

1 GARY S. WINUK  
Chief of Enforcement  
2 ZACHARY W. NORTON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660

5 Attorneys for Complainant  
6  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10  
11

12 In the Matter of ) FPPC No. 13/194  
13 JULIET ELLIS )  
14 Respondent. ) STIPULATION, DECISION and  
15 ) ORDER  
16 )  
17 )

18 Complainant, the Fair Political Practices Commission, and Respondent Juliet Ellis agree that this  
19 Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next  
20 regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
22 matter and to reach a final disposition without the necessity of holding an administrative hearing to  
23 determine the liability of the Respondent, pursuant to Section 83116 of the Government Code.

24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural  
25 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1  
26 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,  
27 the right to personally appear at any administrative hearing held in this matter, to be represented by an  
28 attorney at Respondent's own expense, to confront and cross-examine all witnesses testifying at the

1 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge  
2 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent Juliet Ellis violated the Political Reform Act,  
4 when, at various times between June and July of 2012, she attempted to use her official position to  
5 influence governmental decisions in which she had a financial interest, in violation of Government Code  
6 Section 87100 (1 count). This count is described in Exhibit 1, which is attached hereto and incorporated  
7 by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in  
8 this matter.

9 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.  
10 Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount  
11 of Three Thousand Five Hundred Dollars (\$3,500). A cashier's check from Respondent in said amount,  
12 made payable to the "General Fund of the State of California," is submitted with this Stipulation as full  
13 payment of the administrative penalty, to be held by the State of California until the Commission issues  
14 its decision and order regarding this matter. The parties agree that in the event the Commission refuses  
15 to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the  
16 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in  
17 connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and  
18 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the  
19 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,  
20 shall be disqualified because of prior consideration of this Stipulation.

21  
22 Dated: \_\_\_\_\_  
23 Gary S. Winuk, Chief of Enforcement  
24 Fair Political Practices Commission

25  
26 Dated: \_\_\_\_\_  
27 Juliet Ellis, Respondent  
28

1 **DECISION AND ORDER**

2           The foregoing Stipulation of the parties “In the Matter of Juliet Ellis,” FPPC No. 13/194,  
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political  
4 Practices Commission, effective upon execution below by the Chair.

5  
6           IT IS SO ORDERED.

7  
8 Dated: \_\_\_\_\_

\_\_\_\_\_  
Sean Eskovitz, Vice Chair  
Fair Political Practices Commission

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Intentionally left blank

**EXHIBIT 1**

**I. INTRODUCTION**

Respondent Juliet Ellis was the Assistant General Manager for External Affairs of the San Francisco Public Utilities Commission (the “SFPUC”) at all times relevant. In addition, Respondent served as the paid chair of Green For All, an Oakland based non-profit organization, from June 2012 through January 2013. As Assistant General Manager for External Affairs of the San Francisco Public Utilities Commission, Respondent was a public official and therefore prohibited by Government Code Section 87100 of the Political Reform Act<sup>1</sup> (the “Act”) and San Francisco Campaign & Governmental Conduct Code (“SF C&GCC”) Section 3.206 from making, participating in making, or attempting to use her official position to influence any governmental decision in which she had a financial interest. In addition, Respondent was prohibited by SF C&GCC Section 3.218(a) from engaging in any employment, activity, or enterprise that the SFPUC has identified as incompatible in a statement of incompatible activities.

The San Francisco Ethics Commission (“SFEC”) and the Fair Political Practices Commission (“FPPC”) initiated an investigation into whether Respondent Elis violated provisions of the Act, and SF C&GCC.

In this matter, Respondent impermissibly attempted to use her official position to influence the making of governmental decisions in which she had a financial interest, by contacting staff of the SFPUC, initiating and attending meetings, and participating in discussions concerning contracts with Green For All.

