael Ford, and Ford had already escalated the matter to his own superior and to Employee Relations.

However, on the following Tuesday, Altamirano Sr. reported to work and came into Christian's office shortly after 8am. Altamirano came into her office and closed the door behind him, which was unusual. Altamirano Sr. told Christian that he wanted to let her know of an incident that had happened, involving his wife receiving some disabled parking tickets from Wright for a cut-off placard. Altamirano Sr. told Christian that he had asked Wright if he could take the tickets back. Christian said she remained silent while Altamirano Sr. spoke. Altamirano Sr. told her that he had also approached Powe and asked her if she would take the tickets back, but she had told him to contest them. Altamirano Sr. then said that he had even offered to buy Powe some perfume or cologne. Altamirano Sr. told Christian that he had just wanted to get that off his chest. Christian told him thank you, and Altamirano Sr. left the office.

Altamirano Sr. was placed on leave shortly thereafter. Neither Wright nor Powe have spoken to him since. Christian and Ford informed Altamirano Sr. that he would not be returning to work until the investigation into this matter has been conducted.

Risk Management is investigating the incident involving Wright's car. The investigation is ongoing but on April 20, 2020, the director of Risk Management informed PEC Staff of the following:

Technically my department has not yet finished its investigation because we have not yet interviewed Mr. Altamirano, COVID-19 and the availability of Union Representation for Mr. Altamirano has made scheduling his interview difficult. However, generally we have found no evidence to support his having damaged the employee's window. Unless Mr. Altamirano admits to the act during his interview my department will conclude its investigation without substantiating any accusations.

No one has threatened Wright since the day his car was damaged, though he has felt uncomfortable at work. He did not drive to work for a couple of weeks after that. He worries about future retaliation. To Wright's knowledge, neither the Department nor the OPD have done anything about the matter. OakDOT has not conducted its own investigation into this matter; instead it is awaiting the results of investigations by OPD, Risk Management and Ethics.

Subsequently, Altamirano Sr. was laid off by the City during the Covid-19 shutdown. (His sons Andrew and Manuel Jr. were also laid off). According to Parking Enforcement Director Ford, this was the result of the City's general decision to lay off part-time contract workers and was not related to any disciplinary action from the Wright matter.

Regarding the torn-off placard that Wright originally found in Altamirano Sr.'s wife car: Wright suspects it may be City property. He explained that the Department has a computer system through which they can run placard numbers, and that parking techs can request a run on a placard number and confiscate placards from people if the number does not come back to that person's name. (Wright could not do this in the case of Altamirano Sr.'s wife, because the placard lacked a number). If a parking tech seizes a placard, they will bring it back to the office, cut the number off, and return the number to the DMV; the rest of the placard gets thrown away. Wright said it was possible that the Altamiranos were using one of those discarded placards (recovered from the trash); he told Staff it is "mighty strange" Altamirano Sr.'s wife would have such a cut-off placard.

ANALYSIS:

The City of Oakland prohibits a Public Servant from using his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

On the facts presented, Altamirano Sr. used the advantage of his position with the City Parking Control office when he contacted his co-worker Wright and attempted to induce him, with a cash payment, to void a parking citation Wright issued. Further, Altamirano Sr. committed an additional separate act of Bribery when he offered Powe a thing of value in exchange for voiding the two parking tickets that Wright had issued.

In determining whether Altamirano violated Oakland's Ethics ordinance, Staff can establish, through witness testimony, that Altamirano knowingly misused his position and offered Bribes to two separate public servants.

An Oakland Public Servant is also prohibited from using or permitting others to use public resources for personal or non-City purposes not authorized by law. In this case, we were unable to recover the actual placard that was in the car window at the time Wright issued the citation. Thus, we are not able to confirm that the placard came from a used or confiscated placard that was in the possession of the City. Without the ability to compare and catalog the placard that was in the window, we cannot establish a Misuse of City Resources violation for this alleged act.

