



# *AGENDA REPORT*

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**TO:** CITY COUNCILMEMBERS,  
CITY ADMINISTRATOR

**FROM:** Whitney Barazoto, Director  
Public Ethics Commission

**RE:** Public Ethics Commission Activities  
in 2016-17

**DATE:** August 28, 2017

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## **RECOMMENDATION**

**Receive a report from the Public Ethics Commission describing its activities and caseload for the past year.**

## **EXECUTIVE SUMMARY**

The Public Ethics Commission (PEC or Commission), which entered 2016 with two full-time staff, ended the year with a new, fully-staffed team of six to carry out the Commission's work to ensure compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws. Aside from completing its full complement of recruiting, hiring, and training of new staff in 2016, the Commission pursued its agenda to expand and strengthen Commission services to the City and all PEC clients in each of its program areas. Highlighted activities in 2016 are as follows:

- **Lead/Collaborate** – The Commission initiated a comprehensive review and held an informational public hearing on the City's distribution of City tickets to Oakland-Alameda Coliseum and Oracle Arena events. The Commission also drafted and sought City Council adoption of amendments to the Oakland Campaign Reform Act to clarify provisions, strengthen enforcement authority, and align local rules with state law. City Council approved these amendments in November 2016.
- **Educate/Engage** – Commission staff created and institutionalized an Ethics 101 training video within the Citywide learning management system for all City officials, employees, and board/commission members. The overview also is now part of new employee orientations that occur monthly, and a supplement to state-required AB 1234 training for elected officials. Staff further provided in-person trainings to officials and staff upon request and responded to 99 requests for advice or assistance in complying with ethics, campaign finance, or lobbyist registration laws in 2016. Public Ethics Commissioners engaged with citizens directly by going out to community meetings and events to spread the word about the Commission's work and hear input from Oakland residents.

Item: \_\_\_\_\_  
City Council Rules Committee  
September 14, 2017

- **Disclose/Illuminate** – In partnership with OpenOakland volunteers, Commission staff again facilitated the completion of [www.opendisclosure.io](http://www.opendisclosure.io), a data consolidation and visualization application that was expanded for the 2016 election to include data on all Oakland candidates and ballot measures. Staff further augmented the PEC’s website content and stepped up its social media efforts to share ethics and campaign finance information, training materials, and Commission activities, resulting in a 128% increase in the number of users on the Commission’s website. Commission staff also prepared for its new duty as filing officer for campaign statements which became effective January 1, 2017.
- **Enforce** – The Commission’s overall enforcement activities increased dramatically in 2016, with a record number of allegations reviewed (41), investigations opened (22), and cases closed (28). The Commission also imposed its highest-ever fine to date, as part of a joint investigation with the California Fair Political Practices Commission (FPPC), against a local company that illegally laundered 37 political contributions through 17 employees and their spouses to four Oakland mayoral candidates and two Oakland city council candidates, resulting in a combined fine of \$114,400. (FPPC imposed \$100,000; PEC imposed \$14,400). Commission staff also prioritized and resolved all backlogged cases that were received prior to 2013, including complaints received in 2010, and in 2011 and 2012 when the PEC had no staff.

In addition to the above activities, also noteworthy for 2016 is the Commission’s creation of a comprehensive guiding strategy and performance measurement system that articulates the Commission’s desired goals and outcomes and identifies indicators of performance toward intended outcomes. The new system will help the Commission track its progress, report to Oakland citizens and policymakers, and use the data to guide future decisions about how best to conduct its work.

Attached is the Commission’s Annual Report for 2016, which describes the above and additional Commission activities for the past year.

Also attached is a slide deck for the staff presentation to occur at the September 14, 2017, Rules Committee meeting describing activities for 2016-17.

### **BACKGROUND/LEGISLATIVE HISTORY**

On November 4, 2014, Oakland voters approved ballot measure CC, which strengthened the Public Ethics Commission by creating a new City Charter section 603 to expand the Commission’s authority, structure, staffing, and independence. The revised Charter section also transferred the collection, maintenance, and storage of campaign finance forms and data from the City Clerk’s office to the Public Ethics Commission and imposed requirements upon the Commission to ensure transparency and accountability in its process, operations, and decisions.

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Most of the provisions of the new City Charter section 603 became effective January 1, 2015, except the minimum staffing requirement (positions budgeted for July 1, 2015) and the campaign statement filing officer duties (effective January 1, 2017).

See the attached Annual Report for 2016, which provides an overview of the Commission's legislative history, jurisdiction, and recent growth.

For questions regarding the report, please contact me at (510) 238-6620.

Respectfully submitted,

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WHITNEY BARAZOTO  
Executive Director, Public Ethics Commission

**Attachments**

1. Public Ethics Commission Annual Report 2016
2. City of Oakland Public Ethics Commission Overview of Activities 2016-17 (Slide Deck)

# City of Oakland Public Ethics Commission



## ANNUAL REPORT 2016



Public Ethics Commission  
1 Frank Ogawa Plaza (City Hall), Room 104  
Oakland, CA 94612  
[www.oaklandnet.com/pec](http://www.oaklandnet.com/pec)  
[ethicscommission@oaklandnet.com](mailto:ethicscommission@oaklandnet.com)  
(510) 238-3593



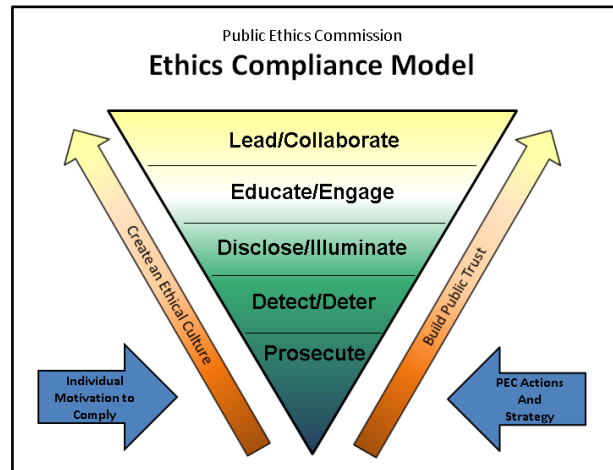


## A NEW TEAM TO STRENGTHEN GOVERNMENT ETHICS

The Public Ethics Commission (PEC or Commission) began 2016 with two full-time staff and ended the year with a new, fully-staffed team of six to carry out the Commission's work to ensure compliance with the City of Oakland's government ethics, campaign finance, transparency, and lobbyist registration laws that aim to promote fairness, openness, honesty, and integrity in city government.