This stipulation is being entered into jointly by Respondent Ellis, the FPPC and the SFEC, to fully resolve the pending FPPC and SFEC investigations and to provide a comprehensive settlement as to all matters within the scope of the FPPC and SFEC investigations. It shall be effective only if approved by both agencies.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

**COUNT 1:** At various times in 2012, as a member of the San Francisco Public Utilities Commission, Respondent Juliet Ellis attempted to use her official position to influence a governmental decision in which she had a financial interest, by communicating with San Francisco Public Utilities Commission staff, concerning a \$200,000 contract and a \$50,000 contract with Green For All, in violation of Section 87100 of the Government Code.

---

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

For the purposes of this Stipulation, Respondent's violations of the SF C&GCC are stated as follows:

COUNT 1: Respondent Ellis violated SF C&GCC section 3.206(a) when she sought to influence a governmental decision of the City and County in which she had a financial interest within the meaning of California Government Code section 87100 et seq., by communicating with the San Francisco Public Utilities Commission ("SF PUC") staff concerning a \$200,000 contract with Green For All in 2012.

COUNT 2: Respondent Ellis violated SF C&GCC section 3.206(a) when she sought to influence a governmental decision of the City and County in which she had a financial interest within the meaning of California Government Code section 87100 et seq., by communicating with SF PUC staff concerning a \$50,000 contract with Green For All in 2012.

COUNT 3: Respondent Ellis violated SF C&GCC section 3.206(b) when she participated in making a \$200,000 contract in which she had a financial interest within the meaning of California Government Code section 1090, by communicating with SF PUC staff concerning the \$200,000 contract with Green for All while a paid Board member of Green For All in 2012.

COUNT 4: Respondent Ellis violated SF C&GCC section 3.218(a) when she accepted compensation from June 2012 through January 2013 from Green For All, an entity that sought a contract with SF PUC and later had a contract with SF PUC.

## **II. FPPC INVESTIGATION**

### **SUMMARY OF APPLICABLE STATE LAW**

#### **Conflicts of Interest**

The primary purpose for the conflict-of-interest provisions of the Act is to ensure that, "public officials, whether elected or appointed, perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (Section 81001, subdivision (b).)

In furtherance of this goal, Section 87100 prohibits a public official from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which the official knows, or has reason to know, that he or she has a financial interest. Under Section 87103, a public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on an economic interest of the official. For purposes of Sections 87100 and 87103, there are six analytical steps to

consider when determining whether an individual has a conflict-of-interest in a governmental decision.<sup>2</sup>

First, the individual must be a public official as defined by the Act. Section 82048 defines “public official” to include a member of a local governmental agency.

Second, the official must make, participate in making, or attempt to use his or her official position to influence a governmental decision. Under Regulation 18702.3, subdivision (b), a public official attempts to use his or her official position to influence the decision if, for the purpose of influencing the decision, the official acts or purports to act on behalf of, or as the representative of, his or her agency to any member, officer, employee or consultant of an agency.

Third, the official must have an economic interest that may be financially affected by the governmental decision. Under Section 87103, subdivision (c), a public official has a financial interest in any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

Fourth, it must be determined if the economic interest of the official is directly or indirectly involved in the decision. Under Regulation 18704.1, subdivision (a)(2), a person, including sources of income, is directly involved in a decision before an official's agency when that person, either directly or by an agent is a named party in, or is the subject of, the proceeding concerning the decision before the official or the official's agency. A person is the subject of a proceeding if a decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the subject person.

Fifth, under Regulation 18705.3, subdivision (a), any financial effect of a governmental decision on a person who is a source of income to a public official, and who is directly involved in a decision before the official's agency, is presumed to be material. This presumption may be rebutted by proof that it is not reasonably foreseeable that the governmental decision will have any financial effect on the source of income.

Sixth, it must have been reasonably foreseeable, at the time the governmental decision was made, that the decision would have a material financial effect on the economic interest of the official. Under Regulation 18706, subdivision (a), a material financial effect on an economic interest is reasonably foreseeable if it is substantially likely, not just a mere possibility, that one or more of the materiality standards applicable to that economic interest will be met as a result of the governmental decision. (*In re Thorner* (1975) 1 FPPC Ops. 198.)