Although Wright did sustain damage to his vehicle, there is insufficient evidence to establish that Altamirano or his son damaged Wright's car in retaliation for failing to void the two parking citations. Regarding Andrew Altamirano, outside of making the initial telephone call to Wright where he subsequently turned over the call to his father, we do not have enough information that Andrew Altamirano actively participated in or aided and abetted Altamirano Sr. in the attempted bribery or misuse of position of Wright. Further, there is no evidence that Andrew Altamirano participated in or knew of the offer of the perfume Altamirano Sr. made to Powe.

VIOLATIONS:

For the reasons stated above, staff submits that there is probable cause to find Manuel Altamirano Sr. violated the following violations of the Government Ethics Act.

Count 1: Soliciting Bribes in Exchange for Performance of an Official Act

On or about January 30, 2020, Respondent, Manuel Oscar Altamirano Sr., violated O.M.C.2.25.070(A) of the Oakland Government Ethics Act when he demanded, sought or offered, money or a thing of value as a bribe to influence a Parking Control Technician for the City of Oakland to perform an official act, for personal enjoyment and/or non-government purposes.

On January 30, 2020, Respondent violated Section 2.25.070 (A) of the Oakland Government Ethics Act by offering to pay at least \$100 to his co-worker Duvon Wright in exchange for a voiding a disabled parking violation ticket that Wright had issued on his wife's car.

Count 2: Soliciting Bribes in Exchange for Performance of an Official Act

On or about January 30, 2020, Respondent, Manuel Oscar Altamirano Sr., violated O.M.C.2.25.070(A) of the Oakland Government Ethics Act when he demanded, sought or offered, money or a thing of value as a bribe to influence a Parking Control Technician for the City of Oakland to perform an official act, for personal enjoyment and/or non-government purposes.

On January 30, 2020, Respondent violated Section 2.25.070 (A) of the Oakland Government Ethics Act by offering to pay at least \$100 or purchase perfume for a City of Oakland OakDOT Supervisor Yolonda Powe in exchange for a voiding a disabled parking violation ticket that was issued to his wife.

Count 3: Misusing City position to induce/coerce others to provide him with economic gain

On or between January 1, 2015, through December 31, 2016, Respondent, Manuel Altamirano Sr., contacted a fellow City of Oakland Parking Enforcement Officer, for the purpose of inducing or coercing that public servant into voiding two parking tickets that his wife received for unlawfully parking in a disability parking spot and using an expired or stolen disability placard.

By using his authority and connections as a City Parking Control Officer to induce or coerce his co-worker to provide him with an economic gain, Respondent violated Section 2.25.060 (A) (2). of the Oakland Government Ethics Act.

PENALTIES:

GEA authorizes the Commission to impose maximum administrative penalties of up to \$5,000, or three times the amount not properly reported or received (whichever is greater), per violation of the Oakland Government Ethics Act.

The PEC will consider all relevant mitigating and aggravating circumstances surrounding a violation when deciding on a penalty, including, but not limited to, the following factors:

1. The seriousness of the violation, including, but not limited to, the extent of the public impact or harm;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violation was isolated or part of a pattern;

5. Whether the respondent has a prior record of violations and/or demonstrated knowledge of the rule or requirement at issue;
6. The extent to which the respondent voluntarily and quickly took the steps necessary to cure the violation (either independently or after contact from the PEC);
7. The degree to which the respondent cooperated with the PEC's enforcement activity in a timely manner;
8. The relative experience of the respondent.

The PEC has broad discretion in evaluating a violation and determining the appropriate penalty based on the totality of circumstances. This list of factors to consider is not an exhaustive list, but rather a sampling of factors that could be considered. 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

For serious violations, such as Bribery and violations that do not qualify for a warning letter or the streamlined stipulation program, the PEC will start a penalty amount with a “base-level” amount and then adjust the penalty amount based on mitigating and aggravating factors of the enforcement action.

