

CITY OF OAKLAND
PUBLIC ETHICS COMMISSION
One Frank Ogawa Plaza (City Hall)
Special Commission Meeting
Teleconference
Friday, September 17, 2021
6:30 p.m.



DRAFT

Commissioners: Michael MacDonald (Chair), Jerett Yan (Vice-Chair), Avi Klein, Jessica Leavitt, Ryan Micik, Arvon Perteet, and Joseph Tuman

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

City Attorney Staff: Trish Shafie, Deputy City Attorney

PUBLIC ETHICS COMMISSION SPECIAL 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: MacDonald, Yan, Micik, Perteet, Tuman

Klein and Leavitt were absent

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

City Attorney Staff: Trish Shafie.

2. Staff and Commission Announcements.

MacDonald announced the appointment of Commissioner Leavitt. Leavitt was appointed by the City Attorney. Their term ends January 2024.

3. Open Forum.

There were no public speakers.

ACTION ITEMS

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

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Whitney Barazoto, Executive Director, shared a recap of the matter. In 2016, the Commission opened a proactive investigation into allegations that Thomas Espinosa violated the Oakland Government Ethics Act by engaging in a bribery or *quid pro quo* scheme. Commission staff's investigation found that between January 1, 2015, and September 15, 2016, Respondent committed 47 violations of the Oakland Government Ethics Act, including the following: soliciting and receiving bribes; making, and seeking to use his official position to influence, governmental decisions in which he had a disqualifying financial interest; misusing City resources for personal financial gain; misusing his City position to induce/coerce others to provide him with economic gain, and; failing to report significant income from individuals with matters before him as a City building inspector. In November 2018, the Public Ethics Commission found probable cause that Espinosa violated the Government Ethics Act and set the matter to a Hearing, which was held on April 27, 2021. Following the hearing, the hearing officer submitted to the Commission a report of factual and legal findings with penalty recommendations. The Commission discussed penalty options at its public meeting on June 7, 2021, and again on June 30, 2021. The Commission asked staff to reschedule the item to September to discuss Respondent's claims of medical impairment and the Commission's due process obligations in such cases.

Commissioners discussed and asked questions.

MacDonald asked if the respondent, Thomas Espinosa, was in attendance at the meeting. He was not.

At 10:52 p.m. MacDonald called for public speakers.

There were no public speakers.

Commissioners discussed each count.

MacDonald moved and Tuman seconded to adopt the facts and findings of the hearing officer's recommendation.

Ayes: MacDonald, Yan, Klein, Micik and Pertee.

Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

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Perteet moved, and Tuman seconded to impose a penalty total of \$309,600.00.

Ayes: MacDonald, Yan, Klein, Micik and Perteet.

Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

On Counts 30-33, the Commission found different conclusion from the Hearing Officer.

Perteet moved and MacDonald seconded to find that the Respondent did violate the conflict of interest on count 30, conflict of interest on count 31, conflict to interest on count 32, and conflict of interest on count 33.

Ayes: MacDonald, Yan, Klein, Micik and Perteet.

Noes: None

Absent: Klein and Leavitt

Vote: Passed 5-0

Breakdown of findings:

Count	Proposed Amount
1	5,000.00
2	5,000.00
3	18,000.00
4	5,000.00
5	5,000.00
6	5,000.00
7	18,000.00
8	5,000.00
9	5,000.00
10	5,000.00
11	5,000.00
12	5,000.00

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13	5,000.00
14	5,000.00
15	5,000.00
16	5,000.00
17	5,000.00
18	5,000.00
19	5,000.00
20	5,000.00
21	5,000.00
22	5,000.00
23	5,000.00
24	5,000.00
25	5,000.00
26	5,000.00
27	5,000.00
28	29,100.00
29	5,000.00
30	7,500.00
31	7,500.00
32	7,500.00
33	7,500.00
34	8,625.00
35	8,625.00
36	8,625.00
37	8,625.00
38	5,000.00
39	5,000.00
40	5,000.00
41	5,000.00
42	5,000.00
43	5,000.00
44	5,000.00
45	5,000.00
46	5,000.00
47	5,000.00

The meeting adjourned at 11:16 p.m.