---

<sup>2</sup> Neither the Public Generally Exception (Section 87103, Regulation 18707) nor the Legally Required Participation Exception (Section 87101, Regulation 18708) apply to this case.

## SUMMARY OF FPPC FINDINGS

Respondent Juliet Ellis was the Assistant General Manager for External Affairs of the San Francisco Public Utilities Commission at all times relevant. In addition, Respondent served as the paid chair of Green For All, an Oakland based non-profit organization, from June 2012 through January 2013, assuming increased responsibilities during the CEO's maternity leave. Respondent disclosed income from Green For All in the \$10,001 to \$100,000 range for 2012.

The decisions which were the subject of the investigation concerned a contract awarded in July of 2012 and negotiations on a second contract that was not entered into. The San Francisco Public Utilities Commission awarded a contract to Green For All for development of a jobs strategy for the SFPUC's energy efficiency program. Green For All would work to develop job opportunities for disadvantaged San Francisco residents that involved energy efficiency upgrades to municipal buildings. The contract specified payments totaling \$200,000 to Green For All, over a period of approximately one year. Email correspondence shows that Respondent Ellis was a proponent of entering into the contract with Green For All and encouraged others at the SFPUC to consider them for the contract. On multiple occasions between July of 2011 and July of 2012, Respondent Ellis contacted staff of the SFPUC, organized and attended meetings, and participated in discussions concerning contracts with Green For All. Respondent was also involved in negotiations on a secondary contract, where Green For All would have provided four training workshops, commencing in May or June of 2012, at a cost of \$50,000. The purchase order for the \$50,000 was not approved by the Controller's Office, on the basis that it constituted professional services that should be done through an existing contract.

The contract would have a significant effect on Green For All, as payments for services under the contract were to total \$200,000.

### FPPC VIOLATION

#### COUNT 1

#### INFLUENCING A GOVERNMENTAL DECISION IN WHICH THE OFFICIAL HAS A FINANCIAL INTEREST

1. Respondent Was a Public Official as Defined by the Act

As the Assistant General Manager for External Affairs of the San Francisco Public Utilities Commission, Respondent was a public official as defined in Section 82048, and was therefore subject to the prohibition against participating in making a governmental decision in which she has a financial interest under Section 87100.

2. Respondent Attempted to Use Her Official Position to Influence a Governmental Decision

Between June and July of 2012, Respondent Ellis contacted staff of the SFPUC, attended meetings, and participated in discussions concerning contracts with Green For All. Consequently, Respondent attempted to use her official position to influence a governmental decision for purposes of Regulation 18702.3, subdivision (b).



3. Respondent Had an Economic Interest in a Source of Income

At the time of the governmental decisions, Respondent received income from Green For All. As the income totaled \$500 or more in the preceding 12 months, Respondent had an economic interest in a source of income for the purposes of section 87103, subdivision (c).

4. Respondent's Economic Interest Was Directly Involved in the Decisions

Respondent's source of income was the subject of decisions concerning contracts, as it was a named party in the contracts. Therefore, the governmental decisions concerning contracts with Green For All directly involved Respondent Ellis' source of income under Regulation 18704.1, subdivision (a)(2).

5. Applicable Materiality Standard

Because Respondent's source of income was directly involved in the governmental decision, any financial effect of the decisions on the source of income is presumed to be material. (Regulation 18705.3, subdivision (a))

6. It Was Reasonably Foreseeable That the Applicable Materiality Standard Would Be Met

The governmental decisions which Respondent attempted to use her official position to influence called for payments totaling \$200,000 to Green For All for services. As the terms of payment were specifically enumerated under the contracts, it was resonantly foreseeable the applicable materiality standard would be met.