Aggravating Factors

Here, the circumstances of Altamirano's conduct establish several aggravating factors that should increase the severity of the penalty:

1. The Respondent is a public servant who abused his position of trust by attempting to induce or coerce his co-worker into voiding a parking ticket. His willful abuse of his position for personal gain puts his own interests above the public in a process that is designed to ensure fairness and restrict special treatment. Both the perception and reality of a City employee attempting to benefit from his employment with the City over the general public violates the public's trust in government, resulting in harm to the Oakland Community;
2. Altamirano engaged in several instances of deception in an attempt to void the issued parking tickets, including attempting to convince another public servant to misrepresent that a parking citation was issued. Most egregious was that he deliberately attempted to get another public servant to make a misrepresentation into the parking control data base representing that the owner of the car appeared in time when, in fact, she had not;
3. Altamirano's conduct was deliberate, including both instances where he attempted to bribe other public servants;
4. His conduct was part of a pattern;

Mitigating Factors

Altamirano has no previous history of ethics violations in the City of Oakland. Altamirano is no longer an employee with the City of Oakland and his opportunity to violate the City ethics ordinances are diminished.

Bribery Violation:

Count 1 and Count 2, Bribery, is the most serious violation of the Oakland Governmental Ethics Act. Pursuant to the Penalty Guideline, the base-level penalty amount for each Bribery count is \$5,000. The maximum penalty is \$5,000 or three times the unlawful amount for each bribery violation.

Misuse of City Position or Authority:

Count 3 is a serious violation of the Oakland Governmental Ethics Act. Pursuant to the Penalty Guideline, the base-level penalty amount for Misuse of Position is \$5,000. The maximum penalty is \$5,000 or three times the unlawful amount.

RECOMMENDATION:

Pursuant to the Public Ethics Commission Complaint Procedures Section IV (D), there is probable cause to believe Manuel Altamirano Sr. violated the Government Ethics Act. Staff does not have current contact information on the Respondent. As a result of the lack of contact, Staff recommends that the Commission schedule a hearing before the Public Ethics Commission. Enforcement will continue its attempts to contact the Respondent, and if successful, will refer the matter back to the Commission to resolve the matter short of a hearing, provided the Respondent seeks to resolve the matter by Stipulation.

There is insufficient evidence to establish that Andrew Altamirano independently or as an aider and abettor assisted Altamirano Sr. in the violations of the Government Ethics Act. Staff issued a dismissal letter in the Matter of Andrew Altamirano, Case No. 20-04(b).

Item #10 - Disclosure Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Suzanne Doran, Lead Analyst
Jelani Killings, Ethics Analyst
Whitney Barazoto, Executive Director
DATE: March 23, 2021
RE: Disclosure and Engagement Report for the April 5, 2021, PEC Meeting

This memorandum provides a summary of major accomplishments in the Public Ethics Commission's (PEC or Commission) Disclosure and Engagement program activities since the last monthly meeting. Commission staff disclosure activities focus on improving online tools for public access to local campaign finance and other disclosure data, enhancing compliance with disclosure rules, and conducting data analysis for PEC projects and programs as needed. Engagement activities include training and resources provided to the regulated community, as well as general outreach to Oakland residents to raise awareness of the Commission's role and services and to provide opportunities for dialogue between the Commission and community members.

Filing Officer - Compliance

Campaign Finance Disclosure – In non-election years, campaign committees must file two semi-annual campaign statements ([FPPC Form 460](#)). February 1 was the deadline for semi-annual campaign statements covering the period from July 1 through December 31, 2020. All active campaign committees registered with the City of Oakland must file. Campaign statements are available to view and download at the PEC's [Public Portal for Campaign Finance Disclosure](#).

Approximately 78 percent of committees timely filed their campaign statements by the February 1st deadline. Staff conducted outreach and provided assistance to bring six non-filers into compliance after the deadline. Committees with filings over 10 days late were assessed a total of \$1,550 in late fees. One non-responsive filer, unsuccessful 2020 candidate for OUSD School Board Cherisse Gash, has been referred to the Fair Political Practices Commission (FPPC) for enforcement.

Lobbyist Registration and Reporting Program – The Oakland Lobbyist Registration Act (LRA) requires any person that qualifies as a lobbyist to register annually with the Public Ethics Commission before conducting any lobbying activity. It also requires lobbyists to submit quarterly reports disclosing their lobbying activities to ensure that the public knows who is trying to influence City decisions. The annual lobbyist registration deadline passed on January 31. To date, there are 57 individuals registered to lobby the City of Oakland. An up-to-date list of registered lobbyists with links to their client lists is available at the PEC's [Lobbyist Dashboard and Data](#) webpage.

