

Item #12 - Enforcement Report



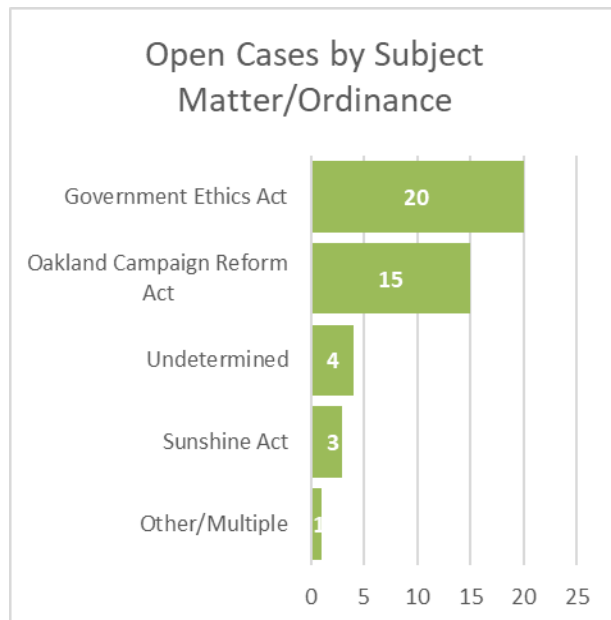
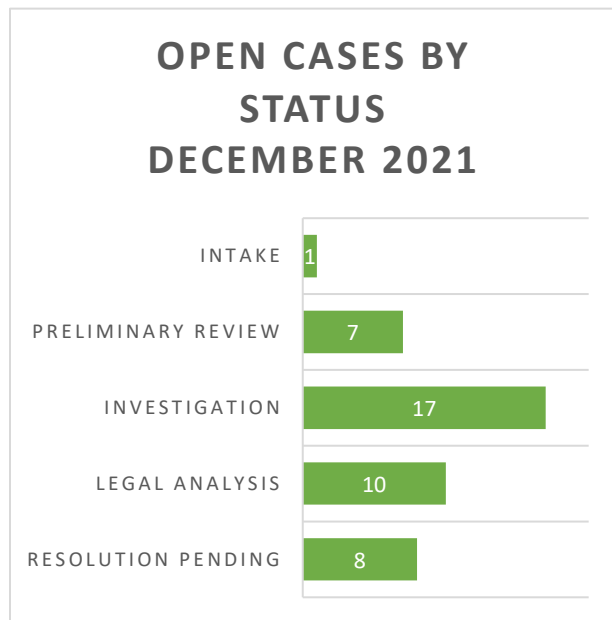
Michael McDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Jessica Leavitt
Ryan Micik
Arvon Perteet
Joseph Tuman

Whitney Barazoto, Executive Director

TO: Public Ethics Commission
FROM: Kellie Johnson, Enforcement Chief
DATE: November 15, 2021
RE: Enforcement Program Update for the December 4, 2021, PEC Meeting

Current Enforcement Activities:

Since the last Enforcement Program Update on November 1, 2021, Commission staff received one new complaint. This brings the total Enforcement caseload to 43 open cases: 7 matter(s) in the intake or preliminary review stage, 17 matters under active investigation, 10 matters under post-investigation analysis, and 8 matters in settlement negotiations or awaiting an administrative hearing.



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

1. ***In the Matter of Annie Campbell Washington for Oakland City Council 2018 (Case No. 19-06).*** On January 3, 2019, the City of Oakland Public Ethics Commission (PEC) Campaign Filing Officer emailed to former City Council Member Annie Campbell Washington the first warning “Notice of Non-filer Non-compliance” for failure to file a Semi-Annual Campaign Statement for the period of July 1, 2018 through December 31, 2018 for her committee Annie Campbell Washington for Oakland City Council 2018. After receiving no reply from the Respondent, on May 9, 2019, the Filing Officer referred the matter to PEC Enforcement Unit for Non-filer enforcement. Enforcement opened an investigation into the Respondent’s campaign filings, PEC staff determined that Campbell-Washington and her campaign committee, despite multiple warnings, did not electronically file the required campaign information pursuant to section 3.12.340 (A) of the Oakland Campaign Reform Act (OCRA). This matter came before the Commission on November 1, 2021 and was set over to the December Commission public meeting. Staff recommends that the Commission approve a stipulation that Annie Campbell Washington for Oakland City Council 2018 violated the Oakland Campaign Reform Act for a penalty of \$1,000 on Count 1, and \$1,171 in late fees, totaling \$2,171 in fines and penalties. (See Agenda Items)
2. ***In the Matter of Jason Overman (Case No. 18-14).*** On May 9, 2018, the City of Oakland Public Ethics Commission (PEC) received a complaint alleging that Respondent, Jason Overman violated the Oakland Campaign Reform Act. Staff opened an investigation to determine whether the Respondent violated the Oakland Campaign Reform Act’s Contractor Contribution Ban by making campaign contribution(s) to City of Oakland elected officials, candidates, or their controlled committees. After close consideration of all of the facts and the law, and the reasons explained in the attached memorandum, Staff recommends that the Commission approve a stipulation that Jason Overman violated the Oakland Campaign Reform Act and impose the following fines and financial penalties: \$500 on count 1 and \$500 on count 2, plus the unlawful amount \$1,600. (total sum of \$2,600). (See Agenda Items)