Aside from completing its full complement of recruiting and hiring in 2016, the Commission pursued its agenda to expand and strengthen Commission services to the City and all PEC clients in each of its program areas. Key successes in 2016 are as follows:

- **Lead/Collaborate** – The Commission initiated a comprehensive review and held an informational public hearing on the City's distribution of City tickets to Oakland-Alameda Coliseum and Oracle Arena.
- **Educate/Engage** – Commission staff institutionalized a City Administrator-mandated Ethics 101 training video within the Citywide learning management system for all staff and new employees to receive. Commissioners traveled out into the community to engage with citizens, both to spread the word about the Commission's work and hear input directly from Oakland residents.
- **Disclose/Illuminate** – In partnership with OpenOakland volunteers, Commission staff again facilitated the completion of [www.opendisclosure.io](http://www.opendisclosure.io), expanded for the 2016 election to include campaign data on all Oakland candidates and ballot measures.
- **Enforce** – While the Commission's overall enforcement activities increased dramatically in 2016 with a record number of allegations reviewed, investigations opened, and cases closed, the Commission also imposed its highest-ever fine to date for unlawful activities that amounted to one of the most egregious types of campaign finance violations punishable under local law: intentional laundering of campaign contributions.



In addition to the above highlights, also noteworthy for 2016 is the Commission's creation of a comprehensive guiding strategy and performance measurement system that articulates the Commission's desired goals and outcomes and identifies indicators of performance toward the intended outcomes. The new system will help the Commission report on its progress to Oakland voters and use the data to guide future decisions about how best to conduct its work.

With new staff and a system for measuring its performance, the Commission is in a strong position to accomplish its goals in 2017 and to communicate its work to Oakland residents and policymakers. Meanwhile, this report summarizes the Commission's activities in 2016.

## PEC MISSION AND ACTIVITIES



The Public Ethics Commission was created in 1996 to ensure fairness, openness, honesty and integrity in City government. The PEC's work is governed by local ordinances in three key areas: campaign finance, transparency, and ethics. The Commission's authority and ability to do its work rests heavily on the provisions outlined in the City Charter, as amended in 2014, as well as in each relevant ordinance, listed as follows:

- Oakland Campaign Reform Act
- Sunshine Ordinance
- Limited Public Financing Act
- Lobbyist Registration Act
- False Endorsement in Campaign Literature Act
- Government Ethics Act
- Conflict of Interest Code

The Commission's activities, and the six-person staffing structure provided by the 2014 City Charter changes, are organized according to the following ethics compliance framework to ensure a strong, effective, and fair ethics commission:

- **Lead/Collaborate** – Lead by example and facilitate City policy, management, and technological changes to further the Commission's mission.
- **Educate/Engage** – Provide education, advice, technical assistance, and formal legal opinions to promote awareness and understanding of the City's campaign finance, ethics, and transparency laws.
- **Disclose/Illuminate** – Facilitate accurate, effective, and accessible disclosure of government integrity data, such as campaign finance reporting, conflicts of interest/gifts reports, and lobbyist activities, all of which help the public and PEC staff monitor filings, view information, and detect inconsistencies or noncompliance.
- **Detect/Deter** – Conduct investigations and audits to monitor compliance with the laws within the Commission's jurisdiction.
- **Prosecute** – Enforce violations of the laws within the Commission's jurisdiction through administrative or civil remedies.

### Transformation in 2014

The legislative changes made in 2014 were designed to equip the Commission with more authority, independence, and resources to ensure compliance with ethics, transparency, and campaign finance laws that promote fairness, openness, honesty, and integrity in City government.

#### Oakland City Charter:

Measure CC was adopted by Oakland voters on November 4, 2014, to amend the Oakland City Charter to augment the authority, independence, and staffing of the Public Ethics Commission. The new provisions became effective on January 1, 2015, and the new staff positions were budgeted in July 2015.

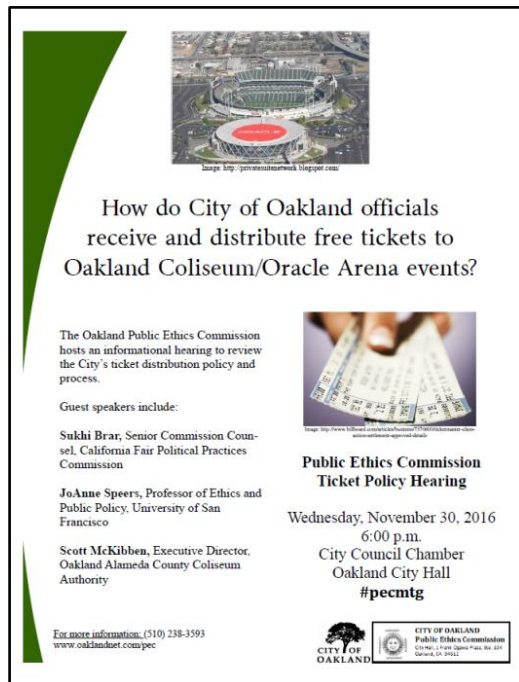
#### Government Ethics Act:

In December 2014, City Council approved the PEC's proposed Oakland Government Ethics Act, to consolidate government ethics rules into one local ordinance and to enhance education and enforcement of those rules in and around City Hall.

## LEAD AND COLLABORATE

The Commission leads by example and employs collaborative approaches to facilitate changes in City laws, policies, systems, and technology to ensure fairness, openness, integrity, and innovation. A collaborative approach aims to leverage the efforts of City and community partners working on similar or overlapping initiatives in order to enhance government integrity. Such an approach also recognizes that lasting results in transparency and accountability are achieved not through enforcement alone, but through a comprehensive strategy that aligns all points in the administration of City government – including clear laws, policies and process, effective management and use of staff resources, technology that facilitates desired outcomes, and an understanding of staff culture and citizen expectations.

### CITY TICKET POLICY AND PROCESS REVIEW



How do City of Oakland officials receive and distribute free tickets to Oakland Coliseum/Oracle Arena events?

The Oakland Public Ethics Commission hosts an informational hearing to review the City's ticket distribution policy and process.

Guest speakers include:

- Sukhi Brar, Senior Commission Counsel, California Fair Political Practices Commission
- JoAnne Speers, Professor of Ethics and Public Policy, University of San Francisco
- Scott McKibben, Executive Director, Oakland Alameda County Coliseum Authority

Public Ethics Commission  
Ticket Policy Hearing

Wednesday, November 30, 2016  
6:00 p.m.  
City Council Chamber  
Oakland City Hall  
#pecmtg

For more information: (510) 238-3593  
www.oaklandnet.com/pec

Following news reports in 2016 alleging that City Councilmembers used thousands of dollars in free tickets to Golden State Warrior's games, the Commission opened an investigation and **initiated a comprehensive review of the City's policy and process for distributing City tickets to Oakland-Alameda Coliseum and Oracle Arena events.**

As part of the latter review, the Commission **held an informational public hearing in November 2016** to gather information, hear from industry experts, and invite public input on the issue. The hearing led to the drafting of a final report with specific recommendations for better management, redesigned process, and better use of existing technology, as well as suggestions for a revised draft policy that the Commission will propose in 2017.

### CLEAR AND EFFECTIVE CAMPAIGN REFORM ACT

After co-hosting a public forum on Money in Politics in October 2015, the Commission's Campaign Finance subcommittee **drafted proposed amendments to the Oakland Campaign Reform Act** as part of a first round of amendments intended to strengthen the Commission's enforcement authority, clarify language, and align the ordinance with the revised City Charter and the California Political Reform Act. In October 2016, the Commission approved the subcommittee's proposed amendments, which **passed the City Council unanimously in November 2016.** The next phase of reform-minded changes is scheduled for 2017.