The 2020 fourth quarter lobbyist activity report deadline passed on January 30. To date, 65 reports have been filed, 87 percent timely. Commission staff is reaching out to four possible non-filers to gain

compliance and/or clarify filing status. Lobbyist activity reports may be viewed online at the PEC's [Lobbyist Dashboard and Data](#) webpage.

Advice and Engagement

Advice and Technical Assistance – In March, Commission staff responded to 31 requests for information, advice or assistance regarding campaign finance, ethics, lobbyist registration or public records issues.

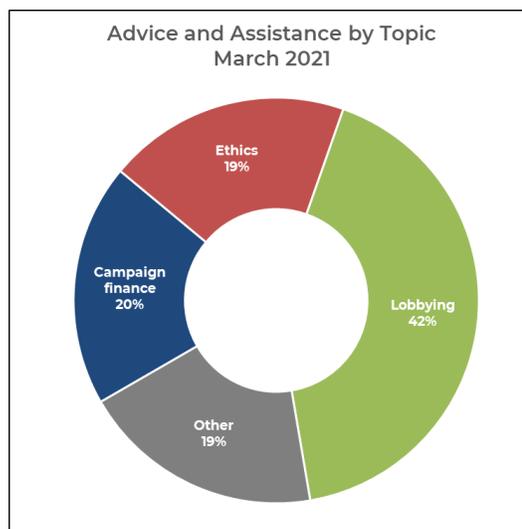
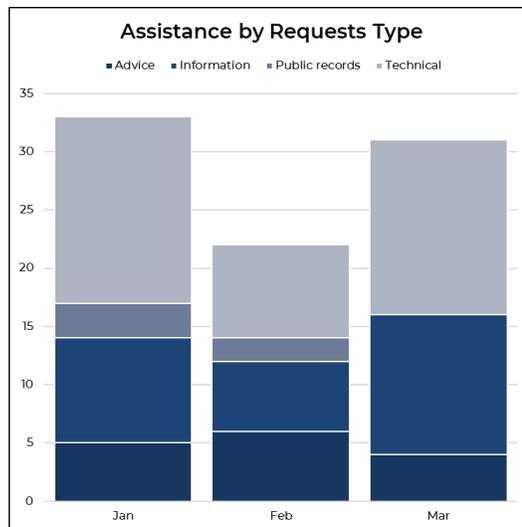
Form 700 Filers – On March 2, PEC staff conducted a live Government Ethics Training for Form 700 Filers via Zoom. The training was hosted by the Department of Human Resources (HR) and served as an alternative for employees that have not completed the PEC's online training. A total of 18 employees attended the training.

New Employee Orientation – Staff continues to make presentations at the City's monthly New Employee Orientation (NEO) providing new employees with an introduction to the PEC and overview of the Government Ethics Act (GEA). On March 17, staff trained 15 new employees on GEA provisions.

Elected Officials – On March 19, Staff met with Council President Bas's office for an ethics check-in. Council President Bas and members of her staff were provided with an ethics resource binder that included guides and fact sheets relating to the Government Ethics Act, conflicts of interests, gift restrictions, non-interference provision, and the City's ticket distribution policy. The informal meeting allowed PEC staff to better understand the support needs of councilmembers and their staff in complying with local ethics and transparency laws. PEC staff will continue to conduct ethics check-ins with elected officials and staff members throughout the year.

Boards and Commissions – On February 25 and 26, Staff conducted an ethics training for the City's board and commission members. The live training mirrors the PEC's online Government Ethics Training for Form 700 Filers currently offered to employee Form 700 filers. Over 100 board and commission members attended and completed the training.

As a follow-up to questions received during the training, Staff put together a post-training survey to better understand the support that board and commission members are receiving to meet their Form 700 filing requirements. The initial survey results show that 18 percent of respondents did not know that they were required to file a Form 700. Thirty-nine percent of respondents were not notified that they were required to file Form 700 within 30 days of assuming office. Forty-one percent of respondents stated that they do not receive a notification of the annual filing deadline each year. Staff will be using the survey data to enhance support services for board and commission members and to better coordinate with board staff liaisons.