By attempting to use her official position to influence governmental decisions in which she had a financial interest, Respondent Ellis violated section 87100 of the Act.

### **III. SFEC INVESTIGATION**

#### **SUMMARY OF APPLICABLE CITY AND COUNTY LAW**

##### **Conflicts of Interest**

SF C&GCC Section 3.206(a) provides that no officer or employee of the City and County shall make, participate in making, or seek to influence a decision of the City and County in which the officer or employee has a financial interest within the meaning of California Government Code Section 87100 et seq. and any subsequent amendments to these Sections.

SF C&GCC Section 3.206(b) provides that no officer or employee of the City and County shall make a contract in which he or she has a financial interest within the meaning of California Government Code Section 1090 et seq. and any subsequent amendments to these Sections.

In order to determine whether a violation has occurred, one must establish whether 1) the individual with the potential conflict of interest is a public official; 2) the decision involves a contract and whether that contract is ultimately executed; 3) the individual made or participated in making the contract; and 4) the official has or had a financial interest in the contract.

## **Prohibition on Incompatible Activities**

SF C&GCC section 3.218(a) provides that no officer or employee of the City and County may engage in any employment, activity, or enterprise that the department, board, commission, or agency of which he or she is a member or employee has identified as incompatible in a Statement of Incompatible Activities.

### **Statement of Incompatible Activities for SFPUC**

Section III.A.1 of the SFPUC Statement of Incompatible Activities (“SIA”) states that unless otherwise noted in this section or an advance written determination under Section III.C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section:

- (a) No officer or employee may directly or indirectly solicit or accept personal loans (other than loans from commercial lending institutions made in the lender’s regular course of business on terms available to members of the public without regard to the officer’s or employee’s official status), gifts, gratuities, business, compensation, or favors from public jurisdictions, water or power agencies, private business firms or their agents that have a contract with the PUC, that have had a contract with the PUC during the past 12 months, or that are seeking to enter into a contract with the PUC.

Section III.C of the SIA permits an officer or employee to seek an Advance Written Determination whether a proposed outside activity is prohibited because it is inconsistent or otherwise in conflict with the officer’s or employee’s duties. The requestor must provide, in writing, a description of the proposed activity and an explanation of why the activity is not incompatible under the SIA. An advance written determination by the department that an activity is not incompatible with the SIA provides the Requestor immunity from any subsequent enforcement action for a violation of the SIA, if the material facts are as presented in the Requestor’s written submission.

## **SUMMARY OF SFEC FINDINGS**

Respondent Ellis, as the Assistant General Manager of External Affairs at SF PUC, is and was a public official. According to the terms of the \$200,000 contract, Green For All would perform the professional services and SF PUC would pay Green For All \$200,000 for its services. This contract was executed in July 2012. Respondent was involved in preliminary discussions about, negotiations related to, and planning for the scope of the contract from July 2011 to July 2012. Respondent received income from Green For All between June 2012 and January 2013.

Respondent filed a Certificate of Ethics Training, required by California Government Code section 53235 (AB 1234), with the Ethics Commission on June 26, 2012. In that filing, Respondent certified that she completed a self-study training course prepared by the City Attorney’s Office, which included completion of a self-study test on June 15, 2012.

Respondent was a member of the Board of Directors of Green For All from 2009 to January 2013. Respondent Ellis disclosed income from Green For All for work she performed as its acting Executive Director from June 2012 to January 2013; Green For All paid Respondent \$2,000 per month from June 2012 to January 2013. In May 2013, Respondent voluntarily returned all payments she received from Green For All, which totaled approximately \$17,000. In May 2013, Green For All returned all payments received from SFPUC and SFPUC retained all of its previously produced work product.

SFPUC's SIA went into effect in 2008. While Respondent informed upper-level management at SFPUC of her position on the Board of Green For All, she did not seek an advance written determination from SF PUC that receiving income from Green for All would not be inconsistent or incompatible with the SF PUC's SIA.