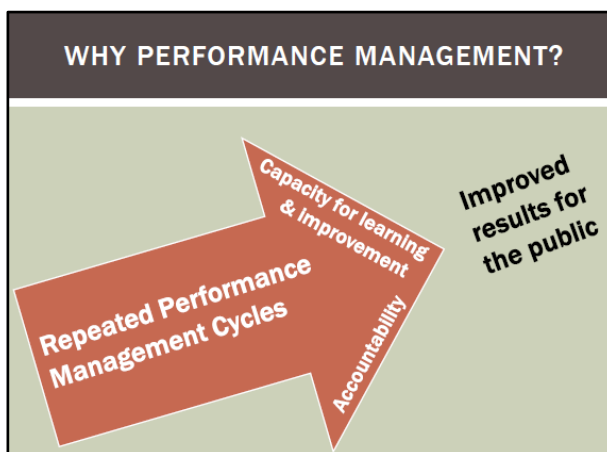


## PERFORMANCE MANAGEMENT

In order to illuminate the Commission's goals, activities, and performance for Oakland residents, policymakers, and other interested persons, in January 2016 Commission staff **partnered with a graduate student from the Mills College, Lokey School of Business and Public Policy, to create a performance management system** for the Commission.

Graduate student Suzanne Doran conducted research on best practices in measuring organizational performance, with an emphasis on how ethics commissions track and report on their accomplishments. She worked with Commission staff to identify intended outcomes, goals, activities, and indicators of program success for each of the Commission's programs areas.

In July, 2016, Ms. Doran **presented a proposed performance measurement system to the Commission to serve as a pilot project for 2016-2017**. She further worked with staff to implement the project by consolidating and creating data tracking tools where needed. The new system will continue to be refined and utilized as part of the Commission's ongoing strategic planning and performance assessment in 2017 and beyond in order to ensure that the Commission uses performance data to drive improvements to program results, motivate staff, and share progress toward the Commission's intended outcomes.



## CITY COUNCIL SALARIES

Pursuant to the Oakland City Charter, the Commission is required by law to adjust the salary for Councilmembers every two years by the increase in the consumer price index over the preceding two-year period. In February 2016, the Commission **approved a 4.6 percent salary increase – the minimum required by law – for City Councilmembers**, putting the total salary at \$85,301.42, effective for FY 2016-17. During the discussion of the salary increase, Commissioners inquired about the full benefit package provided to Councilmembers and later received a summary of benefits that was provided by the City's Human Resources Management Department Director. The Commission **posted the summary of Councilmember benefits on the Commission's website** for public viewing.

## EDUCATE AND ENGAGE

Prevention activities consist of education, outreach, and online information to facilitate compliance with government integrity laws. The Commission educates and advises candidates for local elective office, elected officials, appointed officials, City staff, lobbyists, people doing business with Oakland, City residents, businesses, and organizations.

### ETHICS TRAININGS

Commission staff prioritized the creation of ethics trainings and materials in 2016 to raise awareness and understanding of the City's Government Ethics Act, which passed in 2014 to codify and supplement state ethics laws. Staff worked with City staff and officials to **institutionalize the following ethics trainings in 2016:**

- **Introduction to Government Ethics Mandatory Training** – Commission staff worked with the City Administrator's office and the Department of Human Resources Management (DHRM) to embed the Introduction to Government Ethics video within the City's learning management system, Target Solutions, and mandate that all City staff are required to take the training. A total of 1,100 City employees took the ethics introduction course.
- **New Employee Orientation** – Staff collaborated with DHRM again to include an Introduction to Government Ethics training at all New Employee Orientation sessions (offered monthly), introducing the training to more than 270 new employees.
- **Ethics Introduction for City Board and Commission Members** – Commission staff reached out to the City's boards and commissions and worked with their staff to arrange a time during their public meeting to provide introductory ethics trainings to more than 100 volunteer board members.
- **AB 1234 Training for Elected Officials** – Commission staff facilitated the completion of state-required ethics training for elected officials and provided officials with the Introduction to Government Ethics video and a written overview of the Government Ethics Act to ensure that they are aware of the local laws and that they can call the Commission for ethics advice and assistance.



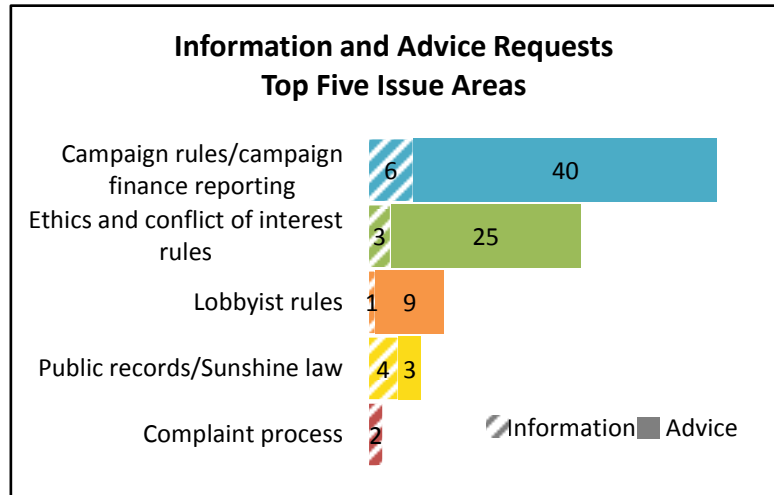
These activities continue into 2017 to ensure that all City public servants, including full and part-time City staff, consultants, board and commission members, and elected officials, receive introductory ethics trainings.

Commission staff also **began to create a comprehensive, online training** for all public servants who are required to file a Form 700 (Statement of Economic Interests). This more detailed, interactive training module will provide case studies, hypothetical scenarios, and short quizzes

to educate public servants and enhance comprehension of local and state ethics laws. The online training will be instituted in 2017.

**ADVICE AND ASSISTANCE**

In 2016, Commission staff responded to roughly **100 requests for advice or information** about campaign finance, ethics, or lobbyist registration issues. Staff **distributed email advisories and fact sheets to City staff** regarding ethics laws such as gift limits, revolving door rules, and restrictions on the use of public resources for personal or



campaign purposes. Staff also **issued a written advice letter** in response to a request by a candidate seeking to comply with conflicting state and local laws; advice letters are now published on the Commission’s website as part of an effort to develop the Commission’s archive of written advice that can be accessed by the public and the regulated community.

**OUTREACH**

In the second half of 2016, the Commission **initiated community outreach in order to connect directly with Oakland residents** to share information about the Commission’s growth, role, and activities, and receive citizen input on how the Commission can best serve them. **Commissioners spoke at 11 “roadshow” events, reaching approximately 253 Oaklanders.** These outreach events occurred mostly at Neighborhood Crime Prevention Councils, given their existing link to City staff who serve as liaisons, and future outreach opportunities will be expanded to a broader array of community groups and events in 2017. Commission staff also



**presented to the League of Women Voters of Oakland** at the League’s annual meeting in June 2016.



**NEWSLETTER**

The Commission **published its first-ever newsletter, Public Trust, in July 2016** as part of its efforts to educate readers about City laws and share Commission activities. The newsletter is routinely distributed to all City staff and officials, members of the public who have subscribed to receive Commission information, and citizens attending the Commission’s “roadshow” events.