Item #11 - Enforcement Report



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

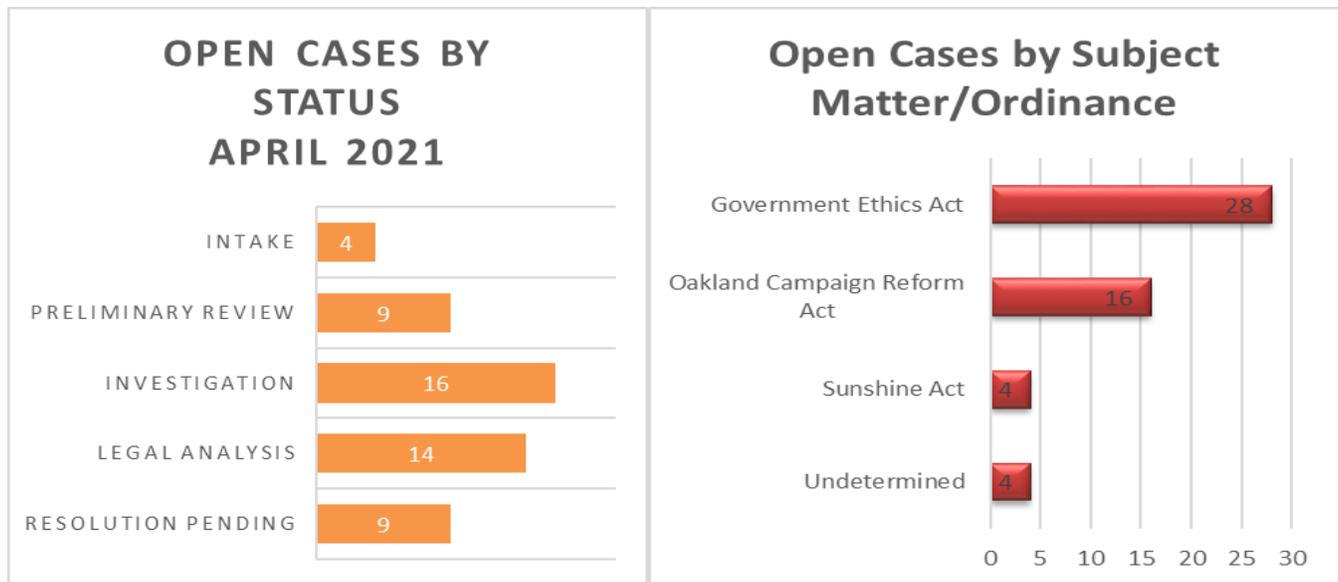
Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: March 18, 2021
RE: Enforcement Program Update for the April 5, 2021, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on March 1, 2021, Commission staff received two complaints. This brings the total Enforcement caseload to 52 open cases: 13 matter(s) in the intake or preliminary review stage, 16 matters under active investigation, 14 matters under post-investigation analysis, and 9 matters in settlement negotiations or awaiting an administrative hearing.

In addition, updates on public records requests for mediation, will be summarized in the Executive Director's report going forward.



Summary of Current Cases:

Since the last Enforcement Program Update in March 2021, the following status changes have occurred.