## **SFEC VIOLATIONS**

### **COUNTS 1 & 2**

#### **INFLUENCING A GOVERNMENTAL DECISION IN WHICH THE OFFICIAL HAS A FINANCIAL INTEREST**

SF C&GCC Section 3.206(a) incorporates the California Political Reform Act Section 87100 et seq., which prohibits any City officer or employee from making, participating in making, or seeking to influence a decision of the City in which he or she has a financial interest.

By attempting to use her official position to influence governmental decisions in which she had a financial interest, Respondent violated Section 87100 of the Government Code and therefore also violated SF C&GCC Section 3.206(a).

### **COUNT 3**

#### **CONTRACTS, SALES AND PURCHASES MADE IN OFFICIAL CAPACITY**

SF C&GCC Section 3.206(b) incorporates California Government Code Section 1090, et seq. which prohibits any City officer or employee from making a contract in which he or she has a financial interest.

In order to determine whether a violation has occurred, one must 1) establish whether the individual with the potential conflict of interest is a public official; 2) establish whether the decision involves a contract and whether that contract is ultimately executed; 3) establish whether the individual made or participated in making the contract; and 4) establish whether the official has or had a financial interest in the contract.

Ms. Ellis, as the Assistant General Manager of External Affairs at SF PUC, is and was a public official. According to the terms of the \$200,000 contract, Green For All would perform the professional services and SF PUC would pay Green For All \$200,000 for its services. This contract was executed in July 2012. Respondent was involved in preliminary discussions about,

negotiations related to, and planning for the scope of the contract from July 2011 to July 2012. Respondent received income from Green for All from June 2012 through January 2013. As the source of that income was Green For All, a party of the contract, Respondent had a financial interest in the contract between Green for All and SF PUC. Respondent remained on the Board of Green for All and was paid by Green for All until January 2013. Therefore, Respondent violated SF C&GCC Section 3.206(b) by her participation in making the contract.

#### **COUNT 4** **INCOMPATIBLE ACTIVITIES**

SF C&GCC section 3.218(a) prohibits a City officer or employee from engaging in any employment, activity, or enterprise that the department or agency of which he or she is a member has identified as incompatible in a statement of incompatible activities.

The SFPUC's SIA went into effect in 2008. Section III.A of PUC's SIA outlines activities that conflict with official duties; Section III.A applies to all PUC officers and employees. Section III.A.1.a expressly prohibits an officer or employee from directly or indirectly soliciting or accepting compensation from private business firms that have a contract with PUC, that have had a contract with PUC during the last 12 months, or that are seeking to enter into a contract with PUC. Section III.C sets forth the procedure by which an employee may seek an advance written determination whether a proposed activity is subject to review by the department, or is otherwise incompatible, and therefore prohibited by the department's SIA.

In this case, Respondent received compensation from Green For All from June 2012 through January 2013. In June 2012, Respondent began providing additional services for Green For All and began receiving \$2,000 per month for those additional services. From July 2011 to July 2012, Green For All was seeking to enter into a contract with SF PUC. From July 2012 to May 2013, Green For All had a contract with PUC. Section III.A.1.a. of SF PUC's SIA expressly prohibited Respondent from receiving compensation from Green For All from July 2011 to May 2013. Unless she sought and received an advance written determination from SF PUC that it was permissible for her to receive compensation from Green For All, Respondent was not permitted to receive compensation from Green For All. Respondent did not seek an advance written determination from the department regarding the compensation she received from Green For All. Therefore, Respondent violated section 3.218(a) of SF C&GCC.

#### **FPPC PENALTY DISCUSSION**

This matter consists of one count of violating the Act carrying a maximum administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of

intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; and whether there was a pattern of violations.

Respondent Ellis should have known of the conflict of interest requirements pertaining to sources of income. There is no history of prior violations of the Act by Respondent. Respondent cooperated fully with the investigation.