## DISCLOSE AND ILLUMINATE

The Commission's Disclosure Program aims to help interested parties receive and easily access campaign finance and ethics-related data and information that is accurate, user-friendly, and understandable. This program utilizes a collaborative transparency approach, which aims to enhance two-way communication and interaction between Oaklanders and government by engaging Oaklanders in the Commission's information, activities, and decision-making process so that the Commission can better meet their needs.

### CAMPAIGN DATA ILLUMINATION

In 2014, the Commission pitched an idea to OpenOakland, a volunteer brigade affiliated with Code for America, to create a new web application for the then-mayoral election in order to show the City's campaign data in a way that is interactive and easy to understand. Following the success of that project, which resulted in the creation and launch of Open Disclosure 2014, the volunteer group expanded its focus to create an application that could be used by any City that uses the same kind of campaign reporting technology as Oakland. In 2016, Commission staff partnered again with the volunteer group, now referred to as California Civic Lab, to update the Open Disclosure website for the 2016 election. In October 2016, **Commission staff and California Civic Lab volunteers launched a redesigned Open Disclosure site for the November election.** Application content expanded from one electoral race to include data for all candidates for City office – 27 candidates and 10 electoral races in all – as well as six Oakland ballot measures. The redesign also resulted in a site that is easier to navigate and works well when viewed on a mobile device.

From the October 2016 launch to Election Day, **the site received 12,061 page views**, which represents the number of times that any page on the site is visited. A total of 1,669 IP addresses, or separate users, interacted with content on Open Disclosure during the same period, generating 2,281 sessions. Since 2014, the application site has received a total of 48,937 page views by 14,323 users and has been cited by newspaper reporters and other elections-related websites.



### FILING OFFICIAL RESPONSIBILITIES

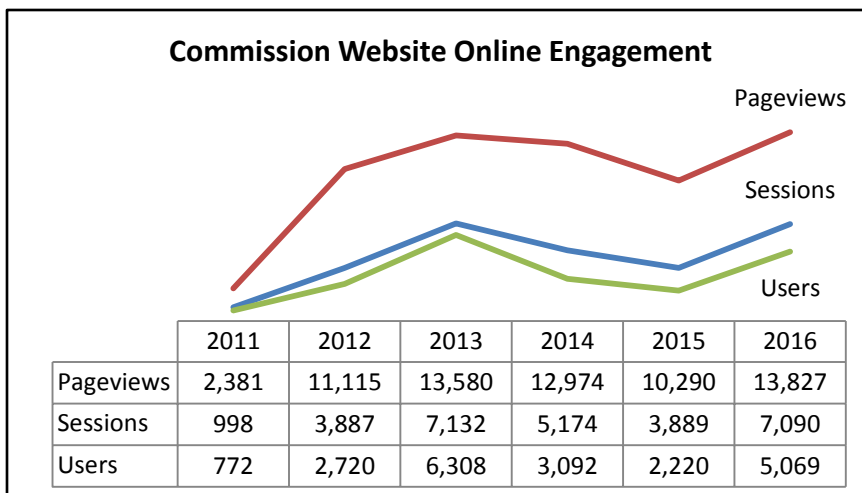
Pursuant to the City Charter changes of 2014, the **Commission became the City's official filing officer for campaign statements as of January 1, 2017.** This means that candidates and committees raising and spending money for Oakland candidates or campaigns must file their campaign finance forms with the Commission, which can then easily monitor and respond to filing concerns. Commission staff conducted preparation work in 2016 to absorb these new duties, researching state laws, coordinating with the City's vendor for electronic campaign

filings, *Netfile*, and working with the City Clerk’s office to transfer paper filings to the Commission’s office. The new role will help the Commission ensure that filers receive education and assistance with filing responsibilities and that filers are complying with the law.

### DIGITAL ENGAGEMENT

Commission staff **continued to augment the Commission’s website** to enhance the quality of information for all of the Commission’s clients. Specifically, the Commission added links to Commission advice letters, enforcement reports, and Commission enforcement fines and copies of stipulations to its website. This was on top of activities in 2015 that added more government ethics law content and video resources. The Commission also **was an early partner in the City’s website redesign** *Digital Front Door* initiative and was the first City commission to add content to the beta version of the new City of Oakland website.

Web analytics show significant increases in web traffic in 2015 – 2016 as the Commission has been adding more and



better content and getting smarter about how to organize and communicate web content. The number of users of the Commission’s website increase twofold in 2016 and more than fivefold since 2011, going from 772 users in 2011 to over 5,000 in 2016. In the past year alone, the Commission’s website experienced a 128% increase in users initiating at least one session on the PEC webpages. Additionally, the number of sessions (the period of time a user is actively engaged with the website) increased by 82%, and the total number of PEC webpages viewed increased by 34% over 2015.

In the second half of 2016, Commission staff **stepped up its social media use** to publicize OpenDisclosure, recruit applicants for Commission vacancies, and encourage engagement with the Commission’s November Ticket Policy Hearing. The increased activity resulted in 96 new followers, a 32% increase over 2015, and a 242% increase in the total number of times Twitter users interacted with a Commission Tweet via tweets, retweets, replies, follows, and likes.

### LOBBYIST REGISTRATION DATA

To facilitate compliance with the Lobbyist Registration Act and to share information about lobbyist activities, the Commission **publishes lobbyist registration data on its website**. In 2016, 47 lobbyists registered with the City, and over \$2,374,775 was reported as compensation received by lobbyists to influence City officials.

## ENFORCEMENT

The Commission conducts investigations, holds public hearings, issues subpoenas, and imposes fines and penalties as provided for by ordinance. City ordinances give the Commission the authority to impose administrative and civil remedies for violations of ethics laws, campaign finance laws, lobbyist registration requirements, and for false endorsements in campaign literature. The Commission also can mediate or require “cure and correction” for violations of public records and open meetings laws, respectively.

### STRENGTHENED ENFORCEMENT

In March 2016, the Commission **welcomed its first-ever investigator** who joined the Commission’s Deputy Director/Chief of Enforcement to round out the enforcement unit responsible for detecting and enforcing violations of the laws within the Commission’s jurisdiction.

By the end of 2016, the Commission **resolved a record number of 28 cases** and **imposed the Commission’s highest fine to date (\$14,400)** for unlawful activities that amounted to one of the most egregious types of campaign finance violations punishable under local law: intentional laundering of campaign contributions.



The 28 cases the Commission closed in 2016 were resolved as follows:

- Imposed three fines
- Issued two warning letters and two advisory letters
- Closed two cases without action
- Dismissed 19 complaints following a preliminary review

Staff also **prioritized and resolved all backlogged cases** that were received by the Commission prior to 2013.