1. ***In the Matter of Everett Cleveland Jr. (Case No. 20-03 (a))***. On or about January 7, 2020, Former Assistant City Administrator Maraskeisha Smith reported to the PEC Staff that the City Attorney had contacted her about Housing Development Coordinator, Everett Cleveland Jr.'s alleged violation of the Government Ethics Act. She was notified by letter from the Oakland City Attorney that Everett Cleveland Jr. violated conflicts of interest ordinances when he decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 "Notice of Funding Availability" (NOFA) program. Cleveland had taken part in the decision-making process regarding NOFA applications submitted by a nonprofit housing development company called Community Housing Development Corporation, whose executive director, Don Gilmore is Cleveland's father-in-law. The PEC investigation found that Cleveland influenced or attempted to influence the review of NOFA applications submitted by CHDC. The investigation also found that Cleveland, although required to file an annual Statement of Economic Interest in 2019, failed to file a Form 700. After reviewing the facts, relevant law and Enforcement Procedures, Staff recommends that the Commission approve the Staff offer of a Diversion Agreement to resolve the violation. (See Action Items)
2. ***In the Matter of Norma Thompson (Case No. 20-03(b))***. On or about January 7, 2020, this matter was referred to the PEC by the City of Oakland's Assistant City Administrator Marakiesha Smith. Smith had received a letter from the Oakland City Attorney that informed her that Norma Thompson, a City of Oakland Housing Community Development staff member, violated conflicts of interest rules when she decided or participated in deciding the award of funds by HCD to a nonprofit housing developer under the 2019 "Notice of Funding Availability" (NOFA) program. The allegation was that Thompson was working as a paid consultant for Community Housing Development Corporation at the time that she took part in the decision-making process regarding CHDC's 2019 NOFA applications. The investigation also found that Thompson failed to file a Form 700 when she rejoined the City in 2019; that she failed to file a Form 700 upon leaving office; and that she violated the City of Oakland revolving-door provisions of the Government Ethics Act through her consulting work with CHDC. After reviewing the facts, relevant law and Enforcement Procedures, Staff recommends that the Commission approve the Staff offer of a Diversion Agreement to resolve the violation. (See Action Items)

3. ***In the Matter of Manuel Altamirano Sr. (Case No. 20-04(a))***. On February 4, 2020, Employee Relations Manager Janelle Smith reported to the Public Ethics Commission (PEC) Staff that a City Parking Control Technician was approached by a co-worker, Manuel Altamirano Sr., to retract/void two tickets that the technician issued for Use of a Counterfeit/Altered Disabled Placard and Use of Disabled Parking Space on Manuel Altamirano's wife's car in exchange for money. Commission Staff completed its review and investigation of the matter and found sufficient evidence that Manuel Altamirano Sr. violated the Government Ethics Act. After reviewing the facts, relevant law and Enforcement Procedures, Staff recommends that the Commission find probable cause that Manuel Altamirano Sr. Violated the Government Ethics Act and schedule this matter for a hearing. (See Action Items)

4. ***In the Matter of Andrew Altamirano (Case No.20-04(b))***. On February 4, 2020, Employee Relations Manager Janelle Smith reported to the Public Ethics Commission (PEC) Staff that, a City Parking Control Technician was approached by a co-worker, Manuel Altamirano Sr. to retract/void two tickets that the technician issued for Use of a Counterfeit/Altered Disabled Placard and Use of Disabled Parking Space on Manuel Altamirano's wife's car in exchange for money. The complaint also alleged that Andrew Altamirano engaged in the same conduct or aided and abetted Altamirano Sr. Commission Staff completed its review and investigation of the matter and after reviewing the facts, relevant law and Enforcement Procedures, Staff determined that the allegations do not allege sufficient conduct of Andrew Altamirano that constitutes a violation of the Government Ethics Act. The complaint against Andrew Altamirano was dismissed.
(See Attachments)

CITY OF OAKLAND



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

Public Ethics Commission
Enforcement Unit

(510) 238-5239
FAX (510) 238-3315
TDD (510) 238-3254

March 26, 2021

Janelle Smith,
Employee Relations Manager
City of Oakland Human Resources Department
150 Frank H Ogawa Plaza
2nd Floor, Suite 2209
Oakland, CA 94612

Re: PEC Complaint No. 20-40(b); Dismissal Letter Regarding Andrew Altamirano

Dear Ms. Smith:

On February 4, 2020, the City of Oakland Public Ethics Commission (PEC) received your report (Complaint No. 20-40) that two City Parking Technicians Manuel Altamirano Sr. and Andrew Altamirano, approached a co-worker and offered a cash bribe (or thing of value) in exchange for the co-workers cooperation in the retraction or voiding of two parking violations. After reviewing the matter with you, interviewing witnesses, and analyzing the facts, relevant law and Enforcement Procedures, we found that there are insufficient facts to establish that the allegations against Andrew Altamirano allege conduct that constitutes a violation of the Government Ethics Act.

