

CITY OF OAKLAND



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Public Ethics Commission
Enforcement Unit

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Emily Leese

**Re: PEC Complaint No. 22-01; Dismissal Letter Regarding John Marlette, City of Oakland
Planning and Building**

Dear Ms. Leese:

On January 3, 2022, the City of Oakland Public Ethics Commission (PEC) received your complaint (Complaint No. 20-01) that John Marlette, an Inspector with the City of Oakland Building and Planning Department, may have violated an unspecified provision of the Government Ethics Act, by failing to enforce building code violations against the owner of your residence. The complaint further alleged that Mr. Marlette was “friends” with the residence owner and by implication refused to enforce building code violations. After a close review of your report and relevant law, we found that there are insufficient facts to establish that the allegations against John Marlette allege conduct that constitutes a violation of the Government Ethics Act or any other provision within the jurisdiction of the PEC.

The Oakland Government Ethics Act prohibits a Public Servant from making, participating in making, or seeking to influence a decision of the City in which the Public Servant has a financial interest.

The investigation confirmed that, on or about November 8, 2021, the City of Oakland Building and Planning Inspector, John Marlette conducted an inspection of reported property and made a finding that the roof had leak damage and that repair was required. On that same date, Inspector Marlette took photos of the damage and issued the residence owner a “Notice of Violation” with notice that the property would be re-inspected between December 15-21, 2021. On December 23, 2021, a reinspection was conducted, and it was determined that the owner failed to repair the roof damage. On that same date the Inspector issued a re-inspection notice to occur on January 18, 2022 and imposed an administrative fine of \$216. Outside of his alleged “friendship” with the residence owner, there was no verifiable information to establish that he engaged in any inspections, refused an inspection or attempted to influence any decisions of the City in a matter in which he had a financial interest.

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The preliminary investigation confirmed that Mr. Marlette did, in fact, conduct inspections of the property, made findings that the property had leak damage, and imposed an administrative fine against the owner for his failure to repair the damage before re-inspection. There was no information to establish that the Inspector had a financial interest in the owner's property or that he was promised or given money in exchange for conducting an inspection or declining inspections.

Because Mr. Marlette's alleged conduct does not constitute a violation of the Government Ethics Act, or any other provision within the jurisdiction of the PEC, we are dismissing the allegations against him in the complaint pursuant to the PEC's Complaint Procedures. The PEC's Complaint Procedures document 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 February 9, 2022, 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,



Kellie Johnson,
Enforcement Chief