### ENHANCED INVESTIGATIONS

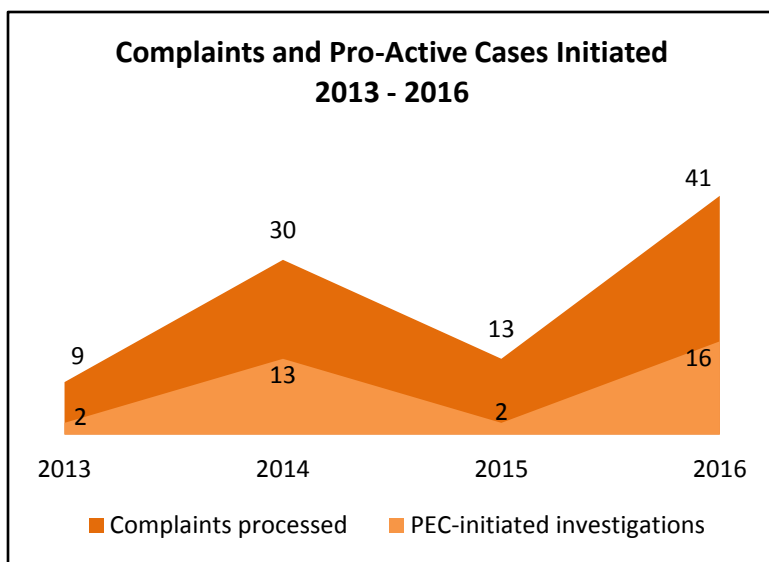
Commission investigative staff **created a process and template for Commission-issued subpoenas** and **issued 27 subpoenas for documents related to its investigations** in 2016. In response to one elected official’s failure to respond to a subpoena, the Commission petitioned

the Superior Court for an order compelling compliance with the investigative subpoena. The Commission prevailed, obtaining the court order and the required documents.

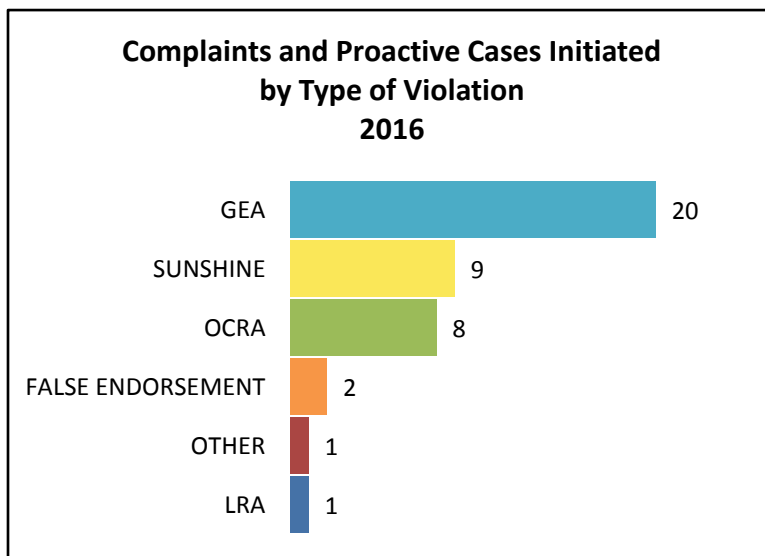
### NEW COMPLAINTS AND INVESTIGATIONS OPENED

The Commission **received 25 new complaints in 2016** alleging violations of campaign finance, conflicts of interest, open meetings, public records, and other ethics-related laws. Six of the 25 complaints received in 2016 resulted in the opening of an investigation. In addition, Commission staff **opened 16 cases proactively** based on hearing or reading of suspicious activities, receiving anonymous tips, or obtaining information from third parties.

As a result, Commission staff **reviewed a record 41 allegations** of potential violations in 2016. This exceeds any prior year, above the 14 complaints received or initiated in 2015, 29 complaints in 2014, nine complaints in 2013, 14 complaints in 2012, and five complaints in 2011.



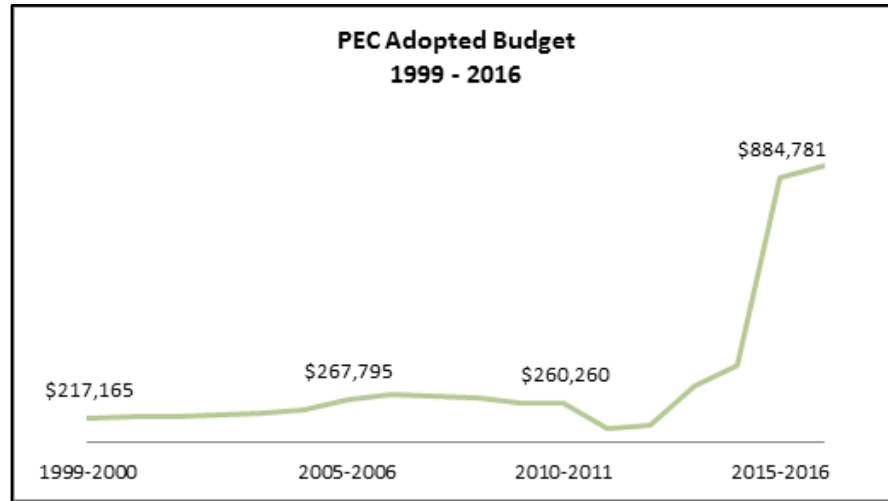
**The Commission continued to prioritize enforcement activities** based on the following considerations to determine priority level: 1) the extent of Commission authority to issue penalties; 2) the impact of a Commission decision; 3) public interest, timing, and relevancy; and 4) Commission resources.



## PEC ADMINISTRATION

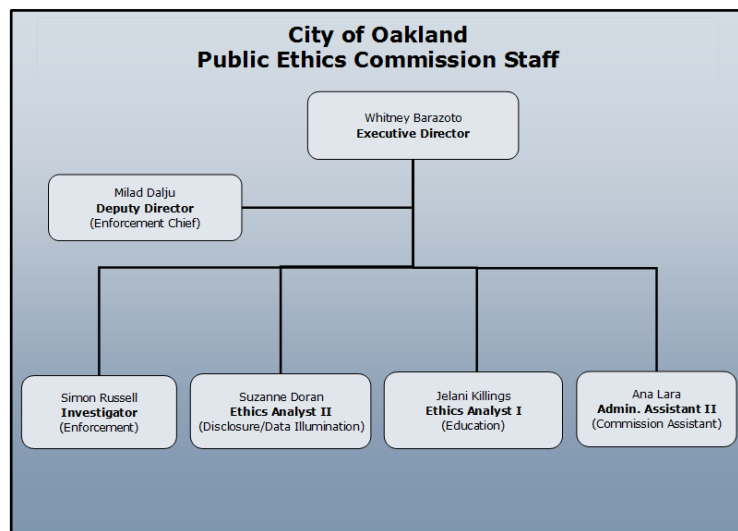
### BUDGET

The Commission’s budget tripled as a result of the City Charter amendment in 2014, with funding effective July 2015 and reflecting a total of six budgeted full-time positions. The adopted **budget for FY 2016-17 for the Commission was \$917,989**, which is the highest amount ever budgeted for the Commission.



