

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Regular Commission Meeting
Teleconference
Monday, January 4, 2021
6:30 p.m.



Commissioners: James E.T. Jackson (Chair), Jill M. Butler (Vice-Chair), Avi Klein, Michael MacDonald, Janani Ramachandran, Joseph Tuman and Jerett Yan

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

PEC MEETING MINUTES

1. Roll Call and Determination of Quorum.

The meeting was held via teleconference.

The meeting was called to order at 6:31 p.m.

Members present: Jackson, Butler, Klein, MacDonald, Ramachandran, and Yan.
Tuman was absent.

Staff present: Whitney Barazoto, Kellie Johnson, Ana Lara-Franco and Simon Russell.

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. December 7, 2020 Regular Meeting Minutes

There were no public speakers.

Klein moved, and Butler seconded to adopt the December 7, 2020, meeting minutes.

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Ayes: Jackson, Butler, Klein, MacDonald, Ramachandran, Yan

Noes: None

Vote: Passed 6-0

5. Election of Officers (Chair and Vice-Chair) of the Commission.

Jackson moved to nominate MacDonald for Chair. Butler seconded the nomination.

There were no public speakers.

Ayes: Jackson, Butler, Klein, Ramachandran, Yan

Noes: None

Abstain: MacDonald

Vote: Passed 5-0

MacDonald moved to nominate Yan for Vice-Chair. Ramachandran seconded the nomination.

There were no public speakers.

Ayes: Jackson, Butler, Klein, MacDonald, Ramachandran

Noes: None

Abstain: Yan

Vote: Passed 5-0.

6. In the Matter of Anthony Harbaugh (Case No. 18-11).

Kellie Johnson, Enforcement Chief, had 10 minutes to present the hearing officer's recommendation in the matter of Anthony Harbaugh (PEC #18-11).

The respondent, Anthony Harbaugh, did not present himself.

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Commissioners discussed and asked questions regarding what options they had to accept the findings and impose different fines for each count.

Ramachandran suggested for members to go count by count and discuss each. Yan suggested that first they confirm the factual findings and then to make legal conclusions.

There were no public speakers.

Commission members accepted the factual findings as presented by Chief Johnson and proceeded to discuss count by count.

Count 1: Commissioners agreed to the fine of \$5,000.

Count 2: Commissioners agreed to the fine of \$5,000.

Count 3: Commissioners agreed to increase this fine to \$5,000.

Count 4: Commissioners agreed to increase this fine to \$5,000.

Count 5: Commissioners agreed to increase this fine to \$5,000.

Count 6: Commissioners agreed to increase this fine to \$5,000.

Counts 7: Commissioners agreed to impose a violation and a fine of \$5,000.

Count 8: Commissioners agreed to impose a violation and a fine of \$5,000.

Count 9: Commissioners agreed to increase this fine to \$5,000

Count 10: Commissioners agreed to increase this fine to \$5,000

Count 11: Commissioners agreed to increase this fine to \$5,000

Count 12: Commissioners agreed to increase this fine to \$5,000

Count 13: Commissioners agreed to increase this fine to \$5,000

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Ramachandran moved, and MacDonald seconded to accept the finding of facts, change the legal conclusions on counts 7 and 8, and impose a total fine of \$55,000 for all counts.

Ayes: Jackson, Butler, Klein, MacDonald, Ramachandran, and Yan.

Noes: None

Vote: Passed 6-0.

DISCUSSION ITEMS

7. Reports on Subcommittees and Commissioner Assignments.

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

MacDonald shared that the subcommittee work continues and offers that new members may join the subcommittee if they are interested.

There was one public speaker.

INFORMATION ITEMS

8. Disclosure and Engagement.

Whitney Barazoto, Executive Director, presented the report. The report was a recap of entire year of 2020.

MacDonald thanked the staff for their dedication during the pandemic.

There were no public speakers.

9. Enforcement Program.

Ms. Johnson shared the report and thanked Simon Russell, Investigator, for all of his hard work. Yan asked for clarification on penalties collected.

There was one public speaker.

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10. Executive Director's Report.

Ms. Barazoto shared the report. She also thanked the Enforcement team for their good work and shared that, despite many cases closed this past year, there are currently 74 pending cases, the highest ever.

Ms. Barazoto thanked outgoing commissioners, Jackson and Butler, for their service to the PEC and the City of Oakland.

There were two public speakers.

The meeting adjourned at 9:07 p.m.