The City of Oakland prohibits a Public Servant from offering or making a bribe, and no Public Servant shall solicit or accept anything of value in exchange for the performance of any official act.

An Oakland Public Servant is also prohibited from using or permitting others to use public resources for personal or non-City purposes not authorized by law.

Moreover, a City employee or Public Servant is prohibited from using his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person to provide any private advantage, benefit, or economic gain to the City Public Servant or candidate or any other person.

The investigation confirmed that, outside of making an initial telephone call to his co-worker, at Altamirano Sr.'s behest, there is insufficient information that Andrew Altamirano actively participated in or aided and abetted Altamirano Sr. in the attempted bribery, misuse of position or misuse of public resources.

Because Andrew Altamirano's alleged conduct does not constitute a violation of the

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Government Ethics Act, we are dismissing the allegations against him in the complaint pursuant to the PEC's Complaint Procedures. The PEC's Complaint Procedures is available on the PEC's website.

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 April 5, 2021, 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 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. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Kellie Johnson". The signature is written in a cursive, flowing style.

Kellie Johnson,
Enforcement Chief

Item #12 - Executive Director's Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

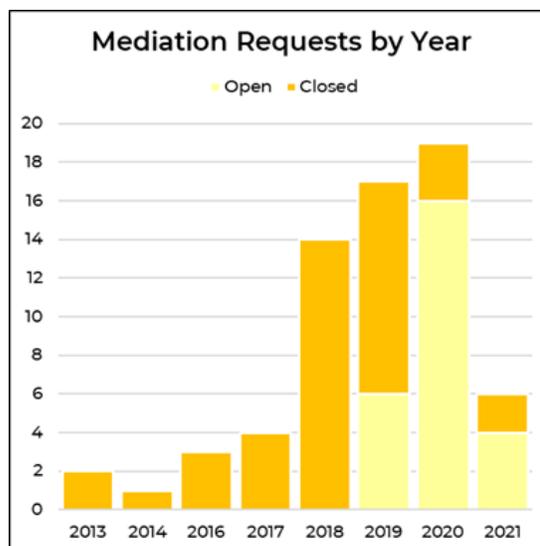
TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: March 23, 2021
RE: Executive Director's Report for the April 5, 2021, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities this past month that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2020-21 for each program area. (Commission Programs and Priorities attached)

Mediations

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. Following the mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. The following two mediations were conducted by staff and subsequently closed this past month (reports attached):

1. In the Matter of Oakland Police Department (Case No. M2021-03); (Mediation Summary attached)
2. In the Matter of Oakland Police Department (Case No. M2021-06); (Mediation Summary attached)



Budget and Staffing

Commission staff met with the City Administrator and budget staff in March regarding the PEC's budget proposal, which included some minor reductions in its already lean general administration budget, along with requests for increases in funds to cover administrative hearings and information technology needs and three additional positions to address expanding enforcement caseload and to implement campaign finance equity programs. Staff discussed the Commission's equity proposal based on recommendations made in the PEC's Race for Power report, as well as the potential transition of Form 700 filing officer duties from the City Clerk's office to the PEC. This discussion is part of the Mayor's budget development and proposal process that will head to City Council in May.

Collections

Commission staff received partial payment of the \$10,000 penalty imposed in the matter of Michael Colbruno, who had refused to make payment on his fine since it was imposed in early 2020. The respondent submitted a \$5,000 payment on February 15 and paid the remaining \$5,000 on March 15; therefore, the balance of the fine has now been paid in full.

PUBLIC ETHICS COMMISSION
Programs and Priorities 2021

Program	Goal	Desired Outcome	Key Projects for 2021
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Oakland Sunshine Report Card, ongoing compliance 2. Campaign Finance Redesign
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Sunshine training 3. New trainings as needed for diversion
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Sunshine mediations 2. Communications/outreach to client groups 3. PEC social media outreach
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Filing Officer/Compliance – assess, follow-up, and refer 2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App 3. Open Disclosure – continue coordination and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Investigations 2. Add part-time investigator to assist 3. Collaborate with other government law enforcement agencies