### STAFFING

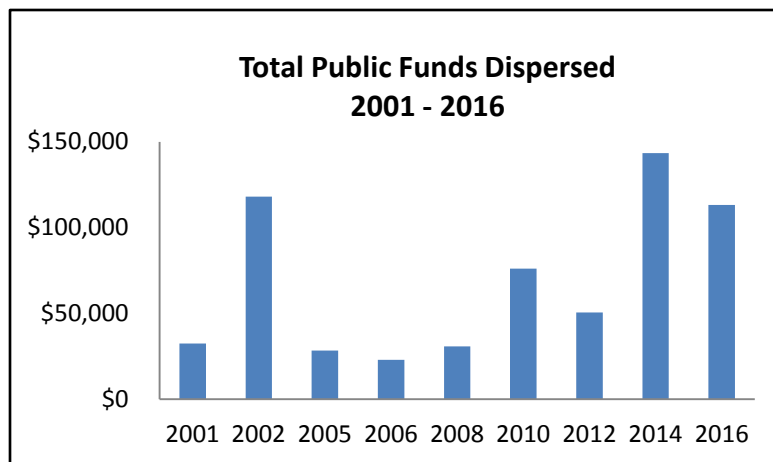
The Executive Director **completed the recruitment, hiring, and onboarding of five new full-time staff** so that all six positions were filled by August 2016. Each new Commission staff **contributed to the process of developing performance criteria** for their positions and **began to create an instruction manual for the duties under each position** in order to establish each position within the Commission’s structure and to ensure continuity of operations upon future position vacancies. Staff **participated in ongoing professional development,** including opportunities through the nationally-recognized Council of Government Ethics Laws and the League of California Cities.





### PUBLIC FUNDS FOR CANDIDATES

As part of the Commission’s administrative activities, staff **administered the Oakland Limited Public Financing program** for the 2016 election in which candidates for City Council district seats could apply for and receive public money via reimbursements to assist them in their campaigns. Commission staff **distributed \$113,140 in public funds among four participating candidates**. While there were both fewer City Council candidates in the election and fewer candidates participating in the public financing program in 2016, the total amount of funds provided to participating candidates remained high due to the two-phase process that allows funds left unused by candidates by late September to be redistributed to other candidates who were actively participating.



## 2016 COMMISSIONERS

### **Sonya Smith, Chair**

Mayoral Appointee 5/1/2014 - 1/21/2017



Sonya Smith is a 10-plus-year Oakland resident, residing in the Santa Fe neighborhood in North Oakland. She is an attorney for the California Commission on Judicial Performance, which is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity and for disciplining judges, pursuant to the California Constitution. Her background includes international work on Rule of Law projects through the American Bar Association and other U.S. Agency for International Development-funded organizations. She served as the director of a Rule of Law project in Yerevan, Armenia between 2006 and 2008 and also participated in Rule of Law projects in Serbia, The Republic of Georgia, and Ecuador. These projects, in collaboration with local counterparts, worked toward the goal of building strong, independent, and transparent legal and political institutions that engender public trust and confidence. Ms. Smith previously worked as an attorney for the California Judicial Council/Administrative Office of the Courts, where she made policy recommendations and drafted rules of court and legislative proposals on the administration of justice and judicial independence.

Ms. Smith received her undergraduate degree from the University of Washington and her law degree from the University of California, Berkeley School of Law.

### **Marc Pilotin, Vice-Chair**

City Attorney Appointee 3/5/2015 - 1/21/2018



Marc Pilotin is a trial attorney with the Office of the Solicitor for the U.S. Department of Labor. Previously, he was an associate at Lieff Cabraser Heimann & Bernstein LLP, where he represented consumers and employees, and a law clerk to a federal district judge in Oakland. Prior to law school, he worked as a fourth-grade teacher in the Los Angeles Unified School District and as the administrative director for the UCLA Center for American Politics and Public Policy.

Mr. Pilotin received his bachelor's degree in Political Science and Psychology and his master's degree in education from UCLA. He received his law degree from the University of California, Berkeley, School of Law (Boalt Hall). In addition to serving on the Public Ethics Commission, Mr. Pilotin serves on the board of directors for the Filipino Bar Association of Northern California.

### **Dana King**

Commission Appointee 1/22/2015 - 1/21/2018



Dana King traveled the world during her 25-year career as a broadcast journalist. She reported from Afghanistan, Iraq, Israel, Jordan, Turkey, Taiwan, Kosovo, Central America, Ghana, and Rwanda. Ms. King is the recipient of 5 Emmy Awards. She also earned an Edward R. Murrow Award for her reporting on the aftermath of the Rwandan Genocide.

In 2012, Ms. King announced she would be leaving San Francisco's KPIX-TV to pursue her lifelong passion for creating art. She is currently working on a commemorative sculpture for the City of Berkeley of civil rights leader and former California Assemblyman Byron Rumford, whose significant legislation changed the landscape for minorities in California with regard to housing and employment.

King volunteers with "Rites of Passage", a program for young men jailed in the Alameda County Juvenile Justice Center's maximum-security units. She is the Distinguished Journalist in Residence at Dominican University of California.

### **Krisida Nishioka**

Commission Appointee 1/22/2016 - 1/21/2019

Krisida Nishioka is a retired Mental Health Hearing Officer for Alameda County and Santa Clara County. Prior to that appointment, she worked as an attorney in the Office of the County Counsel for Alameda County and as a Deputy City Attorney for the City of Oakland. Ms. Nishioka was born in Louisiana and moved to California during the migration of African Americans from the segregated South during the 1960's. Ms. Nishioka began her college education while awaiting the birth of her 5th child. She completed her studies in 4 years and began her law school education at Boalt Hall, University of California School of Law, Berkeley. While in law school, Ms. Nishioka clerked at the Neighborhood Legal Services Office in Berkeley California.



After graduation, Ms. Nishioka worked for various federal agencies while remaining active in neighborhood organizations near her homes on East 27th Street and later on Hanover Avenue. Ms. Nishioka has been a member of the Committee of Bar Examiners, serving on the Moral Character subcommittee. Following her tenure on the Committee of Bar Examiners, she served as a member of the State Bar Committee on Professional Responsibility and Conduct, and she has also served on State Bar committees on Human Rights and Public Employment. Ms. Nishioka has served on the Board of Directors for the California Association of Mental Health Hearing Officers, Oakland Youth Chorus, Family Builders by Adoption, Black Women Lawyers, Law and Government Academy for the Oakland Unified School District, and Sisters 3, a breast cancer advocacy group for African American women, among others.