The making of a governmental decision in which an official has a financial interest is one of the more serious violations of the Act as it creates the appearance that a governmental decision was made on the basis of public official's financial interest. Respondent participated in making governmental decisions involving an entity in which she had a financial interest. Respondent properly disclosed her position with Green For All and the corresponding income on her SEIs. Respondent voluntarily paid back the income she received from Green for All. The typical administrative penalty for a conflict-of-interest violation, depending on the facts of the case, has been in the middle range of available penalties.

Other similar cases regarding a violation of Section 87100 that have been recently approved by the Commission include:

*In the Matter of Tim Ward*, FPPC Case No. 05/652, had a similar fact pattern; involving a municipal design review commission member and architect, who recommended approval of a client's project to fellow commission members, despite the existence of an obvious conflict. The agreed upon penalty in that case, approved by the Commission on June 12, 2008, was \$3,000.

Another similar case, *In the Matter of Clay Aurell*, FPPC No. 11/650, involved a Respondent who had a partnership interest in an architectural firm and was a member of the Architectural Board of Review for the City of Santa Barbara. Respondent and his architectural firm were representing a client in connection with a proposal to construct an accessory dwelling unit in the City of Santa Barbara. In this matter, Respondent attempted to use his official position to influence a governmental decision on the proposal knowing he had a financial interest in the matter. The agreed upon penalty in that case, approved by the Commission on March 15, 2012, was \$3,500 for the count.

The facts of this case, including the aggravating and mitigating factors discussed above, justify imposition of the agreed upon penalty of Three Thousand Five Hundred Dollars (\$3,500).

### **SFEC PENALTY DISCUSSION**

This matter consists of four counts of violations of the SF C&GCC carrying a maximum administrative penalty of \$5,000 per violation for a total of \$20,000.

When determining penalties, the Ethics Commission considers all of the relevant circumstances surrounding the case, including but not limited to: (a) the severity of the violation; (b) the presence or absence of any intention to conceal, deceive, or mislead; (c) whether the

violation was deliberate, negligent or inadvertent; (d) whether the violation was an isolated incident or part of a pattern; (e) whether the respondent has a prior record of violations of law; and (f) the degree to which the respondent cooperated with the investigation and demonstrated a willingness to remedy any violations.

Government decisions by City officers and employees should be made, and should appear to be made, on a fair and impartial basis. Because the decisions at issue do not meet this criteria, these violations constitute one of the more serious violations of SF C&GCC.

Respondent should have known about the conflict of interest requirements pertaining to sources of income. Prior to joining the SF PUC as Assistant General Manager in November 2010, Respondent was a Commissioner of SF PUC for two years. In June 2012, Respondent filed a Certificate of Ethics Training with the Ethics Commission. In signing this statement, Respondent certified that she had completed a self-study training course prepared by the City Attorney's Office, which included a self-study test. Financial conflicts of interest, including sources of income that may create a conflict of interest, are discussed within the first ten minutes in the course prepared by the City Attorney's Office.

Respondent repeatedly participated in making governmental decisions involving an entity in which she had a financial interest.

Respondent has no prior history of violations of SF C&GCC with the Ethics Commission.

Respondent was extremely cooperative with the Ethics Commission's investigation.

Respondent disclosed all income received from Green for All on her Statements of Economic Interests (Form 700).

In May 2013, Respondent voluntarily returned all payments she received in 2012 to Green for All, which totaled approximately \$17,000.

#### **IV. CONCLUSION**

After consideration of the factors of Regulation 18361.5, the facts of this case and consideration of penalties in prior enforcement actions, the Enforcement Division of the FPPC recommends the imposition of the agreed upon penalty of Three Thousand Five Hundred Dollars (\$3,500), and the SFEC recommends a penalty of Two Thousand Five Hundred Dollars (\$2,500) per count for Counts 3 and 4, for a total agreed upon penalty of Eight Thousand Five Hundred Dollars (\$8,500).