

CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION  
One Frank Ogawa Plaza (City Hall)  
Regular Commission Meeting  
Monday, November 5, 2018  
Hearing Room 1  
6:30 p.m.



Commissioners: Jonathan Stein (Chair), Jodie Smith (Vice-Chair), Lisa Crowfoot, James E.T. Jackson, Gail Kong, and Krisida Nishioka

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

City Attorney Staff: Trish Hynes, Deputy City Attorney

### **REGULAR MEETING MINUTES**

#### **1. Roll Call and Determination of Quorum.**

The meeting was called to order at 6:30 p.m.

Members present: Commissioners Stein, Smith, Crowfoot, Kong, Jackson, Nishioka.

Staff present: Whitney Barazoto, Milad Dalju, Suzanne Doran, and Simon Russell

City Attorney Staff: Trish Hynes, Deputy City Attorney.

#### **2. Staff and Commission Announcements.**

Whitney Barazoto, Executive Director, announced that thirteen applications were received for the January 2019 vacancy and that the City Attorney has appointed a new Commissioner to begin serving on the Commission at the December meeting.

#### **3. Open Forum.**

There were four public speakers.

### **CONSENT ITEMS**

#### **4. Approval of Commission Meeting Draft Minutes.**

- a. October 1, 2018, Regular Meeting Minutes

Commissioner Crowfoot moved and Commissioner Nishioka seconded to approve the minutes for October 1, 2018.

The motion passed 6-0.



**ACTION ITEMS**

**5. Campaign Finance Compliance for the November 2018 Election.**

Whitney Barazoto, Executive Director, presented findings and recommendations following staff's proactive review of contributions reported by candidates for the November 2018 election and assessment of related formal complaints recently submitted to the Commission.

Commissioner Kong moved and Commissioner Nishioka seconded to approve all of the staff recommendations in the report.

Motion passed 6-0.

There were five public speakers.

**6. In the Matter of Rich Fielding (Case No. 16-11).**

Milad Dalju, Deputy Director, presented the matter and recommended that it be closed without further action.

Commissioner Stein moved and Commissioner Crowfoot seconded to return the case to staff for further investigation.

Motion passed 5-1.

There were ten public speakers.

**7. In the Matter of Thomas Espinosa (Case No. 16-14).**

Commission staff recommended the Commission set this matter for an administrative hearing.

Commissioner Nishioka moved Commissioner Stein seconded to refer the matter for an administrative hearing with the Office of Administrative Hearings and to allow new evidence to be included, if necessary.

The motion passed 6-0.

There were seven public speakers.

**8. In the Matter of the Oakland Planning and Building Department (Case No. 16-22M).**

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Kyle McLean, law clerk, presented the matter and recommended that the Commission close it without further action.

Commissioner Smith moved and Commissioner Stein seconded to approve the recommendation.

The motion passed 6-0.

There were no public speakers.

**9. In the Matter of the City of Oakland (Case No. 17-14M).**

Commission staff has completed mediation and recommends that the Commission close this matter without further action.

Commissioner Stein moved and Commissioner Nishioka seconded to approve the recommendation.

The motion passed 6-0.

There were no public speakers.

**10. Penalty Guidelines.**

The Commission's Penalty Guidelines Subcommittee presented a draft revision of the Penalty Guidelines to Commissioners and staff for discussion and possible adoption.

Commissioner Crowfoot moved and Commissioner Stein seconded to approve the revised Penalty Guidelines.

The motion passed 6-0.

There was one public speaker.

**DISCUSSION ITEMS**

**11. Subcommittee Reports.**

- a. **Campaign Finance Subcommittee** – Jonathan Stein (Chair), Lisa Crowfoot, and James Jackson

There were no updates.



- b. **Education and Outreach Subcommittee** – Krisida Nishioka (Chair), James Jackson, and Gail Kong

There were no updates.

- c. **Complaint Procedures Subcommittee** (*ad hoc*, created 3/26/18) – Krisida Nishioka and Jodie Smith

There were no updates.

- d. **Penalty Guidelines Subcommittee** (*ad hoc*, created 3/26/18) – Lisa Crowfoot and Gail Kong

There were no updates.

- e. **Ticket Policy Guidance Subcommittee** (*ad hoc*, created 9/11/18) – James Jackson and Gail Kong

There were no updates.

Chair Stein created a new *ad hoc* recruitment subcommittee: Members are: Lisa Crowfoot, Krisida Nishioka, and Jonathan Stein.

There were no public speakers.

## **INFORMATION ITEMS**

### **12. Public Ethics Commission Regular Meeting Schedule 2019.**

The Commission reviewed a revised proposed schedule of regular Commission meetings planned for 2019. The Commission accepted the schedule.

There were no public speakers.

### **13. Disclosure Program.**

Suzanne Doran, Lead Analyst, provided a report of recent disclosure and data illumination activities. Ms. Doran shared that the election brought a lot more traffic in assisting candidates file their disclosure statements.

There were no public speakers.

### **14. Education and Engagement Program.**

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Ms. Barazoto presented the report on the Commission's education and outreach activities.

There were no public speakers.

**15. Enforcement Program.**

The Commission received the enforcement report on Commission staff's work since the last regular Commission meeting.

There were no public speakers.

**16. Executive Director's Report.**

The Commission received Ms. Barazoto's report on overall projects, priorities, and significant activities since the Commission's last meeting.

There were no public speakers.

The meeting adjourned at 9:50 p.m.