Item #12 - Executive Director's Report

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC 2. Case priority: 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. 3. Resolve all 2016 cases
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Annual Report 2. Enforcement database upgrade 3. Review data to adjust activities throughout the year 4. Ongoing: professional development and staff reviews

Item #12 - Executive Director's Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: March 19, 2021
RE: *In the Matter of the Oakland Police Department (Case No. M2021-03); Mediation Summary*

I. INTRODUCTION

On February 18, 2021, the Commission received a request for mediation alleging that the Oakland Police Department failed to disclose records in response to a public records request made by the Requester on February 20, 2018. On February 19, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has indicated that they do not have any responsive documents per the request, Staff closed the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

III. SUMMARY OF FACTS

On February 20, 2018, the City received, via NextRequest, the following public records request (No. 25589):

Criminal Record- Peter William Kwaak Born [REDACTED] Charged as Bigamist in 1937. Former address was [REDACTED] Oakland 3 Oct 1936.

On February 25, 2018, OPD requested an extension to fulfill the public records request stating the following:

Our agency is in the process of reviewing your requested records to determine what information can be released in accordance with the California Public Records Act. All records must be reviewed and in some cases redactions may be necessary. Due to the Department's limited staffing resources and the numerous public records requests received, our agency needs additional time to respond to your request. All records that are not exempt will be provided within 30 days. Please contact the undersigned if you need the records sooner or can identify a shorter list of records (for voluminous requests) that can be provided to you. We will do our best to work with you. We appreciate your patience.

On February 18, 2021, the Commission received a complaint alleging that the Oakland Police Department had failed to disclose records in response to public records request No. 25589. At the time that the Commission received the Complaint, no responsive records had been produced by the City.

On February 19, 2021, Staff initiated its mediation program and notified OPD of the mediation request.

On February 22, 2021, OPD closed the record request and stated the following: "The Oakland Police Department does not have any records responsive to this request." Subsequently, OPD notified Staff stating that, "We conducted a thorough search of our archived documents. We did not find any responsive records. We updated the NextRequest portal and closed this request."

On March 10, 2021, Staff followed up with the Requester and notified him that the PEC would be closing the mediation. The Requester did not respond to Staff's outreach.

IV. RECOMMENDATION

Because OPD found no responsive records for the public records request, and because the Requester did not respond with any further inquiry, Staff closed the mediation without further action.

Item #12 - Executive Director's Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: March 22, 2021
RE: *In the Matter of the Oakland Police Department (Case No. M2021-06); Mediation Summary*

I. INTRODUCTION

On March 10, 2021, the Commission received a request for mediation alleging that the Oakland Police Department failed to completely disclose records in response to a public records request made by the Requester on January 29, 2021. On March 11, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided the responsive documents per the request, Staff has closed the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

III. SUMMARY OF FACTS

On January 29, 2021, the City received, via NextRequest, the following public records request (No. 21-835):

Police report for a theft of a bike on 12/26/2020 needed for insurance claim.

On February 21, 2021, OPD released responsive documents to the requester stating that personal information had been redacted pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

On March 10, 2021, the Commission received a mediation request seeking the following:

A police report that isn't blacked out. I need the part of the report that list items that were on the bike when stolen.

On March 11, 2021, Staff initiated its mediation program and notified OPD of the mediation request.

Subsequently, OPD notified Staff:

The supplemental report listing all of the items was uploaded to request #21-835 yesterday [March 10, 2021] morning. I will reach out to the requester to confirm they received it.

Also, on March 10, 2021, OPD closed the record request and stated the following:

We have redacted personal information, including but not limited to, telephone numbers, social security numbers, credit card numbers and other personal identifying information pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

Your request for information has been: approved - authorized redactions or omissions made pursuant to: 6254(f) CGC (Specifies information releasable to victims, or authorized representatives, of specific crimes).

The additional records released to the Requester appear to provide the details, unredacted, that the Requester was seeking.

On March 22, 2021, Staff followed up with the Requester and notified her that since all responsive documents had been made available, the PEC would be closing the mediation. The Requester did not respond to Staff's outreach.

IV. RECOMMENDATION

Because OPD provided the responsive records for the public records request, Commission Staff closed the mediation without further action.