

Item 10 - Enforcement Report



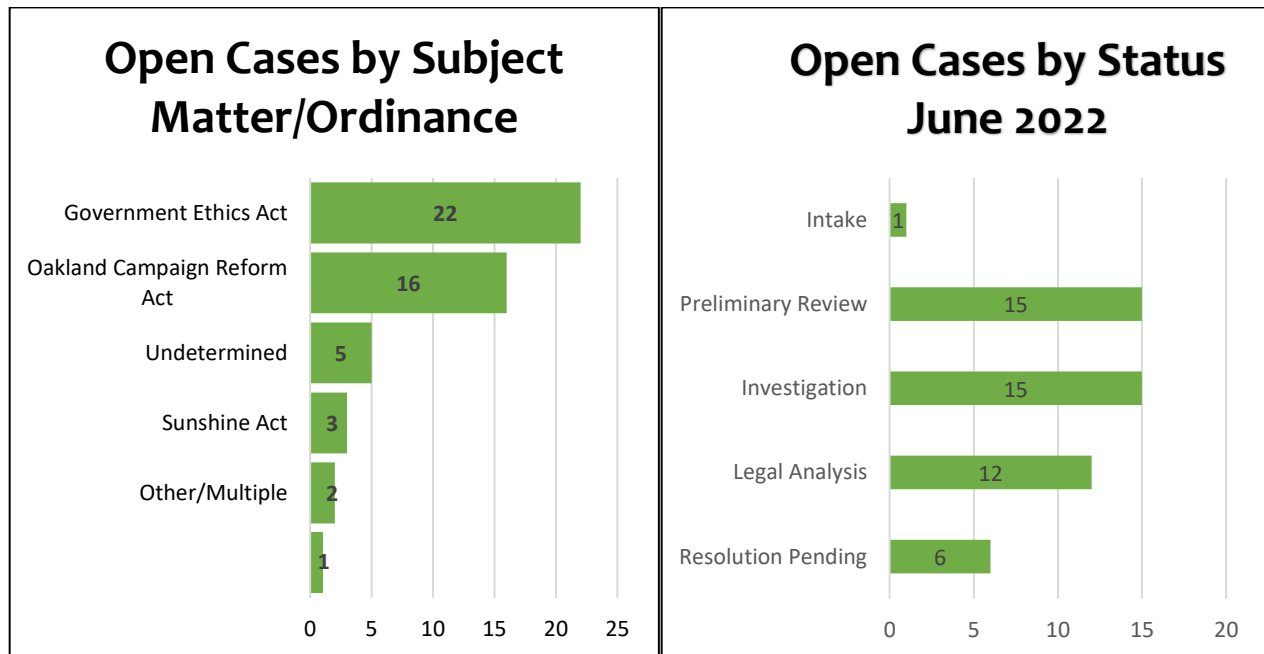
Arvon Perteet, Chair
Michael MacDonald, Vice-Chair
Charlotte Hill
Ryan Micik
Joseph Tuman
Francis Upton IV

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: May 16, 2022
RE: Enforcement Program Update for the June 8, 2022 PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on April 13, 2022, Commission staff received 5 new complaint(s). This brings the total Enforcement caseload to 49 open cases: 16 matters in the intake or preliminary review stage, 15 matters under active investigation, 12 matters under post-investigation analysis, and 6 matters in settlement negotiations or awaiting an administrative hearing.



Since the last Enforcement Program Update in April 2022, the following status change(s) have occurred:

1. **In the Matter of Ener Chiu (Case No. 18-16).** On May 9, 2018, the City of Oakland Public Ethics Commission received a complaint alleging that Respondent, Ener Chiu, an employee of the East Bay Asian Local Development Corporation (EBALCD) violated the Oakland Campaign Reform Act by making a contribution to Council member Abel Guillen within months of the City signing a Disposition and Development Agreement (DDA) with EBALDC. Based on the allegations in the complaint, staff opened an investigation to determine whether the Respondent violated the Oakland Campaign Reform Act's Contractor Contribution Ban by making contributions to City of Oakland elected officials, candidates, or their controlled committees. The investigation confirmed that the Respondent made a contribution to Councilmember Guillen and that during the same time the Respondent actively engaged in lobbyist activity in the City but failed to register as a lobbyist with the City, in violation of the Oakland Lobbyist Registration Act. After close consideration of all the facts and the law, Staff recommends that the Commission assign this matter to a formal hearing. (See Action Item)