### **Stephen Shefler**

Commission Appointee 1/22/2014 - 1/21/2017

Stephen Shefler is a retired attorney. He worked in a variety of legal and administrative positions over the course of his career including Chief Assistant United States Attorney for the Northern District of California, Deputy Assistant Secretary for Policy and International Affairs at the United States Department of Transportation, and counsel on the United States Senate Banking, Housing and Urban Affairs Committee. During more than more twenty years as an attorney in the United States Department of Justice, Mr. Shefler specialized in fraud cases brought on behalf of the United States. He was a pioneer in the development of the False Claims Act. Following his retirement from the Justice Department, Mr. Shefler taught a course on fraud as an adjunct professor at the University of San Francisco.



Mr. Shefler received both his undergraduate degree and law degree from Stanford University.

### **Jonathan Stein**

City Auditor Appointee 1/22/2016 - 1/21/2019

Jonathan Stein is a voting rights staff attorney for the ACLU of California, working to increase access to California's democracy for historically disenfranchised communities, including communities of color, low-income communities, people with disabilities, young people, and the formerly incarcerated. While studying to receive his master's in public policy and J.D. from UC Berkeley, Mr. Stein served as the Student Regent on the University of California's Board of Regents, working on issues of access, diversity, and affordability, and advocating for the interests of the 230,000 students of the UC system. At Berkeley Law, Mr. Stein was a member of the Men of



Color Alliance and the South Asian Law Student Association. Prior to graduate school, Mr. Stein spent four years at Mother Jones magazine as a researcher, assistant editor, blogger, and campaign correspondent during the 2008 presidential elections. He serves as chair of the board of directors of California Common Cause.

**Carol Wyatt**

Commission Appointee 1/22/2014 - 1/21/2017



Carol Wyatt is a Director of HR and Creative Talent for a highly regarded and recognized SF Bay Area-based advertising/marketing creative communications corporation. Ms. Wyatt devotes her 25+ year people management career to the service of diverse business owners sourcing top-notch creative talent, full-cycle recruiting, corporate compliance and business management. Her work passion connects individuals from all walks of life to share their unique business experiences, professionally and socially, with the goal of designing diverse and inclusive work-life balances. An active participant within her West Oakland community, Ms. Wyatt's community service includes mentoring children and teens to showcase access to their interests, dreams and goals and engaging neighbors and community care partners in identifying creative opportunities that bridge the community, and spark discussions that advocate action toward in-common goals.

Ms. Wyatt received a B.S. in Business Administration from Long Island University, Brooklyn, NY. Born and raised in Brooklyn, NY and an Oakland resident for 11 years, Ms. Wyatt lives in a restored 100+ year old Victorian in West Oakland.

# City of Oakland Public Ethics Commission

Overview of Activities  
2016 – 17

Whitney Barazoto  
Executive Director  
August 2017



# Public Ethics Commission

Mission: Promote fairness, openness, honesty, and integrity  
in Oakland City government

## Laws

Campaign Finance

Public Financing

Sunshine

Ethics

Lobbyist Registration



## Activities

Education

Investigations/Enf

Advice

Policy (Laws/Regs)

Public Financing

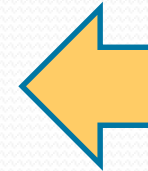
**Independent – Neutral – Fair – Deliberate**

Oakland  
City Charter  
Amended in  
2014



# PEC Laws

Government  
Ethics Act  
Amended in  
2014



## Ethics

**Government Ethics  
Act**

**(NEW in 2014)**  
(Strong Authority)

**Conflict of Interest  
Code**

(Strong Authority, per  
new Ethics Act)

## Transparency

**Sunshine Ordinance**  
(Weak Authority)

**Lobbyist Registration  
Act**

(Moderate Authority)

## Campaign Finance

**Campaign Reform  
Act**

(Strong Authority)

**Limited Public  
Financing Act**

(Strong Authority)

# Commissioners





Fully  
staffed as  
of August  
2016



## City of Oakland Public Ethics Commission Staff

Whitney Barazoto  
**Executive Director**



Milad Dalju  
**Deputy Director**  
(Enforcement Chief)



Simon Russell  
**Investigator**  
(Enforcement)



Suzanne Doran  
**Ethics Analyst II**  
(Disclosure/Data Illumination)

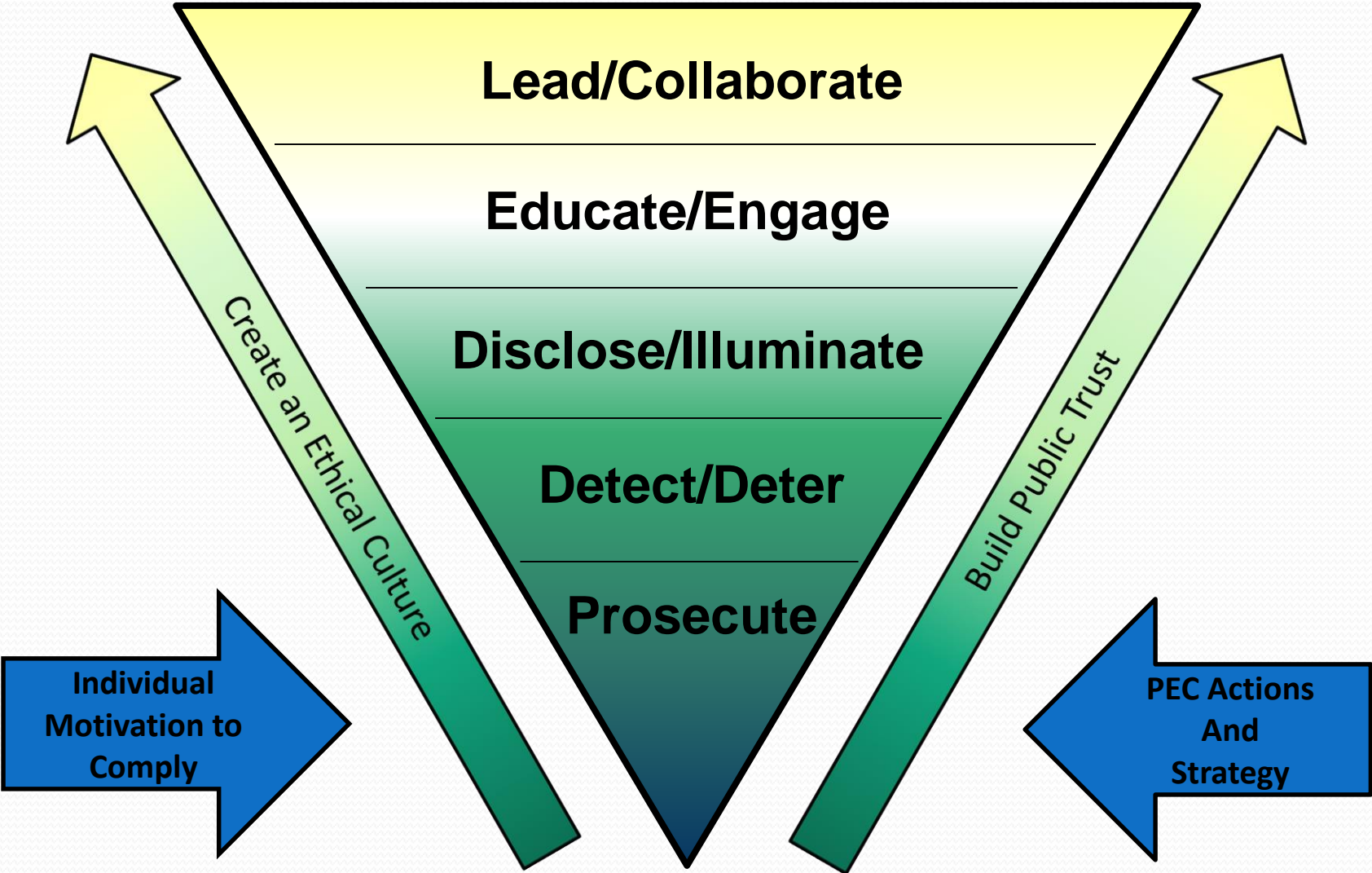


Jelani Killings  
**Ethics Analyst I**  
(Education)



Ana Lara  
**Admin. Assistant II**  
(Commission Assistant)

# Ethics Compliance Model



1 local ordinance amended and 1 policy review in 2016




# Lead/Collaborate

\$113,140 in public financing distributed in 2016



- Updated PEC Operations Policies
- Campaign Reform Act Amendments
- Public Financing for District City Council Candidates
- City Ticket Distribution Policy/Process
- PEC Draft revised ticket policy – coming to City Council – Fall 2017
- Next: Public Financing, Lobbyist Reg.



City of Oakland  
Public Ethics Commission



Ensuring Ethical and Transparent  
Distribution of City Tickets

April 2017

Public Ethics Commission  
1 Frank H. Ogawa Plaza, Room 104  
Oakland, CA 94612  
Phone: (510) 238-3593  
Fax: (510) 238-3315  
ethicscommission@oaklandnet.com  
Web: [www.oaklandnet.com/pec](http://www.oaklandnet.com/pec)



99  
requests for  
advice in  
2016

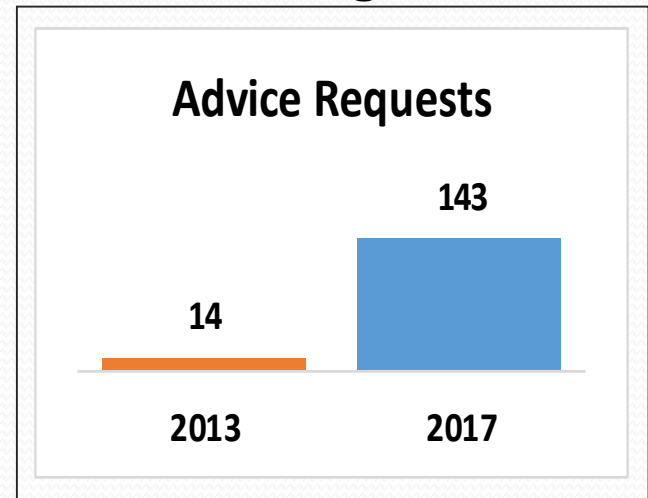


# Educate/Engage



1,604  
persons  
received  
ethics intro  
training in  
2016

- Ethics Training
  - GEA Intro Video (10 min overview) – now thru City HR
  - New City Employee Orientation (monthly)
  - Online Ethics Training for Form 700 filers – coming soon!
  - Board/Commissions Training
- Advice requests are up →
- “Roadshow” by Commissioners
- Newsletter, Staff Advisories
- Next: Candidate/Com. Education



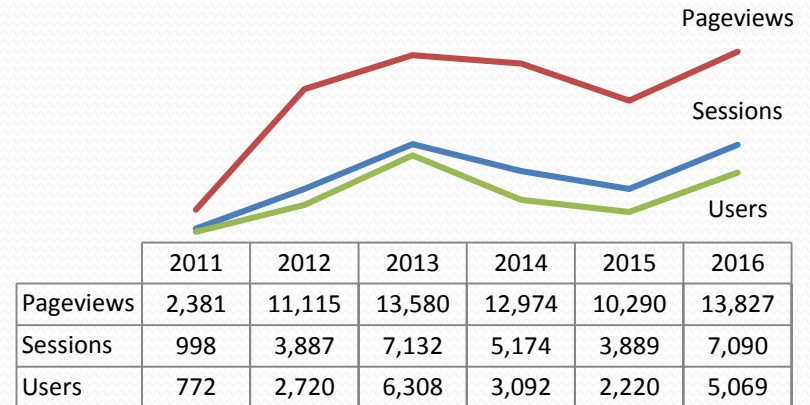
5,069  
PEC web-  
users in  
2016

# Disclose/Illuminate

1 campaign  
data web  
app built to  
visualize  
2016 data

- Open Disclosure 2014, 2016
- Campaign Filing Officer
  - as of January 2017
- PEC Website, Social Media
- PEC Performance Measures
- Data Illumination Projects:
  - Form 803 – in progress
  - Next: Lobbyist Registration
  - Next: Contractor Database

Commission Website Online Engagement



42 cases  
closed in  
2016 and  
2017

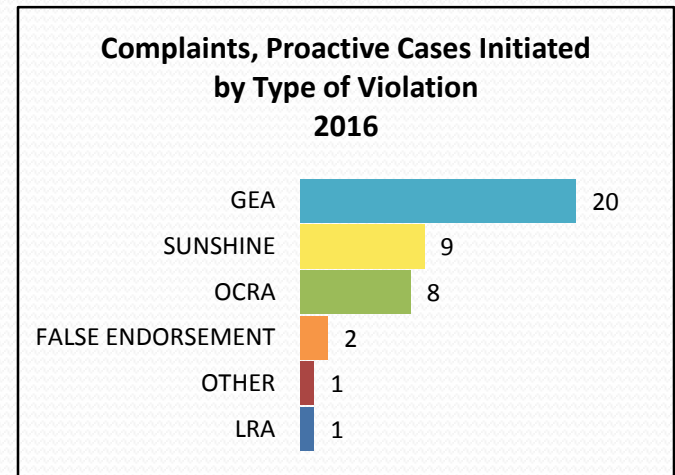


# Enforce

\$14,400  
fine for  
campaign  
money  
laundering



- Caseload, fine amounts & seriousness of potential violations have all increased
- Backlogged cases addressed
- Penalty Guidelines adopted
- 34 Subpoenas issued, 1 Court order
- Ethics cases
  - Conflict of interest
  - Misuse of City resources
  - Bribery/Self-Dealing
  - Form 700



# 2017-18 Goals

- **Clear and Consistent Ethics Training**
  - Institutionalize ethics training for City staff, officials and board members
- **Sharp Communication and Disclosure**
  - Illuminate campaign finance, lobbyist registration, ticket and “behested payments” data
  - Redesign PEC website, access to information per user feedback
- **Timely and Effective Enforcement**
  - Focus enforcement efforts on significant violations, streamline low-level violations
- **Successful Policies and Systems**
  - Revamp ticket policy, reporting and distribution process
  - Revise Public Financing Act, Lobbyist Registration Act

# Thanks

[ethicscommission@oaklandnet.com](mailto:ethicscommission@oaklandnet.com)

(510) 238-3593